MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

January 26, 2022

Mary Alice Evans, Director
State of Hawai'i
Office of Planning and Sustainable Development
Environmental Review Program
235 South Beretania Street, Room 702
Honolulu, Hawai'i 96813

SUBJECT: Kō'ele Project District Amendment at Kō'ele, Lāna'i Hawai'i Publication of the Final Environmental Assessment and Finding of No Significant Impact

Dear Ms. Evans:

The County of Maui, Department of Planning hereby submits the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) for the Kō'ele Project District Amendment for publication in the next available edition of The Environmental Notice. The proposed project involves Tax Map Keys (2)4-9-001:021, 024, 025, 027, 030; (2)4-9-002:001(por.); 061(por.); (2)4-9-018:001, 002, 003, 004, 005; (2)4-9-020:020; and (2)4-9-021:009 in Kō'ele, Lāna'i District, on the Island of Lāna'i.

In addition to this letter, we have also submitted the electronic version of the Environmental Review Program Publication Form and a searchable PDF-formatted copy of the FEA-FONSI through the online submission platform.

If you have any questions, please call Staff Planner Kurt Wollenhaupt at (808) 270-8205 or via email at kurt.wollenhaupt@mauicounty.gov.

Sincerely,

MICHELE MCLEAN, AICP
Planning Director

CC: Keiki-Pua Dancil, PhD, Pūlama Lāna'i (w/o attachments) (PDF)
Bryan Esmeralda, AICP, Munekiyo Hiraga (w/o attachments) (PDF)

K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Koele Final EA Documents\FONSI letter.docx

From: webmaster@hawaii.gov
To: DBEDT OPSD Environmental Review Program
Subject: New online submission for The Environmental Notice
Date: Friday, January 28, 2022 4:06:09 PM

Action Name

Kōʻele Project District Amendment

Type of Document/Determination

Final environmental assessment and finding of no significant impact (FEA-FONSI)

HRS §343-5(a) Trigger(s)

- (6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation

Judicial district

Lānaʻi, Maui

Tax Map Key(s) (TMK(s))

(2)4-9-001:021; 024; 025; 027; 030; (2)4-9-002:001(por.); 061(por.); (2)4-9-018:001; 002; 003; 004; 005; (2)4-9-020:020; (2)4-9-021:009

Action type

Applicant

Other required permits and approvals

None; no construction improvements proposed

Discretionary consent required

State Land Use Commission District Boundary Amendment; Project District Phase 1 Amendment; Community Plan Amendment; Change of Zoning

Approving agency

Lānaʻi Planning Commission

Agency contact name

Kurt Wollenhaupt

Agency contact email (for info about the action)

kurt.wollenhaupt@co.maui.hi.us

Agency contact phone

(808) 270-8205

Agency address

2200 Main Street
Suite 315
Wailuku, Hawaiʻi 96793
United States
Map It

Applicant

Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi

Applicant contact name

Keiki-Pua Dancil

Applicant contact email

kdancil@pulamalanai.com

Applicant contact phone

(808) 237-2001

Applicant address

733 Bishop Street
Suite 1500
Honolulu, Hawaiʻi 96813
United States
Map It

Was this submittal prepared by a consultant?

Yes

Consultant

Munekiyo Hiraga

Consultant contact name

Bryan Esmeralda

Consultant contact email

planning@munekiyohiraga.com

Consultant contact phone

(808) 983-1233

Consultant address

305 High Street
Suite 104
Wailuku, Hawaiʻi 96793
United States
Map It

Action summary

Pūlama Lānaʻi seeks to reduce the density in the Kōʻele Project District by decreasing the Residential and Multi-Family (sub-designations) acreage, increasing Open Space and Park acreage, and reducing Golf Course acreage. The proposed amendments increase the acreage in the Hotel sub-designation accounting for existing uses as well as future uses, and also creates a new Resort Commercial sub-designation for existing and future uses which will support the Sensei Lānaʻi, A Four Seasons Resort. The amendments will reduce the total acreage in the Project District by 8 percent.

Pūlama Lānaʻi also seeks to revise the Kōʻele Project District Ordinance as outlined in Chapter 19.71 of the Maui County Code. The proposed amendments include changes to the Project District map, which outlines the limits of the Project District area as well as the sub-designations, as well as language related to permitted uses, special accessory uses, and development standards for the Project District.

Reasons supporting determination

Refer to Chapter VII, Significance Criteria, of the Final Environmental Assessment

Attached documents (signed agency letter & EA/EIS)

- Koele-PD-Amendment-Feb-2022-Final-EA-Volume-II-of-II.pdf
- Koele-Project-District-I-Amendment-February-2022-Final-EA-Volume-I-of-II.pdf
- FONSI-Letter-Planning.pdf

Shapefile

- The location map for this Final EA is the same as the location map for the associated Draft EA.

Action location map

- Koele_PD_Amendment_TMKs.shp.zip

Authorized individual

Bryan Esmeralda

Authorization

- The above named authorized individual hereby certifies that he/she has the authority to make this submission.

Final Environmental Assessment

KŌʻELE PROJECT DISTRICT AMENDMENT AT KŌʻELE, LĀNAʻI, HAWAIʻI

VOLUME I OF II
(Final Environmental Assessment)

Prepared for:

Lānaʻi Resorts, LLC,

A Hawaiʻi limited liability company

Doing business as Pūlama Lānaʻi

February 2022

Copyright © 2022
by Munekiyo Hiraga

MUNEKIYO HIRAGA

Planning. Project Management. Sustainable Solutions.

REF-1

Final Environmental Assessment

KŌʻELE PROJECT DISTRICT AMENDMENT AT KŌʻELE, LĀNAʻI, HAWAIʻI

VOLUME I OF II
(Final Environmental Assessment)

Prepared for:

Lānaʻi Resorts, LLC,

A Hawaiʻi limited liability company

Doing business as Pūlama Lānaʻi

February 2022

Copyright © 2022
by Munekiyo Hiraga

MUNEKIYO HIRAGA

REF-2

CONTENTS

Page

Executive Summary v
List of Acronyms viii

I. PROJECT OVERVIEW 1

A. PROJECT LOCATION, EXISTING USE, AND LAND OWNERSHIP 1

B. PROPOSED ACTION AND PROJECT NEED 4

C. REGULATORY CONSIDERATIONS 8

1. State Land Use Commission District Boundary Amendment 8
2. Project District Phase 1 Amendment 8
3. Change of Zoning 9
4. Community Plan Amendment 9
5. Chapter 343, Hawai‘i Revised Statutes Environmental Assessment 9

D. PROJECT DEVELOPMENT TIMETABLE AND COST 10

II. DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION MEASURES 11

A. PHYSICAL SETTING 11

1. Surrounding Land Uses 11
2. Climate 12
3. Agricultural Lands 12
4. Topography and Soils Characteristics 17
5. Flood, Tsunami, and Sea Level Rise Hazards 23
6. Streams and Wetlands 23
7. Flora and Fauna 23
8. Archaeological Resources 27
9. Cultural Resources 30
10. Air Quality 31
11. Noise 31
12. Scenic and Open Space Resources 32
13. Beach and Mountain Access 32
14. Hazardous Materials 33

B. SOCIO-ECONOMIC ENVIRONMENT 35

1. Regional Setting 35
2. Population 36
3. Economy 36
4. Housing 37

C. PUBLIC SERVICES 38

1. Police and Fire Protection 38
2. Medical Services 38
3. Solid Waste 39
4. Recreational Resources 39
5. Schools 40

D. INFRASTRUCTURE 41
1. Roadways 41
2. Water 45
3. Wastewater 49
4. Drainage 50
5. Electricity and Telephone Systems 51
E. CUMULATIVE AND SECONDARY IMPACTS 51

III. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS 53
A. STATE LAND USE DISTRICTS 53
B. HAWAIʻI STATE PLAN 56
C. STATE FUNCTIONAL PLANS 65
D. COUNTYWIDE POLICY PLAN 69
E. LĀNAʻI COMMUNITY PLAN 75
F. PROJECT DISTRICT DEVELOPMENT 78
G. MAUI COUNTY ZONING 80
H. LĀNAʻI WATER USE AND DEVELOPMENT PLAN 83
I. HAWAIʻI COASTAL ZONE MANAGEMENT PROGRAM 84
1. Recreational Resources 84
2. Historic Resources 85
3. Scenic and Open Space Resources 86
4. Coastal Ecosystems 87
5. Economic Uses 88
6. Coastal Hazards 88
7. Managing Development 89
8. Public Participation 89
9. Beach and Coastal Dune Protection 90
10. Marine and Coastal Resources 91

IV. ALTERNATIVES TO THE PROPOSED ACTION 92
A. PREFERRED ALTERNATIVE 92
B. NO ACTION ALTERNATIVE 92
C. LAND USE MIX ALTERNATIVE 92

V. SUMMARY OF ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED AND IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES 93

VI. LIST OF PERMITS AND APPROVALS 94
A. STATE OF HAWAIʻI 94
1. Chapter 343, Hawaiʻi Revised Statutes Environmental Assessment 94
2. State Land Use Commission District Boundary Amendment 94
B. COUNTY OF MAUI 94
1. Project District Phase 1 Amendment 94

REF-4

2. Change of Zoning 94
3. Community Plan Amendment 94

VII. SIGNIFICANCE CRITERIA ASSESSMENT 95

VIII. PARTIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS 101

IX. LETTERS RECEIVED DURING THE DRAFT ENVIRONMENTAL ASSESSMENT REVIEW PERIOD AND RESPONSES TO SUBSTANTIVE COMMENTS 112

X. REFERENCES i

K:\DATA\PULAMA LANA\KOELE PD PH I AMENDMENT 2164\APPLICATIONS\FINAL EA\KOELE PROJECT DISTRICT I AMENDMENT FEBRUARY 2022 FINAL EA (VOLUME I OF II).DOCX

List of Figures

Page

Figure 1. Regional Location Map 2
Figure 2. Property Location Map 3
Figure 3. Existing Kōʻele Project District 6
Figure 4. Proposed Kōʻele Project District 7
Figure 5. Agricultural Lands of Importance in the State of Hawaiʻi 14
Figure 7. Land Study Bureau Classifications 16
Figure 8. Soil Association Map 18
Figure 9. State Land Use Districts 54
Figure 10. Lānaʻi Community Plan 76
Figure 11. Maui County Zoning Map 81

List of Tables

Page

Table 1. New Tax Map Key Parcel to be added to the Kōʻele Project District 1
Table 2. Tax Map Key Parcels to be Completely Removed from the Kōʻele Project District 1
Table 3. Existing and Proposed Kōʻele Project District 5
Table 4. Existing and Proposed (Gray Column) Land Use Designations (i.e., State Land Use, Maui County Zoning, Lānaʻi Community Plan, and Kōʻele Project District Subdesignations) for Affected Parcels 5
Table 5. Soil Classifications 17
Table 6. Lānaʻi Monthly Pumpage Chart 46
Table 7. Water Demand Summary 47
Table 8. Forecasted Lānaʻi Island Water Demand 48
Table 9. Wastewater Flow Summary 49
Table 10. Relationship Between the Proposed Kōʻele Project District Amendment and the State Functional Plans 66
Table 11. Parcels Affected by Community Plan Amendment Request 77
Table 12. Parcels Affected by Project District Phase 1 Amendment Request 79
Table 13. Parcels Affected by Change in Zoning Request 80

REF-5

List of Appendices

(SEE VOLUME II OF II)

Appendix A. Project District Comparison Maps
Appendix A-1. Proposed Amendments to Maui County Code, Chapter 19.71 Lānaʻi Project District 2 (Kōʻele)
Appendix B. Agricultural Impact Report
Appendix C. Geotechnical Engineering Assessment Due Diligence Study
Appendix D. Flora and Fauna Study
Appendix E. Archaeological Literature Review and Field Inspection Report
Appendix F. Cultural and Historical Resources Survey
Appendix G. Phase I Environmental Site Assessment
Appendix H. Socio-Economic Impact Report
Appendix I. Traffic Assessment
Appendix I-1. Traffic Assessment Addendum
Appendix J. Preliminary Engineering Report
Appendix K. Hawaiʻi State Plan
Appendix L. Countywide Policy Plan

REF-6

Executive Summary

Project Name:	Kōʻele Project District Amendment
Type of Document:	Final Environmental Assessment
Legal Authority:	Chapter 343, Hawaiʻi Revised Statutes Title 11, Chapter 200.1, Hawaiʻi Administrative Rules
Determination:	Finding of No Significant Impact (FONSI)
Applicable Environmental Assessment review "Trigger":	Amendment to County General Plan (Community Plan Amendment)
Location:	Lānaʻi Island Lānaʻi TMK Nos. (2)4-9-001:021, 024, 025, 027, 030, (2)4-9-002:001 (por.), 061(por.), (2)4-9-018:001, 002, 003, 004, 005, (2)4-9-020:020, (2)4-9-021:009
Landowner:	Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi Stephen Becker and Elisabeth Grove Trust
Applicant:	Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi Contact: Keiki-Pua Dancil, Senior Vice President of Government Affairs and Strategic Planning 733 Bishop Street, Suite 1500 Honolulu, Hawaiʻi 96813 Phone: (808) 237-2001
Approving Agency:	Lānaʻi Planning Commission c/o County of Maui, Department of Planning 2200 Main Street, Suite 315 Wailuku, Hawaiʻi 96793 Phone: (808) 270-8205
Consultant:	Munekiyo Hiraga Contact: Bryan K. Esmeralda, AICP, Senior Associate 305 High Street, Suite 104 Wailuku, Hawaiʻi 96793

REF-7

Phone: (808) 983-1233

Project Summary:

Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi is proposing to amend the boundaries of, and the Maui County Ordinance governing the Lānaʻi Project District 2 (Kōʻele) (Kōʻele Project District) located in Lānaʻi City, Hawaiʻi.

The Kōʻele Project District covers several hundred acres and various Tax Map Key (TMK) parcels. Developed areas within the Kōʻele Project District include the Sensei Lānaʻi, a Four Seasons Resort, the Lānaʻi Adventure Park, the former and abandoned (closed permanently) Experience at Kōʻele Golf Course, the Cavendish Golf Course, as well as various residential developments.

Pūlama Lānaʻi seeks to significantly reduce the already low density in the Kōʻele Project District by decreasing the amount of Residential and Multi-Family (Project District sub-designations) acres, significantly increasing the amount of Open Space and Park acres, and reducing the Golf Course acreage, in order to achieve the proposed action. The proposed amendments also increases the acreage in the Hotel sub-designation, accounting for existing uses and future uses. The proposed amendments also creates a new Resort Commercial sub-designation, which accounts for the existing Stables and Tennis Courts and increases to undeveloped areas to continue to support the Sensei Lānaʻi, A Four Seasons Resort operations. These proposed changes will ultimately reduce the total acreage in the Kōʻele Project District by approximately eight (8) percent.

Lands proposed to be added into the Kōʻele Project District are currently a mix of developed and undeveloped land. The developed sections are currently used as part of the Cavendish Golf Course, and part of the Sensei Lānaʻi, a Four Seasons Resort.

Pūlama Lānaʻi also seeks to make revisions to the existing ordinance which governs uses and development within the Kōʻele Project District. The ordinance is codified in Chapter 19.71 of the Maui County Code and applies to the several hundred acres and various TMK parcels which comprise the Kōʻele Project District, as described above. The proposed changes to Chapter 19.71 include changes to the Project District map, which outlines the limits of the overall Kōʻele Project District area as well as the sub-designations for the lands within, whereby portions of land within the existing Project District would be removed and other areas would be added to the

Project District. In addition, Pūlama Lānaʻi also seeks to amend language within Chapter 19.71 related to permitted uses, special accessory uses, and development standards for the Project District.

Although the proposed amendments facilitate opportunities for future development within the Kōʻele Project District, the currently proposed action does not involve any construction activities.

Implementation of the proposed action will require the preparation, filing, and processing of a State Land Use Commission District Boundary Amendment (DBA), County of Maui Project District Phase I Amendment (PH1), Change of Zoning (CIZ), and Community Plan Amendment (CPA). An amendment to County general plans triggers compliance with environmental review requirements of Hawaiʻi Revised Statutes, Chapter 343. Accordingly, this Environmental Assessment (EA) has been prepared to evaluate the technical characteristics and potential environmental impacts of the proposed undertaking, as well as to advance findings and proposed mitigative measures. The EA will serve as the technical supporting document for the DBA, PH1, CIZ, and CPA entitlement applications. The Lānaʻi Planning Commission will serve as the approving agency for the EA.

REF-9

List of Acronyms

AFONSI	Anticipated Finding of No Significant Impact
ALISH	Agricultural Lands of Importance to the State of Hawaiʻi
AST	Aboveground Storage Tank
BMPs	Best Management Practices
CIZ	Change of Zoning
CPA	Community Plan Amendment
CWRM	Commission on Water Resource Management
CZM	Coastal Zone Management
CRECs	Controlled Recognized Environmental Conditions
DBA	District Boundary Amendment
DEM	Department of Environmental Management
DHHL	Department of Hawaiian Home Lands
DOE	Department of Education
DOH	Department of Health
DPR	Department of Parks and Recreation
EA	Environmental Assessment
ESA	Environmental Site Assessment
FONSI	Finding of No Significant Impact
GPD	Gallons per Day
HAR	Hawaiʻi Administrative Rules
HECO	Hawaiian Electric Company
HCZMP	Hawaiʻi Coastal Zone Management Program
HRS	Hawaiʻi Revised Statutes
LHES	Lānaʻi High and Elementary School
LOS	Level of Service
LPC	Lānaʻi Planning Commission
LSB	Land Study Bureau
MCC	Maui County Code
MG	Million Gallon
MGD	Million Gallons per Day
MPD	Maui Police Department
msl	Mean Seal Level
PER	Preliminary Engineering Report
PH1	Project District Phase I
PWR	Periodic Water Records
RECs	Recognized Environmental Conditions
SDOT	State Department of Transportation
SHPD	State Historic Preservation Division
SIHP	State Inventory of Historic Places
SLUC	State Land Use Commission
TA	Traffic Assessment
TIAR	Traffic Impact Analysis Report
TMK	Tax Map Key
UH	University of Hawaiʻi
USFWS	U.S. Fish and Wildlife Service

REF-10

PROJECT OVERVIEW

I. PROJECT OVERVIEW

A. PROJECT LOCATION, EXISTING USE, AND LAND OWNERSHIP

Lānaʻi Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi (Applicant), is proposing to amend the boundaries of the Lānaʻi Project District 2 (Kōʻele), otherwise referred to as the "Kōʻele Project District", by adding additional acreage, as well as by removing existing parcels. In addition, the Applicant also seeks to amend the Maui County Ordinance which established the Kōʻele Project District and which now guides development within the area.

The Kōʻele Project District (Project District) covers several hundred acres and various Tax Map Key (TMK) parcels. Developed areas within the Project District include the Sensei Lānaʻi, a Four Seasons Resort, the Lānaʻi Adventure Park, the former and abandoned (closed permanently) Experience at Kōʻele Golf Course, the Cavendish Golf Course, as well as various residential developments. In addition, an approximately 14.5-acre area on a portion of TMK (2)4-9-002:061 was added to the Project District via Ordinance 2852 adopted by the County of Maui in 2000. This site is currently used for tennis courts and a stables facility. See **Figure 1** and **Figure 2**.

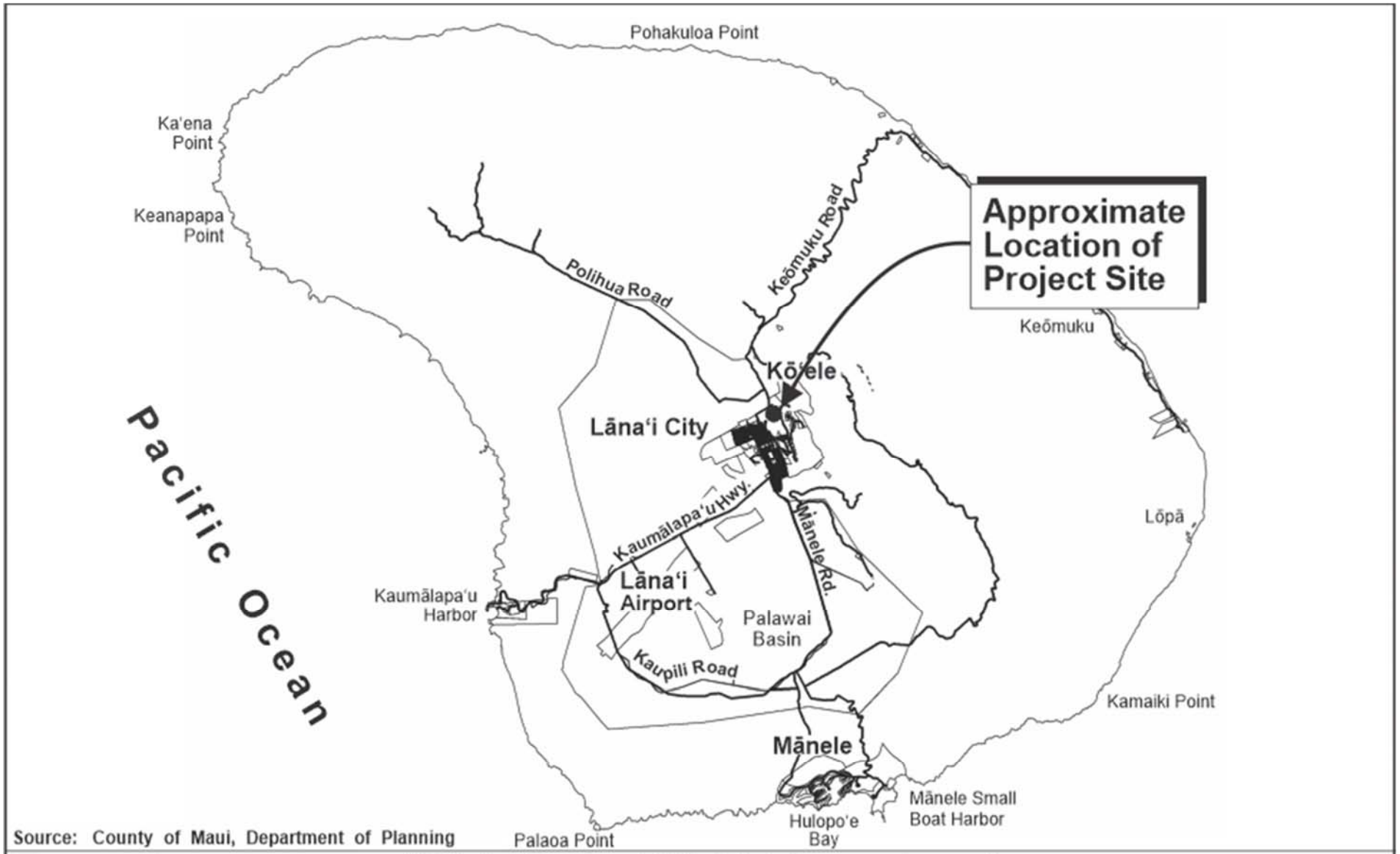
Table 1 and **Table 2** below, summarize the new TMK parcel that will be added to the Project District and those that will be completely removed from the existing Project District.

Table 1. New Tax Map Key Parcel to be added to the Kōʻele Project District

TMK	Acreage	Address	Owner
(2)4-9-02: Por. 01	11.54	Keōmuku Highway	Lānaʻi Resorts, LLC dba Pūlama Lānaʻi

Table 2. Tax Map Key Parcels to be Completely Removed from the Kōʻele Project District

TMK	Acreage	Address	Owner
(2)4-9-01:21	-0.632	Nininiwai	Lānaʻi Resorts, LLC dba Pūlama Lānaʻi
(2)4-9-01:24	-11.494	726 Queens Street	Lānaʻi Resorts, LLC dba Pūlama Lānaʻi
(2)4-9-01:25	-5.527	Sixth Street	Lānaʻi Resorts, LLC dba Pūlama Lānaʻi
(2)4-9-01:27	-1.151	Kona Wai Place	Lānaʻi Resorts, LLC dba Pūlama Lānaʻi
(2)4-9-01:30	-0.606	818 Queens Street	Stephen Becker and Elisabeth Grove Trust
(2)4-9-18:05	-1.312	Lauhala Place	Lānaʻi Resorts, LLC dba Pūlama Lānaʻi
(2)4-9-21:09	-11.827	Kaunaoa Drive	Lānaʻi Resorts, LLC dba Pūlama Lānaʻi



Source: County of Maui, Department of Planning

Figure 1

Kō'ele Project District Amendment

Regional Location Map

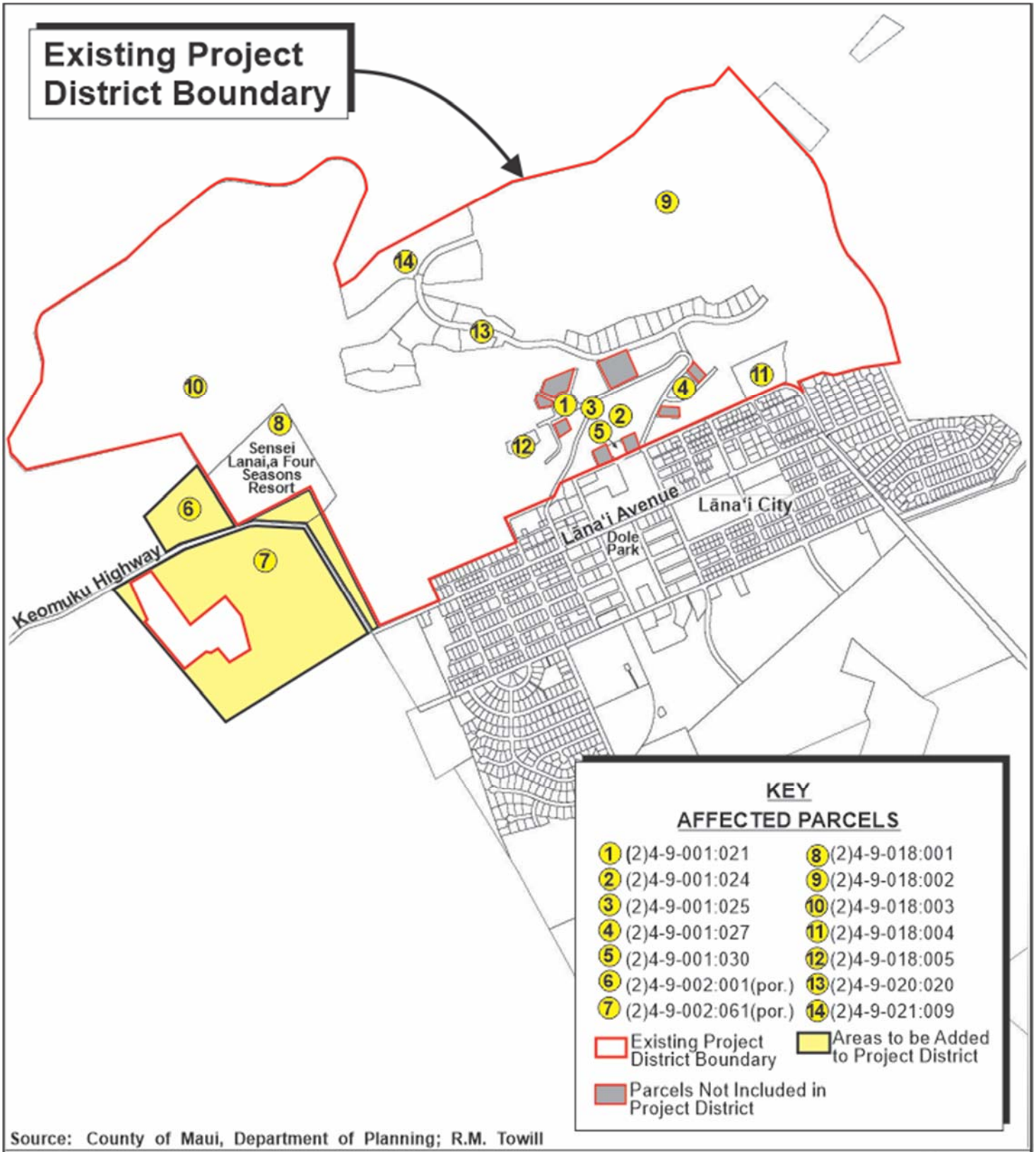
0 3,125 6,250 12,500 Feet

Prepared for: Lanai Resorts, LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai\Koele PD Ch. 1 Amendment 2164\Applications\Regional

REF-13



Source: County of Maui, Department of Planning; R.M. Towill

Figure 2 Kō'ele Project District Amendment

Property Location Map

0 725 Feet
362.5 1450

Prepared for: Lanai Resorts LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Figures\Revised Figures (3.23.21)\Location Map

REF-14

It is also noted that via Ordinance 2140, and as shown on Land Zoning Map 2608, additional acreage was added to the Project District, including Tax Map Key (2)4-9-001:027 (Parcel 27). Although Parcel 27 was added to the Project District, land use maps and County records still indicate this parcel as being outside of the Project District, as evidenced on the Zoning and Flood Confirmation Form completed for this parcel. It is noted that the Applicant believes this parcel is included within the existing Kōʻele Project District and is being proposed to be removed as part of the proposed action.

It is noted that all of the affected parcels listed above are owned by Pūlama Lānaʻi, apart from TMK (2) 4-9-001:030, which is owned by the Stephen Becker and Elizabeth Grove Trust.

B. PROPOSED ACTION AND PROJECT NEED

The Applicant seeks to amend the boundaries of the Kōʻele Project District in order to significantly reduce the already low density by decreasing the amount of Residential and Multi-Family (Project District sub-designations) acres, significantly increasing the amount of Open Space and Park (Project District sub-designations) acres, and by reducing the Golf Course (Project District sub-designation) acreage. Sub-designations are the specific land uses assigned to lands within the Project District. The proposed amendments increases the acreage in the Hotel sub-designation, accounting for existing uses (e.g., entrance of hotel, mini-golf putting course, etc.) and accounting for future uses. The proposed amendments also creates a new Resort Commercial sub-designation, which accounts for the existing Stables and Tennis Courts and increases to undeveloped areas to continue to support the Sensei Lānaʻi, A Four Seasons Resort operations. The proposed changes will ultimately reduce the total acreage in the Kōʻele Project District by 8 percent. See **Figure 3** and **Figure 4**. Maps depicting the existing and proposed Project District are provided herein as **Appendix "A"**.

Table 3 is a summary of the total acreage of the existing and proposed Project District by sub-designations. **Table 4** is a summary of all the TMKs affected by the proposed action, their addresses, acreages, and correlating information regarding the Project District's existing and proposed designations according to the State Land Use designation, Maui County Zoning, Lānaʻi Community Plan, and Project District sub-designation. TMKs noted in red are those proposed to be completely removed from the Project District while the TMK noted in green is a new TMK proposed to be added to the Project District.

Table 3. Existing and Proposed Kōʻele Project District Sub-Designations and Total Acreage

Project District Sub-Designation	Existing Acreage	Proposed Acreage
Hotel	21.1	45.4
Multi-Family	26.0	18.7
Residential	214.0	48.8
Park	11.5	234.9
Open Space	12.0	80.8
Golf	332.4	78.0
Public	1.0	0
Resort Commercial	0	75.4
Stables and Tennis Courts	14.5	0
Total	**632.5**	**582.0**

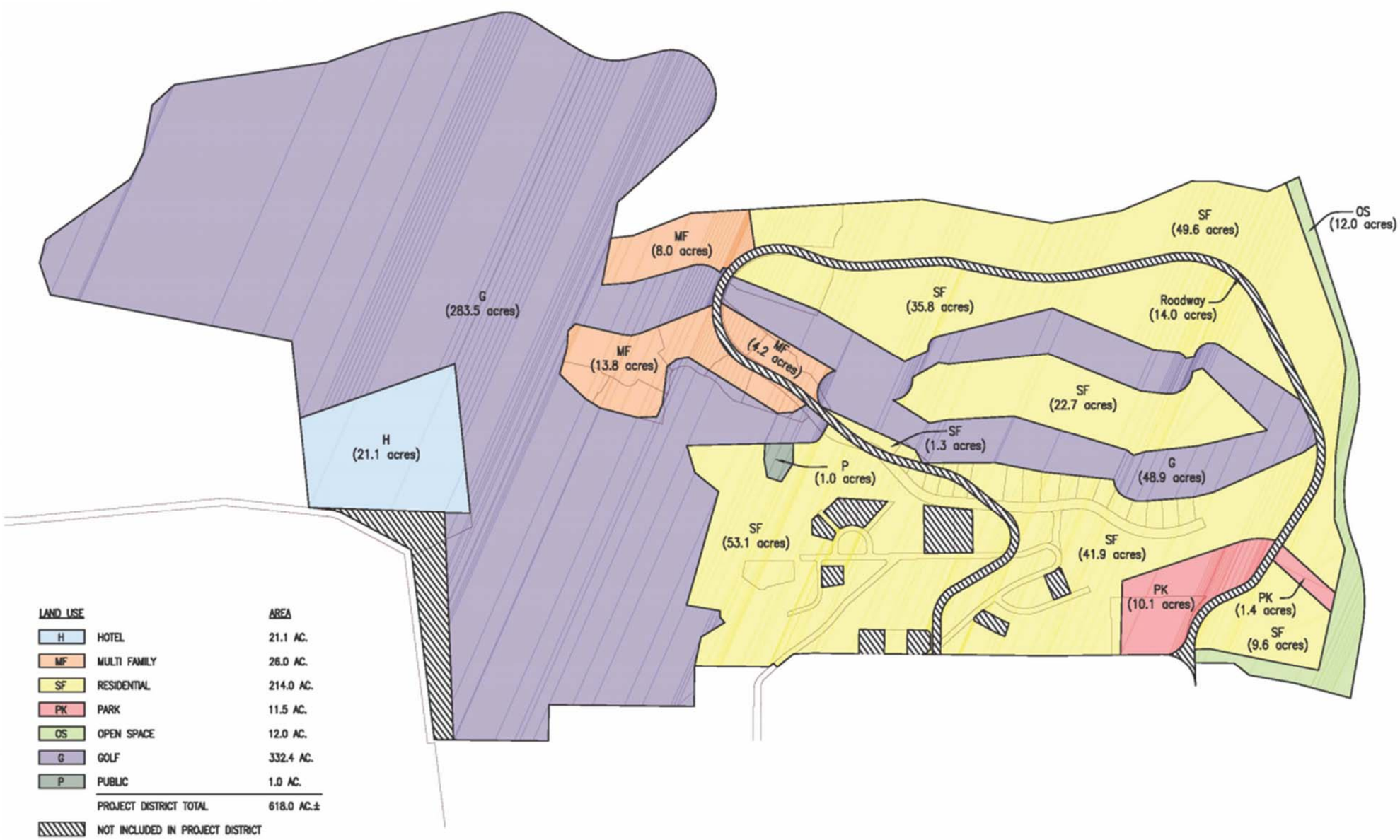
Source: R.M. Towill Corporation.

Table 4. Existing and Proposed (Gray Column) Land Use Designations (i.e., State Land Use, Maui County Zoning, Lānaʻi Community Plan, and Kōʻele Project District Subdesignations) for Affected Parcels

TMK	Address	Acreage in Project District		State Land Use Designation		Maui County Zoning		Lānaʻi Community Plan Designation		Kōʻele Project District Designation	
		Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
[2] 4-9-001: 021	NININIWAI	0.632	0	Urban	Urban	PD-L/2 (Kōʻele)	R-3, Residential	Project District	Single-Family Residential	Residential	Remove from Project District
[2] 4-9-001: 024	726 QUEENS ST	11.494	0	Urban	Urban	PD-L/2 (Kōʻele)	R-3, Residential	Project District	Single-Family Residential	Residential	Remove from Project District
[2] 4-9-001: 025 (portion)	SIXTH ST	5.527	0	Urban	Urban	PD-L/2 (Kōʻele)	R-3, Residential	Project District	Single-Family Residential	Residential	Remove from Project District
[2] 4-9-001: 027	KONA WAI PL	1.151	0	Urban	Urban	R-3 Residential	R-3, Residential	Single-Family Residential	Single-Family Residential	Residential	Remove from Project District
[2] 4-9-001: 030	818 QUEENS ST	0.606	0	Urban	Urban	PD-L/2 (Kōʻele)	R-3, Residential	Project District	Single-Family Residential	Residential	Remove from Project District
[2] 4-9-002: 001 (portion)	1007 MIKI RD	0	11.54	Rural	Urban	Interim	PD-L/2 (Kōʻele)	Open Space	Project District	Not included in Project District	Hotel
[2] 4-9-002: 061 (portion)	KAUMALAPAU HWY	14.5	75.4	Rural/Agriculture	Urban	AG, Agriculture/ PD-L/2 (Kōʻele)	PD-L/2 (Kōʻele)	Agricultural/ Project District/ Rural	Project District	Not included in Project District/Stables & Tennis Courts	Resort Commercial
[2] 4-9-018: 001	1 KEOMOKU HWY	21.772	24.829	Urban	Urban	PD-L/2 (Kōʻele) / Interim	PD-L/2 (Kōʻele)	Project District	Project District	Hotel / Golf	Hotel
[2] 4-9-018: 002 (portion)	916 NINTH ST	202.752	164.617	Urban	Urban	PD-L/2 (Kōʻele) / AG, Agriculture	PD-L/2 (Kōʻele) / Open Space	Project District	Project District / Open Space	Golf / Residential/ Multi-Family / Open Space / Park	Park / Open Space / Residential
[2] 4-9-018: 003 (portion)	476 LAUHALA PL	319.088	267.525	Urban/ Agriculture	Urban	PD-L/2 (Kōʻele) / Interim	PD-L/2 (Kōʻele) / Open Space	Project District / Park / Golf Course	Project District / Open Space	Golf / Residential/ / Public	Park / Golf / Hotel / Residential
[2] 4-9-018: 004	QUEENS AVE	4.953	5	Urban	Urban	PD-L/2 (Kōʻele)	PD-L/2 (Kōʻele)	Project District	Project District	Residential / Park	Open Space
[2] 4-9-018: 005	LAUHALA PL	1.312	0	Urban	Urban	PD-L/2 (Kōʻele)	R-3, Residential	Project District	Single-Family Residential	Residential	Remove from Project District
[2] 4-9-020: 020 (portion)	KAUNOA DR	5.327	0.179	Urban	Urban	PD-L/2 (Kōʻele) / (Road)	PD-L/2 (Kōʻele) / (Road)	Project District	Project District / (Road)	Multi-Family /Residential / Golf	Multi-Family
[2] 4-9-021: 009	KAUNAOA DR	11.827	0	Urban	Urban	PD-L/2 (Kōʻele)	Open Space	Project District	Open Space	Residential/ Multi-Family	Remove from Project District

Table 4 notes

1) The Lānaʻi Community Plan inadvertently designated TMK (2)4-9-001:027 as Single Family Residential. According to Ordinance 2140 and Zoning Map 2608, this TMK is included in the existing Kōʻele Project District. This TMK is excluded in the proposed Kōʻele Project District.



LAND USE		AREA
H	HOTEL	21.1 AC.
MF	MULTI FAMILY	26.0 AC.
SF	RESIDENTIAL	214.0 AC.
PK	PARK	11.5 AC.
OS	OPEN SPACE	12.0 AC.
G	GOLF	332.4 AC.
P	PUBLIC	1.0 AC.
	PROJECT DISTRICT TOTAL	618.0 AC.±
	NOT INCLUDED IN PROJECT DISTRICT	

Source: R.M. Towill

Figure 3

Kō'ele Project District Amendment
Existing Kō'ele Project District

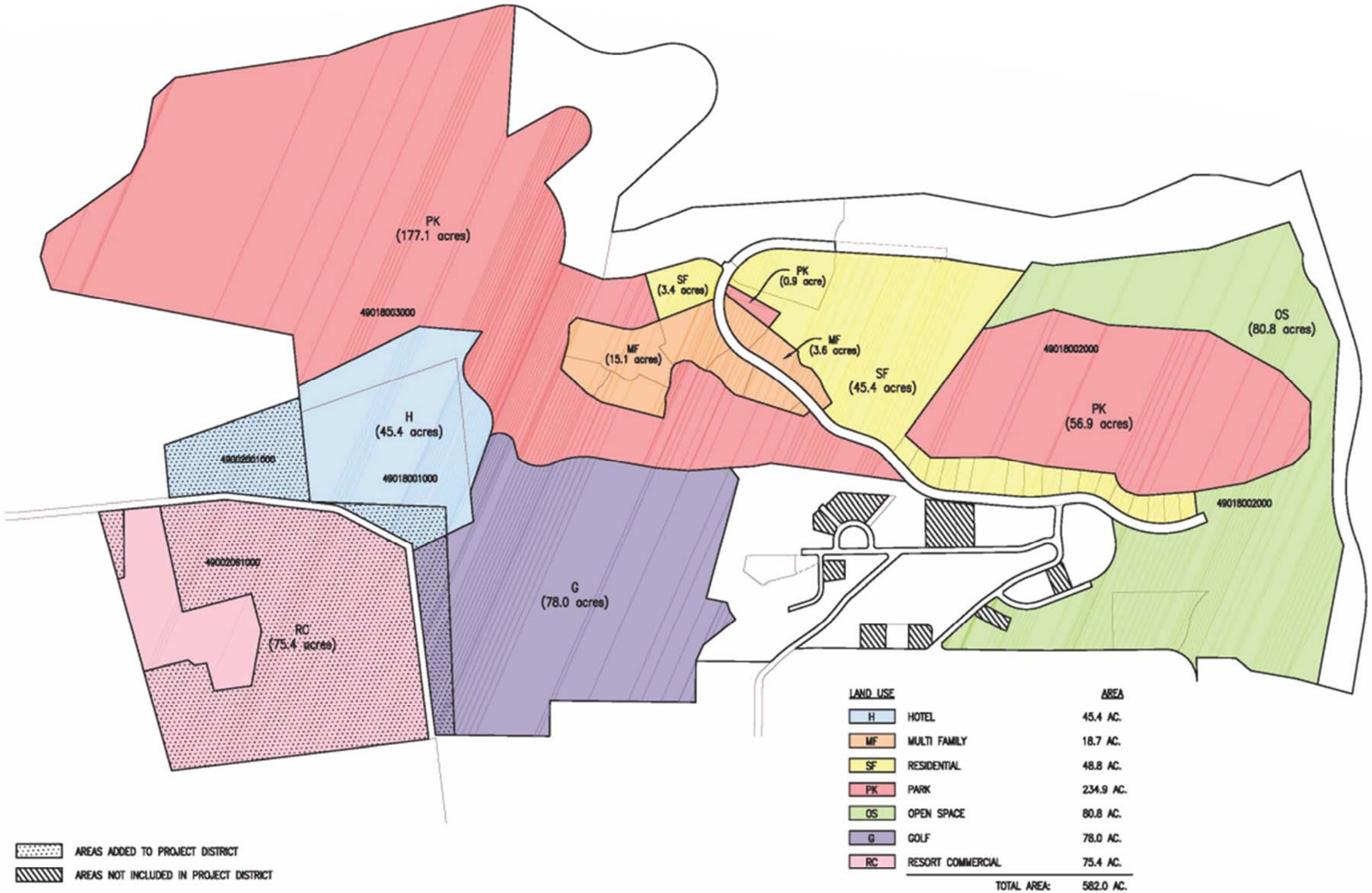
NOT TO SCALE

Prepared for: Lanai Resorts, LLC, a Hawai'i limited liability company, doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai\Koele PD Ph 1 Amendment 2164\Applications\Figures\Existing Koele Project District

REF-17



Source: R.M. Towill

Figure 4

Kōʻele Project District Amendment

Proposed Kōʻele Project District

NOT TO SCALE

Prepared for: Lanai Resorts, LLC, a Hawaiʻi limited liability company, doing business as Pūlama Lānaʻi

MUNEKIYO HIRAGA

Pulama Lanai/Koele PD Ph 1 Amendment 2164/Applications/Figures/Revised Figures (3.23.21)/Proposed Koele Project District

REF-18

In addition to amending the boundaries of the Kōʻele Project District, the Applicant also seeks to make revisions to the guiding ordinance for the Kōʻele Project District. Maui County Code (MCC), Chapter 19.71, upon adoption, established the sub-designations, and acreages of each within the Project District as well as standards for development within the Project District in general, in addition to specific standards for development applicable to each sub-designation. The proposed changes to Chapter 19.71 include changes to the total acreages of the sub-designations within the existing Project District as well as changes to provisions of the chapter relative to permitted uses, special accessory uses, and development standards for various sub-designations within the Project District. The proposed revisions to MCC, Chapter 19.71, are provided herein as **Appendix "A-1"**.

It is noted that although the proposed amendments facilitate opportunities for future development within the Kōʻele Project District, the currently proposed action does not involve any construction activities.

It is further noted that the purpose and intent of the Kōʻele Project District remain unchanged; its existing and continued purpose and intent are to provide for a flexible and creative approach to development at Kōʻele that is supportive of the Sensei Lānaʻi, a Four Seasons Resort and complementary and supportive of services offered in the adjoining Lānaʻi City.

C. REGULATORY CONSIDERATIONS

In order to support the proposed amendments to the Kōʻele Project District, various land use entitlements and review processes are required.

1. State Land Use Commission District Boundary Amendment

The proposed amendment of the boundaries of the Kōʻele Project District involves the addition of approximately 72.44 acres not currently in the existing Project District. These lands are currently within the State Land Use Commission (SLUC) Rural and Agriculture districts and will need to be redistricted to the Urban district. As such, a District Boundary Amendment (DBA) will need to be obtained. Due to the acreage of the proposed action, the SLUC will be the approving authority for the DBA. A DBA petition will be prepared by the Applicant's land use attorney and filed with the SLUC for review and action.

2. Project District Phase 1 Amendment

As noted above, the boundaries of and development within a Project District is guided by an ordinance adopted by the Maui County Council. Project District permitting in the County of Maui is a three-phase process with Phase 1 involving the adoption of the ordinance outlining the boundaries of the Project District, the

sub-designations and acreages of each, and standards for development within the Project District; Phase 2 which involves a schematic development plan for lands within the Project District; and Phase 3 which involves a detailed review of construction drawings to ensure consistency with a project's Phase 2 approval. As the proposed action seeks to amend Chapter 19.71, MCC relative to the Kōʻele Project District's boundaries, and specific language within the ordinance related to permitted uses, special accessory uses, and development standards, a Project District Phase 1 (PH1) amendment is required. As such, a PH1 application will be prepared and filed with the Department of Planning. As PH1 approvals are granted by the Maui County Council, the Lānaʻi Planning Commission (LPC) will review the request and make a recommendation to the Council for final action.

3. <u>Change of Zoning</u>

The Maui County Zoning code, which assigns zoning designations to all lands within the County, is adopted by ordinance of the Maui County Council. The proposed amendment of the boundaries of the Kōʻele Project District involves rezoning lands not currently within the Project District to the Project District designation, and rezoning lands being removed from the Project District to designations other than Project District. As such, a Change of Zoning (CIZ) application will be prepared and filed concurrently with the PH1 application with the Department of Planning. The LPC will review the request and make a recommendation to the Maui County Council for final action.

4. <u>Community Plan Amendment</u>

The Lānaʻi Community Plan is one (1) of nine (9) community plans which provide smaller-scale land use goal and objectives for specific regions within the County. The Community Plan Land Use map assigns land uses to lands within that community plan region. The community plans are adopted by ordinance of the Maui County Council. The proposed amendment of the boundaries of the Kōʻele Project District also involves redistricting lands not currently within the Project District to the Lānaʻi Community Plan Project District designation, and redistricting lands being removed from the Project District to designations other than Project District. As such, a Community Plan Amendment (CPA) application will be prepared and filed concurrently with the PH1 and CIZ applications with the Department of Planning. The LPC will review the request and make a recommendation to the Maui County Council for final action.

5. <u>Chapter 343, Hawaiʻi Revised Statutes Environmental Assessment</u>

The CPA action, as an amendment to a County general plan, triggers environmental review requirements pursuant to Chapter 343, Hawaiʻi Revised Statutes (HRS). Accordingly, this Environmental Assessment (EA) has been

prepared to evaluate the technical characteristics and potential environmental impacts of the proposed undertaking, as well as to advance findings and proposed mitigative measures. The EA will serve as the technical supporting document for the DBA petition and PH1, CIZ, and CPA entitlement applications. The LPC will serve as the approving agency for the EA.

D. PROJECT DEVELOPMENT TIMETABLE AND COST

The proposed action does not involve any construction activities. As such, no development time frame or cost estimates have been established.

As previously discussed, the proposed amendments described herein facilitate opportunities for future development within the Kōʻele Project District. Development time frames and costs for individual projects which may be proposed in the future will be evaluated at such time that Project District Phase 2 and Project District Phase 3 applications are filed.

REF-21

DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION MEASURES

II

II. DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION MEASURES

This chapter has been prepared to describe the existing conditions of the project area as well as the potential impacts and proposed mitigation measures of the proposed action. As previously discussed, although the proposed amendments discussed in Chapter I facilitate opportunities for future development within the Kōʻele Project District, the currently proposed action does not involve any construction activities. Nonetheless, the analysis contained in this Environmental Assessment (EA) is based upon full build-out of the proposed amended Kōʻele Project District.

A. PHYSICAL SETTING

1. Surrounding Land Uses

a. Existing Conditions

Lānaʻi is approximately 13 miles wide and 13.25 miles long and is characterized by mist-shrouded mountains, an abundance of Cook Island pines, and coastal areas consisting of secluded white-sand beaches and rugged lava rock cliffs. For nearly a century, the island was used for Hawaiʻi's largest pineapple plantation. Since then, the island has been transformed into an island vacation destination featuring two (2) resorts and its host community at Lānaʻi City.

The Lānaʻi Project District 2 (Kōʻele), otherwise referred to as the "Kōʻele Project District" (Project District), covers several hundred acres and various Tax Map Key (TMK) parcels. Developed areas within the Project District include the Sensei Lānaʻi, a Four Seasons Resort, the Lānaʻi Adventure Park, the former and abandoned (closed permanently) Experience at Kōʻele Golf Course, the Cavendish Golf Course, as well as various residential developments. Beyond the Project District and adjacent Lānaʻi City, the land is vacant and undeveloped. The broad expanse of vacant, undeveloped lands includes lands which were formally used for pineapple cultivation and grazing.

b. Potential Impacts and Mitigation Measures

The proposed action involves amending the boundaries of the Kōʻele Project District by adding additional acreage and also removing parcels from the existing Project District. In addition, amendments to Chapter 19.71, Maui County Code (MCC), which established the Kōʻele Project District, its sub-designations, and development standards, are sought. The

proposed action does not involve any construction activities. The acreage proposed to be added will complement existing uses of the Project District while the parcels to be removed will be redesignated to be consistent with their existing use and the surrounding character of Lānaʻi City. As such, impacts to surrounding land uses are not anticipated with implementation of the proposed action.

2. Climate

a. Existing Conditions

Like most areas in Hawaiʻi, the climate on the island of Lanaʻi is relatively uniform year-round. Characteristic of the island's climate, the project site experiences mild and uniform temperatures, moderate humidity, and relatively consistent northeasterly tradewinds. This climatic stability is due to Lānaʻi's tropical latitude, relative to the Pacific anticyclone and storm tracts, and the surrounding ocean currents. Variations in climate among the different regions on Lānaʻi are largely due to local terrain.

According to the 2019 Maui County Data Book, the average high temperature, measured at Lāna'i Airport, is 75.1 degrees, while the average low is 67.8 degrees (Maui County Data Book, 2019).

b. Potential Impacts and Mitigation Measures

The proposed action is not anticipated to result in significant adverse impacts to climatic conditions in the area.

3. Agricultural Lands

a. Existing Conditions

Plasch Econ Pacific and Munekiyo Hiraga prepared an Impacts on Agriculture report regarding the proposed Kōʻele Project District Amendment project which assesses the effect the proposed action will have, if any, on the agriculture land base and industry on the Island of Lānaʻi, and addressing compliance with State of Hawaiʻi guidelines associated with redistricting land within the State Land Use Commission Agricultural district into another district. See **Appendix "B"**.

As stated in the report, once commonly referred to as the "Pineapple Island", the Dole Lānaʻi Plantation had sustained a cultivated area of some 13,000 acres, reportedly periodically reaching as high as 15,000 to 20,000 acres from its inception in the early 1920's until active operations shut down

in 1992. Portions of the current Kōʻele Project District were once part of the fields.

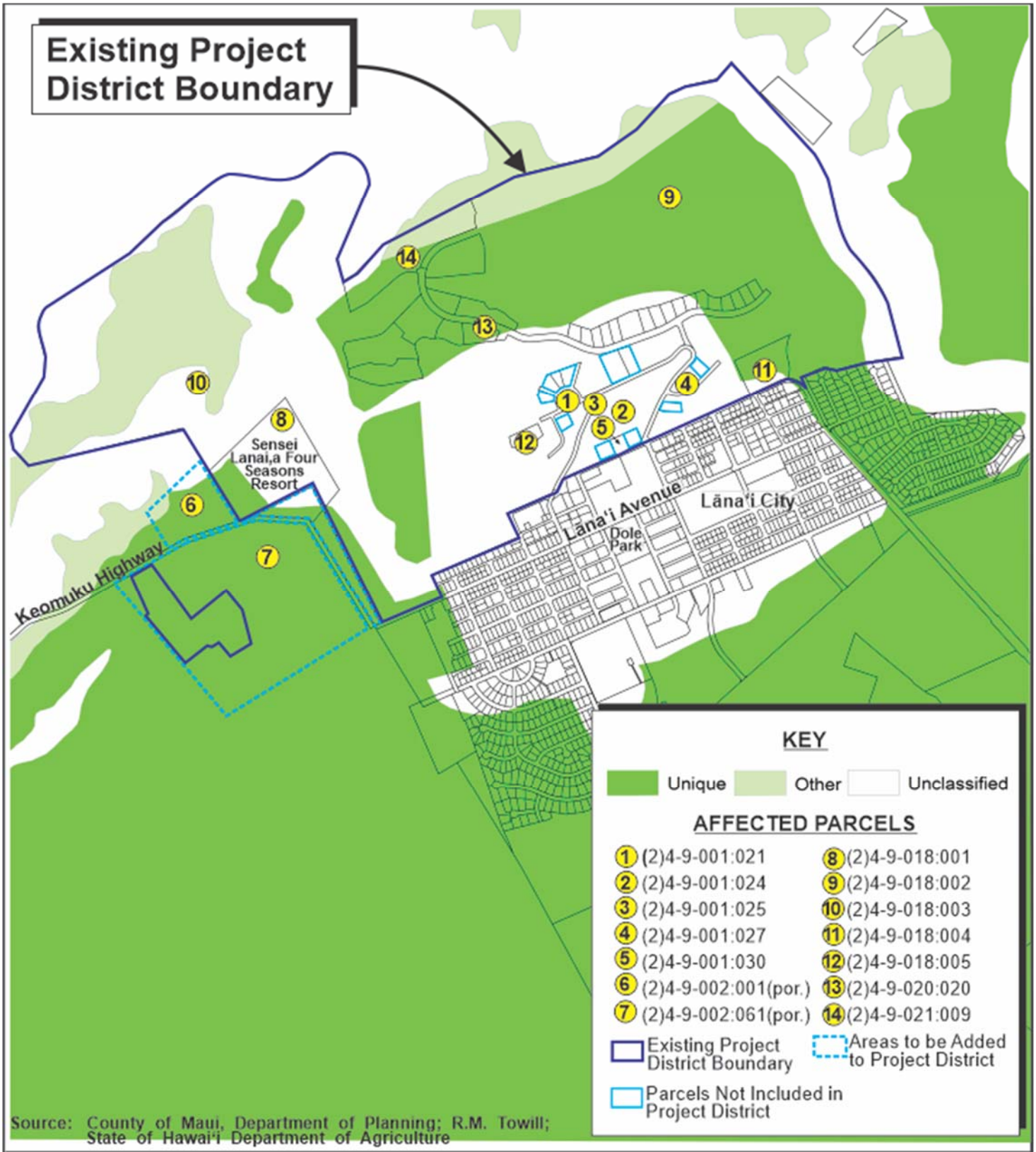
The Project District area receives a moderate level of sunshine, with average daily insolation of about 410 calories per square centimeter per day. The majority of lands in the Project District exhibit a number of favorable characteristics for farming, including relatively gentle sloping and well drained soils. However, due to lack of available irrigation water, the area is not suitable for intensive field farming. As stated, a portion of the existing Project District and the surrounding areas were historically used for pineapple production, which requires relatively little water.

Three classification systems are commonly used to rate Hawaiʻi soils with regards to agriculture: (1) Land Capability Grouping, (2) Agricultural Lands of Importance to the State of Hawaiʻi, and (3) Overall Productivity Rating.

The 1972 Land Capability Grouping by the U.S. Department of Agriculture, Natural Resources Conservation Service rates soils according to eight (8) levels, ranging from the highest classification level "I" to the lowest "VIII". The Project District area generally falls within the Class II and Class III levels. Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices. The subclassification "e" indicates that the limitations are due to erosion. Class III soils have severe limitations that reduce the choice of plants, require special conservation practices, or both. These ratings ignore the lack of irrigation water for the Project District area.

The State Department of Agriculture has established three (3) categories of Agricultural Lands of Importance to the State of Hawaiʻi (ALISH), based primarily, though not exclusively, on soil characteristics of the underlying land. The three (3) classes of ALISH lands are "Prime", "Unique", and "Other Important" agriculture land, with the remaining non-classified lands termed "Unclassified". When utilized with modern farming methods, "Prime" agricultural land have soil quality, growing season, and moisture supply needed to produce sustained crop yields economically; while "Unique" agricultural lands contain a combination of soil quality, growing season, and moisture supply to produce sustained yields of specific crop. "Other Important" agricultural lands include those important lands that have not been rated as "Prime" or "Unique".

The Kōʻele Project District, as reflected by the ALISH map, is located on lands designated as "Unclassified", "Other", and "Unique" agricultural lands. See **Figure 5**.



Source: County of Maui, Department of Planning; R.M. Towill; State of Hawai'i Department of Agriculture

Figure 5 Kō'ele Project District Amendment

Agricultural Lands of Importance to the State of Hawai'i Map

0 725 Feet
362.5 1450

Prepared for: Lanai Resorts LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai/Koele PD Ph I Amendment 2164/Applications/Figures/Revised Figures (3.23.21)/AUDH

REF-26

Additionally, the University of Hawaiʻi (UH) Land Study Bureau (LSB) developed the Overall Productivity rating, which classified soils according to five (5) levels, with "A" representing the class of highest productivity soils and "E" representing the lowest. The lands underlying the Project District are largely unclassified, with small areas throughout designated as "C", "D", or "E", representing lands that have lower potential for agricultural uses, or are otherwise unclassified. See **Figure 6**.

As stated previously, the lands in the area were once used for farming operations, however, they have not been cultivated for some time. Furthermore, with the establishment of the Kōʻele Project District by Maui County Council Ordinance No. 1581 in 1986, the Kōʻele area was permitted for resort, golf course, and residential uses. This action ruled out potential agricultural uses in the Kōʻele Project District, as residential, recreational, and hotel uses are the focal point of the Kōʻele Project District land uses as specified by MCC Section 19.71.010 pertaining to the Kōʻele Project District's purpose and intent.

Potential Impacts and Mitigation Measures

Much of the Project District is already existing or targeted for future urban-like uses. An additional 72.44 acres will be redistricted to be added to the Project District within the Hotel, Golf, or Resort Commercial sub-designations, but nearly all of these lands will continue to be used for the existing Lānaʻi Ranch (Ranch) along with occasional commercial events. The Ranch is an equestrian operation located on Kanepuʻu Highway north of Lānaʻi City. The Ranch utilizes approximately 215 acres of land, with facilities including a 3,800-square foot (sq. ft.) barn, six (6) run-in shelters (288-sq. ft. each), and three (3) 40-foot storage containers. The Ranch keeps 48 horses and offers various ranch experiences to guests, including group horseback rides, private horseback rides, riding lessons, pony rides, miniature horse cart rides, and carriage rides. In addition to the equestrian experiences, the Ranch has a petting zoo with various goats, donkeys, and miniature horses. Beyond the Lānaʻi Ranch, there are no other existing or planned agricultural operations within the Project District. Refer to **Appendix "B"**.

The Project District has some favorable agronomic conditions: soils are good; solar radiation is moderate; and the trucking distances to Lānaʻi City

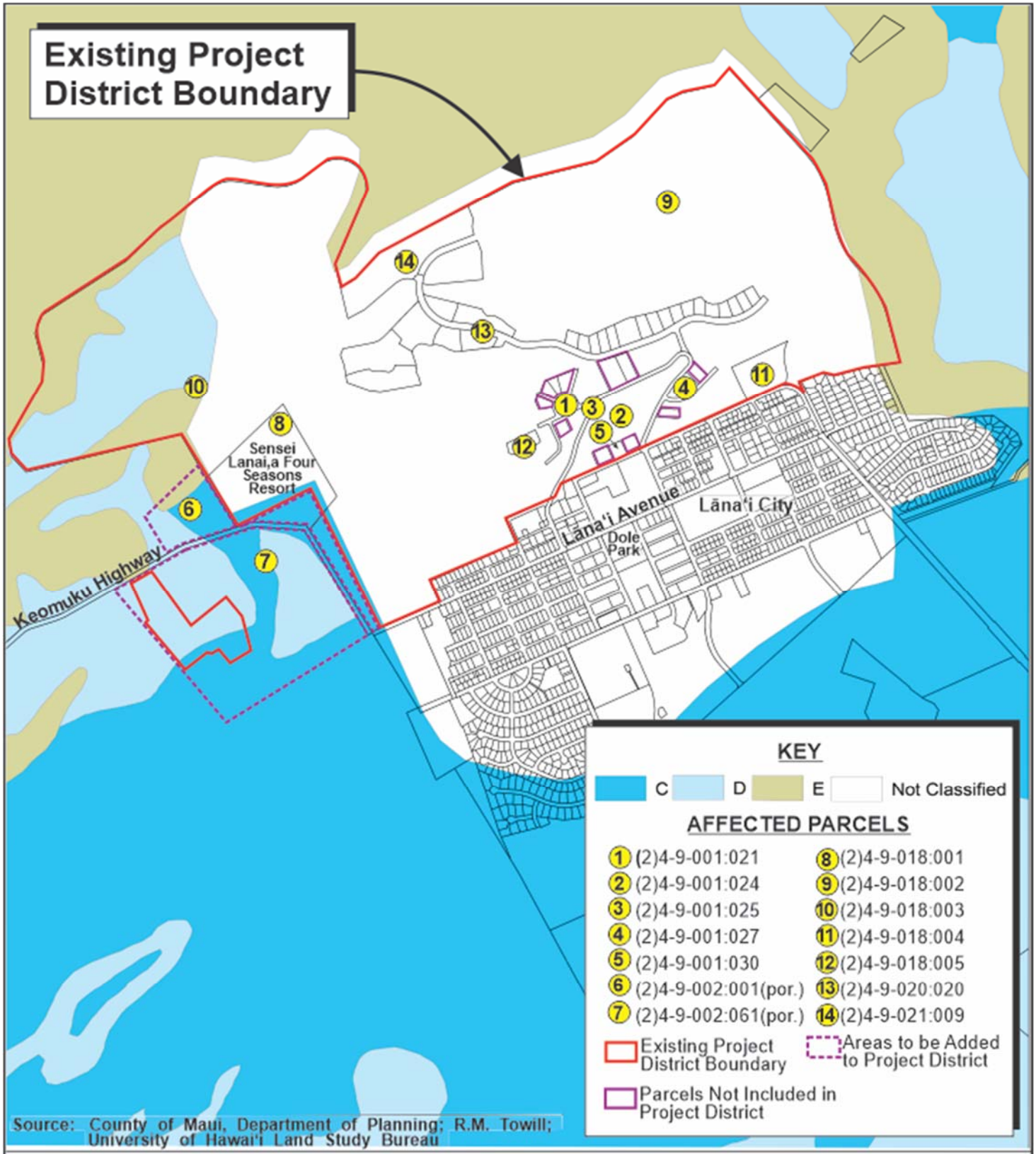


Figure 6 Kō'ele Project District Amendment

Land Study Bureau Map

0 725 Feet
362.5 1450

Prepared for: Lanai Resorts LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai/Koele PD Ph I Amendment 2164/Applications/Figures/Revised Figures (3.23.21)/LDB

REF-28

and Mānele Resort are short. However, the Project District is unsuitable for field farming to supply crops to Lānaʻi markets, or for export to Oʻahu or the mainland. The major problems are the lack of irrigation water, the Lānaʻi market is very small, and some Lānaʻi farmers are at a competitive disadvantage in supplying the Oʻahu and mainland markets because of shipping costs. Refer to **Appendix "B"**.

There are approximately 18,000 acres of former plantation lands on Lānaʻi which remain available for agricultural use, and over 200,000 acres statewide. The proposed land use changes for former agriculture land added to the Project District is too small to affect the growth of diversified agriculture on Lānaʻi or statewide. The project is not anticipated to have a significant impact on agricultural activity since ample land is alternatively available elsewhere on Lānaʻi and statewide to accommodate agricultural growth. Refer to **Appendix "B"**.

4. Topography and Soils Characteristics

a. Existing Conditions

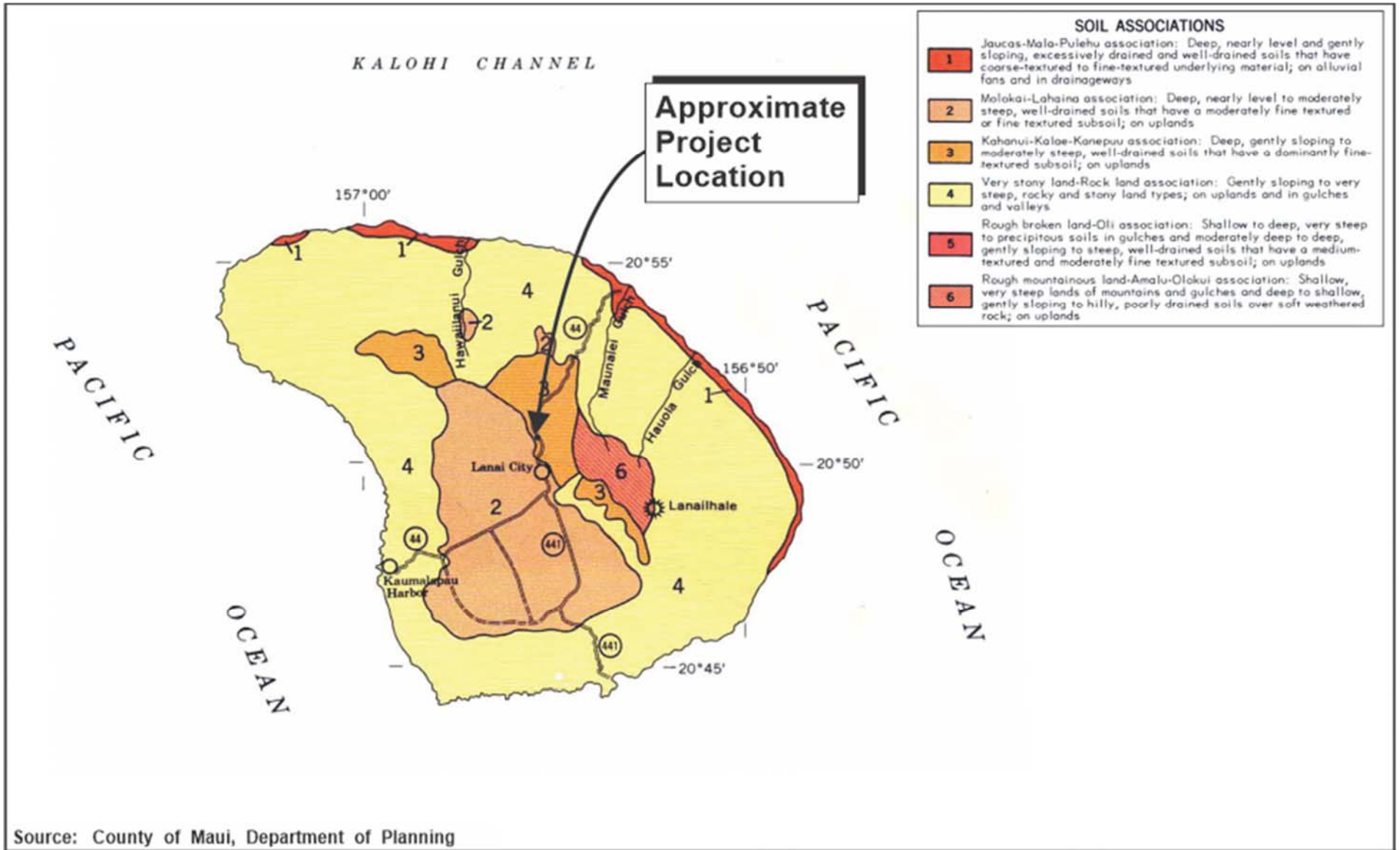
Topography is relatively moderate within the project site. The project site is located at the base of Lānaʻihale, where slopes range from 0 to 30 percent and elevation ranges from 1,600 to 2,000 feet above mean sea level (msl).

The Project District is located in an area within the Molokaʻi-Lahaina and Kahanui-Kalae-Kanepuʻu associations. See **Figure 7**. Soils within these associations are characterized as deep, gently sloping to moderately steep and are well drained soils (USDA Soil Conservation Service, 1972).

Table 5 below lists the specific soil classifications found within the Project District. Descriptions of each soil type follow the table.

Table 5. Soil Classifications

KcB, Kalae silty clay, 2 to 7 percent slopes
KcC, Kalae silty clay, 7 to 15 percent slopes
KrB, Kōʻele silty clay loam, 3 to 7 percent slopes
KrC, Kōʻele silty clay loam, 7 to 15 percent slopes
KRL, Kōʻele-Badland complex
LaB, Lahaina silty clay, 3 to 7 percent slopes
LaC, Lahaina silty clay, 7 to 15 percent slopes
WoB, Waihuna clay, 3 to 7 percent slopes



Source: County of Maui, Department of Planning

Figure 7

Kō'ele Project District Amendment

Soil Association Map

NOT TO SCALE

Prepared for: Lanai Resorts, LLC, a Hawaii Limited Liability Company doing business as Pūlama Lānaʻi

MUNEKIYO HIRAGA

Pulama Lanai\Koele PD Ph 1 Amendment 2164\Applications\Soils

REF-30

- **KcB:** The Kalae Series consists of well drained soils on uplands on the islands of Molokaʻi and Lānaʻi. The KcB soils are gently sloping and occupies smooth uplands. The surface layer is dark reddish-brown silty clay about 15 inches thick. The upper part of subsoil, about 26 inches thick, is dark reddish silty clay that has subangular blocky structure and the lower part, about 21 inches thick, is dark-red and reddish-brown silt loam. The soil is strongly acid. Permeability is moderately rapid. Runoff is slow and the erosion hazard is slight. The soils are used for pasture and pineapple.

- **KcC:** The KcC soils are characterized by 7 to 15 percent slopes. Runoff is slow to medium and the erosion hazard is slight to moderate. The soils are used for pasture and pineapple.

- **KrB:** The Kōʻele Series consists of well-drained soils on the islands of Lānaʻi, Maui, and Molokaʻi. These soils formed in alluvium derived from basic igneous material. The KrB soils occur on fans and in drainageways and the surface layer is dark brown silty clay loam about 18 inches thick. The next layer, 30 to more than 40 inches thick, consists of stratified dark-brown alluvium that ranges from silty clay loam to coarse sandy loam in texture. The soils are slightly acid to medium acid, except that the surface layer is generally very strongly acid in areas used for pineapple.

- **KrC:** On the KrC soils, runoff is medium and the erosion hazard is moderate. Workability is slightly difficult because of the slope. Ibis soil is used for pineapple and wildlife habitat.

- **KRL:** The KRL complex occurs mainly in large gulches. It consists of Kōʻele Soils at the bottom of gulches and Badland on the sides of gulches. The Kōʻele soils are similar to the KrB soil, except that the slope is mainly 7 to 20 percent. These soils make up 60 to 80 percent of the acreage. Badland consists of highly weathered rock and makes up 20 to 40 percent of the acreage.

- **LaB:** The Lahaina Series consists of well-drained soils on uplands on the islands of Lānaʻi, Maui, Molokaʻi, and Oʻahu. These soils developed in material weathered from basic igneous rock. They are nearly level to steep. The LaB soils are on smooth uplands. Included in mapping were small areas that are underlain by consolidated sand at a depth below 30 inches. The surface layer is dark-reddish-brown, silty clay about 15 inches thick. The subsoil, about 45 inches thick, is dusky-red and dark reddish brown

subangular blocky silty clay and silty clay loam. Permeability is moderate. Runoff is slow and the erosion hazard is slight.

- **LaC:** The LaC soils have a profile similar to LaB, except that most of the surface layer, and in places, part of the subsoil have been removed by erosion. Runoff is medium, and the erosion hazard is severe. This soil is used for sugar cane and pineapple.

- **WoB:** The Waihuna Series consists of well drained and moderately well drained soils on alluvial fans and in depressions on the islands of Lānaʻi and Molokaʻi. These soils formed in old, fine-textured alluvium. The WoB soils occur on Molokaʻi and Lānaʻi. Runoff is slow and the erosion hazard is slight. This soil is used for pineapple.

In addition, although the proposed action does not involve any construction activities, a geotechnical study was conducted to provide information about potential geotechnical risks involved and the geotechnical considerations that may need to be addressed for development actions within the Project District. See **Appendix "C"**. The scope of the geotechnical engineering assessment consisted of site reconnaissance, review of the available geological maps, and subsurface information from previous explorations conducted in the vicinity of the Project District.

b. <u>Potential Impacts and Mitigation Measures</u>

Based on the geotechnical survey of the Project District area and the anticipated subsurface conditions, future development within the Project District would be feasible with respect to geotechnical engineering considerations. Several geotechnical considerations as discussed in the report, and which are listed below, may have the potential for impacts on design and construction. Refer to **Appendix "C"**.

- **<u>Site Preparation</u>**

  In general, Geolabs noted that they anticipate that the surface materials consist of fill materials that have been tilled over during the agricultural and/or ranch operations in the past and/or present. In some areas, recent alluvium may be present at the ground surface. At the onset of earthwork, areas within the contract grading limits should be cleared and grubbed thoroughly. Vegetation, debris, deleterious materials, and other unsuitable materials, should be removed and disposed of properly offsite to reduce the potential for contamination of the excavated materials. In general, the subgrades in cut areas and areas designated to receive fills

should be scarified to a depth of about 8 inches, moisture-conditioned to above the optimum moisture content, and recompacted to a minimum of 90 percent relative compaction. However, it should be noted that excessive moisture in the fill materials and recent alluvium may create adverse soil conditions. Therefore, the contractor should use caution not to overwater when moisture-conditioning fine-grained soils. Where soft or unstable ground conditions are encountered during construction, over-excavation and replacement with suitable fills may be required.

- **Expansive Soils**

  Geolabs noted that they anticipate that the near-surface clayey soils at the project site generally exhibit a moderate potential for shrinking and swelling when subjected to moisture fluctuations. To reduce the potential for appreciable future distress to these lightly loaded slabs-on-grade resulting from shrinking and swelling of the near-surface clayey soils, they envision the slab subgrade to be properly scarified to a minimum depth of 8 inches, moisture-conditioning to at least 2 percent above the optimum moisture content, and recompacting to a minimum of 90 percent relative compaction, as appropriate. In addition, a minimum of 12 inches of non-expansive, select granular fill material should be provided below the slab cushion. The non-expansive, select granular fill should also extend beyond the perimeter of the slab a minimum of 24 inches (or extend to the edge of the concrete sidewalk/walkway surrounding the slab, if applicable).

- **Excavations**

  Geolabs anticipates that the onsite clayey soils may be excavated with conventional earthmoving equipment. However, it should be noted that cobbles and boulders could be encountered within the alluvial and/or river deposits. Therefore, some difficult excavation conditions may be anticipated in localized areas during construction. It is possible that the excavation for a portion of the utility line trenches may require the use of hoerams or chipping. Therefore, selection of the new foundation system for the development would need to consider its constructability with respect to the potential presence of cobbles and boulders.

- **Cut and Fill Slopes**

  Geolabs notes that they anticipate that the cut slopes may generally expose the stiff clayey soils at the project site. Based on this assumption, they envision designing the cut slopes with a slope inclination of 2H:1V or flatter. Permanent fill slopes constructed using the excavated onsite soils or imported fill materials may be designed with a slope inclination of 2H:1V or flatter. Fills placed on slopes steeper than 5H:1V should be keyed and benched into the existing slope to provide stability of the new fill against sliding. The filling operations should start at the lowest point and continue up in level horizontal compacted layers. Fill slopes should be constructed by overfilling and cutting back to the design slope ratio to obtain a well-compacted slope face. In the event over-cutting of a slope occurs, keying and benching requirements should be implemented instead of backfilling the slope to the design grade with sliver fills. The fill slope face should be free of voids, which would allow erosion and migration of fines to occur. In addition, materials greater than six (6) inches in largest dimension should not be exposed at the fill slope face. Construction of earth berms, interceptor ditches, and the use of geotextile fabrics over the fill slope face should be considered to reduce the potential for significant erosion, thus enhancing the long-term stability of the fill slopes. Appropriate slope planting or other permanent erosion control measures to reduce the potential for significant erosion of the exposed slopes (including a permanent irrigation system) should be implemented as soon as possible after the finished slope faces are completed.

- **Other Foundation Considerations**

  Geolabs envisions that some one- to-two story buildings may be required for future development in the Project District. Based on the anticipated subsurface conditions at the project site, Geolabs believes shallow spread and/or continuous strip footings may be used to support the new buildings for the project. As an alternative, foundations for support of the new structures may also consist of thickened-edge slab footings. Geolabs envisions that the building foundations will be supported on clayey fills and/or alluvial materials. Therefore, proper preparation and compaction of the foundation subgrades will be critical during construction. Foundation subgrades should not be exposed to overwatering or inclement weather.

The currently proposed action is not anticipated to present adverse impacts on the topography or soils in the area.

5. Flood, Tsunami, and Sea Level Rise Hazards

a. Existing Conditions

The Project District is located mauka (northeast) of Lānaʻi City. As shown on the Flood Insurance Rate Map for the area, the Project District is in an undesignated flood zone area. Similarly, the site is located outside of the Tsunami Evacuation Zone, as well as the projected 3.2-foot sea level rise exposure area discussed in the Hawaiʻi Sea Level Rise Vulnerability and Adaptation Report that was prepared in 2017 by the Hawaiʻi Climate Change Mitigation and Adaptation Commission.

b. Potential Impacts and Mitigation Measures

The currently proposed action does not present any risks of flooding or tsunami hazards.

6. Streams and Wetlands

a. Existing Conditions

Although no streams or wetlands are located within the Kōʻele Project District, there are a number of drainage ditches that traverse the property. These ditches convey stormwater downstream through the Project District.

b. Potential Impacts and Mitigation Measures

As the currently proposed action does not involve any construction activities, impacts to the existing drainage ditches are not anticipated. Similarly, any future development within the Project District will be designed to not significantly impact the existing drainage ditches.

7. Flora and Fauna

a. Existing Conditions

A flora and fauna study of the Kō'ele Project District area was conducted in April 2019. See **Appendix "D"**. The objectives of the survey were to:

1. Document what plant and animal species occur on the property or may likely occur in the existing habitat.

2. Document the status and abundance of each species.

3. Determine the presence or likely occurrence of any native flora and fauna, particularly any which are federally listed as Threatened or Endangered. If such does occur, identify what features of the habitat may be essential for these species.

4. Determine if the project area contains any special habitats which, if lost or altered, might result in a significant negative impact on the native flora and fauna in this part of the island.

A walk-through botanical survey was used to cover the new areas proposed to be added to the Project District. All representative habitats were examined including the grassy pastures, shrublands and forest margins. A complete inventory of all plant species was made with special attention focused on native plant species and whether any of these were federally protected Threatened or Endangered species that might require special attention or actions.

The vegetation in the project area consists mostly of open pasture lands with some windbreak trees and small areas of shrubland. A total of 62 plant species were recorded during the survey. Five (5) species were common throughout the project area: Christmas berry (*Schinus terebinthifolius*), lantana (*Lantana camara*), Cook pine (*Araucaria columnaris*), fireweed (*Senecio madagascariensis*) and sand mallow (*Sidastrum micranthum*). Several pasture grasses were evenly distributed, but none of these were individually common. Just one (1) native plant species was seen, the indigenous hala tree (*Pandanus tectorius*). Refer to **Appendix "D"**.

A fauna survey was conducted in conjunction with the flora survey. Sign of just two (2) non-native mammal species was observed in the project area. Several axis deer (*Axis axis*) were seen and abundant signs were found throughout the area in the form of tracks, droppings, and antler rubbings. Horses (*Equus caballus*) were also common in the pastures. A special effort was made to look for evidence indicating the presence of the endangered ʻōpeʻapeʻa or Hawaiian hoary bat by conducting an evening survey at two (2) locations within the project area. No bats were detected. Other non-native mammals likely to frequent this area include rats (*Rattus spp.*), mice (*Mus domesticus*), feral cats (*Felis catus*), and occasionally domestic dogs (*Canis familiaris*). Refer to **Appendix "D"**.

Birdlife was moderate in both species diversity and in total numbers seen. Twelve (12) species were observed during two (2) site visits. Most common were the common myna (*Acridotheres tristis*) and the zebra dove (*Geopelia*

striata). Less common were the house finch (*Carpodacus mexicanus*), gray francolin (*Francolinus pondicerianus*), spotted dove (*Streptopelia chinensis*), northern cardinal (*Cardinalis cardinalis*), Japanese bush warbler (*Cettia diphone*) and the kōlea or Pacific golden-plover (*Pluvialis fulva*). Four (4) other species were rare of occurrence. Two (2) indigenous, native birds were recorded during the survey, the kōlea which was uncommon, and the ʻakekeke or ruddy turnstone (*Arenaria interpres*) which was rare. Both of these are migratory species that were molting in preparation for their imminent departure to their arctic breeding grounds. A few other species that might occur in this habitat include the wild turkey (*Meleagris gallopavo*), Erckel's francolin (*Pternistis erckelii*), and nutmeg mannikin (*Lonchura punctulata*). Refer to **Appendix "D"**.

Just one (1) non-native lizard, the common garden skink (*Lampropholis delicata*) was observed in ground leaf litter. Refer to **Appendix "D"**.

One (1) non-native mollusk, the giant African snail (*Achatina fulica*), was rare. Refer to **Appendix "D"**.

Insect life was modest in diversity, but rather sparse in total numbers. Eleven (11) species were recorded in six (6) insect Orders. Just one (1) species was common, the monarch butterfly (*Danaus plexippus*), which was seen throughout the project area. Three (3) other species were uncommon, the honeybee (*Apis mellifera*), dung fly (*Musca sorbens*), and long-tailed blue butterfly (*Lampides boeticus*). Seven (7) other species were of rare occurrence. One (1) insect species was native, the indigenous globe skimmer dragonfly (*Pantala flavescens*), which is common throughout Hawaiʻi. Refer to **Appendix "D"**.

b. <u>Potential Impacts and Mitigation Measures</u>

The vegetation throughout the project area is dominated by non-native pasture and weed species, none of which are of any conservation interest or concern. No Threatened or Endangered plant species were found during the survey, and no special native plant habitats were found either. As a result, the study determined that developmental projects in the area would not have a significant negative impact on the botanical resources in this part of Lānaʻi. No specific recommendations regarding plants were offered. Refer to **Appendix "D"**.

The fauna species identified within the project area are mostly non-native organisms that have been purposefully or accidentally introduced to Hawaiʻi since western contact. Two (2) bird species and one (1) insect

species, however, were indigenous in Hawaiʻi and are addressed here. Refer to **Appendix "D"**.

- **Kōlea or Pacific golden-plover and ʻakekeke or ruddy turnstone**

  These two (2) birds are migratory species that over-winter in Hawaiʻi between September and May, but then fly to the arctic where they breed and raise their young through the summer months. Both species show up here in large numbers every year. Neither species is Threatened or Endangered so they do not carry these heightened protections and are not of conservation concern at present.

- **Globe skimmer dragonfly**

  The globe skimmer is widespread and common in Hawaiʻi in a variety of habitats. It is also known throughout the tropics and subtropics nearly worldwide. While indigenous in Hawaiʻi, it carries no federal protections and is of no special conservation concern.

  In addition, mitigation measures to avoid or reduce harm to other species were discussed in the survey:

- **Hawaiian Bats**

  No endangered Hawaiian bats were detected in the project area at two (2) sampling points during the evening survey. These bats are rare on Lānaʻi, but they are highly mobile and wide-ranging, and could appear occasionally. The U.S. Fish and Wildlife Service (USFWS) has guidelines to ensure that these bats are not harmed during their breeding and pupping season should they be detected. In accordance with current USFWS guidance for mitigation of impacts to Hawaiian hoary bats, the project should avoid or minimize the removal of trees over 15 feet in height and prohibit clearing of these trees from June 1 to September 15 to help ensure that non-volant Hawaiian hoary bat pups are not harmed.

- **ʻUaʻu and ʻAʻo**

  The Endangered ʻuaʻu or Hawaiian petrel (*Pterodroma sandwichensis*) and the Threatened ʻaʻo or Newell's shearwater (*Puffinus newelli*), while not nesting in the project area, do fly over the Project District area during dusk to access their burrows high in the mountains and again at dawn to head out to sea. Young birds

taking their first fledging flights are inexperienced fliers. They often are disoriented by bright lights and crash into light structures where they become vulnerable to injury and predators. All outdoor lighting should be shielded so that the light is not visible from above. This is a requirement of the Maui County building code. Further guidance may be provided by the USFWS.

Taking into consideration the above comments and recommendations, the study concluded that the proposed action is not expected to have any significant negative impacts on native fauna in this part of Lānaʻi.

8. Archaeological Resources

a. Existing Conditions

Honua Consulting conducted a literature review and field inspection for the proposed Kōʻele Project District amendment located at Kōʻele in Kamoku and Paomaʻi Ahupuaʻa, Lahaina District, Lānaʻi Island. See **Appendix "E"**. The literature review and field inspection focuses on two (2) adjacent parcels of land to be rezoned and added to the existing Project District, including a 57.2-acre property (referred to as Parcel 1) and a 9.5-acre property (referred to as Parcel 2). Also included in their report is a literature review that provides a cultural resources inventory for the entire proposed Kōʻele Project District. The purpose of this literature review, field inspection, and cultural resources inventory was to determine the land use history of the area and to identify any potential artifacts, surface architecture, or cultural deposits present on the ground surface of Parcels 1 and 2, and to provide an inventory of cultural resources present in the proposed Kōʻele Project District.

The current field inspection of Parcel 1 yielded two (2) potential historic properties and four (4) secondarily deposited traditional Hawaiian artifacts were collected from three (3) separate locations. The first potential historic property was a truncated firepit remnant containing native charcoalized plants (ʻilima and naio). The site was documented and designated as State Inventory of Historic Places (SIHP) #50-40-98-1988 (Feature 1). In accordance with Hawaiʻi Administrative Rules (HAR) 13-284-6, the firepit was assessed as having integrity of location and significance under Criterion D (have yielded data important to Hawaiian history). Two (2) sections of a plantation-era pineapple road with an associated ditch (Feature 2) were also documented (second potential historic property). The road and ditch remnant are typical features of the pineapple fields of the island, yet this section is heavily eroded, in-filled in sections, and has

modern modifications. Therefore, the road and ditch were assessed as not having integrity or significance and were not assigned a site number. Artifacts collected during the survey were found within formerly plowed pasture and are therefore considered secondarily deposited. However, it is very likely the artifacts are associated with traditional activities and use of the area, as exampled by the presence of the remnant fire pit (SIHP #-1988). Refer to **Appendix "E"**.

During the surface survey of Parcel 2, three (3) potential historic properties were documented, including a historic semi-circular rock wall planter (Feature 3), a historic to modern scatter of rounded basalt cobble imu stones (Feature 4), and a low plantation-era mortar and cobble foundation designated as SIHP #50-40-98-1989 (Feature 5). Features 3 and 4 were assessed as not retaining integrity or significance. SIHP # -1989 (Feature 5) appears to be largely buried by soil, therefore, it is unknown whether the foundation is intact within its original location or if it may yield valuable data. Refer to **Appendix "E"**.

The surface survey within Parcel 2 also documented the presence of two (2) previously identified historic ranch-era buildings, Structures C and D, of the Kōʻele Historic District. The two (2) houses were originally documented during the 1974 Statewide Inventory of Historic Places as components of the Kōʻele Historic District, SIHP # -1004, which consisted of four (4) ranch-era buildings preserved on the property. Refer to **Appendix "E"**.

It is noted that the literature review and field inspection report has been submitted to the SHPD for review and comment as part of the EA process.

b. <u>Potential Impacts and Mitigation Measures</u>

Due to the presence of a traditional Hawaiian intact firepit remnant, traditional Hawaiian artifacts, and the presence of historic ranching and plantation-era infrastructure, it is likely that future construction activities may disturb additional traditional and/or historic sub-surface deposits and artifacts.

Potential deposits that could be encountered include, but are not limited to, additional firepit remnants, traditional human burials, animal burials, historic trash pits, and/or buried ranching and plantation-era infrastructure.

Although the currently proposed action does not involve construction activities, the following mitigation measures are recommended for potential future construction activities on Parcels 1 and 2:

- An archaeological monitoring program shall be adhered to in order to document any additional surface and/or sub-surface deposits and artifacts that may exist within Parcels 1 and 2;
- Within Parcel 2, Structures C and D of the Kōʻele Historic District (SIHP # -1004) should be assessed by a qualified architectural historian; and
- Within Parcel 2, SIHP # -1989 (Feature 5) (historic concrete and stone slab) should be further documented and assessed for integrity and significance during archaeological monitoring.

Pūlama Lānaʻi will comply with all applicable Federal, State and County laws and rules regarding the treatment of archaeological, cultural and historic sites.

As a result of the existing extensive ground work undertaken for development of the Project District and existing developments, no traditional cultural features are known to remain on the landscape. Some historic features, including trash pits and/or outhouse pits, occur below surface.

As previously stated, although the currently proposed action does not involve construction activities, it is nonetheless recommended that monitors trained in identifying subsurface features be onsite if ground work is undertaken for any future development activities.

It is noted that the firepit feature (Feature 1), historic road remnant and drainage ditch (Feature 2), historic planter (Feature 3), and the historic to modern stockpile of imu stones (Feature 4) have been analyzed and reported, no further work is recommended for these features.

The proposed amendments to the Kōʻele Project District will not affect the newly or previously recorded sites located within the project area and the analysis supports a project effect determination of "*no historic properties affected*". A literature review of the entire proposed Kōʻele Project Distict was conducted, and as no approvals for built structures or activities that would include ground disturbance in the Kōʻele Project District are being sought at this time, additional archaeological work in the Project District was not recommended at this time. Refer to **Appendix "E"**.

It is noted that the literature review and field inspection report has been submitted to the SHPD for review and comment as part of the EA process.

9. Cultural Resources

a. Existing Conditions

A cultural-historical study was prepared by Kepā Maly which focuses on native traditions and historical accounts that describe the ahupuaʻa (native land division) of Kamoku, focusing on the ʻili (land area within an ahupuaʻa) of Kōʻele, where the Project District is located. See **Appendix "F"**. The study provides the Hawaiian cultural context of Lānaʻi's history—the landscape, traditions of settlement and residency, patterns of land use, valued fisheries, and traditional-customary practices—as documented in archival records and by island elders and other kamaʻāina. The narratives also incorporate traditions of neighboring ahupuaʻa to provide readers with the larger view of native life and history in this region of Lānaʻi. The study includes documentation on valued beliefs and practices, and serves as a foundation for development of respectful management practices at Kōʻele, and offer rich details for sharing the history of place with those who live at or visit the area.

The ahupuaʻa of Kamoku, comprising 8,291 acres of land, is one of thirteen (13) native land divisions on the island of Lānaʻi, and is situated on the kona (leeward) side of the island. There is a rich history and ample physical evidence of native Hawaiian residency in the ahupuaʻa of Kamoku, but by the late 1840s, when King Kamehameha III granted fee-simple property right to his people, only four (4) natives recorded claims for personal property rights in the ahupuaʻa. Refer to **Appendix "F"**.

In 1975, Maly accompanied Kenneth Emory on a week-long trip around Lānaʻi. In 2001, formal recorded interviews with elder kamaʻāina of Lānaʻi were begun, and visits to wahi pana (storied places) continued. No new interviews were conducted as a part of the present study. Rich oral historical memories have been recorded with elder kamaʻāina, born as early as the 1890s. Through the interviews, we learn that facets of that knowledge and customary practices still exist in the community. Refer to **Appendix "F"**.

b. Potential Impacts and Mitigation Measures

As with archaeology, it is unlikely that the proposed action will have an impact on cultural resources. No development actions are proposed at this time.

10. Air Quality

a. Existing Conditions

There are no non-attainment areas for air quality in the State of Hawaiʻi, and air quality monitoring data is, thus, very limited. The ambient air quality of the area is typically clean and subject to the prevailing onshore winds. There are no major sources of air pollution in the immediate vicinity, such as agricultural burning, manufacturing plants and incinerators.

b. Potential Impacts and Mitigation Measures

Although the currently proposed action does not involve construction activities, it is noted that short-term impacts from fugitive dust are expected to occur during any potential future construction. To a lesser extent, exhaust emissions from stationary and mobile construction equipment, from the disruption of traffic, and from workers' vehicles, may also affect air quality during potential future construction activities.

Post construction, motor vehicles coming to and from the Project District may result in a long-term increase in air pollution emissions in the project area.

Given the reduction in scale of land area, densities and unit counts, there will be a reduction in traffic and other air quality impact issues once the amendments are made to the Kōʻele Project District.

Potential future improvements associated with the Kōʻele Project District are not expected to cause a significant air quality impact, including anticipated greenhouse gas emissions, above those contemplated with the approval of the existing Project District. As such, no mitigation measures beyond compliance with applicable regulations, requirements, and standards, are required.

11. Noise

a. Existing Conditions

Noise within Lānaʻi City's regional vicinity is primarily derived from: 1) the natural environment (wind, rain, etc); 2) traffic from neighboring roadways; 3) community sounds related to people, animals/pets, etc.; and 4) nearby aircraft in flight to/from the Lānaʻi Airport.

b. Potential Impacts and Mitigation Measures

As previously discussed, the currently proposed action does not involve construction activities. However, it is noted that there is usually unavoidable noise impacts associated with operation of heavy construction machinery, paving equipment and material transport vehicles during construction activities which would be present during future construction activities that may take place. Proper mitigating measures to minimize construction-related noise impacts and comply with all Federal and State noise control regulations will be employed.

Increased noise activity due to construction would be limited to daytime hours and persist only during construction. Noise from construction activities would be short term and will comply with Department of Health (DOH) noise regulations found in HAR, Chapter 11-46, Community Noise Control. When construction noise exceeds, or is expected to exceed the DOH's allowable limits, a permit must be obtained from the DOH. Any future development would undergo separate analysis to evaluate potential noise impact related to the future action.

12. Scenic and Open Space Resources

a. Existing Conditions

The Kōʻele Project District is located immediately above Lānaʻi City. Most of the area's topography consists of flat to gently sloping open, patchy forest and scrub lands. The area has been extensively developed previously with a hotel, golf courses, residential and related uses. Adjoining is Lānaʻi City and the variety of residential, commercial, industrial, and public uses.

b. Potential Impacts and Mitigation Measures

The area of the Project District is not part of a scenic corridor, and the proposed action, as it does not involve construction activities, will not affect scenic vistas and view planes. The proposed action does not involve significant alteration of the existing topographic character of the site.

13. Beach and Mountain Access

a. Existing Conditions

Given the Project District's inland location, it is in proximity of the island's sole peak, Lānaʻihale. A very small portion of the Munro Trail is located in

the vicinity of the Project District. The Project District does not offer any beach access.

b. Potential Impacts and Mitigation Measures

As no construction activities are being proposed, the action is not anticipated to present any adverse impacts on beach and mountain access.

14. Hazardous Materials

a. Existing Conditions

A Phase I Environmental Site Assessment (ESA) was conducted for those lands proposed to be added to the Kōʻele Project District. See **Appendix "G"**. The purpose of the assessment is to identify Recognized Environmental Conditions (RECs) at the site, including Controlled Recognized Environmental Conditions (CRECs), Historical Recognized Environmental Condition (HRECs), and de minimis conditions as defined by the American Society for Testing and Materials E 1527-13 standard. The scope of the Phase I ESA included the following tasks:

- Site and vicinity reconnaissance
- Site and vicinity description and physical setting
- Historical source review and description of historic Site conditions
- Interviews with owners, operators, and/or occupants of the Site, and/or local officials
- Review of environmental databases and regulatory agency records
- Review of previous environmental reports/documentation, as applicable
- Review of environmental liens, if provided or authorized to obtain by the User
- Preparation of a report summarizing findings, opinions, and conclusions

At the time of the preparation of the ESA, approximately 18 acres of the study area were operated by multiple contractors as a construction lay-down site associated with the renovations to the former Lodge at Kōʻele and other development projects on Lānaʻi. Approximately 57.2 acres of the study area are currently operated by Lānaʻi Ranch with pasture area, stables, horses and other livestock. Adjacent to the Lānaʻi Ranch is a shipping container staging area.

During the site reconnaissance, portions of the site were overgrown and access was not provided to the residential structures, all of the construction trailers, or all of the shipping containers used to store construction materials on the site. The ESA noted that these limiting conditions are not expected to impact the results of the Phase I ESA because the overgrown areas appear to be limited to vegetation. The residential structures are used for residential purposes and the construction trailers and shipping containers are expected to be similar to the ones that were accessed. Refer to **Appendix "G"**.

b. <u>Potential Impacts and Mitigation Measures</u>

The ESA revealed no evidence of recognized environmental conditions (RECs) and/or controlled recognized environmental conditions (CRECs) in connection with the site, except for the following:

REC No. 1

During Site reconnaissance a large area of staining was observed on the ground around the painting booth. Site personnel indicated that the staining was a result of overspray from wood staining activities using PPG ProLuxe 1 Primary Coat RE Wood Finish Transparent Satin. This would constitute a REC, as this is a petroleum-based product that has been released to the environment.

De Minimis Conditions

This assessment has revealed the following de minimis conditions in connection with the Site:

- *Less than one square foot of staining was observed on the ground in the BMK tent in the construction laydown portion of the Site. No evidence of a leaking container or source was identified. Due to the very limited nature, this would be considered de minimus.*

The following additional findings were identified during the course of the Phase I ESA that have not been determined to be RECs:

Finding No. 1

The previous use of portions of the Site as part of pineapple plantation activities indicates possible use of pesticides and other chemicals. Disturbance of soils could lead to potential exposures to potential pesticides and other chemicals and should be considered during the redevelopment process.

Finding No. 2

An AST containing propane was observed near one of the residential structures on the Site. The AST is located on the exterior of the residence. No releases have been reported from the AST and no staining was noted at the time of inspection. As no releases to the environment are known or suspected, this is not considered to be a REC.

Pūlama Lānaʻi will comply with all applicable Federal, State and County laws and rules regarding the treatment of RECs. In consideration of the above, the level of impact due to the findings of the ESA are anticipated to be less than significant.

B. SOCIO-ECONOMIC ENVIRONMENT

1. Regional Setting

The island of Lānaʻi is the second smallest of the populated Hawaiian Islands, with a land area of about 141.3 square miles. Of this total area, lands within the State "Agricultural" District occupy 72.9 square miles, while lands within the "Conservation" District encompass 59.7 square miles. "Urban" and "Rural" designated lands comprise 5.0 and 3.7 square miles, respectively.

Historically, Castle & Cooke, Inc. acquired more than 98 percent of the island and had established a 16,000-acre pineapple plantation surrounding its company town, Lāna'i City by the 1920s. For most of the 20th century, Lānaʻi remained a plantation community. In the early 1990s, the declining profitability from pineapple cultivation resulted in a transition from an agricultural to visitor industry-based economy. In 2012, Lānaʻi Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, purchased the Castle & Cooke, Inc. holdings on Lānaʻi.

The island of Lānaʻi is accessible by limited commercial inter-island flights, barge and ferry services, as well as private boats and aircraft. Lānaʻi City is the island's town center and its residential and commercial core. Lānaʻi Airport, located 3.2 miles southwest of the Project District, is the island's only airport linking Lānaʻi to other neighbor islands. Kaumālapaʻu Harbor is a State-owned small barge harbor located on the southwest coast of Lana'i. It is the island's only commercial seaport. Fuel and commodities for the island's residents come through this harbor. The Mānele Small Boat Harbor, also a State-owned harbor, accommodates various recreational and commercial boating activities, and a daily ferry shuttle service to and from Lahaina, Maui.

Lānaʻi's attraction to visitors is attributable to its comfortable year-round climate and its world renowned, first class resorts, which includes the Four Seasons

Resorts Lānaʻi at Mānele and Sensei Lānaʻi, a Four Seasons Resort. Hotel Lānaʻi in Lānaʻi City also offers accommodations for visitors to the island.

2. Population

a. Existing Conditions

The resident population of Lānaʻi has grown steadily within the past few decades. This gain is evident during the period from 1990 to 1995 as the island's emerging visitor industry attracted new employees for its resort operations.

In 1990, the resident population of Lānaʻi was at 2,426, while in 2000, the population stood at 3,193, an increase of 31.6 percent (Maui County Data Book, 2019).

The global financial crisis in 2008-2009 and resulting slowdown in the economy had a detrimental effect on population growth in the state and counties of Hawaiʻi. This is evidenced by a 1.8 percent decrease in Lānaʻi's population between 2000 and 2010 to 3,135. In the long term, however, population growth is expected to increase. The resident population of Lānaʻi is forecasted to increase to 4,020 in 2030 (Lānaʻi Community Plan, 2016).

b. Potential Impacts and Mitigation Measures

The proposed action does not involve construction activities and, as such, is not anticipated to impact the island's population. In addition, it is also noted that the proposed amendments seek to decrease the overall amount of lands within the Project District's residential sub-designations.

3. Economy

a. Existing Conditions

With its shift to a visitor industry-based economy, the island of Lānaʻi has emerged as one of the foremost luxury resort destination areas in the world. This accomplishment is evidenced by the success of the island's resorts.

In addition to the resorts, local businesses and visitor-oriented service providers contribute to the success of the island's economy. These include outdoor recreational activities, such as fishing, diving, hiking, hunting, bicycling, kayaking, sport shooting, snorkeling, whale watching, and sightseeing.

Hawaiʻi's economy through 2019 was strong, with record-setting visitor arrivals and low unemployment. Although historical unemployment rate trends for Lānaʻi supports this and shows improvement due in large part to the reopening of the Sensei Lānaʻi, a Four Seasons Resort in November 2019, the COVID-19 pandemic will have far reaching impacts on the economy in Hawaiʻi and across the nation and world. Stay-at-home regulations and travel quarantines aimed to curb the spread of COVID-19 virus in Hawaiʻi have caused many businesses to shut down or drastically reduce operations. Unemployment claims have soared. While unemployment rates remain high, the economy is slowly recovering. As of September 2021, the unemployment rate on Lānaʻi was at 4.7 percent, compared to 20.0 percent the year prior (Department of Labor and Industrial Relations, 2021).

b. Potential Impacts and Mitigation Measures

The proposed action does not involve any construction activities and, as such, there is no short-term impact on the economy.

It is noted that the lands proposed to be added to the Project District present future opportunities for potential construction-related spending and expanded resort and resort amenity-related employment opportunities. Specifically, under a full build-out scenario for the proposed amended Project District, approximately 450 direct jobs and 180 indirect jobs would be created, approximately 570 of which would be on Lānaʻi. Refer to **Appendix "H"**.

4. Housing

a. Existing Conditions

According to a Socio-Economic Impact Report prepared for the proposed action, the average household size on Lānaʻi was 2.57 people per household between the years 2013 and 2017, a slight decrease from 2.71 people per household in 2010. Between 2013 and 2017, Lānaʻi had an estimated 1,561 housing units, of which, approximately 20.2 percent were vacant. See **Appendix "H"**.

b. Potential Impacts and Mitigation Measures

As discussed previously, the proposed action does not involve any construction activities. The proposed amendments seek to decrease the amount of lands within the Project District's residential sub-designations while also adding lands for Hotel and Resort Commercial uses. Following

the proposed amendments, there will be a limited amount of residential sub-designated lands left for future development in the Project District.

C. PUBLIC SERVICES

1. Police and Fire Protection

a. Existing Conditions

Police and security services for island residents are provided by the Maui Police Department (MPD). The Lānaʻi Police Station is situated in Lānaʻi City.

Fire prevention, protection, and suppression services for the island of Lānaʻi are provided by the Maui County Department of Fire and Public Safety. The Lānaʻi Fire Station is also located in Lānaʻi City.

b. Potential Impacts and Mitigation Measures

The proposed action will not extend the service limits for emergency services. Police and fire protection services are not anticipated to be adversely impacted by the proposed action. Pūlama Lānaʻi proposes to coordinate with the County, local police, and fire services to mitigate any potential adverse impacts to these services.

2. Medical Services

a. Existing Conditions

The Lānaʻi Community Hospital is the major medical facility on the island. The 14-bed facility provides acute and long-term medical care, as well as 24-hour emergency medical service.

Also in Lānaʻi City is the Lānaʻi Health Center and Straub Clinic which provide outpatient medical care for the island's residents, as well as Rainbow Pharmacy, which provides for the island's pharmaceutical needs.

b. Potential Impacts and Mitigation Measures

The proposed action does not involve any construction activities and, as such, construction-related impacts to medical services are not anticipated.

From a long-term perspective, the proposed action is not a population generator and is not anticipated to adversely impact medical services in the community.

3. Solid Waste

a. Existing Conditions

Single-family solid waste disposal on Lānaʻi is provided by the Maui County Department of Environmental Management (DEM), while commercial disposal service is provided by a private disposal service. The DEM's Lānaʻi Landfill is the primary disposal site for Lānaʻi.

Pūlama Lāna'i has established new recycled waste facilities and services, such as HI-5 recycling and centralized disposal of junk vehicles, white goods, and other recyclables which are shipped off island to permitted waste disposal sites on Oʻahu. These programs and services serve to divert streams of material disposed at the landfill.

b. Potential Impacts and Mitigation Measures

The proposed action is not anticipated to have a significant impact on solid waste disposal services, nor on the Lānaʻi Landifill.

4. Recreational Resources

a. Existing Conditions

Public parks and recreational facilities are administered and maintained by the Maui County Department of Parks and Recreation (DPR). DPR parks and facilities in Lānaʻi City include: the Lānaʻi Community Center, the Lānaʻi Gym and Tennis Courts, and the Lana'i Little League Field, Fraser Avenue Park, and Kaumalapa'u Highway/Fraser Avenue Park.

There are also a number of privately-owned and maintained recreational facilities that are available for public use. Situated in Lānaʻi City, Dole Park is a privately-owned park utilized by the public. Additional privately-owned parks utilized by the public include Waialua Park and Hulopoʻe Beach Park. Olopua Woods Park and Waialua Park are located in Lānaʻi City, while Hulopoʻe Beach Park is located near the Mānele Small Boat Harbor. Other beaches on Lānaʻi include: Kaiolohia (Shipwreck Beach), Lapa Beach, Polihua Beach, and Sharks Bay.

The Lānaʻi Recreation Center is a privately-owned and maintained recreational complex which is utilized by the public. The Center encompasses a heated swimming pool, basketball court, exercise track, fitness course, softball fields, recreational building, and playground.

Other privately operated recreational facilities on Lānaʻi include one (1) 18-hole championship golf course and a 9-hole golf course. The Challenge at Mānele adjoins The Four Seasons Resort Lānaʻi at Mānele. The 9-hole Cavendish Golf Course is the other privately operated facility located within the Kōʻele Project District which provides recreational opportunities for Lānaʻi residents at no cost.

b. Potential Impacts and Mitigation Measures

The proposed action is not considered a population generator. The proposed action is not intended to adversely impact the existing recreational facilities on Lānaʻi. On the contrary, the proposed amendments seek to increase the amount of Project District lands within the Open Space and Park sub-designation, thereby providing opportunities for enhancement of existing and provision of additional recreational resources on Lānaʻi.

5. Schools

a. Existing Conditions

The island of Lānaʻi is served by the State of Hawaiʻi, Department of Education's (DOE's) public school system.

Located in Lānaʻi City, Lānaʻi High and Elementary School (LHES) provides elementary and secondary educational facilities and services for children from kindergarten through the twelfth grade.

LHES is the largest of six (6) kindergarten through grade 12 public schools in the DOE system. It is the only school that serves educational needs on the island of Lānaʻi.

b. Potential Impacts and Mitigation Measures

As previously mentioned, the proposed action is not considered a population generator and will not place added demands on educational facilities or services on Lānaʻi.

D. INFRASTRUCTURE

1. Roadways

a. Existing Conditions

Austin, Tsutsumi & Associates, Inc. conducted a Traffic Assessment (TA) to document the updates and impacts from the proposed Kōʻele Project District in comparison to the original Kōʻele Project District. See **Appendix "I"**. In addition, an Addendum to the TA was prepared in November 2021 to address comments received on the Draft EA. See **Appendix "I-1"**. The original Kōʻele Project District spans approximately 632.5 acres of land immediately northeast and adjacent to Lānaʻi City. However, the Proposed Kōʻele Project District will reduce the overall Project District by 8 percent in acreage.

Within Lānaʻi City, the roadways are generally oriented within a rectangular grid network and serve low volumes of traffic. The roadways are generally narrow and are shared by both vehicular and pedestrian traffic due to the rural nature of the area. The following roadways serve as the major thoroughfares for traffic:

- Kaumālapaʻu Highway is generally an east-west, two-way, two-lane, undivided roadway. The roadway begins to the west at Kaumālapaʻu Harbor and travels to the east where it serves Lānaʻi Airport before terminating within Lānaʻi City at its intersection with Lānaʻi Avenue and Queens Street. The posted speed limit along Kaumālapaʻu Highway is 20 miles per hour (mph) within Lānaʻi City and increases to 45 mph to the west of the city.

- Mānele Road is generally a north-south, two-way, two-lane, undivided State roadway. The roadway begins to the north at its intersection with Kaumālapaʻu Highway at the edge of Lānaʻi City and travels to the south where it terminates at Hulupoʻe Bay. The posted speed limit along Mānele Road is 35 mph in the vicinity of Lānaʻi City.

- Fraser Avenue is generally a north-south, two-way, two-lane, undivided roadway. The roadway begins to the south at its intersection with Kaumālapaʻu Highway and travels to the north before terminating within the Kanepuu Apartments complex. Fraser Avenue provides access to Lānaʻi Elementary and High School, churches, Dole Park and connections to restaurants and retail. The posted speed limit along the roadway is 20 mph.

- Lānaʻi Avenue is generally a north-south, two-way, two-lane, undivided roadway. The roadway begins to the south at its intersection with Akolu Place and travels to the north before terminating at its intersection with Keomuku Highway and the Iwiole Hale Apartments driveway. Lānaʻi Avenue runs parallel to Fraser Avenue and provides connections to residential and commercial areas. The posted speed limit along the roadway is 20 mph.

- 8th Street is generally an east-west, two-way, two-lane, undivided roadway. The roadway begins to the west at its intersection with Fraser Avenue and travels to the east before terminating at its intersection with Lānaʻi Avenue. 8th Street borders Dole Park and serves the main commercial area within Lānaʻi City. Parking is provided along the northern side of the roadway. The posted speed limit along the roadway is 20 mph.

With regards to multi-modal activity, sidewalks are provided along portions of Fraser Avenue, Lānaʻi Avenue, Kaumālapaʻu Highway, Ilima Avenue, 5ith Street, 7th Street, 8th Street, and Keomuku Highway within Lānaʻi City. In addition, Kaumālapaʻu Highway from Mānele Road to Kaumālapaʻu Harbor is currently designated as a shared roadway per the State Department of Transportation's (SDOT) Bike Plan Hawaii: Bikeway Map. There is currently no public transportation on Lānaʻi.

The impacts of the Original Kōʻele Project District on the Lānaʻi City roadway network were included in the Lānaʻi City Traffic Circulation Plan Traffic Impact Analysis Report (TIAR), dated October 4, 1991, hereinafter referred to as the "Original TIAR." The Original TIAR, studied the following four (4) intersections:

- Kaumālapaʻu Highway/Fraser Avenue
- Kaumālapaʻu Highway/Lānaʻi Avenue
- 8th Street/Lānaʻi Avenue
- 8th Street/Fraser Avenue

The above intersections were studied as they were identified as major intersections that are currently anticipated to serve the highest volumes through Lānaʻi City. All four (4) intersections are currently unsignalized with two-way stop controls.

The Original TIAR includes traffic generated by various developments proposed on the island. Trip generation for the Original Kōʻele Project District in the Original TIAR was limited to 275 single-family residential units

and 100 multi-family units as well as the 250-room Kōʻele Lodge (assumed as a 148-room expansion at the time of the report). The Original TIAR did not include trip generation for the golf course land use as the course was open and operational at the time of data collection.

The Original TIAR evaluated intersection movements based on a Level of Service (LOS). LOS is a qualitative measure used to describe the conditions of traffic flow at intersections, with values ranging from free-flow conditions at LOS A to congested conditions at LOS F. LOS D or better is generally considered acceptable for major movements.

Accounting for all the proposed developments on Lānaʻi, the Original TIAR anticipated all studied intersections would operate with little to no delay and all movements at LOS B or better during the morning and afternoon peak hours of traffic. Even with the proposed developments, the existing roadway network was anticipated to handle the increase in traffic from new developments due to the low existing traffic volumes. Refer to **Appendix "I"**.

Nonetheless, the following intersections were evaluated as part of the TA Addendum to determine the potential impacts to State roadways within the vicinity of the proposed amended Kōʻele Project District:

- Kaumālapaʻu Highway/Mānele Road
- Kaumālapaʻu Highway/Fraser Avenue
- Kaumālapaʻu Highway/Lānaʻi Avenue

Traffic count data at the above intersections was estimated based on data provided in the Traffic Impact Analysis Report prepared for the Hokuao 201-H Housing Project and the Lānaʻi City Traffic Circulation Plan. Traffic volumes from the studies were adjusted to existing conditions based on 2019 segment data collected by the SDOT along Kaumālapaʻu Highway, Mānele Road, Fraser Avenue and Lānaʻi Avenue.

Based on the data, the morning peak hour of traffic occurs from 7:00 a.m. to 8:00 a.m. and the afternoon peak hour of traffic occurs from 2:00 p.m. to 3:00 p.m. Existing traffic volumes along the study roadways are low during both peak hours of traffic due to the rural nature of Lānaʻi and limited resident population. At the study intersections, existing volumes were no more than 350 vehicles during either peak hour and experienced minimal conflict. Refer to **Appendix "I-1"**.

b. Potential Impacts and Mitigation Measures

For the purposes of the Traffic Addendum, full development of the Proposed Kōʻele Project District was assumed to occur over a 20-year horizon. Population growth and related traffic growth has generally been limited on Lāna`i as a result of limited housing and employment opportunities on the island. A growth rate was not applied to existing traffic as any growth on the island is expected to be tied to new housing inventory and employment.

In order to account for future growth on the island, as new opportunities are made available, traffic generated by planned developments by Pūlama Lānaʻi, the State and the County were added to the study intersections. These developments included the Hōkūao 201H Housing Project, Department of Hawaiian Home Lands (DHHL) Lānaʻi Residence Lots Phase II, County of Maui Affordable Housing, and Miki Basin Industrial Park. The planned developments are expected to generate 286 trips during the morning peak hour of traffic and 406 trips during the afternoon peak hour of traffic.

The Institute of Traffic Engineers Trip Generation Manual, 10th Edition was used to determine the number of vehicular trips generated by the proposed Kōʻele Project District land uses with the exception of the Resort Commercial area, as the Resort Commercial area is expected to be primarily used by resort guests and, therefore, is not expected to generate trips outside of those attributed to the proposed Kōʻele Project District.

Although no immediate construction is currently planned within the proposed Kōʻele Project District boundaries, based on the proposed land use density (overall project district reduction in acreage for uses that would generate traffic impacts), the proposed Kōʻele Project District may generate up to 50 trips during the morning peak hour of traffic, and 91 trips during the afternoon peak hour. The proposed Kōʻele Project District is anticipated to contribute 5 to 10 percent of future volumes at the study intersections.

Under future conditions, up to 650 vehicles are projected to travel through the study intersections during either peak hour of traffic and are anticipated to continue to experience minimal conflicts.

Given the unique character of Lānaʻi, adjustments can be applied to future development trip generation to obtain volumes more consistent with existing conditions on the island. Under the adjusted future conditions, up

to 500 vehicles are projected to travel through the study intersections during either peak hour of traffic and are anticipated to continue to experience minimal conflicts.

In light of the foregoing, an updated TIAR is not anticipated to be required for the proposed Kōʻele Project District given that the study intersections will continue to operate similar to existing conditions upon full development of not just the Kōʻele Project District, but of the island of Lānaʻi. Refer to **Appendix "I-1"**.

2. Water

a. Existing Conditions

Water System

R.M. Towill Corporation prepared a Preliminary Engineering Report (PER) that included a summary of water impacts due to the proposed Kōʻele Project District Amendment. Refer to **Appendix "J"**. The impacts to water demand due to the proposed Kōʻele Project District can be determined by comparing the calculated water demands for both the existing and proposed Kōʻele Project District at full build-out conditions. With regard to the proposed Kōʻele Project District water demands, in lieu of maximum density calculations, a proposed amended development program was provided by Pūlama Lānaʻi which limits unit counts and developed areas.

The water system for Lānaʻi is owned and operated by the Lanai Water Company and is divided into nine (9) aquifer systems for the island. The Kōʻele Project District falls within the Leeward Aquifer.

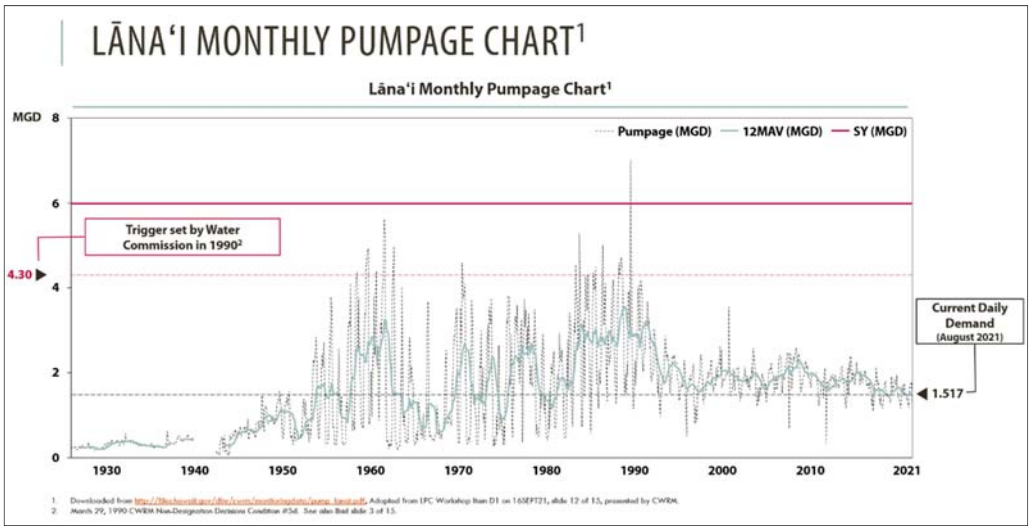
Water transmission mains generally consist of 8-inch and 12-inch pipes. The primary supply of potable water for Lānaʻi City is from the 750,000 gallon Koele Tank and 2.0 million gallon (MG) Lānaʻi City Tank. The Koele Tank is supplied with water from Wells 3 and 8 and the Lānaʻi City Tank is supplied by Well 6.

Water Availability

There are two (2) aquifers on Lānaʻi, the Leeward Aquifer system and Windward Aquifer system, each with a sustainable yield of 3.0 million gallons per day (MGD). Together, the total sustainable yield for the island of Lānaʻi is 6.0 MGD.

Lānaʻi Water Company provides Periodic Water Reports (PWR) to the County of Maui, Department of Water Supply and State of Hawaiʻi, Commission on Water Resource Management (CWRM). The PWR can be accessed each month from the Lānaʻi Water Company's website.[1] The PWR contains data sets of gallons of water pumped, water use on the island, water well levels, and water temperature and chlorides. The CWRM publishes on their website a twelve (12) month moving average monthly pumpage chart relative to the island's 6.0 MGD sustainable yield.[2] In the context of the island's sustainable yield of 6.0 MGD, the CWRM established a management guideline trigger of 4.3 MGD to initiate proceedings to designate Lānaʻi as a groundwater management area (Lānaʻi Water Use and Development Plan, 2011). Lānaʻi Water Company has a data set containing water readings from 1926 through today. The daily water demand on Lānaʻi, last updated for August 2021, is 1.517 MGD.[3] This daily water demand is significantly lower than the 4.3 MGD trigger set by the CWRM in 1990 and the 6.0 MGD sustainable yield for the island of Lānaʻi. **Table 6** below is reproduced from the CWRM website for Lānaʻi, and annotated with information stated herein.

Table 6. Lānaʻi Monthly Pumpage Chart



[1] See hyperlink https://lanaiwatercompany.com/water-reports/
[2] See hyperlink https://files.hawaii.gov/dlnr/cwrm/monitoringdata/pump_lanai.pdf
[3] See hyperlink https://files.hawaii.gov/dlnr/cwrm/monitoringdata/pump_lanai.pdf

REF-58

b. Potential Impacts and Mitigation Measures

Water System

Overall, the proposed Kōʻele Project District will cause a reduction in water demand, compared to the existing Kōʻele Project District, as a result of a reduction in acres of entitled Residential and Multi-Family entitled land. See **Table 7** and refer to **Appendix "J"**.

Table 7. Water Demand Summary

Land Use	Existing Project District Average Daily Demand (GPD)	Proposed Project District Average Daily Demand (GPD)[a]
Hotel	185,000	182,000
Multi-Family Residential	54,000	31,800
Single-Family Residential	153,000	34,200
Park	19,550	1,500
Open Space	0	0
Golf Course[b]	20,750	20,000
Public	1,700	N/A
Stables and Tennis Courts	2,500	N/A
Resort Commercial	N/A	22,760[c]
TOTAL	**436,500**	**292,260**

[a] Proposed demands are based on Pūlama Lānaʻi's program which limits unit counts and developed area.

[b] Clubhouse and Cavendish only. The former Experience at Kōʻele's irrigation was provided by effluent.

[c] Includes Stables and Tennis Courts demand which is superseded by Resort Commercial land use.

Source: R.M. Towill, 2021.

Although the Park acreage increases from 11.5 acres to 234.9 acres, the estimated water demand decreases to 1,500 GPD, as irrigation is anticipated to be primarily provided by effluent, not potable water, to the extent available. The effluent water proposed to irrigate the Park subdistrict was previously used for the Golf subdistrict where the Experience at Kōʻele Golf Course was formerly located. The 1,500 GPD estimated for the proposed Kōʻele PD water demand for Park is driven by future comfort stations. Reclaimed water will also be used for irrigation of Hotel lands, to the extent available.

REF-59

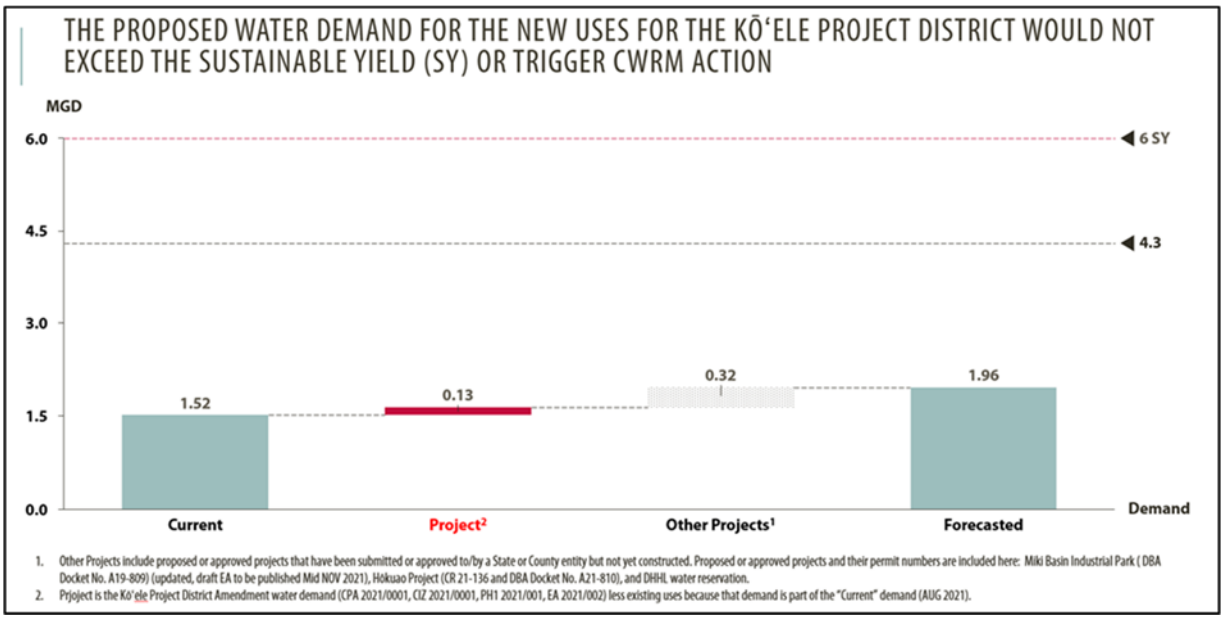
It should be noted that although approximately 49 acres of Single-Family sub-designated lands is proposed to be removed from the Kōʻele Project District (in the area between Kaunaoa Drive and Queens Street), there are 25 existing single-family dwellings that will continue to have water demand. The total existing water demand for said residences is estimated to be 15,000 GPD.

Water Availability

The water demand for the proposed project is also analyzed in the context of the 6.0 MGD sustainable yield for the island as a whole. **Table 8** below was created to provide a perspective of the incremental demand for the full build out of the Kōʻele Project District's water demand on the island as well as other proposed or approved projects on the island. On the far left, the current water demand on Lānaʻi is represented as a light aqua bar (approximately 1.52 MGD), the next additional incremental demand in the red bar is the full build out for the proposed Kōʻele Project District (approximately 0.13 MGD) less the existing water demand (captured in the current water demand), followed by the gray bar for other proposed or approved projects (approximately 0.32 MGD). The total forecasted water demand for Lānaʻi (summation of the values) is 1.96 MGD, which is less than the 4.3 MGD trigger set by CWRM and less than the sustainable yield of 6.0 MGD for Lānaʻi.

Based on the foregoing, significant adverse impacts to water resources are not anticipated as a result of the proposed project.

Table 8. Forecasted Lānaʻi Island Water Demand



REF-60

3. Wastewater

a. Existing Conditions

Lānaʻi's municipal wastewater collection system is situated in and around Lānaʻi City. Wastewater generated by Kōʻele Project District is collected by 8-inch and 6-inch pipes and conveyed southwest towards the Lānaʻi City Wastewater Treatment Plant. R.M. Towill Corporation's PER also included a summary of wastewater impacts due to the proposed Kōʻele Project District Amendment. Refer to **Appendix "J"**. The impacts to wastewater flow due to the proposed Kōʻele Project District can be determined by comparing the calculated wastewater flows for both the existing and proposed zoning districts at full buildout conditions. Proposed wastewater demands are based on Pūlama Lānaʻi's program which limits unit counts and developed areas.

b. Potential Impacts and Mitigation Measures

Overall, the proposed Kōʻele Project District will cause a reduction in proposed wastewater flows, compared to the existing Kōʻele Project District, as a result of a reduction in developable land. See **Table 9**. It should be noted that, although approximately 49 acres of single-family sub-designated lands is proposed to be removed from the Kōʻele Project District (in the area between Kaunaoa Drive and Queens Street), there are 25 existing dwellings that will continue to have wastewater flows. This flow is estimated to be 8,750 gpd. Refer to **Appendix "J"**.

Table 9. Wastewater Flow Summary

Land Use	Existing Project District Average Daily Demand (gpd)	Proposed Project District Average Daily Demand (gpd)[a]
Hotel	87,500	85,400
Multi-Family Residence	22,950	15,415
Single-Family Residence	89,250	19,950
Park (Comfort Stations)	[b]0	1,500
Open Space	0	0
Golf Course	1,750	[c]500
Public	[b]0	N/A
Stables & Tennis Courts	125	N/A
Resort/Commercial	N/A	[d]11,100
TOTAL	**201,575**	**133,865**

[a] Proposed demands are based on Pūlama Lānaʻi program, which limits unit counts and developed area.
[b] No wastewater demand.
[c] Cavendish only
[d] Includes Stables & Tennis Courts demand which is superseded by Resort/Commercial land use.

Source: R.M. Towill, 2021.

REF-61

4. Drainage

a. Existing Conditions

The Kōʻele Project District area is located on the leeward side of the mountains in the central area of Lānaʻi. It is situated mauka of Lānaʻi City at the foothills of the mountain range and varies in elevation from approximately 1,600 to 2,000 feet msl. The topography is moderate below the breakline of the foothills. The unimproved mauka areas of the Kōʻele Project District are covered mainly with forest and tall trees, heavy brush, and tall grass.

The Project District is located along the north rim of the Pālāwai Basin. This basin is a large plateau area in the central portion of Lānaʻi, approximately 4.5 miles in diameter. Runoff from the watershed inundates the lowest parts of the basin for prolonged periods during the rainy season.

Overall, runoff from the Kōʻele Project District is generally split between three (3) drainage tributaries. Runoff from the southern portion of the Kōʻele Project District is conveyed by the Kapano Gulch south to two (2) abandoned reservoirs. The runoff continues south to the Pālāwai Basin through a system of abandoned irrigation ditches. Runoff from the central and northwest portion of the Kōʻele Project District is conveyed by the Kaiholena/Iwiole/Paliamano Gulch west towards the shoreline and the Pacific Ocean. Runoff from the northeast portion of the Kōʻele Project District is conveyed by the Nalo Gulch northeast towards the shoreline of the island and the Pacific Ocean. Refer to **Appendix "J"**.

The existing drainage improvements consists of swales, basins and drainlines in the golf course and along the roadways, with culverts ranging in size from 18 to 96 inches. The former Experience at Kōʻele Golf Course was designed to handle a majority of the drainage for the Kōʻele Project District. Smaller flows from offsite areas and for onsite development parcels are diverted via pipes and green drainageways to the golf course, where they are conveyed, along with larger surface flows, by swales and contained in lakes/basins. Refer to **Appendix "J"**.

b. Potential Impacts and Mitigation Measures

Drain Areas 1 and 2 encompass the southern portion of the Kōʻele Project District, in which runoff is conveyed south to the Kapano Gulch and the Palawai Basin. Due to the decrease in allowable density south by the proposed amendment, at full build-out, the Proposed Kōʻele Project District

results in a 5 percent decrease in the 100-year, 24-hour peak flow and a 4 percent decrease in runoff volume to the Palawai Basin.

Drain Areas 3 and 4 cover the central and northwest portion of the Kōʻele Project District, in which runoff is conveyed west to the Kaiholena/Iwiole/Paliamano Gulch and the ocean. The Proposed Kōʻele Project District results in a 0.3 percent decrease in the 100-year, 24-hour peak flow and a 0.1 percent increase in runoff volume to the ocean.

The Proposed Kōʻele Project District amended land uses in Drain Area 4 results in a negligible increase in 100-year, 24-hour peak flow and runoff volume. However, this is not anticipated to have any adverse impacts to the unimproved pasture land downstream. It is expected that any potential future improvements in this district will include measures to mitigate increases in runoff as well as provide stormwater quality treatment in accordance with County Standards.

Drain Area 5 covers the northeast portion of the Kōʻele Project District, in which runoff is conveyed northeast to the Nalo Gulch and the ocean. The Proposed Kōʻele Project District results in no change to storm runoff values.

Overall, the Proposed Kōʻele Project District has a positive impact to the Lānaʻi City and downstream environments due to the reduction in runoff as a result of an overall reduction in lands entitled for development. Refer to **Appendix "J"**.

5. Electricity and Telephone Systems

a. Existing Conditions

Electrical, telephone, and cable television services to the Kōʻele area are provided by Hawaiian Electric Company (HECO), Hawaiian Telcom, and Spectrum, respectively. Overhead lines run along the road rights-of-way.

b. Potential Impacts and Mitigation Measures

As no construction activities are currently being proposed, the proposed action is not anticipated to have significant impact upon existing electrical, telephone, or cable television services.

E. CUMULATIVE AND SECONDARY IMPACTS

Pursuant to the Hawaiʻi Administrative Rules, Chapter 200, Section 11-200.1-2, entitled Environmental Impact Statement Rules, a cumulative impact means:

> *…the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.*

"Secondary impacts" or "indirect impacts" are defined as:

> *…effects that are caused by the action or are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems including ecosystems.*

Cumulative and secondary impacts can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one (1) of the impediments to growth.

In general, the proposed amendments to the Kō'ele Project District will add a limited increment to the current level of cumulative impact, but will be less than what is permitted with the existing Project District. As noted previously, impacts are estimated to be less than significant; in addition, the proposed action would not tip the balance from a less than significant impact to a significant level of impact on a cumulative basis due to the reduced density proposed for the Project District.

No adverse impacts to the domestic water and wastewater capacities and facilities are anticipated. Onsite runoff will be accommodated by existing drainage patterns. The proposed action is not expected to significantly impact other public services such as fire, health care, and emergency medical services. No adverse impacts upon recreational services are anticipated. Similarly, no traffic impacts are anticipated.

The proposed project does not appear to have the potential to involve any significant secondary impacts. While there are anticipated changes in several environmental and social categories, as noted above, these uses are consistent with surrounding uses in the area. These changes are, therefore, considered to be less than significant.

RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS

III

III. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS

A. STATE LAND USE DISTRICTS

Chapter 205, Hawai‘i Revised Statutes (HRS), relating to the Land Use Commission (LUC), establishes the four (4) major land use districts in which all lands in the State are placed. These districts are designated “Urban”, “Rural”, “Agricultural”, and “Conservation”. The existing Kō‘ele Project District is located on lands designated “Urban”. See **Figure 8**. It is noted that the approximately 72.44 acres proposed to be added to the Project District are located on lands designated as “Rural” and “Agricultural”.

In order to establish the proposed uses consistent with the existing Project District, a State Land Use District Boundary Amendment (DBA) from the “Rural” and “Agricultural” districts to the “Urban” district will be required from the LUC for those 72.44 acres being added to the Project District, in accordance with criteria set forth in the Hawai‘i Administrative Rules (HAR). An analysis of these criteria is provided below.

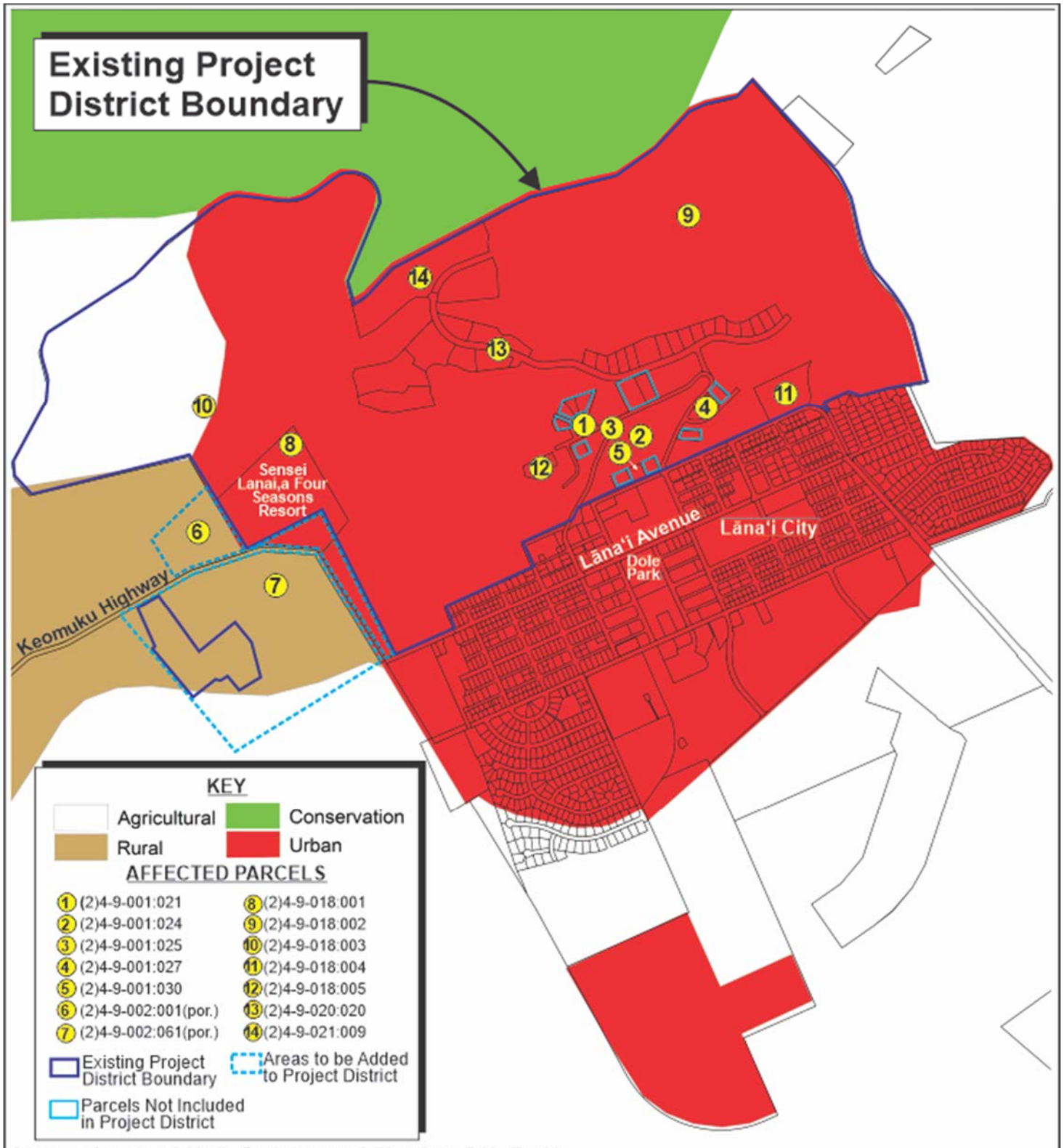
Land Use Commission Rules, Chapter 15-15, HAR

Reclassification of the subject lands must meet the following standards of the “Urban” district as set forth in the Land Use Commission Rules, Chapter 15-15-18, HAR:

> *1. It shall include lands characterized by "city-like" concentration of people, structure, streets, urban level of services and other related land uses.*

Response: The subject action involves a reclassification of district boundaries to add additional lands to the existing Kō‘ele Project District. The proposed reclassification of vacant, undeveloped lands will complement the existing, adjacent uses within the Kō‘ele Project District and will support the Project District’s intended purpose of fostering resort and resort-related uses surrounding the Sensei Lāna‘i, a Four Seasons Resort.

> *2. It shall take into consideration the following specific factors*
>
> *A. Proximity to centers of trading and employment except where the development would generate new centers of trading and employment.*
>
> *B. Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection.*
>
> *C. Sufficient reserve areas for foreseeable urban growth*



Source: County of Maui, Department of Planning; R.M. Towill; State of Hawai'i Land Use Commission

Figure 8 Kō'ele Project District Amendment

State Land Use District Map

0 725 Feet
362.5 1450

Prepared for: Lanai Resorts LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai/Koele PD Ph I Amendment 2164/Applications/Figures/Revised Figures (3.23.21)/SLUD

REF-67

Response: (A.) The lands proposed for reclassification would be located adjacent to the existing Kōʻele Project District and would complement existing uses. (B.) The lands proposed for reclassification are not the subject of currently proposed development actions. However, at such time that these lands would be developed it is anticipated that they would be able to be serviced by existing infrastructure systems currently serving the Kōʻele Project District, and would not require the provision of other public services. (C.) The lands proposed for reclassification have been identified as a logical area for inclusion in the existing Kōʻele Project District due to its proximity to the Project District and existing infrastructure systems.

> *3. It shall include lands with satisfactory topography, drainage, and reasonably free from danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects.*

Response: The elevation of the project area is approximately 1,600 to 2,000 feet above mean sea level (amsl) at the foothills of Lānaʻihale. The topography is moderate below the breakline of the foothills. Existing drainage tributaries convey water from the site through existing drainage ditches and gulches to downstream properties. In addition, due to the Project District's mauka location, it is located outside of flood hazards zones, the tsunami evacuation area, and the projected sea level rise exposure area. Refer to **Appendix "J"**.

> *4. Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans.*

Response: As mentioned previously, the lands proposed for expansion are located adjacent to the existing Kōʻele Project District and will complement existing uses located therein.

> *5. It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans.*

Response: The lands proposed for reclassification are located adjacent to the existing Kōʻele Project District and as such, have been identified as a logical area for inclusion in the Project District.

> *6. It may include lands which do not conform to the standards in paragraph (1) to (5):*
>
> > *A. When surrounded by or adjacent to existing urban developmentt; and*
> >
> > *B. Only when those lands represent a minor portion of this district*

Response: The proposed reclassification area includes lands which conform to the standards in paragraphs (1) to (5). The lands which are proposed for reclassification represent a small portion of the remaining available agricultral lands on Lānaʻi and in the State.

> *7. It shall not include lands, the urbanization of which will not contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services.*

Response: The land proposed to be reclassified and added to the Kōʻele Project District are intended to meet future resort and resort-related land use requirements, which is the intended purpose of the Kōʻele Project District. The lands will be integrated with the existing infrastructure and public services on Lānaʻi. As such, the urbanization of the project area would not contribute towards scattered development, but would complement the existing adjacent Project District.

> *8. It may include lands with a general slope of twenty percent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction controls, as adopted by any federal, state or county agency, are adequate to protect the public health, welfare and safety, and the public's interest in the aesthetic quality of the landscape.*

Response: The topography of the area is moderate, and while slopes range from 0 to 30 percent, the lands are adjacent to the existing urban uses of the Kōʻele Project District. Refer to **Appendix "J"**. At such time that these lands may be developed, they will be developed in accordance with all Federal, State, and County regulations, and will not impact the public health, welfare, or safety, nor the public's interest in the aesthetic quality of the area.

B. HAWAIʻI STATE PLAN

Chapter 226, HRS, also known as the Hawaiʻi State Plan, is a long-range comprehensive plan which serves as a guide for the future long-term development of the State by identifying goals, objectives, policies, and priorities, as well as implementation mechanisms. The Plan consists of three (3) parts. Part I includes the Overall Theme, Goals, Objectives, and Policies; Part II includes Planning, Coordination, and Implementation; and Part III establishes Priority Guidelines. Part II of the State Plan covers its administrative structure and implementation process. An analysis of the project's applicability to Part I and Part III of the Hawaiʻi State Plan is provided in **Appendix "K"**.

The overall theme of the Hawaiʻi State Plan is governed by the following general principles.

1. Individual and family self-sufficiency

2. Social and economic mobility

3. Community or social well-being

In consonance with the foregoing principles, the Hawai‘i State Plan identifies three (3) clarifying goals:

1. A strong, viable economy, characterized by stability, diversity, and growth that enables the fulfillment of the needs and expectations of Hawai‘i's present and future generations.

2. A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.

3. Physical, social, and economic well-being, for individuals and families in Hawai‘i, that nourishes a sense of community responsibility, of caring, and of participation in community life.

This section of the environmental assessment examines the applicability of the proposed action as it relates to the objectives, policies, and priority guidelines of the Hawai‘i State Plan, as set forth in HRS Sections 226-5 through 226-27.

A summary of the project's relationship to the Hawai‘i State Plan, as detailed in **Appendix "K"** is provided below. The methodology for the analysis involves examining the project's applicability to the Hawai‘i State Plan's goals, objectives, and policies. "Applicability" refers to a project's need, purpose and effects, and how these advance or promote a particular set of goals, objectives, and priority guidelines. In assessing the relationship between a proposed action and the Hawai‘i State Plan, an action may be categorized in one of the following groups:

1. **Directly applicable**: the action and its potential effects directly advances or promotes the objective, policy or priority guideline.

   Example: A county project to develop a new water source and related transmission facilities would be directly applicable to the objectives and policies for Facility Systems-Water (HRS 226-16) which states "*(5) Support water supply services to areas experiencing critical water problems".*

2. **Indirectly applicable**: the action and its potential effects indirectly supports or advances the objective, policy or priority guideline.

   Example: The county water source project cited above supports other related objectives and policies for the economy (HRS 226-6, General), which, by example, states: *(9) Strive to achieve a level of construction activity responsive to, and*

consistent with, state growth objectives. In this case, the principle purpose of the project was not to create new construction activities, but nonetheless, supports this policy by creating temporary construction activity during the implementation of the project. In this instance, the proposed action may be deemed to be indirectly applicable to the objective and policy of the Hawaiʻi State Plan.

3. **Not applicable**: the action and its potential effects have no direct or indirect relationship to the objectives and policies of the Hawaiʻi State Plan.

   Example: That same county water source improvement project referenced above, may not have direct or indirect linkage to objectives and policies for the economy-Federal Expenditures (HRS 226-9) which states: *(1) Encourage the sustained flow of federal expenditures in Hawaii that generates long-term government civilian employment*. From the standpoint of the agency proposing the water system improvement, and assuming no Federal Funding for the project, there is an unlikely intent that the proposed water source project would be connected to or reliant upon the foregoing policy. Hence, from the standpoint judiciously applied policy analysis, the proposed action would be considered not applicable to the policy.

In general, a proposed action's applicability to the objectives, policies and priority guidelines of the Hawaiʻi State Plan is judged on the basis of the action's direct or indirect relationship to the respective objectives, policies, and priority directions. It is recognized that the categorization of "applicability" is subject to interpretation and should be appropriately considered in the context of local and regional conditions.

The assessment presented below summarizes the objective(s) for each policy/planning category of the Hawaiʻi State Plan, followed by a response which consolidates the assessments provided in **Appendix "K"**. The responses examines whether the proposed action is directly applicable, indirectly applicable or not applicable to the respective Hawaiʻi State Plan objectives, policies and priority guidelines.

HRS 226-5 Objective and policies for population

> *The Hawaii State Plan's objective for population is to guide population growth to be consistent with the achievement of physical, economic, and social objectives of HRS 226.*

Response: Implementation of the permitted uses in the amended Project District will support the State economy and enhance the social stability and well-being for the people of Lānaʻi.

HRS 226-6 Objectives and policies for the economy--in general

In summary, planning for the State's economy in general shall be directed to increased and diversified employment, income and job choice opportunities, and a growing and diversified economic base.

Response: Implementation of the permitted uses in the amended Project District will support the State economy and enhance the social stability and well-being for the people of Lānaʻi.

HRS 226-7 Objectives and Policies for the economy—agriculture

> *The objectives for agriculture seek to sustain the viability of sugar and pineapple industries, ensure growth and development of diversified agriculture, and ensure that the agriculture industry continues as an essential component of the State's well-being.*

Response: The proposed action will not directly or indirectly impact the economic objectives and policies related to agriculture.

HRS 226-8 Objective and policies for the economy—visitor industry

> *The visitor industry objective recognizes that the visitor industry constitutes a major component of Hawaii's steady economic growth.*

Response: The proposed action indirectly supports the economic objectives and policies related to the visitor industry as implementation of the proposed action presents opportunities for future development of resort-related uses and amenities, thus increased employment opportunities for residents.

HRS 226-9 Objective and policies for the economy—federal expenditures

> *This objective seeks a stable federal investment base as an integral component of Hawaii's economy.*

Response: The proposed action will not directly or indirectly impact the economic objectives and policies related to federal expenditures.

HRS 226-10 Objective and policies for the economy—potential growth and innovative activities

> *The objective for potential growth and innovative activities is directed towards the development and expansion of the economy to increase and diversify Hawaii's economic base.*

Response: The proposed action will not directly or indirectly impact the economic objectives and policies related to growth and innovative activities.

HRS 226-10.5 Objectives and policies for the economy—information industry

> *The objective for the information industry recognizes that broadband and wireless communication capability and infrastructure are foundations for an innovative economy which will position Hawaii as a leader in this field in the Pacific region.*

Response: The proposed action will not directly or indirectly impact the economic objectives and policies related to the information industries.

HRS 226-11 Objectives and policies for the physical environment-land-based, shoreline, and marine resources

> *The objectives for land-based, shoreline, and marine resources seeks the prudent use of land-based, shoreline, and marine resources, and the effective protection of Hawaii's unique and fragile environmental resources.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to land based, shoreline, and marine resources. However, planning and design for any potential future development within the Project District will take into account the surrounding environs to ensure that natural resources are not significantly impacted.

HRS 226-12 Objective and policies for the physical environment - scenic, natural beauty, and historic resources

> *With regard to scenic, natural beauty and historic resources, it is the State's objective to enhance scenic assets, natural beauty and multi-cultural/historical resources.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to scenic, natural beauty, and historic resources. Nonetheless, planning and design for any potential future development within the Project District will take into account the surrounding environs to ensure that scenic, natural beauty, and historic resources are not significantly impacted.

HRS 226-13 Objectives and policies for the physical environment--land, air, and water quality

> *The objectives for land, air, and water quality is directed at the maintenance and pursuit of improved quality of Hawaii's land, air and water resources, and greater public awareness and appreciation of Hawaii's environmental resources.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to land, air, and water quality. However, any potential future development activities within the Project District will be planned and designed such that they do not result in significant adverse impacts to land, air, or water quality. It is also noted that the Project District is located inland, and not within a flood hazard zone, the tsunami inundation zone, or an area with sea level rise hazards.

HRS 226-14 Objective and policies for facility systems—in general

> *Having water, transportation, waste disposal, and energy and telecommunications systems that support Statewide social, economic, and physical objectives is the focus of this planning category.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to facility systems in general. It is noted that any potential future development within the Project District is anticipated to be serviced by existing infrastructure systems.

HRS 226-15 Objectives and policies for facility systems--solid and liquid wastes

> *The objectives for solid and liquid waste addresses the maintenance of basic public health and sanitation standards relating to the treatment and disposal of solid and liquid wastes, and the provision of adequate sewerage facilities in keeping with housing, employment, mobility and related needs.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to solid and liquid waste facility systems.

HRS 226-16 Objective and policies for facility systems—water

> *The objective for water is to adequately accommodate domestic, agricultural, commercial, industrial, recreational and related needs within resource capabilities.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to water facility systems.

HRS 226-17 Objectives and policies for facility systems—transportation

> *An integrated multi-modal transportation system that meets statewide needs and promotes the efficient, economic, safe and convenient movement of people and goods, and which will accommodate planned growth is the objective for facility systems—transportation.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to transportation facility systems.

HRS 226-18 Objectives and policies for facility systems—energy

> *The objective for energy is multi-pronged, seeking dependable, efficient, and economic statewide energy systems; increased energy security and self-sufficiency; greater diversification of energy generation; reduction, avoidance or sequestration of greenhouse gas emissions, and prioritizing utility customers from a social and financial interest standpoint.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to energy facility systems.

HRS 226-18.5 Objectives and policies for facility systems—telecommunications

> *A dependable, efficient and economical statewide telecommunications system along with adequate, reasonably priced, and dependable telecommunications services to accommodate demand are the objectives for telecommunications.*

Response: As previously discussed, the proposed action does not involve any construction activities. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to telecommunication facility systems.

HRS 226-19 Objectives and policies for socio-cultural advancement--housing

> *The objectives for housing encompass greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary and livable homes; the orderly development of residential areas sensitive to community needs and other land uses; and the development and provision of affordable rental housing.*

Response: The proposed action seeks to reduce the lands designated for residential uses within the project district. As such, the proposed action will not have any direct or indirect impact upon the objectives and policies related to housing.

HRS 226-20 Objectives and policies for socio-cultural advancement—health

> *Fulfillment of basic individual health needs, maintenance of sanitary and environmentally healthful community conditions; and elimination of health disparities by identifying and addressing the social determinants of health are the objectives for health.*

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to health.

HRS 226-21 Objective and policies for socio-cultural advancement—education

> *The provision of a variety of educational opportunities that enable individuals to fulfill their needs, responsibilities and aspirations is the objective for education.*

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to education.

HRS 226-22 Objective and policies for socio-cultural advancement--social services

> *The objective for social services is improved public and private social services and activities that enables individuals, families and groups to become more self-reliant and confident to improve their well-being.*

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to social services.

HRS 226-23 Objective and policies for socio-cultural advancement—leisure

> *The objective for leisure is the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.*

Response: The proposed action results in a net increase in lands designated Park and Open Space within the Project District. As such, the proposed action has an indirect impact upon the objectives and policies related to leisure activities and resource as this increase in Park and Open Space sub-designated lands present opportunities for additional recreational resources to be developed.

HRS 226-24 Objective and policies for socio-cultural advancement--individual rights and personal well-being

> *The individual rights and personal well-being objective seeks to increase opportunities and protection of individual rights to enable achievement of socio-economic needs and aspirations.*

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to individual rights and personal well-being.

HRS 226-25 Objective and policies for socio-cultural advancement--culture

> *Enhancement of cultural identities, traditions, values, customs, and arts of Hawaii's people reflects the objective for culture.*

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to culture.

HRS 226-26 Objectives and policies for socio-cultural advancement--public safety

> *The objectives for public safety seek to provide assurance of public safety and adequate protection of life and property for all people; optimum organizational readiness and capability in emergency management during civil disruptions, wars, natural disasters, and other major disturbance; and promotion of a sense of community responsibility for the welfare and safety of Hawaii's people.*

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to public safety.

HRS 226-27 Objectives and policies for socio-cultural advancement--government

> *The objective for government encompasses efficient, effective and responsive government services and fiscal integrity, and responsibility, and efficiency in state and county governments.*

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to government.

Priority Guidelines

"Priority guidelines" means those guidelines which shall take precedence when addressing areas of statewide concern. This section addresses applicability criteria to the priority guidelines set forth in HRS 226-103.

Priority guidelines of the Hawaiʻi State Plan covers the economy, population growth and land resources, crime and criminal justice, affordable housing, quality education, sustainability, and climate change adaptation. Applicability assessment for each of the foregoing issue areas are presented below:

1. Economic Priority Guidelines

Response: The proposed action is intended to reduce the scale of the land area and density and make amendments to the development standards permitted within the existing Kōʻele Project District. The proposed amendments offer opportunities for future resort-related development and associated job opportunities.

2. Population Growth and Land Resources Priority Guidelines

Response: The proposed action will not have any direct or indirect impact upon the priority guidelines related to population growth and land resources.

3. **Crime and Criminal Justice Priority Guidelines**

Response: The proposed action will not have any direct or indirect impact upon the priority guidelines related to crime and criminal justice.

4. **Affordable Housing Priority Guidelines**

Response: The proposed action will not have any direct or indirect impacrict upon the objectives and policies related to affordable housing.

5. **Quality Education Priority Guidelines**

Response: The proposed action will not have any direct or indirect impact upon the priority guidelines related to quality education.

6. **Sustainability Priority Guidelines**

Response: The proposed action will not have any direct or indirect impact upon the priority guidelines related to sustainability.

7. **Climate Change Adaptation Priority Guidelines**

Response: The proposed action will not have any direct or indirect impact upon the priority guidelines related to climate change adaptation.

C. STATE FUNCTIONAL PLANS

A key element of the Statewide Planning System is the Functional Plans which set forth the policies, statewide guidelines, and priorities within a specific field of activity. There are thirteen (13) Functional Plans which have been developed by the State agency primarily responsible for a given functional area. Together with the County General Plans, the State Functional Plans establish more specific strategies for implementation. In particular, State Functional Plans provide for the following:

- Identify major Statewide priority concerns
- Define current strategies for each functional area
- Identify major relationships among functional areas
- Provide direction and strategies for departmental policies, programs, and priorities
- Provide a guide for the allocation of resources

- Coordinate State and County roles and responsibilities in the implementation of the Hawai145i State Plan

Thirteen (13) Functional Plans have been prepared by State agencies. **Table 10** provides an assessment of the relationship between the proposed action and each of the 13 Functional Plans.

Table 10. Relationship Between the Proposed Kōʻele Project District Amendment and the State Functional Plans

	State Functional Plan	State Coordinating Agency	Purpose	Analysis
1	Agriculture Functional Plan (1991)	Department of Agriculture	Continued viability of agriculture throughout the State	As previously discussed, approximately 72.44-acres of lands will be added to the Project District, including some lands currently designated as agriculture lands. However, as there are approximately 18,000-acres of former plantation lands on Lānaʻi which remain available for agricultural use, and over 200,000-acres available statewide, the proposed action is not deemed significant given the overall availability of agriculture lands. The proposed action will not contravene the goals and objectives of this functional plan.
2	Conservation Lands State Functional Plan (1991)	Department of Land and Natural Resources	Addresses issues of population and economic growth and its strain on current natural resources; broadening public use of natural resources while protecting lands and shorelines from overuse; additionally, promotes the aquaculture industry	The proposed action will not contravene the goals and objectives of this functional plan. The proposed action does not impact State conservation lands.
3	Education State Functional Plan (1989)	Department of Education	Improvements to Hawaiʻi's educational curriculum, quality of educational staff, and access to adequate facilities	The proposed action will not contravene the goals and objectives of this functional plan.
4	Employment State Functional Plan (1990)	Department of Labor and Industrial Relations	Improve the qualifications, productivity, and effectiveness of the State's workforce through better education and training of workers as well as efficient planning of	The proposed action will not contravene the goals and objectives of this functional plan. However, the proposed action does present opportunities for

	State Functional Plan	State Coordinating Agency	Purpose	Analysis
			economic development, employment opportunities, and training activities	future resort-related jobs in the Project District.
5	Energy State Functional Plan (1991)	Department of Business, Economic Development and Tourism	Lessen the reliance on petroleum and other fossil fuels in favor of alternative sources of energy so as to keep up with the State's increasing energy demands while also becoming a more sustainable island state; achieving dependable, efficient, and economical statewide energy systems	The proposed action will not contravene the goals and objectives of this functional plan.
6	Health State Functional Plan (1989)	Department of Health	Improve health care system by providing for those who don't have access to private health care providers; increasing preventative health measures; addressing 'quality of care' elements in private and public sectors to cut increasing costs	The proposed action will not contravene the goals and objectives of this functional plan.
7	Higher Education Functional Plan (1984)	University of Hawai‘i	Prepare Hawai‘i's citizens for the demands of an increasingly complex world through providing technical and intellectual tools	The proposed action will not contravene the goals and objectives of this functional plan.
8	Historic Preservation State Functional Plan (1991)	Department of Land and Natural Resources	Preservation of historic properties, records, artifacts and oral histories; provide public with information/education on the ethnic and cultural heritages and history of Hawai‘i	The proposed action will not contravene the goals and objectives of this functional plan.
9	Affordable Housing State Functional Plan (2017)	Hawai‘i Housing Finance and Development Corporation	Based largely on joint public/private efforts to finance, build, and maintain an adequate supply of affordable housing. It will be a working tool to guide the State, the counties, as well as the private sector in meeting the overall goal that every Hawai‘i resident will have the opportunity to live in a safe, decent and affordable home.	The proposed action will not contravene the goals and objectives of this functional plan.
10	Human Services State Functional Plan (1989)	Department of Human Services	Refining support systems for families and individuals by improving elderly care, increasing preventative measures to combat child/spousal abuse and neglect; providing means for 'self-sufficiency'	The proposed action will not contravene the goals and objectives of this functional plan.

	State Functional Plan	State Coordinating Agency	Purpose	Analysis
11	Recreation State Functional Plan (1991)	Department of Land and Natural Resources	Manage the use of recreational resources via addressing issues: (1) ocean and shoreline recreation, (2) mauka, urban, and other recreation opportunities, (3) public access to shoreline and upland recreation areas, (4) resource conservation and management, (5) management of recreation programs/facilities/areas, and (6) wetlands protection and management	The proposed action will not contravene the goals and objectives of this functional plan. It is noted that the proposed amendments seek to increase the amount of lands within the Park and Open Space sub-designations, thereby increasing opportunities for provision of recreational resources.
12	Tourism State Functional Plan (1991)	Department of Business, Economic Development and Tourism	Balance tourism/economic growth with environmental and community concerns; development that is cognizant of the limited land and water resources of the islands; maintaining friendly relations between tourists and community members; development of a productive workforce and enhancement of career and employment opportunities in the visitor industry	The proposed action will not contravene the goals and objectives of this functional plan. However, the proposed action does present opportunities for future enhancement of resort-related uses within the Project District.
13	Transportation State Functional Plan (1991)	Department of Transportation	Development of a safer, more efficient transportation system that also is consistent with planned physical and economic growth of the state; construction of facility and infrastructure improvements; develop a transportation system balanced with new alternatives; pursue land use initiatives which help reduce travel demand	The proposed action will not contravene the goals and objectives of this functional plan.

D. COUNTYWIDE POLICY PLAN

As indicated by the Maui County Charter, the purpose of the general plan shall be to:

> *... indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.*

Chapter 2.80B of the Maui County Code, relating to the General Plan and Community Plans, implements the foregoing Charter provision through enabling legislation which calls for a Countywide Policy Plan and a Maui Island Plan.

1. Countywide Policy Plan

The Countywide Policy Plan was adopted in March 2010 and is a comprehensive policy document for the islands of Maui County to the year 2030. The plan replaces the General Plan of the County of Maui 1990 Update and provides the policy framework for the development of the Maui Island Plan as well as for updating the nine (9) detailed Community Plans. The Countywide Policy Plan provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. Goals are intended to describe a desirable condition of the County by the year 2030 and are intentionally general. Objectives tend to be more specific and may be regarded as milestones to achieve the larger goals. Policies are not intended as regulations, but instead provide a general guideline for County decision makers, departments, and collaborating organizations toward the attainment of goals and objectives. Implementing actions are specific tasks, procedures, programs, or techniques that carry out policy. Discussion of the proposed project's applicability to the relevant goals, objectives, policies, and implementing actions of the Countywide Policy Plan is provided in **Appendix "L"**.

As with the Hawai'i State Plan, the methodology for assessing a project's relationship to the Countywide Policy Plan involves examining the project's applicability to the Plan's goals, objectives, and policies. "Applicability" refers to a project's need, purpose and effects, and how they advance or promote a particular set of goals, objectives, and policies. In assessing the relationship between a

proposed action and the Countywide Policy Plan, an action may be categorized in one of the following groups:

1. **Directly applicable:** the action and its potential effects directly advances, promotes or affects the relevant goal, objective, or policy.

   Example: Using the same example as that provided for the Hawai'i State Plan, that of a County project to develop a new water source and related transmission facilities, such an action would be directly applicable to improving physical infrastructure. The relevant objective states: *"Improve water systems to assure access to sustainable, clean, reliable, and affordable sources of water*" (Objective I.1). A policy within this objective category states: *Ensure that adequate supplies of water are available prior to approval of subdivision or construction documents* (Policy I.1.a).

   In this instance, the proposed action is considered to be directly applicable to the cited objective and policy.

2. **Indirectly applicable:** the action and its potential effects indirectly supports, advances or affects the objective, policy or priority guideline.

   Example: The county water source project cited above supports the objective to: *"Improve land use management and implement a directed-growth strategy"* (Objective J.1). A related policy encompassed by this objective states: *"Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources"* (Policy J.1.h). In this case, the principle purpose of the project is not to create source specifically intended to improve land use management. Nonetheless, the proposed action indirectly supports the Countywide Policy Plan's directives relating to appropriate locations for new development.

3. **Not applicable:** the action and its potential effects have no direct or indirect relationship to the objectives and policies of the Countywide Policy Plan.

   Example: The county water source improvement project referenced above, may not have direct or indirect linkage to Objective D.1, which states: *"In cooperation with the Federal and State governments and nonprofit agencies, broaden access to social and healthcare services and expand options to improve the overall wellness of the people of Maui County"*. Hence, from a policy analysis and linkage standpoint, the proposed action would be considered not applicable to this set of objectives and policies.

It is recognized that policy analysis is subject to interpretation and is best considered in the context of the proposed action's local and regional conditions.

The assessment presented below restates the goal for each policy/planning category followed by a response which consolidates and summarizes the assessments provided in **Appendix "L"**. The responses examine whether the proposed action is directly applicable, indirectly applicable or not applicable to the respective Countywide Policy Plan objectives, policies and implementing actions.

(A) PROTECT THE NATURAL ENVIRONMENT

Goal:

Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.

Response: Pūlama Lānaʻi is proposing a reduction in scale of the land area and density, and amendments to the development standards permitted in the existing Kōʻele Project District. As previously discussed, the proposed action does not involve any construction activities. Nonetheless, planning and design for any future development within the Project District will take into account the surrounding environs to ensure that scenic vistas are not impacted.

Furthermore, any potential future development activities within the Project District will be planned and designed such that they do not result in significant impacts to water quality. In addition, it is noted that the proposed amended Project District increases the amount of lands designated as Park and Open Space.

In addition, as the proposed action does present opportunities to support future development within the Project District, any future development will be evaluated to assess the potential for environmental and socio-economic impacts and will advance proposed mitigation measures.

(B) PRESERVE LOCAL CULTURES AND TRADITIONS

Goal:

Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Response: Although no construction activities are currently proposed, an archaeological and related cultural assessment was undertaken to assess the potential for impacts related to any future development action within the Project District. A program of data recovery and monitoring was recommended in order to avoid or reduce potential impacts to known significant areas.

(C) IMPROVE EDUCATION

Goal:

Residents will have access to lifelong formal and informal educational options enabling them to realize their ambitions.

Response: The proposed action will not have any direct or indirect impact upon the objective and policies related to education.

(D) STRENGTHEN SOCIAL AND HEALTHCARE SERVICES

Goal:

Health and social services in Maui County will fully and comprehensively serve all segments of the population.

Response: The proposed action will not have any direct or indirect impact upon the objective and policies related to social and healthcare services.

(E) EXPAND HOUSING OPPORTUNITIES FOR RESIDENTS

Goal:

Quality, island-appropriate housing will be available to all residents.

Response: The proposed action will not have any direct or indirect impact upon the objective and policies related to housing.

(F) STRENGTHEN THE LOCAL ECONOMY

Goal:

Maui County's economy will be diverse, sustainable, and supportive of community values.

Response: Implementation of the amended Project District will support the economy and enhance the social stability and well-being for the people of Lānaʻi by providing opportunities for future resort-related jobs.

The proposed action indirectly supports the economic objectives and policies related to the visitor industry as implementation of the proposed action presents opportunities for future development of resort-related uses and amenities.

(G) IMPROVE PARKS AND PUBLIC FACILITIES

Goal:

A full range of island-appropriate public facilities and recreational opportunities will be provided to improve the quality of life for residents and visitors.

Response: The proposed action results in a net increase in lands designated Park and Open Space within the Project District. As such, the proposed action has an indirect impact upon the objective and policies related to parks and recreational opportunities as this increase in Park and Open Space sub-designated lands present opportunities for additional recreational resources to be developed.

(H) DIVERSIFY TRANSPORTATION OPTIONS

Goal:

Maui County will have an efficient, economical, and environmentally sensitive means of moving people and goods.

Response: The proposed action will not have any direct or indirect impact upon the objectives and policies related to transportation.

(I) IMPROVE PHYSICAL INFRASTRUCTURE

Goal:

Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Response: It is noted that any potential future development within the Project District is anticipated to be serviced by existing infrastructure systems.

Although no construction activities are currently being proposed, the Project District continues to be located in proximity to existing infrastructure systems such that any future development would not require the provision of new or extension of existing systems. In this regard, the proposed action is indirectly supportive of the above objective and policies.

(J) PROMOTE SUSTAINABLE LAND USE AND GROWTH MANAGEMENT

Goal:

Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Response: The proposed action complements Lānaʻi City's character and the existing uses within the Kōʻele Project District. Any future development would make use of existing infrastructure systems.

The proposed action complements Lānaʻi City's character and the existing uses within the Kōʻele Project District. As noted previously, the proposed action results in a net increase in lands designated Park and Open Space within the Project District.

As discussed previously, although no construction activities are currently proposed, the proposed action does present opportunities to support future development within the Project District. Any future development will be evaluated to assess the potential for environmental and socio-economic impacts and will discuss the action's conformance to State and County land use regulations and controls.

(K) STRIVE FOR GOOD GOVERNANCE

Goal:

Government services will be transparent, effective, efficient, and responsive to the needs of residents.

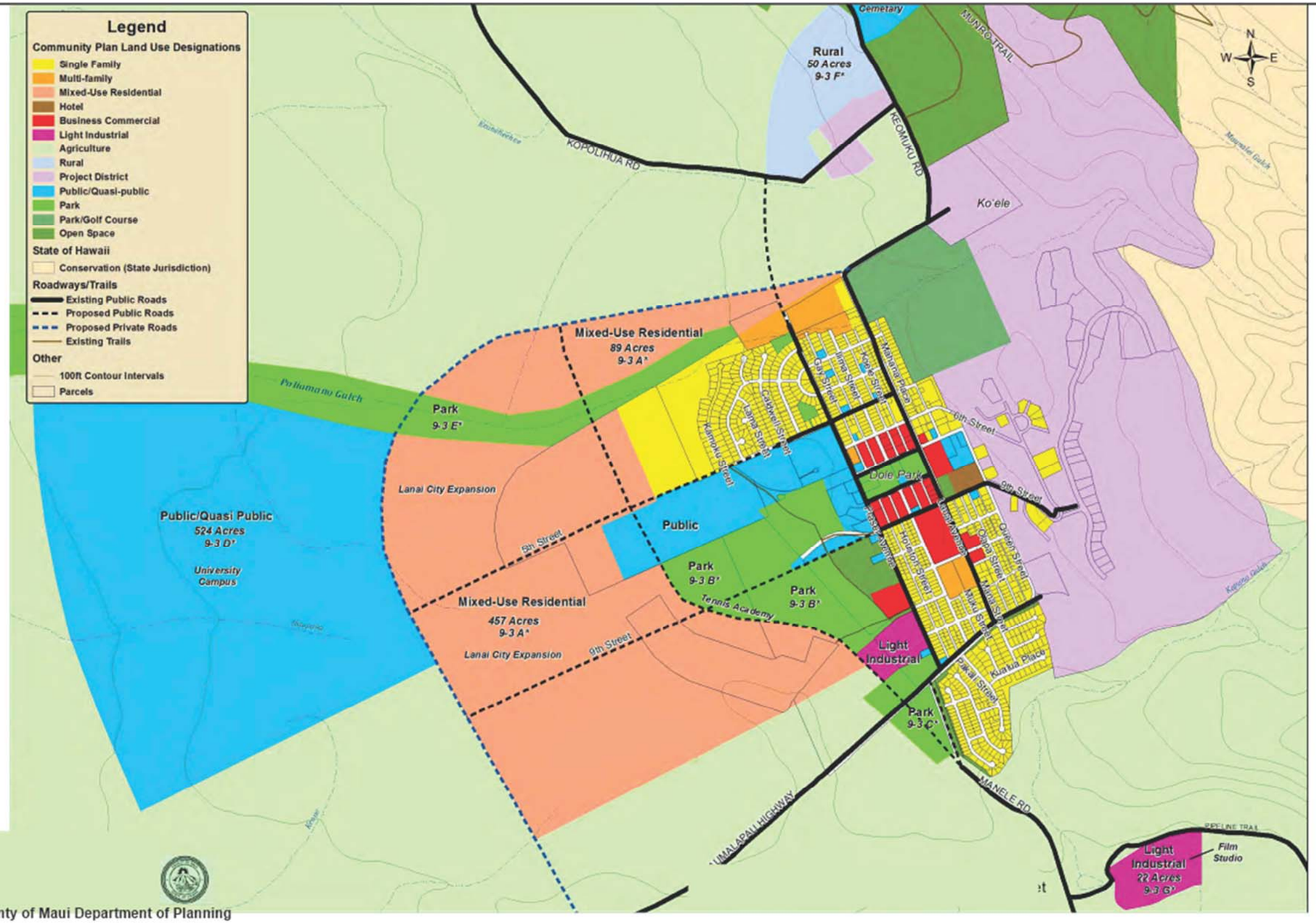
Response: The proposed action will not have any direct or indirect impact upon the objective and policies related to good governance.

E. LĀNAʻI COMMUNITY PLAN

The project site is located in the Lānaʻi Community Plan region which is one (1) of nine (9) Community Plan regions established in the County of Maui. Planning for each region is guided by the respective Community Plans, which are designated to implement the Maui County General Plan. Each Community Plan contains recommendations and standards which guide the sequencing, patterns, and characteristics of future development in the region.

The Lānaʻi Community Plan was adopted by the County of Maui through Ordinance No. 2738 which took effect on July 26, 2016.

Land use guidelines are set forth by the Lānaʻi Community Plan Land Use Map. See **Figure 9**. The existing Kōʻele Project District is designated as "Project District" by the Community Plan. The areas proposed to be added to the Project District are designated as portions of "Open Space", "Agricultural", "Rural" and/or "Project District". As such, a Community Plan Amendment (CPA) will need to be obtained for those portions not in "Project District" to be redesigated as "Project District" on the Lānaʻi Community Plan Map, as well as for those lands being removed from the Project District to be redesignated to districts other than "Project District". As such, a CPA application will be prepared and filed with the Department of Planning. The Lānaʻi Planning Commission (LPC) will review the request and make a recommendation for final approval by the Maui County Council.



Source: Lāna'i Community Plan, County of Maui Department of Planning

Figure 9

Kō'ele Project District Amendment
Lāna'i Community Plan

NOT TO SCALE

Prepared for: Lanai Resorts, LLC, a Hawai'i limited liability company, doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai/Koele PD Ph 1 Amendment 2164/Applications/Figures/Lanai Community Plan

REF-89

Table 11 below is a list of parcels affected by the CPA request.

Table 11. Parcels Affected by Community Plan Amendment Request

TMK	Existing Community Plan Designation	Proposed Community Plan Designation
(2)4-9-001:021	Project District	Single-Family Residential
(2)4-9-001:024	Project District	Single-Family Residential
(2)4-9-001:025(por.)	Project District	Single-Family Residential
(2)4-9-001:027[1]	Single-Family Residential	Single-Family Residential
(2)4-9-001:030	Project District	Single-Family Residential
(2)4-9-002:001(por.)	Open Space	Project District
(2)4-9-002:061(por.)	Agricultural/Project District/Rural	Project District
(2)4-9-018:001[2]	Project District	Project District
(2)4-9-018:002(por.)	Project District/Park/Golf Course	Project District/Open Space
(2)4-9-018:003(por.)	Project District	Project District/Open Space
(2)4-9-018:004[3]	Project District	Project District
(2)4-9-018:005	Project District	Single-Family Residential
(2)4-9-020:020(por.)[4]	Project District	Project District/(Road)
(2)4-9-021:009	Project District	Open Space

Notes:
1. The Lānaʻi Community Plan inadvertently designated TMK (2)4-9-001:027 as Single-Family Residential. According to Ordinance 2140 and Zoning Map 2608, this TMK is included in the existing Kōʻele Project District. This TMK is excluded in the proposed Kōʻele Project District
2. The total acreage of TMK (2)4-9-018:001 within the proposed Kōʻele Project District is being changed.
3. The total acreage of TMK (2)4-9-018:004 within the proposed Kōʻele Project District is being changed.
4. The total acreage of TMK (2)4-9-020:020 within the proposed Kōʻele Project District is being changed.

The proposed action is consistent with the following objectives and policies of the Lānaʻi Community Plan:

ECONOMIC DEVELOPMENT

Goal: *A stable sustainable, and diverse economy that is consistent and compatible with Lānaʻi's rural island lifestyle.*

Objective and Policy

5. Support the growth of kamaʻaina tourism, cultural tourism, eco-tourism, agri-tourism, sports tourism, hunting tourism, and other alternative tourism ventures.

Response: As previously discussed, the proposed action entails the redesignation of lands within the existing Project District, the addition of new lands to the Project District,

as well as the removal of lands from the Project District. Although the proposed action does not involve construction activities at this time, the proposed amended Project District boundaries and increase in acreage of the Hotel and Resort Commercial sub-designations do offer opportunities for future resort-related development and associated job opportunities. Any future development of this nature would further the objective and policy of this goal by supporting the tourism industry on Lānaʻi on lands designated for such uses.

PUBLIC FACILITIES AND SERVICES – PARKS AND RECREATION

Goal: *A comprehensive system of parks, recreational facilities, and programs that meet resident and visitor needs.*

Policy

3. Where appropriate, collaborate with Pūlama Lānaʻi on the provision of parks, facilities, and programs.

Response: The proposed action would redesignate a significant amount of lands to the Park and Open Space subdesignations within the Project District. This action will further the goal and policy of the Lānaʻi Community Plan related to enhancing and expanding recreational facilities for the residents and visitors of Lānaʻi. For example, the former designated golf course lands are being repurposed for a sculpture garden.

F. PROJECT DISTRICT DEVELOPMENT

As discussed previously, the proposed action seeks to amend the boundaries of the Lānaʻi Project District 2 (Kōʻele) District in order to significantly reduce the already low density by decreasing the amount of Residential and Multi-family (Project District sub-designations) acres, significantly increasing the amount of Open Space and Park (Project District sub-designations) acres, and by reducing the Golf Course acreage (Project District sub-designation). Sub-designations are the specific land uses assigned to properties within Project District as part of the ordinance of the Maui County Code (MCC) which guides development within the specific Project District. In addition, additional acreage is proposed to be added to the existing Hotel sub-designation as well as a new sub-designation, Resort Commercial, which is proposed to be added for future resort-related commercial activities to support the Sensei Lānaʻi, Four Seasons Resort. The proposed change will ultimately reduce the total acreage in the Kōʻele Project District by 8 percent.

In addition to amending the boundaries of the Kōʻele Project District, the Applicant also seeks to make revisions to the guiding ordinance for the Kōʻele Project District. MCC, Chapter 19.71 outlines the boundaries of the Project District, the sub-designations and acreages of each which were established upon adoption of the ordinance, and standards for development within the Project District in general as well as specific standards for development applicable to each sub-designation specifically. The proposed changes to

Chapter 19.71 include changes to the Project District sub-designations, whereby portions of land within the existing Project District designation would be removed and other areas would be added to the Project District. Maps of the existing and proposed Project District are provided in **Appendix "A"**. Additionally, the Applicant is proposing to revise language within MCC, Chapter 19.71 relative to permitted uses, special accessory uses, as well as the development standards for various sub-designations within the Project District. The proposed revisions to Chapter 19.71, MCC are provided herein as **Appendix "A-1"**.

It is further noted that the purpose and intent of the Project District remain unchanged; its existing and continued purpose and intent are to provide for a flexible and creative approach to development at Kōʻele that is complementary and supportive of services offered in the adjoining Lānaʻi City. Nonetheless, the proposed amendments to the Kōʻele Project District must be done through a Project District Phase 1 (PH1) amendment. As such, a PH1 application will be prepared and filed with the Department of Planning. The LPC will review the request and make a recommendation to the Maui County Council for final action.

Table 12 below is a list of parcels affected by the PH1 request.

Table 12. Parcels Affected by Project District Phase 1 Amendment Request

TMK	Existing Project District Sub-Designation	Proposed Project District Sub-Designation
(2)4-9-001:021	Residential	Remove From Project District
(2)4-9-001:024	Residential	Remove From Project District
(2)4-9-001:025(por.)	Residential	Remove From Project District
(2)4-9-001:027[1]	Residential	Remove From Project District
(2)4-9-001:030	Residential	Remove From Project District
(2)4-9-002:001(por.)	Not in Project District	Hotel
(2)4-9-002:061(por.)	Not in Project District/Stables and Tennis Courts	Resort Commercial
(2)4-9-018:001	Hotel/Golf	Hotel
(2)4-9-018:002(por.)	Golf/Residential/Multi-Family/Open Space/Park	Park/Open Space/Residential
(2)4-9-018:003(por.)	Golf/Residential/Public	Park/Golf/Hotel/Residential
(2)4-9-018:004	Residential/Park	Open Space
(2)4-9-018:005	Residential	Remove From Project District
(2)4-9-020:020	Multi-Family/Residential/Golf	Multi-Family
(2)4-9-021:009	Residential/Multi-Family	Remove From Project District

Notes:
1. The Lānaʻi Community Plan inadvertently designated TMK (2)4-9-001:027 as Single-Family Residential. According to Ordinance 2140 and Zoning Map 2608, this TMK is included in the existing Kōʻele Project District. This TMK is excluded in the proposed Kōʻele Project District.

G. MAUI COUNTY ZONING

Consistent with the Project District designation, the lands within the existing Project District are zoned "Lānaʻi Project District 2 (Kōʻele)" by the Maui County Zoning Ordinance. Those lands proposed to be added to the Project District are currently zoned "Interim" and "Agriculture" and must be rezoned. See **Figure 10**. As such, a Change of Zoning (CIZ) application will be prepared and filed with the Department of Planning. Similar to the CPA and PH1 applications, the LPC will review the request for a CIZ and make a recommendation to the Maui County Council for final action. **Table 13** below is a list of parcels affected by the CIZ request.

Table 13. Parcels Affected by Change in Zoning Request

TMK	Existing Zoning Designation	Proposed Zoning Designation
(2)4-9-001:021	PD-L/2(Kōʻele)	R-3, Residential
(2)4-9-001:024	PD-L/2(Kōʻele)	R-3, Residential
(2)4-9-001:025(por.)	PD-L/2(Kōʻele)	R-3, Residential
(2)4-9-001:027[1]	R-3, Residential	R-3, Residential
(2)4-9-001:030	PD-L/2(Kōʻele)	R-3, Residential
(2)4-9-002:001(por.)	Interim	PD-L/2(Kōʻele)
(2)4-9-002:061(por.)	AG, Agriculture/PD-L/2(Kōʻele)	PD-L/2(Kōʻele)
(2)4-9-018:001	PD-L/2(Kōʻele)/Interim	PD-L/2(Kōʻele)
(2)4-9-018:002(por.)	PD-L/2(Kōʻele)/AG, Agriculture	PD-L/2(Kōʻele)/Open Space
(2)4-9-018:003(por.)	PD-L/2(Kōʻele)/Interim	PD-L/2(Kōʻele)/Open Space
(2)4-9-018:004[2]	PD-L/2(Kōʻele)	PD-L/2(Kōʻele)
(2)4-9-018:005	PD-L/2(Kōʻele)	R-3, Residential
(2)4-9-020:020(por.)[3]	PD-L/2(Kōʻele)/(Road)	PD-L/2(Kōʻele)/(Road)
(2)4-9-021:009	PD-L/2(Kōʻele)	Open Space

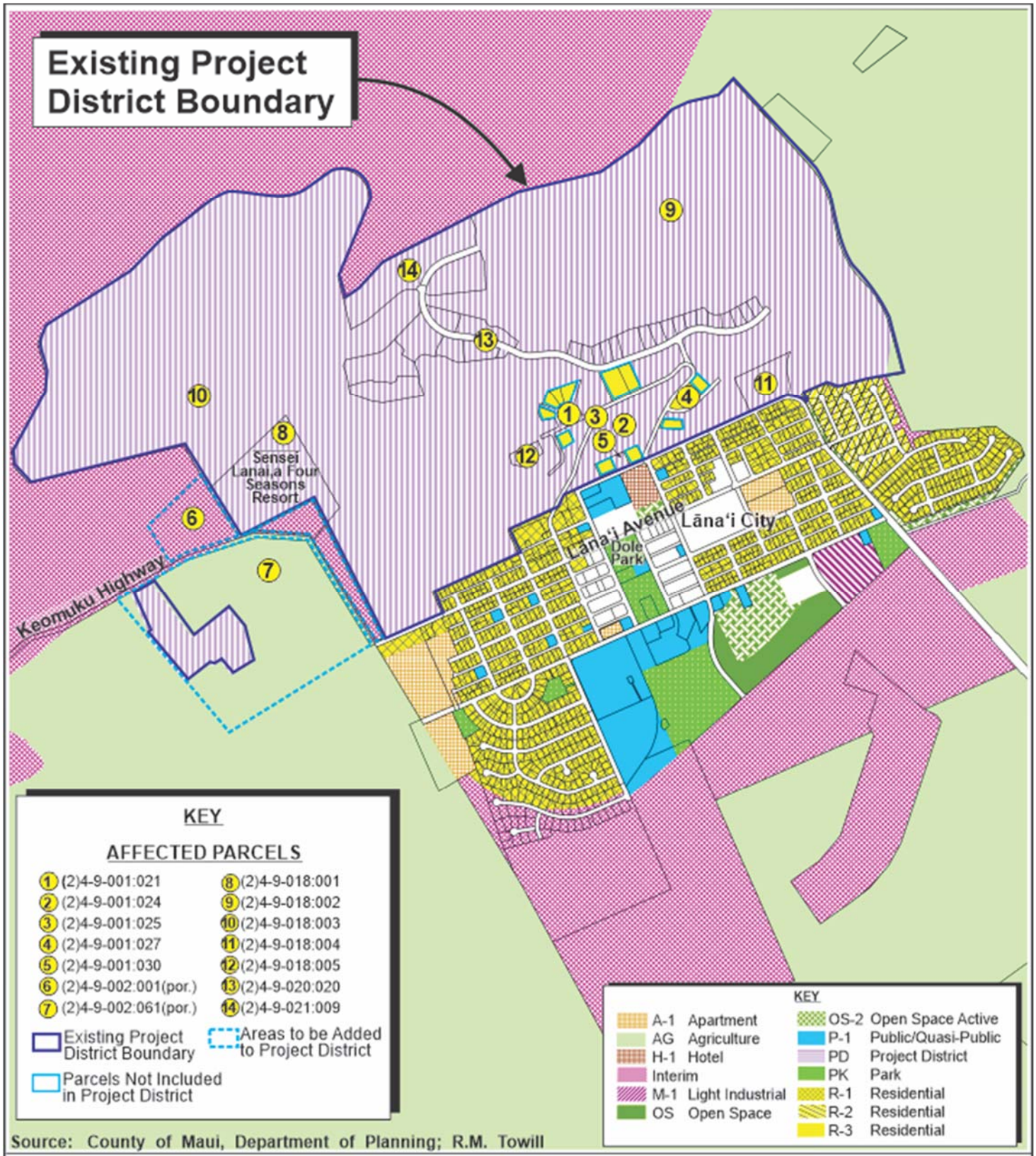
Table 11 Notes:
1. The Lānaʻi Community Plan inadvertently designated TMK (2)4-9-001:027 as Single Family Residential. According to Ordinance 2140 and Zoning Map 2608, this TMK is included in the existing Kōʻele Project District. This TMK is excluded in the proposed Kōʻele Project District.
2. The total acreage for TMK (2)4-9-018:004 within the proposed Koeʻe Project District is being changed.
3. The total acreage for TMK (2)4-9-020:020 within the proposed Koeʻe Project District is being changed.

In accordance with Chapter 19.510.040, MCC, the County Council may grant a CIZ if all of the following criteria are met:

a. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;

Response: The proposed request meets the intent of the Maui County General Plan and supports the existing Kōʻele Project District designation within the Lānaʻi Community Plan.

b. The proposed request is consistent with the applicable community plan land use map of the county;



Source: County of Maui, Department of Planning; R.M. Towill

Figure 10 Kō'ele Project District Amendment

Maui County Zoning Map

0 725 Feet
362.5 1450

Prepared for: Lanai Resorts LLC, a Hawaii Limited Liability Company doing business as Pūlama Lāna'i

MUNEKIYO HIRAGA

Pulama Lanai/Koele PD Ph I Amendment 2164/Applications/Figures/Revised Figures (3.23.21)/DLUD

REF-94

Response: As discussed above, those lands proposed to be added to the Project District will be the subject of a CPA application filed with the Department of Planning. Lands being removed from the Project District will also be subject to a CPA. The subject CIZ request will ensure conformity to the Lānaʻi Community Plan designation for the affected lands.

> *c. The proposed request meets the intent and purpose of the district being requested;*

Response: The proposed request to rezone lands into the Kōʻele Project District will support and enhance this district and the already zoned lands on Lānaʻi. Lands being removed will be redesignated to zoning districts consistent with surrounding uses.

> *d. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;*

Response: As no physical construction activities are currently being proposed, the proposed action will not adversely impact public infrastructure and services. It is noted that following implementation of the proposed action, the resulting amended Kōʻele Project District will be smaller in size, and less dense. Should future construction activities be undertaken at a later time, the impact on public facilities and services will be less in scale than those anticipated with full build-out of the current Project District. Nonetheless, any future developments will be assessed for impacts to public facilities and services in accordance with the Project District permitting regulations.

> *e. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and*

Response: Similar to the above response, the proposed action is not anticipated to adversely impact the socio-economic and environmental character of the area as no physical construction is currently being proposed. Nonetheless, any future developments will be assessed for impacts to the socio-economic and environmental character of the area in accordance with the Project District permitting regulations.

> *f. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the department of agriculture and the United States Soil and Conservation Service.*

Response: The proposed CIZ request does not involve the establishment of an agricultural district.

H. LĀNAʻI WATER USE AND DEVELOPMENT PLAN

The Lānaʻi Water Use and Development Plan (WUDP) was prepared pursuant to the requirements of Hawaiʻi Revised Statutes (HRS) Section 174(C)-31, Hawaiʻi Administrative Rules (HAR) Section 13-7-170, and Maui County Code Section 2.88A. The WUDP is required to be consistent with State and County land use planning documents and inventories, existing water sources and uses, discusses existing and future land uses and related water needs, sets forth a program by which water needs will be met, allocates water to land uses, and discusses resource impacts of proposed plans. The WUDP was drafted through public involvement, consideration of multiple forecasts, consideration of a 20-year time frame for planning analysis, and includes specific suggestions for implementation.

According to the Lānaʻi WUDP, Lānaʻi has a sustainable yield of 6 million gallons per day (MGD). Fresh water is found only in high level dike confined compartments in the Central Sector of the island. The Central Sector is divided into two (2) aquifer systems, the Windward and the Leeward, each with a 3 MGD sustainable yield. The Kōʻele Project District is located within the Leeward aquifer system.

The Lānaʻi WUDP contains a simple build-out analysis of the Kōʻele Project Districts according to per acre standards, discussed on page 4-68. The 2006 build-out analysis was used as the baseline versus the 2009 build-out analyses, as stated in the WUDP on page 4-31. The excerpt regarding this input was stated as such:

> *An additional proposal was received on July 28, 2009 from Castle & Cooke Resorts. Although some analysis of this proposal is presented in this chapter, the Committee voted not to embark on a full consideration of the proposal at that late date in the process.*

Build-out estimates are examined in two (2) ways, both by per acre standards and by per unit standards. In deriving built and pending consumption according to per acre standards, the usual standards analysis was modified. Since there were no clear developed versus non-developed acreages, nor reliable maps from which to derive them, the Lānaʻi WUDP assumed that the percent of acreage developed within each land use designation of the Project District was equivalent to the percent of units developed.

As stated in the Lānaʻi WUDP, according to the modified per acre analysis and standard per unit analysis, the Lānaʻi WUDP, projects that at full build-out, the Kōʻele Project District would consume 0.52 MGD of fresh water only (not including effluent, reclaimed, etc. water). In the Lānaʻi WUDP, various analyses were completed to account for a range of wastewater availability and use scenarios. According to the Lānaʻi WUDP, the total anticipated water use at full build out for the Kōʻele Project District would range from 0.74 MGD to 1.77 MGD, which included both fresh and reclaimed water.

As discussed in Chapter II, the proposed amended Kōʻele Project District is anticipated to require 0.29 MGD of fresh water at full build-out, which is 44 percent less than the 0.52 MGD of fresh water estimated for the Lānaʻi WUDP for the Kōʻele Project District at full build-out.

I. HAWAIʻI COASTAL ZONE MANAGEMENT PROGRAM

Pursuant to Chapter 205A, HRS, and the Rules and Regulations of the Lānaʻi Planning Commission, actions proposed within the Special Management Area (SMA) are evaluated with respect to SMA objectives, policies and guidelines. However, the Kōʻele Project District is not located within the County of Maui's SMA. Nevertheless, because the entire State of Hawaiʻi is located within the Coastal Zone Management (CZM) designated area, an assessment of the action's relationship to applicable CZM considerations is addressed in this section.

The Hawaiʻi Coastal Zone Management Program (HCZMP), as formalized in Chapter 205A-2, HRS, establishes objectives and policies for the preservation, protection, and restoration of natural resources of Hawaiʻi's coastal zone. The applicability of coastal zone management considerations applies to all lands in the State of Hawaiʻi and, as such, has been reviewed and assessed as follows.

1. Recreational Resources

Objective:

Provide coastal recreational opportunities accessible to the public.

Policies:

a. Improve coordination and funding of coastal recreational planning and management; and

b. Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

i. Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;

ii. Requiring restoration of coastal resources that have significant recreational and ecosystem value including, but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable;

iii. Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines

with recreational value;

iv. Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;

v. Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;

vi. Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;

vii. Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and

viii. Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting that dedication against the requirements of section 46-6.

Response: Pūlama Lānaʻi is proposing a reduction in scale of the land area and allowable density within the existing Kōʻele Project District. The proposed amended Project District will be consistent with the existing uses in the Project District.

Being that the Project District is located inland, the proposed action will not impact coastal recreational resources, nor will it affect public shoreline access and activities.

2. Historic Resources

Objective:

Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

a. Identify and analyze significant archaeological resources;

b. Maximize information retention through preservation of remains and artifacts or salvage operations; and

c. Support state goals for protection, restoration, interpretation, and display of historic resources.

Response: As archaeological features were identified within the Project District area, although the proposed action does not involve construction activities, a program of archaeological monitoring was recommended for any future development. As such, in conjunction with any future potential ground-altering work, a qualified monitor will be present to monitor all subsurface, construction activities. The monitor will have the authority to halt excavation in the event archaeological features or cultural deposits are identified during monitoring.

Should this occur, the SHPD will be immediately consulted to determine an acceptable course of action. If human remains are located, work will cease in the vicinity of the find and the find protected from further disturbance and the authorities will be contacted.

3. Scenic and Open Space Resources

Objective:

Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies:

a. Identify valued scenic resources in the coastal zone management area;

b. Ensure that new developments are compatible with their visual environment by designing and locating those developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

c. Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

d. Encourage those developments that are not coastal dependent to locate in inland areas.

Response: The Project District is not part of a scenic corridor and the action will not affect scenic vistas and view planes. The proposed action will not involve significant alteration of the existing topographic character of the site and will not affect public views to and along the shoreline.

As noted, the amount of permitted development within the proposed amended Project District will be less than that what is presently permitted.

4. Coastal Ecosystems

Objective:

Protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes, from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

a. Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

b. Improve the technical basis for natural resource management;

c. Preserve valuable coastal ecosystems of significant biological or economic importance, including reefs, beaches, and dunes;

d. Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

e. Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

Response: There are no rare, threatened or endangered plants or animal species within the Project District or surrounding areas nor is there critical habitat. The Endangered 'ua'u or Hawaiian petrel (*Pterodroma sandwichensis*) and the Threatened 'a'o or Newell's shearwater (*Puffinus newelli*), while not nesting in the project area, do fly over it during dusk to access their burrows high in the mountains and again at dawn to head out to sea. Young birds taking their first fledging flights are inexperienced fliers. They often are disoriented by bright lights and crash into light structures where they become vulnerable to injury and predators. All outdoor lighting will be shielded so that the light is not visible from above. Refer to **Appendix "D"**. As such, no adverse impacts are anticipated on significant habitats.

As the Project District is located inland, the proposed project is not expected to have an adverse effect upon the region's coastal ecosystem.

5. Economic Uses

Objective:

Provide public or private facilities and improvements important to the State's economy in suitable locations.

Policies:

a. Concentrate coastal dependent development in appropriate areas;

b. Ensure that coastal dependent development and coastal related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area; and

c. Direct the location and expansion of coastal development to areas designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal development outside of designated areas when:

i. Use of designated locations is not feasible;

ii. Adverse environmental effects and risks from coastal hazards are minimized; and

iii. The development is important to the State's economy.

Response: The existing Project District was designated for urban type uses. Implementation of the proposed action will result in a net decrease in size of the Project District. As the Project District is located inland, the proposed action will not impact coastal related economic uses.

6. Coastal Hazards

Objective:

Reduce hazard to life and property from coastal hazards.

Policies:

a. Develop and communicate adequate information about the risks of coastal hazards;

b. Control development, including planning and zoning control, in areas subject to coastal hazards;

c. Ensure that developments comply with requirements of the National Flood Insurance Program; and

d. Prevent coastal flooding from inland projects.

Response: The property is located in Zone "X", an area of minimal flooding and does not lie in an area which is subject to tsunami inundation or sea level rise hazards.

7. Managing Development

Objective:

Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies:

a. Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

b. Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

c. Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

Response: The proposed amended Project District will allow for uses similar and complementary to the surrounding uses and the broader Lānaʻi City community.

As the Project District is located inland, the proposed action will not involve coastal development actions.

8. Public Participation

Objective:

Stimulate public awareness, education, and participation in coastal management.

Policies:

a. Promote public involvement in coastal zone management processes;

b. Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal

issues, developments, and government activities; and

c. Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

Response: Opportunities for public awareness, education, and participation in coastal management are provided through these entitlement processes, past and future planned community meetings on Lānaʻi, as well as through the environmental assessment process.

This environmental assessment and the subsequent permitting processes are part of the opportunity for ongoing public participation.

9. Beach and Coastal Dune Protection

Objective:

A. Protect beaches and coastal dunes for:

(i) Public use and recreation;

(ii) The benefit of coastal ecosystems; and

(iii) Use as natural buffers against coastal hazards; and

B. Coordinate and fund beach management and protection.

Policies:

a. Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;

b. Prohibit construction of private shoreline hardening structures, including seawalls and reventments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

c. Minimize the construction of public shoreline hardening structures, including seawalls and revetments at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

d. Minimize grading of and damage to coastal dunes;

e. Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and

f. Prohibit private property owners from creating a public nuisance by

allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.

Response: The Kōʻele Project District area is located on the leeward side of the mountains in the central area of Lānaʻi. It is situated mauka of Lānaʻi City at the foothills of the mountain range and varies in elevation from approximately 1,600 to 2,000 feet mean sea level. As such, no adverse impacts to public beach use and recreation are expected to occur.

10. Marine and Coastal Resources

Objective:

Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Policies:

a. Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

b. Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;

c. Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

d. Promote research, study, and understanding of ocean and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources to acquire and inventory information necessary to understand how coastal development activities relate to and impact ocean and coastal resources; and

e. Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Response: The proposed project does not involve the direct use or development of marine resources.

From this perspective, the proposed action is not expected to have a significant impact on coastal or marine resources.

ALTERNATIVES TO THE PROPOSED ACTION

IV

IV. ALTERNATIVES TO THE PROPOSED ACTION

The following is a discussion of the various alternatives to the proposed action that have been considered by the Applicant as part of the planning process.

A. PREFERRED ALTERNATIVE

The preferred alternative represents the Applicant's desire to reduce the density of the Kōʻele Project District and to amend Chapter 19.71 of the Maui County Code (MCC), which is the guiding ordinance for the Kōʻele Project District, as discussed in Chapter I. The preferred alternative also seeks to establish additional land uses centered around supporting the Sensei Lānaʻi, a Four Seasons Resort. In addition, although the preferred alternative removes the potential for additional single-family residential development in the Project District, it is noted that large-scale single-family developments are planned for other areas around Lānaʻi City. In this regard, the preferred alternative not only seeks to reduce the density of the Kōʻele Project District, it is also being proposed to complement the larger scale of planned growth and development for Lānaʻi.

B. NO ACTION ALTERNATIVE

Under the "no action" alternative, no action would be taken and the Kōʻele Project District would be left in its current state. This alternative essentially puts proposed uses in a holding pattern, and Pūlama Lānaʻi may only proceed with development of the various land uses with the land areas and densities called for in the existing Project District.

C. LAND USE MIX ALTERNATIVE

The Applicant has also explored alternative land use mixes which would also result in a reduced density within the Kōʻele Project District, similar to the Preferred Alternative. However, the currently proposed amended Project District and its mix of sub-designations as discussed in Chapter I represent the mix that would optimally complement existing uses within the Project District, as well as the surrounding area all the while reducing the density and environmental impacts. In addition, the proposed amendments to Chapter 19.71, MCC best support the proposed amended Project District boundaries and sub-designations.

SUMMARY OF ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED AND IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

V

V. SUMMARY OF ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED AND IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Although the currently proposed action does not involve any construction activities, there is the potential for unavoidable impacts related to any future construction activities that may occur within the Kōʻele Project District as discussed in Chapter II. These may include noise impacts occurring from the use of construction-related equipment and temporary air quality impacts associated with dust generated from excavation and grading activities. However, any impacts will be short term in duration. Appropriate mitigation measures, including the use of Best Management Practices (BMPs), will be implemented to minimize these construction related impacts.

Any development which may occur will indefinitely alter the existing landscape to accommodate proposed improvements. Being that there are existing developments within the Kōʻele Project District, and anticipating that future developments will be of the same scale and intensity, and in recognizing that the proposed amended Kōʻele Project District will allow for a lesser overall density than the existing Project District allows, there are no significant, long-term adverse environmental effects anticipated.

In addition, any development activities will involve the commitment of financial resources from the Applicant.

Applicable State and County requirements will be adhered to in the design and construction of any future development.

LIST OF PERMITS AND APPROVALS

VI

REF-109

VI. LIST OF PERMITS AND APPROVALS

The following permits and approvals are anticipated to be required prior to implementation of the proposed action:

A. STATE OF HAWAIʻI

1. Chapter 343, Hawaiʻi Revised Statutes Environmental Assessment
2. State Land Use Commission District Boundary Amendment

B. COUNTY OF MAUI

1. Project District Phase 1 Amendment
2. Change of Zoning
3. Community Plan Amendment

SIGNIFICANCE CRITERIA ASSESSMENT

VII

VII. SIGNIFICANCE CRITERIA ASSESSMENT

The "Significance Criteria", defined in Chapter 11-200.1-13 of the Hawai'i Administrative Rules (HAR), were reviewed and analyzed to determine whether the proposed action will have a significant effect on the environment. As defined under Chapter 343, Hawai'i Revised Statutes (HRS) "significant effect" means the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State's environmental policies or long-term environmental goals as established by law, or adversely affect the economic welfare, social welfare, or cultural practices of the community and State. The analysis required to determine whether a proposed action may have a significant effect requires that every aspect of the proposed action, expected primary and secondary consequences, and the cumulative as well as the short-term and long-term effects are evaluated in accordance with the Significance Criteria of Section 11-200.1-13, HAR. The following criteria and analyses are provided.

1. <u>Irrevocably commit a natural, cultural, or historic resource.</u>

The proposed amendments to the existing Kō'ele Project District will not cause any irrevocable loss of natural or cultural resources.

An archaeological review, with accompanying historical and cultural review, was conducted for the Project District area. The Applicant will comply with all applicable Federal, State, and County laws and rules regarding the treatment of archaeological and historic sites. Proposed mitigation measures include data recovery as well as monitoring during any future construction activities. Refer to **Appendix "E"** and **Appendix "F"**. If in the unlikely event that any human remains or other significant subsurface deposits are encountered, all work in the immediate area will stop and the State Historic Preservation Division will be promptly notified.

In consideration of the above, the proposed action will not cause any irrevocable loss of natural or cultural resources.

In regards to the parcels being removed from the Project District, no change of uses are anticipated as they are existing homes and, therefore, no impacts are anticipated.

2. <u>Curtail the range of beneficial uses of the environment.</u>

The proposed amendments to the existing Kō'ele Project District will not curtail the range of beneficial uses of the environment.

The range of beneficial uses of the property's environment is guided by the property's underlying land use designations. The proposed amendments to the Kō'ele Project

District, while aimed at reducing density, seek to support future development which would be consistent with existing uses in the Project District today.

In regards to the parcels being removed from the Project District, no change of uses are anticipated as they contain existing homes and, therefore, no impacts are anticipated.

3. **Conflict with the State's environmental policies or long-term environmental goals established by law.**

The stated purpose of Chapter 344, HRS, is to establish a State policy that will encourage productive and enjoyable harmony between people and their environment, promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity, and enrich the understanding of the ecological systems and natural resources important to the people of Hawai'i. The proposed action is in compliance with the policies, goals and guidelines of Chapter 344, HRS. In regards to the parcels being removed from the Project District, no change of uses anticipated as they have existing homes and, therefore, no impacts are anticipated.

4. **Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.**

The proposed amendments to the existing Kō'ele Project District will not negatively affect the economy or social welfare of the community and/or state.

The proposed uses in the amended Project District are similar to the surrounding uses and the presently permitted uses. The proposed amendments to the existing Kō'ele Project District will also have positive impacts on the economic welfare of the community and the State through support of the visitor industry and potential future job creation.

In regards to the parcels being removed from the Project District, no change of uses are anticipated as they contain existing homes and, therefore, no impacts are anticipated.

5. **Have a substantial adverse effect on public health.**

The proposed amendments to the existing Kō'ele Project District will not substantially affect public health.

The proposed uses in the amended Project District are similar to the surrounding uses and the presently permitted uses and will not increase the potential for environmental impacts as the overall allowable density will be reduced.

In regards to the parcels being removed from the Project District, no change of uses are anticipated as they have existing homes and, therefore, no impacts are anticipated.

6. **Involve adverse secondary impacts, such as population changes or effect on public facilities.**

The proposed amendments to the existing Kōʻele Project District will not involve a substantial degradation of environmental quality.

The proposed uses in the amended Project District are similar to the surrounding uses and the presently permitted uses. While the currently proposed action does not involve construction activities, the proposed amendments do present the opportunity for future development within the Project District. However, as previously stated, with implementation of the proposed action, the overall density of the Kōʻele Project District would be decreased from what is currently approved. As such, there will not be any significant secondary impacts or requirements for provision of or expansion of public facilities and services.

As previously noted, the parcels being removed from the Project District contain existing homes and no change of use is proposed. Therefore, no impacts are anticipated.

7. **Involve a substantial degradation of environmental quality.**

The proposed amendments to the existing Kōʻele Project District will not involve a substantial degradation of environmental quality.

The proposed uses in the amended Project District are similar to the surrounding uses and the presently permitted uses. While the currently proposed action does not involve construction activities, the proposed amendment does present the opportunity for future development within the Project District. However, as previously stated, with implementation of the proposed action, the overall density of the Kōʻele Project District would be decreased from what is currently approved. As such, the impacts of any future developments would also be decreased from what was contemplated with approval of the original Project District.

In consideration of the above, amendments to the existing Kōʻele Project District will not have a significant impact on environmental quality.

For the parcels proposed for removal from the Project District, no change of uses are anticipated as they contain existing homes and, therefore, no impacts are anticipated.

8. **Be individually limited, but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions.**

The proposed amendments to the existing Kōʻele Project District will not cumulatively have a considerable effect upon the environment or involve a commitment for larger actions.

The proposed uses in the amended Project District are similar to the surrounding uses and the presently permitted uses. As previously stated, although the currently proposed action does not involve construction activities, the proposed amendment does present the opportunity for future development within the Project District. However, any potential future development would be within the confines of the Project District's approved density and development regulations, and would be at a lesser scale than what is currently allowed.

In consideration of the above, amendments to the existing Kōʻele Project District will not have a cumulatively considerable effect upon the environment or involve a commitment for larger actions.

In regards to the parcels being removed from the Project District, no change of uses are anticipated as they have existing homes and, therefore, no impacts are anticipated.

9. Have a substantial adverse effect on a rare, threatened or endangered species, or its habitat.

The proposed amendments to the existing Kōʻele Project District will not substantially affect rare, threatened or endangered species or habitat.

There are no rare, threatened or endangered plants or animal species within the Project District and its immediate surroundings, nor are there known critical habitats. A flora and fauna study was prepared for the proposed action and advances mitigation measures for the avoidance of or decrease in potential impacts on biological resources in the area in the event of future potential construction activities. Refer to **Appendix "D"**.

With the implementation of the proposed mitigation measures during any future construction, the proposed amended Kōʻele Project District will not have a significant impact on rare, threatened or endangered species or its habitat.

For the parcels proposed for removal from the Project District, no change of uses are anticipated as they contain existing homes. Therefore, no impacts are anticipated.

10. Have a substantial adverse effect on air or water quality or ambient noise levels.

The proposed amendments to the existing Kōʻele Project District will not detrimentally affect air or water quality or ambient noise levels.

As previously stated, although the currently proposed action does not involve construction activities, the proposed amendment does present the opportunity for future development within the Project District. While air quality may be impacted to a certain extent during the course of any future construction activities, such as exhaust emissions from onsite construction equipment, the impact will be short term. Best Management Practices (BMPs) that include performing construction-related activities in strict compliance with all applicable air regulations will mitigate any temporary impacts. Contractors will be required

to comply with HAR, Chapter 11-60.1, "Air Pollution Control." BMPs will also be employed to control sediment and runoff. Similarly, construction BMPs will be employed for all future construction activities which may occur in order to not significantly impact ambient noise conditions.

In consideration of the above, amendments to the existing Kōʻele Project District will not have a significant impact on air, water quality, or ambient noise levels.

In regards to the parcels being removed from the Project District, no change of uses are anticipated as they contain existing homes. As such, no impacts are anticipated.

11. Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

The Project District is located mauka, outside of flood hazards areas, the tsunami evacuation zone, and the projected sea level rise exposure area.

In consideration of the above, amendments to the existing Kōʻele Project District will not have a significant impact on environmentally sensitive areas.

In regards to the parcels proposed for removal from the Project District, no change of uses are anticipated as they are existing homes and, therefore, no impacts are anticipated.

12. Have a substantial adverse effect on scenic vistas and viewplanes, day or night, identified in county or state plans or studies.

The proposed amendments to the existing Kōʻele Project District will not substantially affect scenic vistas and view planes.

The currently proposed action does not involve any construction activities, and, as such, will not involve significant alteration of the existing topographic character of the site and will not affect public views. It is further noted that the Project District is not part of a scenic corridor.

In consideration of the above, amendments to the existing Kōʻele Project District will not have a significant impact on scenic vistas and view planes.

The parcels proposed for removal from the Project District are not anticipated to have impacts on scenic vistas or viewplanes as they contain existing homes.

13. <u>Require substantial energy consumption or emit substantial greenhouse gasses.</u>

The proposed amendments to the existing Kōʻele Project District does not involve any construction activities. As such, the proposed action will not require substantial energy consumption or emit substantial greenhouse gasses.

In regards to the parcels being removed from the Project District, no change of uses are anticipated. The parcels contain existing homes and, therefore, no impacts to energy consumption or greenhouse gases are anticipated.

The proposed action is not anticipated to have a significant adverse impact on the surrounding physical, cultural and socio-economic environments. Based on the preceding analysis in this EA document, and in accordance with the significance criteria set forth in 11-200.1-13, HAR, the proposed project has been determined to qualify for a finding of no significant impact (FONSI).

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

VIII

REF-118

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

The following agencies were consulted during preparation of the Draft Environmental Assessment (EA). Agency comments and responses to substantive comments are included herein. It is noted that early consultation was undertaken by the project's previous consultant, Mr. Peter Young, of Hoʻokuleana, LLC.

1. Department of Interior
   U.S. Fish and Wildlife Service
   300 Ala Moana Blvd., Rm. 3-122
   Honolulu, HI 96818

2. Keith Kawaoka, Acting Director
   State of Hawai'i
   Department of Health
   Office of Environmental Quality Control
   235 S. Beretania Street, Suite 702
   Honolulu, HI 96813

3. Jade Butay, Director
   State of Hawaiʻi
   Department of Transportation
   869 Punchbowl Street
   Honolulu, HI 96813

4. Sylvia Hussey, Chief Executive Officer
   State of Hawai'i
   Office of Hawaiian Affairs
   560 N. Nimitz Highway, Suite 200
   Honolulu, HI 96817

5. State of Hawaiʻi
   Department of Health
   Environmental Health Administration
   P.O. Box 3378
   Honolulu, HI 96801

6. State of Hawaiʻi
   Department of Business, Economic Development & Tourism
   Office of Planning
   235 S. Beretania Street, 6th Floor
   Honolulu, HI 96813

7. Christina Kishimoto, Superintendent
   State of Hawaiʻi
   Department of Education
   P.O. Box 2360
   Honolulu, HI 96804

8. Suzanne Case, Chairperson
   State of Hawaiʻi
   Department of Land and Natural Resources
   P. O. Box 621
   Honolulu, HI 96809

9. Dan Orodenker, Executive Officer
   State of Hawaiʻi
   State Land Use Commission
   P.O. Box 2359
   Honolulu, HI 96804

10. Eric Nakagawa, Director
    County of Maui
    Department of Environmental Management
    2050 Main Street, Suite 2B
    Wailuku, HI 96793

11. David Thyne, Chief
County of Maui
Department of Fire and Public Safety
200 Dairy Road
Kahului, HI 96732

12. Lori Tsuhako, Director
County of Maui
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, HI 96793

13. Karla Peters, Director
County of Maui
Department of Parks and Recreation
700 Halia Nakoa Street, Unit 2F
Wailuku, HI 96793

14. Tivoli Faaumu,
County of Maui
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

15. Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, HI 96793

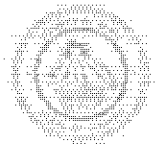
16. Rowena Dagdag-Andaya, Director
County of Maui
Department of Public Works
200 South High Street
Wailuku, HI 96793

17. Jeffrey Pearson, Director
County of Maui
Department of Water Supply
200 South High Street, 5th Floor
Wailuku, HI 96793

MICHAEL P. VICTORINO
Mayor

KARLA H. PETERS
Director

JOHN L. BUCK III
Deputy Director



DEPARTMENT OF PARKS AND RECREATION
700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawai' 96793
Main Line (808) 270-7230 / Facsimile (808) 270-7942

November 13, 2019

Mr. Peter T. Young, President
Ho`okuleana LLC
1539 Kanapu`u Drive
Kailua, Hawai`i 96734

Dear Mr. Young:

SUBJECT: PRE-ASSESSMENT CONSULTATION FOR DRAFT ENVIRONMENTAL ASSESSMENT – KOELE PROJECT DISTRICT AMENDMENT; LANAI CITY LANAI, HAWAII

Thank you for providing the Department an opportunity to respond to your pre-assessment consultation for the subject Environmental Assessment (EA) preparation. We have no comment at this time and look forward to the review of the Draft EA.

Should you have any questions or concerns, please feel free to call me or Robert Halvorson, Chief of Parks Planning and Development, at 808-270-7931.

Sincerely,

KARLA H. PETERS
Director of Parks & Recreation

c: Robert Halvorson, Chief of Planning and Development

KHP:RH:kb

From: Anderson, Bruce S., PhD <Bruce.S.Anderson@doh.hawaii.gov>
Sent: Friday, November 1, 2019 10:49 AM
To: Peter T. Young
Cc: Pruder, Sina L; Irvin, Lola H.; Tomiyasu, Danette W.
Subject: FW: Pre-assessment Consultation and Scoping for Draft Environmental Assessment -
Ko?'ele Project District Amendment; La?na?i City, La?na?i, Hawai?i

Hi Peter,

Wastewater treatment and disposal is always an issue for the DOH. I presume that Sina's comments are accurate (see below). As you know, we are trying to incrementally replace cesspools with treatment systems in Hawaii. The project would be well-received if a wastewater treatment/reuse system is proposed for all the new units. Even better would be a plan to replace some or all of the existing cesspools in Lanai City with a collector/reuse system (in addition to the new units). Other conservation features (recycling opportunities for solid waste, etc.) would, of course, be desirable.

Lanai has the highest rates of dental carries in Hawaii and Hawaii has the highest rate in any State. In the late 1990's, we proposed a water fluoridation system, which would go a long way to address this problem. Murdock was supportive but, unfortunately, the dentist there at the time didn't support it and the project was never implemented. This might be an opportunity to propose this, again-- if you really want to make Lanai a healthier community.

Aloha,

Bruce

Bruce S. Anderson, Ph.D.
Director of Health
State of Hawaii Department of Health
1250 Punchbowl Street
Honolulu, Hawaii 96813
Phone: (808) 586-4410
Email: bruce.s.anderson@doh.hawaii.gov

From: Pruder, Sina L <sina.pruder@doh.hawaii.gov>
Sent: Friday, November 1, 2019 9:50 AM
To: Anderson, Bruce S., PhD <Bruce.S.Anderson@doh.hawaii.gov>; Kawaoka, Keith E

REF-121

<keith.kawaoka@doh.hawaii.gov>
Subject: RE: Pre-assessment Consultation and Scoping for Draft Environmental Assessment - Ko?'ele
Project District Amendment; La?na?i City, La?na?i, Hawai?i

This project will probably connect to the County of Maui's wastewater treatment plant that consists of
lined wastewater stabilization ponds. The effluent from the County's pond system is routed to an
adjacent advanced treatment facility owned by Pulama Lanai that treats the effluent to R-1 quality.

From: Anderson, Bruce S., PhD <Bruce.S.Anderson@doh.hawaii.gov>
Sent: Friday, November 1, 2019 9:31 AM
To: Kawaoka, Keith E <keith.kawaoka@doh.hawaii.gov>
Cc: Pruder, Sina L <sina.pruder@doh.hawaii.gov>
Subject: FW: Pre-assessment Consultation and Scoping for Draft Environmental Assessment - Ko?'ele
Project District Amendment; La?na?i City, La?na?i, Hawai?i

Require wastewater reuse system?

From: Peter T Young <PeterYoung@Hookuleana.com>
Sent: Friday, November 1, 2019 5:27 AM
To: Peter T Young <PeterYoung@Hookuleana.com>
Subject: Pre-assessment Consultation and Scoping for Draft Environmental Assessment - Ko?'ele Project
District Amendment; La?na?i City, La?na?i, Hawai?i

We are preparing an Environmental Assessment for the proposed amendments to the existing Ko?'ele
Project District. The K?'ele Project District, described as a ''low-density, primarily residential and
recreational development with hotel facilities in an upland rural setting," was established by County of
Maui Ordinance 1580 in September 1986.

Since passage, some of the anticipated development has occurred: The Lodge at Ko?'ele and golf course
were built, as well as single- and multi-family residences. However, just as economic conditions
influenced the formation of the initial K?'ele Project District (the Island's pineapple production was
waning and alternatives for new job opportunities and a different and stronger, more diverse, and
stable economy was needed with tourism), so, too, is there evidence of evolution within the visitor
industry that necessitates changes in the K?'ele Project District.

The goal is to re-imagine K?'ele as a best-in-class wellness destination unlike any other in Hawai'i or the
world. K?'ele has undergone a $75 million upgrade and "refresh," which involved reducing the number
of rooms from 102 to 96. Wellness tourism is a type of travel experience that encourages individuals to
improve or maintain their health while on vacation.

In this process, Pu?lama La?na'i is seeking changes in the Ko?'ele Project District. The overall land area is
proposed to be reduced from 618-acres to 564-acres. Densities and maximum allowable units for
various uses are also proposed to be reduced. A new category of use, Resort Commercial, is proposed to
be added.

Outcomes of some of the proposed changes include (comparing Existing with the Proposed):

Single Family Residential
o Land area for Single Family Residential is reduced from 214-acres to 9.8-acres
o Maximum Density for Single Family Residential reduced from 2.5-units/ac to 2-units/ac
o Maximum Units Allowed for Single Family is reduced from 535-units to 20-units

Multifamily Residential
o Land area for Multifamily Residential is reduced from 26.0-acres to 18.7-acres
o Maximum Density for Multifamily Residential is reduced from 6-units/ac to 3-units/ac
o Maximum Units Allowed for Multifamily is reduced from 156-units to 56-units

Hotel
o Land area for Hotel use increases from 21.1-acres to 39.1-acres
o However, Maximum Density for Hotel use is reduced from 12-units/ac to 3.5-units/ac
o Thus, Maximum Units Allowed for Hotel is reduced from 253-units to 137-units

We are in the pre-assessment scoping phase and are seeking your input on issues that would identify
potential impacts associated with the proposed project. In conjunction with this, we are requesting any
written information and/or comments with respect to your areas of concern within 30-days. Please send
written comments to (e-mail of comments is preferred, in lieu of postal delivery):

Peter T Young PeterYoung@Hookuleana.com

REF-122

If you have any questions, please contact me. Thank you for your assistance.

Thanks,
Peter.

Peter T. Young, President

1539 Kanapu`u Drive
Kailua, Hawai`i 96734

(808) 226-3567 (Cell Phone)

PeterYoung@Hookuleana.com
www.Hookuleana.com

Do well by doing good.

? Save paper, save money - you may not need to print this e-mail.

From: Peter T Young <PeterYoung@Hookuleana.com>
Sent: Wednesday, November 27, 2019 8:12 PM
To: 'DOH.WWB'
Cc: 'Tomomitsu, Mark S'; 'Tejano, Roland C.'; 'Morikami, Lori'
Subject: RE: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Koele Project District Amendment

Thank you for your recent comments on the proposed amendment to the Koele Project District.

The proposed amendment will decrease the land area and density for residential units.

Presently, 18 single-family units have been built and the permissible total is 20-units, so only 2 units may be added.

Likewise, a total of 56-units in the multifamily designated areas will be allowed. Presently, 33-units have already been built; so, a total of 23-units may be added.

That means only 25-residential units (single and multi-family) may be added.

All existing units are connected to the Lanai City Wastewater Treatment Plant and future units will also be connected to that plant.

Does this address your concerns? Does the fact that only 25-new residential units will be added affect your comments?

Peter.

Peter T. Young, President

1539 Kanapu`u Drive
Kailua, Hawai`i 96734

(808) 226-3567 (Cell Phone)

PeterYoung@Hookuleana.com
www.Hookuleana.com

Do well by doing good.

? Save paper, save money - you may not need to print this e-mail.

From: DOH.WWB <DOH.wwb@doh.hawaii.gov>
Sent: Wednesday, November 27, 2019 2:46 PM
To: PeterYoung@Hookuleana.com
Cc: Tomomitsu, Mark S <mark.tomomitsu@doh.hawaii.gov>; Tejano, Roland C. <Roland.Tejano@doh.hawaii.gov>; Morikami, Lori <lori.morikami@doh.hawaii.gov>
Subject: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Koele Project District Amendment

Aloha,

In effort to reduce paper use and increase efficiency, we are sending letters via email in a pdf format instead of sending paper correspondences via postal mail. Please find our letter attached to this email.

If you have trouble opening the document, you may need to download the latest version of Adobe Acrobat Reader DC.

https://get.adobe.com/reader/

Thank you for your understanding and cooperation with our initiative to reduce paper use.

Department of Health, Wastewater Branch
2827 Waimano Home Road
Hale Ola Building, Room 207
Pearl City, Hawaii 96782
Ph. 808-586-4294 Fax: 808-586-4300
Email: wwb@doh.hawaii.gov

DAVID Y. IGE
GOVERNOR OF HAWAII

BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

LUO – 2 4 9 092 031 etc
Koele Proj Dist Amendment ID 4899

November 27, 2019

Ms. Peter T. Young, President
Hookulenana LLC
1539 Kanapuu Drive
Kailua, Hawaii 96734
Email: PeterYoung@Hookuleana.com

Dear Mr. Young:

Subject: Pre-Assessment Consultation And Scoping for Draft Environmental Assessment
Koele Project District Amendment, Kaumalapau Hwy, Lanai City, Lanai, HI 96763
TMKs (2) 4-9-002: 061, (2) 4-9-018: 001, 002, 003 and 004, (2) 4-9-020: all parcels and (2) 4-9-021: all parcels

Thank you for allowing us the opportunity to provide comments for the subject project.

The proposed project will involve greater than fifty (50) dwelling units, therefore, a wastewater treatment works in accordance with Section 11-62-31(a)(1)(B) of Hawaii Administrative Rules will be needed for the project. If connection to the County of Maui's Lanai Wastewater Reclamation Facility is planned, improvements to facility will be required for compliance with applicable provisions of Hawaii Administrative Rules (HAR), Chapter 11-62, "Wastewater Systems," and an assessment will be needed before the Department of Health (DOH) will approve of any future subdivision or development plans.

Please be informed that the proposed wastewater systems for the subdivision/development may have to include design considerations to address any effects associated with the construction of and/or discharges from the wastewater systems to any public trust, Native Hawaiian resources or the exercise of traditional cultural practices. In addition, all wastewater plans must conform to applicable provisions of the HAR, Chapter 11-62.

Should you have any questions, please call Mr. Mark Tomomitsu of my staff at 586-4294.

Sincerely,

SINA PRUDER, P.E., CHIEF
Wastewater Branch

LM/MST:lmj

c: Mr. Roland Tejano, WWB Maui Staff via email

REF-124

From: Peter T Young <PeterYoung@Hookuleana.com>
Sent: Wednesday, November 27, 2019 8:12 PM
To: 'DOH.WWB'
Cc: 'Tomomitsu, Mark S'; 'Tejano, Roland C.'; 'Morikami, Lori'
Subject: RE: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for
the Koele Project District Amendment

Thank you for your recent comments on the proposed amendment to the Koele Project District.

The proposed amendment will decrease the land area and density for residential units.

Presently, 18 single-family units have been built and the permissible total is 20-units, so only 2 units may
be added.

Likewise, a total of 56-units in the multifamily designated areas will be allowed. Presently, 33-units have
already been built; so, a total of 23-units may be added.

That means only 25-residential units (single and multi-family) may be added.

All existing units are connected to the Lanai City Wastewater Treatment Plant and future units will also
be connected to that plant.

Does this address your concerns? Does the fact that only 25-new residential units will be added affect
your comments?

Peter.

Peter T. Young, President

1539 Kanapu`u Drive
Kailua, Hawai`i 96734

(808) 226-3567 (Cell Phone)

PeterYoung@Hookuleana.com
www.Hookuleana.com

Do well by doing good.

? Save paper, save money - you may not need to print this e-mail.

From: DOH.WWB <DOH.wwb@doh.hawaii.gov>
Sent: Wednesday, November 27, 2019 2:46 PM
To: PeterYoung@Hookuleana.com
Cc: Tomomitsu, Mark S <mark.tomomitsu@doh.hawaii.gov>; Tejano, Roland C. <Roland.Tejano@doh.hawaii.gov>; Morikami, Lori <lori.morikami@doh.hawaii.gov>
Subject: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Koele
Project District Amendment

Aloha,

In effort to reduce paper use and increase efficiency, we are sending letters via email in a pdf
format instead of sending paper correspondences via postal mail. Please find our letter attached
to this email.

If you have trouble opening the document, you may need to download the latest version of
Adobe Acrobat Reader DC.

https://get.adobe.com/reader/

Thank you for your understanding and cooperation with our initiative to reduce paper use.

Department of Health, Wastewater Branch
2827 Waimano Home Road
Hale Ola Building, Room 207
Pearl City, Hawaii 96782
Ph. 808-586-4294 Fax: 808-586-4300
Email: wwb@doh.hawaii.gov

REF-125

DAVID Y. IGE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 29, 2019

Ho'okuleana LLC
Attention: Mr. Peter Young
1539 Kanapu'u Drive
Kailua, Hawaii 96734

via email: PeterYoung@Hookuleana.com

Dear Mr. Young:

SUBJECT: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Proposed **Ko'ele Project District Amendment** located at Lanai City, Island of Lanai; TMK: (2) 4-9: Various

Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.

At this time, enclosed are comments from the (a) Engineering Division, (b) Commission on Water Resource Management, and (c) Land Division – Maui District on the subject matter. Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: darlene.k.nakamura@hawaii.gov. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Enclosures
cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 5, 2019

MEMORANDUM

FROM

TO:

DLNR Agencies:
__Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
X Engineering Division
X Div. of Forestry & Wildlife
__Div. of State Parks
X Commission on Water Resource Management
X Office of Conservation & Coastal Lands
X Land Division – Maui District
X Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Proposed **Ko'ele Project District Amendment**
LOCATION: Lanai City, Island of Lanai; TMK: (2) 4-9: Various
APPLICANT: Ho'okuleana LLC on behalf of Pulama Lanai

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **November 27, 2019.**

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Darlene Nakamura at 587-0417 or by email at darlene.k.nakamura@hawaii.gov. Thank you.

( ) We have no objections.
( ) We have no comments.
(✓) Comments are attached.

Signed:

Print Name: Gary S. Cheng, Chief Engineer

Date: 11/22/19

Attachments
cc: Central Files

REF-126

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji
Ref: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Proposed Ko'ele Project District Amendment
Location: Lanai City, Island of Lanai
TMK(s): (2) 4-9: Various
Applicant: Ho'okuleana LLC on behalf of Pulama Lanai

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (http://gis.hawaiinfip.org/FHAT).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4896.

Signed: CARTY S. CHANG, CHIEF ENGINEER

Date: 11/12/19

DAVID Y. IGE
GOVERNOR OF HAWAII

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

2019 NOV 26 AM 6:36

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2019 NOV -5 PM 1:24

November 5, 2019

MEMORANDUM

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
X Engineering Division
X Div. of Forestry & Wildlife
___Div. of State Parks
X Commission on Water Resource Management
X Office of Conservation & Coastal Lands
X Land Division – Maui District
X Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Proposed **Ko'ele Project District Amendment**
LOCATION: Lanai City, Island of Lanai; TMK: (2) 4-9: Various
APPLICANT: Ho'okuleana LLC on behalf of Pulama Lanai

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **November 27, 2019.**

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Darlene Nakamura at 587-0417 or by email at darlene.k.nakamura@hawaii.gov. Thank you.

( ) We have no objections.
( ) We have no comments.
(x) Comments are attached.

Signed: /s/ M. Kaleo Manuel

Print Name: Deputy Director

Date: November 21, 2019

Attachments
cc: Central Files

FILE ID: KPD.5293.5
DOC ID: 23002

REF-127

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON

BELLE S. ANDERSON, PH.D.
KAMANA BEAMER, PH.D.
MICHAEL G. BUCK
NEIL J. HANNAHS
WAYNE R. KATAYAMA
PAUL J. MEYER

M. KALEO MANUEL
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

November 21, 2019

REF: RFD.5273.5

TO: Mr. Russell Tsuji, Administrator
Land Division

FROM: M. Kaleo Manuel, Deputy Director
Commission on Water Resource Management

SUBJECT: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Proposed Keele Project District Amendment

FILE NO.: RFD.5273.5
TMK NO.: (2) 4-9: Various

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State; therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at http://dlnr.hawaii.gov/cwrm.

Our comments related to water resources are checked off below.

[X] 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.

[ ] 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.

[ ] 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.

[X] 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at http://www.usgbc.org/leed. A listing of fixtures certified by the EAP as having high water efficiency can be found at http://www.epa.gov/watersense.

[X] 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at http://planning.hawaii.gov/czm/initiatives/low-impact-development/

[X] 6. We recommend the use of alternative water sources, wherever practicable.

[X] 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at http://energy.hawaii.gov/green-business-program.

[X] 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at

http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf.

[X] 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

[ ] 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.

[ ] 11. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.

[ ] 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

[ ] 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.

[ ] 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.

[ ] 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.

[ ] 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.

[ ] 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.

[ ] 18. 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.

[X] OTHER: Planning - The proposed water sources and projected water demands for the project, both potable and non-potable, should be identified and the calculations used to estimate demands should be provided. A discussion of the potential impacts on water resources and other public trusts uses of water should be included, and any proposed mitigation measures described. Water conservation and efficiency measures to be implemented should also be discussed.

The Land Water Use and Development Plan (LWUDP) was adopted by the Maui County Council on February 25, 2011 under Ordinance No. 3885 Bill No. 60 (2011). The Draft Environmental Assessment should discuss the consistency of the proposed project district amendment with the LWUDP and note any amendments to the LWUDP that should be made if the proposed project description is approved.

If you have any questions, please contact Lancie Olive of the Commission staff at 587-0216.

REF-128

DAVID Y. IGE
GOVERNOR OF HAWAII

RECEIVED
LAND DIVISION
2019 NOV 26 AM 10:44
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 5, 2019

MEMORANDUM

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
X Engineering Division
X Div. of Forestry & Wildlife
___Div. of State Parks
X Commission on Water Resource Management
X Office of Conservation & Coastal Lands
X Land Division – Maui District
X Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Pre-Assessment Consultation and Scoping for Draft Environmental Assessment for the Proposed **Ko'ele Project District Amendment**
LOCATION: Lanai City, Island of Lanai; TMK: (2) 4-9: Various
APPLICANT: Ho'okuleana LLC on behalf of Pulama Lanai

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **November 27, 2019.**

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Darlene Nakamura at 587-0417 or by email at darlene.k.nakamura@hawaii.gov. Thank you.

( ) We have no objections.
(X) We have no comments.
( ) Comments are attached.

Signed: [signature]

Print Name: Daniel Ornellas

Date: 11/13/19

Attachments
cc: Central Files

Sm 11/13/19
DO 11/12/19

RECEIVED
MAP DISTRICT
2019 NOV 22 AM 10:09

Ho'okuleana LLC
... to take responsibility ...

Peter T. Young
1539 Kanapu'u Drive
Kailua, Hawai'i 96734
(808) 226-3567 (Cell Phone)
PeterYoung@Hookuleana.com
www.Hookuleana.com

Russell Tsuji, Land Administrator
Department of Land and Natural Resources
Post Office Box 621
Honolulu Hawaii 96809

Re: Kō'ele Project District – Responses to Environmental Assessment Preassessment Comments

Dear Mr. Tsuji:

Thank you for your comments on the Draft Environmental Assessment on the Miki Basin Industrial Park.

We note that the Engineering Division noted rules related to the National Flood Insurance Program and acknowledge that the property owner is responsible to research the Flood Hazard Zone designation for the project. We also note that the draft EA indicates that the subject property is within the X flood zone.

We note that the Commission on Resource Management (CWRM) suggested coordination with the County on water use planning, use of water efficient fixtures, BMPs is dealing with stormwater, consideration of alternative water sources, environmentally and socially responsible business practices, conservation and BMPs for irrigation water, addressing DOH water quality concerns and further discussion about the proposed water sources and water demands.

With respect to the CWRM comments, conservation and best management practices have been incorporated into the draft EA text. Likewise, there is review of resent water sourcing, as well and anticipated water demands on the Island. Based on the preliminary engineering review, we believe there is sufficientsupply and appropriate safeguards in protecting the water resources.

We note the Maui Land Division has no comments.

Thank you for your comments.

Sincerely,
HO'OKULANA LLC

Peter T. Young
President

Do well by doing good.

LETTERS RECEIVED DURING THE DRAFT ENVIRONMENTAL ASSESSMENT REVIEW PERIOD AND RESPONSES TO SUBSTANTIVE COMMENTS

IX

REF-130

IX. LETTERS RECEIVED DURING THE DRAFT ENVIRONMENTAL ASSESSMENT REVIEW PERIOD AND RESPONSES TO SUBSTANTIVE COMMENTS

The Draft Environmental Assessment (EA) for the subject action was filed and published in the Environmental Review Program's Environmental Notice on September 8, 2021. The following agencies were provided a copy of the Draft EA. Comments on the Draft EA were received during the 30-day public comment period. Letters received as well as responses to substantive comments are included in this Chapter.

1. Department of Interior
   U.S. Fish and Wildlife Service
   300 Ala Moana Blvd., Rm. 3-122
   Honolulu, HI 96818

2. Keith Kawaoka, Acting Director
   State of Hawai'i
   Department of Health
   Office of Environmental Quality Control
   235 S. Beretania Street, Suite 702
   Honolulu, HI 96813

3. Jade Butay, Director
   State of Hawai‘i
   Department of Transportation
   869 Punchbowl Street
   Honolulu, HI 96813

4. Sylvia Hussey, Chief Executive Officer
   State of Hawai'i
   Office of Hawaiian Affairs
   560 N. Nimitz Highway, Suite 200
   Honolulu, HI 96817

5. State of Hawai‘i
   Department of Health
   Environmental Health Administration
   P.O. Box 3378
   Honolulu, HI 96801

6. State of Hawai‘i
   Department of Business, Economic Development & Tourism
   Office of Planning
   235 S. Beretania Street, 6th Floor
   Honolulu, HI 96813

7. Christina Kishimoto, Superintendent
   State of Hawai‘i
   Department of Education
   P.O. Box 2360
   Honolulu, HI 96804

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

9. Dan Orodenker, Executive Officer
   State of Hawai‘i
   State Land Use Commission
   P.O. Box 2359
   Honolulu, HI 96804

10. Eric Nakagawa, Director
    County of Maui
    Department of Environmental Management
    2050 Main Street, Suite 2B
    Wailuku, HI 96793

11. David Thyne, Chief
County of Maui
Department of Fire and Public Safety
200 Dairy Road
Kahului, HI 96732

12. Lori Tsuhako, Director
County of Maui
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, HI 96793

13. Karla Peters, Director
County of Maui
Department of Parks and Recreation
700 Halia Nakoa Street, Unit 2F
Wailuku, HI 96793

14. Tivoli Faaumu,
County of Maui
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

15. Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, HI 96793

16. Rowena Dagdag-Andaya, Director
County of Maui
Department of Public Works
200 South High Street
Wailuku, HI 96793

17. Jeffrey Pearson, Director
County of Maui
Department of Water Supply
200 South High Street, 5th Floor
Wailuku, HI 96793

21/4499

DAVID Y. IGE
GOVERNOR

JADE T. BUTAY
DIRECTOR

Deputy Directors
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

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

IN REPLY REFER TO:
DIR 0863
STP 8.3264

October 5, 2021

Ms. Michele Chouteau McLean, AICP
Director
Department of Planning
County of Maui
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

DEPT. OF PLANNING
COUNTY OF
OCT 11 '21
RECEIVED

Attention: Mr. Kurt Wollenhaupt

Dear Ms. McLean:

Subject: Koele Project District (KPD) Amendment and Draft Environmental Assessment (EA)
Lanai City, Lanai, Hawaii
Tax Map Key: (2) 4-9-001:021, 024 025 (por.), 027, 030; 4-9-002:001 (por.), 061; 4-9-018: 001, 002 (por.), 003 (por.), 004, 005; 4-9-020: 020 (por.); 4-9-021:009

Thank you for your transmittal letter dated September 1, 2021 requesting the Hawaii Department of Transportation's (HDOT) review and comment on the subject KPD Amendment and Draft EA. HDOT understands the Applicant, Pulama Lanai is proposing to amend the KPD boundaries and land use designations that were adopted in 1992, resulting in a reduction of the total acreage from 632 to 582 acres, and alter the land use sub-designations of the project area. In addition, the amendment would revise the description of permitted uses and development standards in Chapter 19.71 of the Maui County Code.

HDOT has reviewed the application materials and Draft EA, including the Final Draft Traffic Assessment (TA) for Koele Project District (dated February 16, 2021), and have the following comments:

Airports Division (HDOT-A)

1. The project boundary is located approximately 2.4 miles from the property boundary of Lanai Airport (LNY). All projects within 5 miles from Hawaii State airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. The TAM can be viewed at this link:
http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf.

REF-133

2. The project boundary is approximately 15,200 feet from the end of Runway 21 at LNY. Prior to construction, Federal Aviation Administration (FAA) regulation requires the submittal of FAA Form 7460-1 Notice of Proposed Construction or alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9, if the construction or alteration is within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 feet. Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal. The form and criteria for submittal can be found at the following website: https://oeaaa.faa.gov/oeaaa/external/portal.jsp.

3. Due to the proximity to the airport, the developer should be aware of potential noise from aircraft operations. There is also a potential for fumes, smoke, vibrations, odors, etc., resulting from occasional aircraft flight operations over or near the project location. These impacts may increase or decrease over time and depending on airport operations.

Highways Division (HDOT-HWY)

1. Kaumalapau Highway (State Route 440) and Manele Road (State Route 441) are the State roads in the vicinity of the KPD.

2. The EA states: Because the Proposed Koele Project District amendments are anticipated to have a reduced impact to traffic compared to the Original Koele Project District, an updated Traffic Impact Analysis Report (TIAR) is not expected to be required for approval of the Proposed Koele Project District. The HDOT acknowledges implementation of the proposed amendment is unlikely to have a significant adverse impact on State highways, but not for the reasons stated in the EA and TA. The Traffic Impact Analysis in the EA and TA should be revised to substantiate the conclusion that no updated TIAR is required, based on the following comments:

   a. The EA and the TA refer to the Lanai City Traffic Circulation Plan Traffic Study (Original TIAR), dated October 1991, as the basis for "existing conditions." The Original TIAR is no longer relevant to existing traffic conditions. Note that the other resources assessed in the EA rely on recent information for the assessment of impacts.

      Within the last five years, Pulama Lanai has completed traffic studies for two other planned projects that would provide a more accurate basis for existing conditions on State highways.

   b. The TA (inclusive of multimodal traffic) should include the following:

      - Jurisdiction of roadways in the vicinity, including the nearest intersections with State highways.

      - Existing conditions: traffic capacity on State roads and key intersections (use best available data); vehicle routes and access driveways to/from the KPD (include guests, deliveries, workers, residents, community); current trip

generation to/from the KPD boundary that affects State highways; restrictions to public access to the KPD; and a description of multimodal routes (e.g., bicycle, pedestrian, bus) between the KPD and the community. Note any community concerns or complaints received regarding KPD-related ground transportation.

- Proposed action: no construction is proposed, and overall land use density would be reduced but describe anticipated changes to the existing conditions listed above based on the proposed range of permitted land uses and design standards.

- Assess the project's potential direct, secondary, and cumulative impacts to State roadways (including multimodal traffic) at full implementation of the amendment to existing conditions. The cumulative impact section should identify other foreseeable Pulama Lanai projects that would affect State highways, specifically at intersections with Lanai City roads.

c. If the qualitative traffic assessment suggests a potential for adverse impact to State highways, then prepare a TIAR prepared by a licensed Professional Engineer.

If there are any questions, please contact Mr. Blayne Nikaido of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

Sincerely,

JADE T. BUTAY
Director of Transportation

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Jade Butay, Director
State of Hawai‘i
Department of Transportation
869 Punchbowl Street
Honolulu, Hawai‘i 96813-5097

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i (DIR 0863, STP 8.3264)

Dear Mr. Butay:

Thank you for your letter dated October 5, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawai‘i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai‘i Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
Matt Nakamoto, Austin, Tsutsumi & Associates (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Fire Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Department of Transportation

Comments from the Airports Division

Comment 1:

The project boundary is located approximately 2.4 miles from the property boundary of Lanai Airport (LNY). All projects within 5 miles from Hawaii State airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. The TAM can be viewed at this link:

http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf.

Response: We acknowledge the comment that the project boundary is located approximately 2.4 miles from Lānaʻi Airport (LNY), and that all projects within five (5) miles of Hawaiʻi State airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities which may require further review and permits. Although the currently proposed project does not involve any development activities, the TAM will be reviewed for applicability to the proposed project.

Comment 2:

The project boundary is approximately 15,200 feet from the end of Runway 21 at LNY. Prior to construction, Federal Aviation Administration (FAA) regulation requires the submittal of FAA Form 7460-1 Notice of Proposed Construction or alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9, if the construction or alteration is within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 feet. Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal. The form and criteria for submittal can be found at the following website:

https://oeaaa.faa.gov/oeaaa/external/portal.jsp.

Response: We acknowledge your comment that as the project is approximately 15,200 feet away from the end of Runway 21 at LNY, and that the Federal Aviation Administration (FAA) requires the submittal of FAA Form 7460-1, Notice of Proposed Construction or Alteration if construction or alteration is within 20,000 feet of a public use or military airport which exceeds a 100 to 1 surface from any point on the runway with its longest runway more than 3,200 feet. We understand that the completed Form 7460-1 shall include construction and equipment area heights, including heights of temporary construction cranes. We

REF-138

note that the currently proposed project does not involve any development activities. At the time future development activities are proposed in the Kōʻele Project District, the FAA website noted in your letter will be reviewed for Form 7460-1 requirements and submittal process information, as applicable.

Comment 3:

Due to the proximity to the airport, the developer should be aware of potential noise from aircraft operations. There is also a potential for fumes, smoke, vibrations, odors, etc., resulting from occasional aircraft flight operations over or near the project location. These impacts may increase or decrease over time and depending on airport operations.

Response: The Applicant acknowledges the potential single event noise from aircraft operations, as well as the chance for fumes, smoke, vibrations, and odors that may result from occasional aircraft flight operations.

Comments from the Highways Division

Comment 1:

Kaumalapau Highway (State Route 440) and Manele Road (State Route 441) are the State roads in the vicinity of the KPD.

Response: We acknowledge your comment that Kaumālapaʻu Highway and Mānele Road are the State roads in the vicinity of the Kōʻele Project District.

Comment 2:

The EA states: Because the Proposed Koele Project District amendments are anticipated to have a reduced impact to traffic compared to the Original Koele Project District, an updated Traffic Impact Analysis Report (TIAR) is not expected to be required for approval of the Proposed Koele Project District. The HDOT acknowledges implementation of the proposed amendment is unlikely to have a significant adverse impact on State highways, but not for the reasons stated in the EA and TA. The Traffic Impact Analysis in the EA and TA should be revised to substantiate the conclusion that no updated TIAR is required, based on the following comments:

a. *The EA and the TA refer to the Lanai City Traffic Circulation Plan Traffic Study (Original TIAR), dated October 1991, as the basis for "existing conditions." The Original TIAR is no longer relevant to existing traffic conditions. Note that the other resources assessed in the EA rely on recent information for the assessment of impacts.*

Within the last five years, Pulama Lanai has completed traffic studies for two other planned projects that would provide a more accurate basis for existing conditions on State highways.

b. *The TA (inclusive of multimodal traffic) should include the following:*

   - *Jurisdiction of roadways in the vicinity, including the nearest intersections with State highways.*

   - *Existing conditions: traffic capacity on State roads and key intersections (use best available data); vehicle routes and access driveways to/from the KPD (include guests, deliveries, workers, residents, community); current trip generation to/from the KPD boundary that affects State highways; restrictions to public access to the KPD; and a description of multimodal routes (e.g., bicycle, pedestrian, bus) between the KPD and the community. Note any community concerns or complaints received regarding KPD-related ground transportation.*

   - *Proposed action: no construction is proposed, and overall land use density would be reduced but describe anticipated changes to the existing conditions listed above based on the proposed range of permitted land uses and design standards.*

   - *Assess the project's potential direct, secondary, and cumulative impacts to State roadways (including multi modal traffic) at full implementation of the amendment to existing conditions. The cumulative impact section should identify other foreseeable Pulama Lanai projects that would affect State highways, specifically at intersections with Lanai City roads.*

c. *If the qualitative traffic assessment suggests a potential for adverse impact to State highways, then prepare a TIAR prepared by a licensed Professional Engineer.*

   Response: An addendum to the Traffic Assessment (TA) will be prepared. The addendum will provide the most recent data available for existing conditions in the project area to determine the impacts to State highways. Previously collected intersection count data will be adjusted as necessary to reflect growth to typical current conditions. Based on available data, the following intersections will be included:

   - Kaumālapaʻu Highway/Mānele Road
   - Kaumālapaʻu Highway/Fraser Avenue
   - Kaumālapaʻu Highway/Lānaʻi Avenue

   In addition, the addendum will provide the requested information, including jurisdiction of roadways, existing conditions, proposed action, project impact, and

REF-140

impacts of other planned Pūlama Lānaʻi projects. The TA addendum will be appended to and addressed in the Final Environmental Assessment.

We acknowledge your comment that if the qualitative traffic assessment suggests a potential for adverse impact to State highways, a Traffic Impact Analysis Report should be prepared by a licensed Professional Engineer.

REF-141

From: Cab General [mailto:Cab.General@doh.hawaii.gov]
Sent: Monday, October 11, 2021 1:09 PM
To: Keiki-Pua Dancil <kdancil@pulamalanai.com>; planning@munekiyohiraga.com
Subject: Koele Project District Amendment--Draft EA (AFNSI)

Aloha

Thank you for the opportunity to provide comments on the subject project. I apologize for sending this past the deadline.
Please see our standard comments at:

https://health.hawaii.gov/cab/files/2019/08/Standard-Comments-Clean-Air-Branch-2019.pdf

Please let me know if you have any Questions

Lisa M.M. Wallace
EHS QA Officer
Clean Air Branch
Environmental Health Office
Hilo, Hawaii 96720

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Via Email: CAB.General@doh.hawaii.gov

Lisa M.M. Wallace, EHS QC Officer
Clean Air Branch
Department of Health
State of Hawaiʻi
2827 Waimano Home Road, #130
Pearl City, Hawaiʻi 96782

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Ms. Wallace:

Thank you for your email dated October 11, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\SOH DOH CAB Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Department of Health – Clean Air Branch

Comment 1:

If your proposed project: Requires an Air Pollution Control Permit, you must obtain an air pollution control permit from the Clean Air Branch and comply with all applicable conditions and requirements. If you do not know if you need an air pollution control permit, please contact the Permitting Section of the Clean Air Branch.

> **Response:** As no construction activities are currently being proposed, an Air Pollution Control Permit is not anticipated to be required for the proposed Kōʻele Project District Amendment.

Comment 2:

If your proposed project: Includes construction or demolition activities that involve asbestos, you must contact the Asbestos Abatement Office in the Indoor and Radiological Health Branch.

> **Response:** The proposed Kōʻele Project District Amendment does not involve construction or demolition activities that involve asbestos.

Comment 3:

If your proposed project: Has the potential to generate fugitive dust, you must control the generation of all airborne, visible fugitive dust. Note that construction activities that occur near to existing residences, business, public areas and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne, visible fugitive dust. The plan, which does not require Department of Health approval, should help you recognize and minimize potential airborne, visible fugitive dust problems.

Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1 -33 on Fugitive Dust. In addition, for cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance complaints.

You should provide reasonable measures to control airborne, visible fugitive dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:

a) *Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing*

on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;

b) *Providing an adequate water source at the site prior to start-up of construction activities;*
c) *Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;*
d) *Minimizing airborne, visible fugitive dust from shoulders and access roads;*
e) *Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and*
f) *Controlling airborne, visible fugitive dust from debris being hauled away from the project site.*

Response: As the proposed project does not involve any construction activities, there is no anticipated potential for the proposed Kōʻele Project District Amendment to generate fugitive dust.

REF-146

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

TRANSMITTAL **September 1, 2021**

	STATE AGENCIES
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
	OTHER
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

	COUNTY AGENCIES
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
	FEDERAL AGENCIES
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

PROJECT NAME:	**KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT**
APPLICANT:	**LANAI RESORTS, LLC, dba PULAMA LANAI**
PROJECT ADDRESS:	**KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII**
PROJECT DESCRIPTION:	**Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.** **Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.**

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

TMKs:	**(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.**
APPLICATION NO.:	**CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002**

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as "housekeeping" with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

TRANSMITTED TO YOU ARE THE FOLLOWING:

X	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
Address:	https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table

TRANSMITTAL REQUEST:

X	Requesting your comment and recommendation on the proposed project.

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Sincerely,

KURT F. WOLLENHAUPT
Staff Planner

Agency: OPSD

( ) We have no objections.
(X) We have no comments.
( ) Comments are attached.

Signed: Rodney Funakoshi

Print: Rodney Funakoshi

Email Address: rodney.y.funakoshi@hawaii.gov

Date: 10/13/21

Copy to: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)
Project File

KFW:th
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL + MH Comments.docx

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Rodney Funakoshi
State of Hawai‘i
Office of Planning and Sustainable Development
P.O. Box 2359
Honolulu, Hawai‘i 96804-2359

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Mr. Funakoshi:

Thank you for your letter dated October 13, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we note that the Office of Planning and Sustainable Development has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lāna‘i
Olivia Simpson, Pūlama Lāna‘i
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\OP&SD Response Ltr.docx

DAVID Y. IGE
GOVERNOR

KEITH T. HAYASHI
INTERIM SUPERINTENDENT

STATE OF HAWAI`I
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAI`I 96804

OFFICE OF FACILITIES AND OPERATIONS

October 15, 2021

Kurt Wollenhaupt, Staff Planner
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Re: Koele Project District Amendment and Draft Environmental Assessment
Lanai City, Island of Lanai, Maui, Multiple TMKs (CPA 2021/0001,
CIZ 2021/0001 PH1 2021/0001, and EA 2021/0002)

Thank you for your letter dated September 1, 2021. The Hawaii State Department of Education has the following comments on the applications for a Community Plan Amendment, Change in Zoning, Project District Phase I, and a Draft Environmental Assessment to amend the Koele Project District located at Lanai City, Island of Lanai. The proposed amendment will revise the Koele Project District boundaries, land use designations, and decrease the amount of acreage for residential use.

Based upon the information provided in the application package, the proposed Project will not impact Lanai High and Elementary School.

Thank you for the opportunity to comment. Should you have questions, please contact Robyn Loudermilk, School Lands and Facilities Specialist of the Facilities Development Branch, Planning Section, at (808) 784-5093 or by email at robyn.loudermilk@k12.hi.us.

Sincerely,

Roy Ikeda
Interim Public Works Manager
Planning Section

RI:rll

c: Facilities Development Branch

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

TRANSMITTAL **September 1, 2021**

	STATE AGENCIES
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
	OTHER
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

	COUNTY AGENCIES
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
	FEDERAL AGENCIES
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

PROJECT NAME:	**KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT**
APPLICANT:	**LANAI RESORTS, LLC, dba PULAMA LANAI**
PROJECT ADDRESS:	**KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII**
PROJECT DESCRIPTION:	**Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.** **Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.**

TMKs:	**(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.**
APPLICATION NO.:	**CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002**

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as "housekeeping" with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

TRANSMITTED TO YOU ARE THE FOLLOWING:

X	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
Address:	https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table

TRANSMITTAL REQUEST:

X	Requesting your comment and recommendation on the proposed project.

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Sincerely,

KURT F. WOLLENHAUPT
Staff Planner

Agency: _____

( ) We have no objections.
( ) We have no comments.
( ) Comments are attached.

Signed: _____

Print: _____

Email Address: _____

Date: _____

Copy to: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)
Project File

KFW:th
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL + MH Comments.docx

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Roy Ikeda, Interim Public Works Manager
State of Hawai‘i
Department of Education
Planning Section
Office of Facilities and Operations
P.O. Box 2360
Honolulu, Hawai‘i 96804

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Mr. Ikeda:

Thank you for your letter dated October 15, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we note that the Department of Education has determined that the proposed action will not impact Lāna‘i High and Elementary School.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lāna‘i
Olivia Simpson, Pūlama Lāna‘i
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DOE Response Ltr.docx

Sincerely,

KURT F. WOLLENHAUPT
Staff Planner

Agency: SOLID WASTE

( ) We have no objections.
(X) We have no comments.
( ) Comments are attached.

Signed: Elaine Baker

Print: ELAINE BAKER

Email Address: ELAINE.BAKER@COMAUI.HI.US

Date: 10/7/21

Copy to: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)
Project File

KFW:th
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL + MH Comments.docx

REF-156

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Elaine Baker
County of Maui
Department of Environmental Management
Solid Waste Division
2200 Main Street, Suite 225
Wailuku, Hawai‘i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Ms. Baker:

Thank you for your letter dated October 7, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we note that the Department of Environmental Management, Solid Waste Division has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lāna‘i
Olivia Simpson, Pūlama Lāna‘i
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DWS Response Ltr.doc

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

TRANSMITTAL **September 1, 2021**

	STATE AGENCIES
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
	OTHER
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

	COUNTY AGENCIES
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
	FEDERAL AGENCIES
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

PROJECT NAME:	**KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT**
APPLICANT:	**LANAI RESORTS, LLC, dba PULAMA LANAI**
PROJECT ADDRESS:	**KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII**
PROJECT DESCRIPTION:	**Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.** **Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.**

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253
REF-158

TMKs:	**(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.**
APPLICATION NO.:	**CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002**

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as "housekeeping" with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

TRANSMITTED TO YOU ARE THE FOLLOWING:

X	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
Address:	https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table

TRANSMITTAL REQUEST:

X	Requesting your comment and recommendation on the proposed project.

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Sincerely,

KURT F. WOLLENHAUPT
Staff Planner

Agency: Fire Prevention Bureau

( ) We have no objections.
( ) We have no comments.
(X) Comments are attached.

Signed: _____

Print: Oliver Vaas

Email Address: oliver.vaas@mauicounty.gov

Date: 9.17.2021

Copy to: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)
Project File

KFW:th
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL + MH Comments.docx

County of Maui Department of Fire and Public Safety

Thank you for the opportunity to review your project. At this point our only comment is to conform to Land Use requirements in accordance with Maui County ordinance 14.05.090 for fire protection should zoning change be approved.

Please feel free to contact us should you have additional concerns in regards to fire protection requirements.

Plans Review - Fire Prevention Bureau
Fire.Prevention@mauicounty.gov

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Oliver Vaas
County of Maui
Department of Fire and Public Safety
Fire Prevention Bureau
313 Manea Place
Wailuku, Hawai‘i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Mr. Vaas:

Thank you for your letter dated September 17, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawai‘i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai‘i Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Fire Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Fire Prevention Bureau

Comment 1:

Thank you for the opportunity to review your project. At this point our only comment is to conform to Land Use requirements in accordance with Maui County ordinance 14.05.090 for fire protection should zoning change be approved.

> **Response:** We acknowledge your comment that the fire protection requirements found in Maui County Code, Section 14.05.090 will be required should the proposed Change of Zoning for lands within the Kōʻele Project District be granted. We note that the currently proposed action does not involve any development activities and add that your comment would pertain to future development which may be proposed at a later time for the Kōʻele Project District.

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

TRANSMITTAL **September 1, 2021**

	STATE AGENCIES
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
	OTHER
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

	COUNTY AGENCIES
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
	FEDERAL AGENCIES
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

PROJECT NAME:	**KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT**
APPLICANT:	**LANAI RESORTS, LLC, dba PULAMA LANAI**
PROJECT ADDRESS:	**KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII**
PROJECT DESCRIPTION:	**Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.** **Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.**

TMKs:	**(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.**
APPLICATION NO.:	**CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002**

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as "housekeeping" with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

TRANSMITTED TO YOU ARE THE FOLLOWING:

X	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
Address:	https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table

TRANSMITTAL REQUEST:

X	Requesting your comment and recommendation on the proposed project.

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Sincerely,

KURT F. WOLLENHAUPT
Staff Planner

Agency: _____

(✓) We have no objections.
(✓) We have no comments.
( ) Comments are attached.

Signed: _____

Print: CLYDE ALMEIDA

Email Address: BLOOY.ALMEIDA@CO.MAUI.HI.U

Date: 9/7/2021

Copy to: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)
Project File

KFW:th
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL + MH Comments.docx

REF-166

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Buddy Almeida, Housing Administrator
County of Maui
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, Hawai‘i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Mr. Almeida:

Thank you for your letter dated September 7, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we note that the Department of Department of Housing and Human Concerns has no objections or comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lāna‘i
Olivia Simpson, Pūlama Lāna‘i
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DHHC Response Ltr.docx

MICHAEL P. VICTORINO
Mayor

KARLA H. PETERS
Director

MARCI M. SATO
Deputy Director

DEPARTMENT OF PARKS AND RECREATION
700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawai'i 96793
Main Line (808) 270-7230 / Facsimile (808) 270-7942

MEMORANDUM

TO: Michele Chouteau McLean, Director
Department of Planning

FROM: Karla H. Peters, Director

DATE: September 22, 2021

SUBJECT: KOELE PROJECT DISTRICT PHASE I AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT, CPA 2021/0001, PH1 2021/0001, EA 2021/0002

Thank you for the opportunity to review and provide comments on the subject Project District Phase I Amendments and Draft Environmental Assessment (EA). We have no comments at this time and look forward to future project reviews.

Should you have any questions or concerns, please feel free to call me or Sam Marvel, Chief of Parks Planning and Development, at Ext. 6173.

c: Sam Marvel, Chief of Planning and Development
Kurt F. Wollenhaupt, Staff Planner

KHP:SM:kb

REF-168

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Karla Peters, Director
County of Maui
Department of Parks and Recreation
700 Haliʻa Nakoa Street, Unit 2
Wailuku, Hawaiʻi 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Ms. Peters:

Thank you for your letter dated September 22, 2021 providing input on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we note that the Department of Parks and Recreation has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lānaʻi
Olivia Simpson, Pūlama Lānaʻi
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DPR Response Ltr.docx

21434

POLICE DEPARTMENT
COUNTY OF MAUI

MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE

YOUR REFERENCE

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

CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

September 28, 2021

RECEIVED
SEP 29 2021
COUNTY OF MAUI
DEPARTMENT OF PLANNING

MEMORANDUM

TO : **KURT WOLLENHAUPT, STAFF PLANNER**
DEPARTMENT OF PLANNING

FROM : **DEAN M. RICKARD, ACTING CHIEF OF POLICE**

SUBJECT : **PERMIT NO.:** **CPA 2021/0001, CIZ 221/0001, PH1 2021/0001, and EA 2021/0002**
TMK : **(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR). (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009**
Project : **KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT**
Applicant : **LANAI RESORTS, LLC dba PULAMA LANAI**

X No comments or recommendations to offer at this time.

____ Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

Assistant Chief John Jakubczak
For: DEAN M. RICKARD
Acting Chief of Police

REF-170

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT

Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

John Pelletier, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawai‘i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Chief Pelletier:

Thank you for your Department's letter dated September 28, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we note that the Police Department has no comments or recommendations to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lāna‘i
Olivia Simpson, Pūlama Lāna‘i
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Police Response Ltr.docx

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

September 29, 2021

Mr. Bryan Esmeralda, AICP
Senior Associate
Munekiyo Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Esmeralda:

SUBJECT: REQUEST FOR COMMENTS FROM THE LANAI PLANNING COMMISSION REGARDING THE DRAFT ENVIRONMENTAL ASSESSMENT (DEA) PREPARED IN SUPPORT OF THE COMMUNITY PLAN AMENDMENT, CHANGE IN ZONING, PROJECT DISTRICT PHASE I DEVELOPMENT AMENDMENT, AND DISTRICT BOUNDARY AMENDMENT FOR THE KOELE PROJECT DISTRICT LOCATED AT KOELE, LANAI CITY, LANAI, HAWAII; TMK(S): (2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR.), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR.), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR.), (2) 4-9-018:003 (POR.), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR.), (2) 4-9-021:009 (CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002)

The Lanai Planning Commission (LPC) received for its review the proposed Koele Project District Amendment (Project) Request for Comments on the Draft Environmental Assessment (DEA) transmitted by the County of Maui Department of Planning (Department). The LPC discussed this matter in a regularly scheduled meeting held on September 15, 2021, and this letter reflects comments to be addressed in the proposed Final Environmental Assessment (FEA) by Lanai Resorts, doing business as Pulama Lanai (Applicant). The purpose of this project is to update the Koele Project District boundaries and districts to accurately reflect current land uses in a changed environment. The Applicant is requested to present the FEA in a red-letter version clearly showing responses to the questions asked by the LPC as well as additions, changes, and deletions to the current DEA. For those sections especially Appendix A-1, the proposed Lanai Project District 2 (Koele) amendment, which already incorporates red-lining, another color should be used to indicate additional modifications.

For the purpose of page identification, the numbering system for reference to the DEA will be that of the Table of Contents in the DEA. For instance questions in the text of the DEA will be identified by page number located at the bottom of each page. Otherwise questions involving Appendices will be first identified by Appendix Letter and specific page number of that appendix as applicable. Some questions are of a general nature that may not have a specific page number reference.

The LPC offers the following comments for detailed review by the Applicant.

1. (Pages 26 – 27) What specific mitigation measures will the Applicant provide to limit the impact on the Hawaiian petrel and other migratory birds from outdoor lighting hazards? What are the cumulative impacts on said fauna from light pollution? Are these cumulative impacts projected to increase under build out of the amended project district? Are there additional measures in addition to downward shielding (which is required) that may be employed to reduce impacts to critical species? Please also specifically address how much additional lighting, if any, is planned for the increased Park and Open Space subdistrict areas in the Project and how such lighting will be mitigated to prevent impacts and/or harm to species.

2. (Page v) Clarify the meaning of the acronym LPC.

3. (Page 4) Further explain the role of density reduction in regards to the Project. Is the planned residential density of Koele considered a problem at the moment? Explain the rationale for eliminating single-family residential which the community generally supports. Explain the rationale behind the argument that reducing density in an area of very low density is your recommended Project action.

4. (Pages 6 – 7) Provide aerial photograph overlays on existing and proposed Koele Project District land use maps.

5. (Page 6) The map entitled *Koele Project District Amendment Existing Koele Project District* proposes the deletion from the Project of 1.0 acre of Open Space. What is this area currently used for? What could it be used for in its existing subdistrict designation? Why is it being removed in the proposed amendment?

6. (Page 4) Regarding the new sub-district of Resort Commercial, what are the proposed uses for the existing 14.5 acre subdistrict currently designated Stables and Tennis Court which will be in the new subdistrict of Resort Commercial? What are the proposed uses for the entire 57.2 acre area to be designated Resort Commercial? Further describe the potential build out of this 57.2 acre Resort Commercial subdistrict.

7. (Page 4) The area past the tennis courts is, according to a Commissioner, a common public meeting place for dog walkers and sunset watchers. Will the public continue to be able to access that area in the future under the Project amendment allowable uses?

REF-173

8. (Page 4) The proposed Project will have subdistricts of Park and Open Space. Clarify the difference between these subdistricts, intended uses for these areas, and whether or not these areas will be maintained versus being left in a natural state.

9. (Page 4) There is reported to be a toad and lizard overpopulation problem. What is the invasive species management plan, especially for large Open Space subdistricts?

10. (Page 4) Regarding the additional land proposed to be designated Hotel, what impact will this have on existing homes adjacent to these lands? What does this Hotel expansion area mean in the context of development potential? Further describe the potential build out of the Hotel subdistrict as it is proposed to be expanded in size.

11. (Page 4) Regarding the expansion of lands proposed to be designated Resort Commercial, what impact will this have on residents living at Iwiole Hale?

12. (Page 43) The DEA projects that traffic will operate similar to or better than projections within the Original TIAR. Provide additional analysis on traffic impacts from build out of the new Resort Commercial subdistrict.

13. (Appendix A-1, Page 7) Why is the entire section on irrigation proposed for deletion?

14. (Appendix A-1, Page 3) Should historic structures be included as principal uses in the Hotel subdistrict?

15. (Page 17) Explain the meaning of the paragraph starting with "Error! Reference source not found." Does this reference missing data or is this a typographical error?

16. (Page 45) Referring to *"Table 6. Water Demand Summary,"* assuming this is potable demand, it is unclear what causes the "Park" subdistrict to go from usage of 19,550 GPD to 1,500 GPD. Explain this decrease in demand and clarify what the projected water source is for the Park and Open Space subdistricts. Further, it is unclear what previous golf course irrigation numbers were over time for Cavendish and the Experience of Koele, and whether that use was all effluent and what the amount of and source for Cavendish will be under the amended Project.

17. (Page 44) Clarify the use of treated effluent for irrigation and how the use of recycled water will be implemented in the amended Project.

18. (Page 46) The statement in the DEA reads as follows: *"Overall, the proposed Koele Project District will cause a reduction in wastewater flow, compared to the existing Koele Project District, as a result of a reduction in developable land."*

This statement, according to a Commissioner, does not appear to be factually accurate. Should this paragraph say that there will be a reduction in "proposed" wastewater flow due to reduced land development?

19. (Page 46) Do the DEA wastewater calculation discussions include projections from current building at Koele (Malanai Estates, etc.), the planned Hokuao affordable housing development, the DHHL residential project, etc.? Explain how these projects may affect wastewater projections and what additional capacity may be required.

20. (Page 75) The statement in the DEA reads as follows: *"For example, the former designated golf course lands are being repurposed for a sculpture garden."* Does this include all of the formerly designated golf course lands, aside from the Adventure Center? If the sculpture garden only takes up portions of these golf course lands, what are the other potential uses for this area? Provide irrigation source and amount for these repurposed lands.

21. (Section VIII, Page 116) Please note language used in Peter Young's letter to Russell Tsuji, Land Administrator that states: *"Thank you for your comments on the Draft Environmental Assessment on the Miki Basin Industrial Park."* Please explain whether the heading or the entire submission was included in error and revise accordingly.

22. (Section VIII, Page 114) In the November 21, 2019, letter from the State of Hawaii Commission on Water Resource Management, a question was asked regarding whether there was a consistency analysis of the proposed Project amendment with the Lanai Water Use and Development Plan (LWUDP). The language as stated in the letter is: *"The Draft Environmental Assessment should discuss the consistency of the proposed project district amendment with the LWUDP and note any amendments to the LWUDP that should be made if the proposed amendment is approved."* Please point out where in the DEA the discussion on the consistency with the LWUDP plan, and any amendments that might be required, occurs, and if such discussions are not included, indicate when it will be provided.

23. (Appendix J, Page 14) The Preliminary Engineering Report provided by R. M. Towill states in Section 3.2.2 Water Demand Criteria: *"The existing PD "full build out" unit counts for Hotel, Multi-Family Residential and Single Family Residential, and unit water demands are based on Castle & Cooke Resort's 2006 water supply and demand assessment as well as Pulama Lanai's limited program."* One Commissioner stated that such figures from 2006 are irrelevant. Tables in the Preliminary Engineering Report using these numbers from 2006 should be, in the opinion of the Commissioner, removed or the Applicant should provide a detailed explanation why they are relying on 15-year old numbers. Address the accuracy and relevance of Castle & Cooke Resort's 2006 water supply demand assessment in light of the Project amendment water demand analysis and/or provide updated accurate information.

24. (Appendix A-1, Page 1) Under the proposed revisions to Maui County Code (MCC), Chapter 19.71 Lanai Project District 2 (Koele), Section 19.71.020 Residential PD-L/2 it is proposed that short-term rental homes (STRH) shall be a principal use. With a capacity of 15 permitted short-term rental homes on the Island of Lanai, which passed 2nd reading by the Maui County Council on September 17, 2021, what is the intent of permitting such homes in the Koele Project District? Does the County of Maui even allow short-term rental homes to be permitted in project districts? How will single-family homes in the Koele Project District be used if the capacity for STRH permits is reached and then such homes don't qualify for a STRH permit?

25. (Appendix A-1, Page 6) Under the proposed revisions to MCC, Chapter 19.71 Lanai Project District 2 (Koele), Section 19.71.050 Park PD-L/2 it states: *"C. Non-potable water shall be used for irrigation to the extent available. Notwithstanding anything to the contrary under Chapter 20.30 of this title, high level aquifer groundwater may be used for irrigation in areas where sufficient non-potable water is not available. Areas within Park districts that have continually and lawfully used high level aquifer groundwater for maintenance and irrigation shall be permitted to continue such use, subject to the provisions of Section 19.500.10 of this title."* MCC, Chapter 20.30.020 requires reclaimed water be used for irrigation for landscaping, not limited to golf courses. Identify which areas within which Park subdistricts have continually used potable water for irrigation, define continually by identifying the time frame referenced, and provide water amounts supplied on a daily average. Furthermore, define who gets to decide availability.

26. (Appendix B, Page 10-11) The Agricultural Impact Report states on pages 10 and 11: *"There is a plan for a 100-acre agricultural park on the Island of Lanai. In 1992, the Land Use Commission required C&C's Lanai Resorts to set aside 100 acres for the development and operation of an agricultural park by the State Department of Agriculture and County of Maui for the residents of Lanai. This was a condition for approving the Manele Golf Course. However, there has not been any progress on developing the park due to a lack of interest."* Explain the source of this comment and justify the comment that no progress is solely due to lack of interest.

27. (Appendix B, Page ES-3) The Agricultural Impact Report states on page ES-3 *"In addition, two (2) historic buildings will be relocated to the 55-acre portion of the Stables. These historic properties will to be converted to a museum and a retail shop. Also, a third building may be constructed, resulting in a total of about 30,000 SF of commercial space (about 2 acres) with parking and landscaping."* Confirm if the two historic buildings referenced are the former ranch/Richardson houses.

Furthermore, 30,000 square feet is equivalent to five lots on Ilima Ave (almost the entire block). The LPC voted several years ago to limit big box buildings to a square footage much less than 30,000 square feet. What is planned for this square footage?

28. (Appendix B, Page 13) The Agricultural Impact Report states on page 13: *"Tax revenues derived from County property taxes and State taxes (excise, personal income, cooperate income, and transient accommodations tax)."* The word should likely be "corporate." Please revise. Further what is the source of anticipated transient accommodation tax revenue? Is this the Hotel only? Are there other sources?

29. (Appendix H, Page ES-2) The Socio-Economic Impact Report states on page ES-2: *"The revised plan for the Resort features 96 hotel rooms (no change from 2019), 57 resort sf homes (an increase of 39 homes from 2019), 33 resort mf homes (no change from 2019, the addition of 20 staff mf homes, continued operation of the 9-hole community golf course, and 30,000 square feet of new commercial space. Depending on future market conditions, the hotel rooms could be increased to a number to be determined."*

However, see Section VIII, "Parties Consulted" at Pages 102 and 104 from Peter Young. Comments are *"Maximum Units Allowed for Single Family is reduced from 535 units to 20-units [,]"* and *"Presently, 18 single-family units have been built and the permissible total is 20-units, so only 2 units may be added."*

Clarify inconsistent SF/MF projections included in the DEA by consultants, since the DEA is silent on numbers. There is a conflict in saying that this is 'only housekeeping, no construction' and then on the other hand insisting *"the analysis contained in this Environmental Assessment (EA) is based upon full build-out of the proposed amended Koele Project District."* (From Section II, Description of the Existing Environment, Potential Impacts, and Mitigation Measures, Page 11).

30. (Appendix A-1, Pages 9-10) In the proposed changes to Lanai Project District 2 (Koele), it appears that grazing is permitted only in the "Open Space" subdistrict. What will happen to the existing pastures? Would this Project amendment prohibit grazing in the Resort Commercial subdistrict?

31. (Appendix A-1, Page 13) Explain the proposed deletion to Lanai Project District 2 (Koele), MCC, Section 19.71.100 that states: *"In accordance with section 19.45.050, the applicant shall enter into the following bilateral agreements: ... A bilateral agreement requiring the applicant to develop and coordinate an affordable housing program for residents of Lanai; provided, that development other than hotel development within the project district may proceed before the agreement has been executed."*

32. (Appendix A-1, Page 4) In the proposed changes to Lanai Project District 2 (Koele), MCC, Section 19.71.050 Park PD-L/2 A.1.a., noncommercial parks and

playgrounds are proposed to be deleted as a principal use. Explain this proposed deletion. Will commercial parks and playgrounds be a principal use in the proposed revised Open Space subdistrict?

33. Provide the Maui County Planning Department and include in the FEA a section that states in detail a status report of all conditions attached to the Koele Project District entitlement process, including but not necessarily limited to Ordinance 2140 from the County of Maui and Land Use Commission Docket A90-662 for the District Boundary Amendment. Include the full documents along with the status report. Write out each condition and provide a full report on how and when each condition was satisfied, or, if fulfillment of any condition is still outstanding provide a detailed report on current status and, as applicable, efforts being made to fulfill that condition. A statement such as 'This condition has been satisfied' is not adequate nor sufficient in demonstrating how a condition was completed satisfactorily.

Thank you for the opportunity to comment on the DEA for the Koele Project District Amendments. Should you require further clarification, please contact the Planning Department at planning@mauicounty.gov or at (808) 270-8205.

Sincerely,

MICHELE MCLEAN, AICP
Planning Director

xc: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Richelle Thomson, Corporation Counsel (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Pulama Lanai (PDF)
Leilani Ramoran, Secretary to Boards/Commissions, Lanai Planning Commission (PDF)
Project File

MCM:KFW:lp
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\LPC Comment Letter on Koele Amendment.docx

REF-178

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Michele Chouteau McLean, AICP, Director
Department of Planning
County of Maui
Attention: Kurt Wollenhaupt, Planner
2200 Main Street, Suite 315
Wailuku, Hawai‘i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Ms. McLean:

Thank you for your letter dated September 29, 2021 providing the Lāna‘i Planning Commission's comments on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in the letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawai‘i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai‘i Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
Robert Hobdy (w/enclosure)
Kevin Mendes, RM Towill Corporation (w/enclosure)
Matt Nakamoto, Austin Tsutsumi & Associates (w/enclosure)
Bruce Plasch, Plasch Econ Pacific (w/ enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\LPC Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Lānaʻi Planning Commission

Comment 1:

(Pages 26 - 27) What specific mitigation measures will the Applicant provide to limit the impact on the Hawaiian petrel and other migratory birds from outdoor lighting hazards? What are the cumulative impacts on said fauna from light pollution? Are these cumulative impacts projected to increase under build out of the amended project district? Are there additional measures in addition to downward shielding (which is required) that may be employed to reduce impacts to critical species? Please also specifically address how much additional lighting, if any, is planned for the increased Park and Open Space subdistrict areas in the Project and how such lighting will be mitigated to prevent impacts and/or harm to species.

Response: As the proposed action does not involve any development activities, there will be no anticipated impacts on migratory birds. Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. A flora and fauna study is included in a PH2 application. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

Further, the proposed full build out of the Kōʻele Project District seeks to lower the already low density of the existing full build out of the Kōʻele Project District.

Removing Residential and Multi-Family acres reduces the number of residences and street lighting, therefore reducing what would have been additional lighting in the area.

As required, any future outdoor lights will be shielded and downward facing to avoid impacting migratory birds. The Open Space subdistrict, specifically, is envisioned to stay in its current undeveloped state.

It should also be noted that the Pūlama Lānaʻi Conservation Department has made significant strides with the conservation of ʻūaʻu over the years. The Applicant provided information on the conservation efforts, which noted on average a greater than 30% year over year increase in activity, over 200% increase in reproductive success, and identified over 500 burrows on island. These results are the efforts of installing predatory proof fencing as well as trapping.

Comment 2:

(Page v) Clarify the meaning of the acronym LPC.

Response: "LPC" in this instance refers to the "Lānaʻi Planning Commission". We will make this revision in the Final Environmental Assessment (EA).

Comment 3:

(Page 4) Further explain the role of density reduction in regards to the Project. Is the planned residential density of Koele (sic) considered a problem at the moment? Explain the rationale for eliminating single-family residential which the community generally supports. Explain the rationale behind the argument that reducing density in an area of very low density is your recommended Project action.

Response: As per Maui County Code (MCC) 19.71.010, the intent of the Kōʻele Project District was *"to establish a low-density primarily residential and recreational development with hotel facilities in an upland rural setting."*

The Applicant provided the following response to this comment:

> "*The proposed number of acres designated as Residential is reduced by 77% and the proposed number of acres designated as Multi-Family is reduced by 28%. The proposed changes further realizes the intent of the origination of the Project District. Removing Residential and Multi-Family acres in the Kōʻele Project district is a decision to shift from developing residences for the second home market to investing more resources on primary residences and workforce needs now and into the future.*
>
> *Also, the change in Residential and Multi-Family subdesignation is either Park or Open Space, meaning less forecasted impacts of traffic and wastewater/water resources.*
>
> *There are other planned residential projects on Lānaʻi, such as the Hōkūao project and the Maui County's Affordable Housing project, that will provide additional single family residential opportunities. These planned projects are in close proximity to the existing residential developments on Lānaʻi."*

Comment 4:

(Pages 6 - 7) Provide aerial photograph overlays on existing and proposed Koele (sic) Project District land use maps.

Response: Please see **Exhibit "A-1"**. It should be noted due to inaccuracies of overlapping outdated Google Earth imagery with the existing and proposed

Kōʻele Project District land use maps, some of the lines may not be exactly on the boundaries. The aerial photograph map overlays are provided for illustrative purposes and should be treated as such.

Comment 5:

(Page 6) The map entitled Koele (sic) Project District Amendment Existing Koele (sic) Project District proposes the deletion from the Project of 1.0 acre of Open Space. What is this area currently used for? What could it be used for in its existing subdistrict designation? Why is it being removed in the proposed amendment?

Response: The map entitled Kōʻele Project District Amendment Existing Kōʼele Project District contains 12.0 acres of Open Space. This area will remain in Open Space and there will be an additional 573% increase to 80.8 acres of Open Space subdistrict designation.

The comment references a 1.0-acre area of Open Space. We think that the comment may have been in reference to a 1.0-acre area of Public designation, rather than Open Space. The existing Kōʻele Project District includes 1.0 acre of Public subdistrict designation. As noted in MCC 19.71.070(A)(1)(a), the Principal Uses within Public PD-L/2 is 'Utility installations and substations' and MCC 19.71.070(A)(1)(b), Accessory uses and substructures. While the proposed Kōʻele Project District removes this area from the Kōʻele Project District, and places it in the Residential, R-1 zoning, any existing utility installation and substation in the area will not be impacted by the proposed Kōʻele Project District amendment.

There is critical water utility infrastructure in the 1.0 acre of Public subdistrict designation and the assets will continue to be used as such into the future.

Comment 6:

(Page 4) Regarding the new sub-district of Resort Commercial, what are the proposed uses for the existing 14.5 acre subdistrict currently designated Stables and Tennis Court which will be in the new subdistrict of Resort Commercial? What are the proposed uses for the entire 57.2 acre area to be designated Resort Commercial? Further describe the potential build out of this 57.2 acre Resort Commercial subdistrict.

Response: The Applicant provided the following information in response to the comment.

> "*The Resort Commercial subdistrict designation is being proposed to allow for existing uses (e.g., stables and tennis courts and support areas such as pastures for animals), which currently support the Resorts (e.g., Four Seasons Lānaʻi and Sensei Lānaʻi, A Four Seasons Resort) and allows for other potential future development to also support the Resorts. The area*

will primarily support any upgrades or expansion of tennis courts and stable experiences.

Upgrades to the existing stables, parking lots, and tennis courts may occur. Regarding the stables, there could be additional barns and accessory uses such as an indoor or covered riding area or upgraded barn. The upgraded stables / barn could also be rented out by non-resort guests, such as, residents for special events such as a wedding.

Regarding the tennis courts, there could be new and upgraded tennis courts and potential supporting structures such as a tennis pro-shop and restrooms.

Potential future uses within the Resort Commercial subdistrict described above would provide other amenities and services to support the Tennis Courts, Stables and Resort activities as defined by the proposed MCC 19.71.070(A)(1). Principal Uses.

The Resort Commercial area is also planned to serve as an event venue for the Resorts. Roughly four (4) events, with approximately 50 guests and two (2) events with approximately 150 guests are currently anticipated to occur per year. These events would be attended by Resort guests primarily."

Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

Comment 7:

(Page 4) The area past the tennis courts is, according to a Commissioner, a common public meeting place for dog walkers and sunset watchers. Will the public continue to be able to access that area in the future under the Project amendment allowable uses?

Response: Yes, per the Applicant, this area will continue to be accessible.

Comment 8:

(Page 4) The proposed Project will have subdistricts of Park and Open Space. Clarify the difference between these subdistricts, intended uses for these areas, and whether or not these areas will be maintained versus being left in a natural state.

Response: Areas designated Park are intended to be used for a variety of outdoor recreational uses and also includes the existing adventure center and

future sculpture garden. The areas designated Open Space allow for limited recreational uses and will largely be left in its natural, undeveloped state.

Comment 9:

(Page 4) There is reported to be a toad and lizard overpopulation problem. What is the invasive species management plan, especially for large Open Space subdistricts?

Response: The Applicant provided the information below in response to this comment.

> *"Pūlama Lānaʻi's Conservation Department has three primary areas of focus: (1) Monitoring and protecting native plants and animals, especially endangered or rare species, (2) Controlling and managing invasive plants and animals, with priority on those having direct negative impacts on native plant or animal species, and (3) Preventing new pest or invasive species from becoming established on Lānaʻi. The Conservation Department efforts are focused in native-dominated habitat, locations of endangered and rare species, and locations of incipient invasive species. While toads and lizards are non-native and can be undesirable, they do not rise to a level of conservation concern."*

Comment 10:

(Page 4) Regarding the additional land proposed to be designated Hotel, what impact will this have on existing homes adjacent to these lands? What does this Hotel expansion area mean in the context of development potential? Further describe the potential build out of the Hotel subdistrict as it is proposed to be expanded in size.

Response: Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

The Kōʻele Ranch Homes, which are currently located in the proposed Hotel subdistrict, were originally located at the Maunalei Sugar Company camp at Keōmuku, and were relocated to Kōʻele sometime between 1902-1917. They were moved to their current location in the late 1980s during the construction of the Resort. Appendix E, the Archeological Literature Review and Field Investigation Report in the Draft EA, recommends that if construction activities are proposed, prior to start of construction, these structures be assessed by a qualified architectural historian in coordination with the State Historic Preservation Division (SHPD). The Applicant will work with an architectural historian to preserve and move the homes, when it is necessary.

The Applicant has repositioned Sensei Lānaʻi, a Four Seasons Resort as a wellness resort, as such the current spa hales are integral support structures to the success of the change.

The potential future development in the Hotel subdistrict contemplates further enhancing these amenities by adding six (6) to eight (8) spa hales, similar to the ten already constructed spa hales in the current Hotel subdistrict.

In addition, approximately twelve two-bedroom villas are contemplated to be added as an alternative room type to the hotel rooms already constructed at the Resort to support the wellness theme. These additions will look more residential in appearance than the existing main hotel.

Similar to the existing accessory uses at the Resort (e.g., yoga pavilion, movement center, etc.), other potential accessory uses in the Hotel subdistrict may include Pickleball courts or the relocation of the Tennis courts.

Any potential future development in the Hotel subdistrict will be designed to be at the same scale of the existing Sensei Lānaʻi, a Four Seasons Resort and will be in accordance with the uses described in MCC 19.71.040.

Comment 11:

(Page 4) Regarding the expansion of lands proposed to be designated Resort Commercial, what impact will this have on residents living at Iwiole Hale?

Response: See response to Comment 6 for additional information on the uses in the Resort Commercial area.

Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

The Applicant has noted that any future development within the Resort Commercial district will include amenities intended to support the guest experiences by enhancing the uses that are already located in the area (i.e., tennis and stable experiences). The proposed allowable uses within this district are not anticipated to be a nuisance upon surrounding residential developments, such as Iwiole Hale. The light and noise impact are anticipated to be negligible with the implementation of mitigation measures, as may be identified.

Comment 12:

(Page 43) The DEA projects that traffic will operate similar to or better than projections within the Original TIAR. Provide additional analysis on traffic impacts from build out of the new Resort Commercial subdistrict.

Response: As stated on page 6 of Appendix I, Traffic Assessment of the Draft EA, the Resort Commercial area is anticipated to generally be used by hotel guests. As such, trips generated by the Resort Commercial area are expected to remain within the Resort Commercial and Hotel district and not impact traffic in Lānaʻi City.

See response to Comment #6 for more additional information on proposed uses, and as described, Resort guests will be the primary user of the area.

The Resort Commercial area is also planned to serve as an event venue for Sensei Lānaʻi, a Four Seasons Resort and Four Seasons, Lānaʻi. Roughly four (4) events with approximately 50 guests and two (2) events with approximately 150 guests are currently anticipated to occur per year. Because events are not expected to typically occur, traffic generated by the events are not included in the trip generation estimates for the Proposed Kōʻele Project District. Also as noted above, majority if not all of the attendees to the events will be hotel guests.

Comment 13:

(Appendix A-1, Page 7) Why is the entire section on irrigation proposed for deletion?

Response: The Irrigation section was revised in Ordinance No. 2515 and was relating to the irrigation of the Kōʻele Golf Course. The Kōʻele golf course closed in 2016; as such, the irrigation section is no longer applicable. It is noted that the Applicant is proposing to continue to primarily use the reclaimed water source for irrigation purposes on the lands that are proposed to be changed from Golf Course to Park, to the extent that it is available.

Comment 14:

(Appendix A-1, Page 3) Should historic structures be included as principal uses in the Hotel subdistrict?

Response: Per the Applicant, the existing church, located with the Hotel subdistrict will remain in place.

The Kōʻele Ranch Homes, which are currently located in the proposed Hotel subdistrict, were originally located at the Maunalei Sugar Company camp at Keōmuku, and were relocated to Kōʻele sometime between 1902-1917. They were moved to their current location in the late 1980s during the construction of

the Resort. Appendix E, the Archeological Literature Review and Field Investigation Report in the Draft EA, recommends that if construction activities are proposed, prior to start of construction, these structures be assessed by a qualified architectural historian in coordination with the SHPD.

The Applicant will work with an architectural historian to preserve and move the homes, when it is necessary.

Comment 15:

(Page 17) Explain the meaning of the paragraph starting with "Error! Reference source not found." Does this reference missing data or is this a typographical error?

Response: The "*Error! Reference source not found,*" should have referenced Table 5 in the paragraph below "*Error! Reference source not found*." The reference was not linked properly. We acknowledge the error and it will be corrected in the Final EA.

Comment 16:

(Page 45) Referring to "Table 6. Water Demand Summary," assuming this is potable demand, it is unclear what causes the "Park" subdistrict to go from usage of 19,550 GPD to 1,500 GPD. Explain this decrease in demand and clarify what the projected water source is for the Park and Open Space subdistricts. Further, it is unclear what previous golf course irrigation numbers were over time for Cavendish and the Experience of Koele, and whether that use was all effluent and what the amount of and source for Cavendish will be under the amended Project.

Response: The Preliminary Engineering and Drainage Report (Appendix J of the Draft EA) noted that there are 11.5 acres of Park in the existing Kōʻele Project District. As such, using 1,700 gallons per day per acre (gpd/acre) as the planning water demand, the existing water demand for Park in the existing Kōʻele Project District was calculated to be 19,550 GPD (11.5 acres multiplied by 1,700 gpd/acre).

There are 234.9 acres of Park in the proposed Kōʻele Project District. As shown on page 3-5 of Appendix J, the proposed Kōʻele Project District water demand criteria for Park Irrigation is 0 gpd/ acre, as irrigation is anticipated to be primarily provided by effluent, not potable water, to the extent available. The effluent water proposed to irrigate the Park subdistrict was previously used for the Experience at Kōʻele Golf Course, which was located in the Golf subdistrict.

As shown on page 3-3 of Appendix J, Preliminary Engineering Report, the former Golf Course subdistrict demand was estimated to be 750 GPD. This was driven by the comfort station, since the irrigation was supplied by effluent (per Ordinance No. 2140 and 2066). The 1,500 GPD estimated for the proposed

Kōʻele PD water demand for Park subdistrict is driven by future comfort stations. The Cavendish Golf Course demand is estimated to be 20,000 GPD of potable water as stated in the Lānaʻi WUDP.[2]

The proposed Kōʻele PD water demand criteria for the Open Space designated areas is 0 gpd/ acre, as it is envisioned to stay in its current undeveloped state.

Comment 17:

(Page 44) Clarify the use of treated effluent for irrigation and how the use of recycled water will be implemented in the amended Project.

Response: The Applicant anticipates that with the redesignation of a majority of lands from the Golf Course to the Park subdistrict, the reclaimed water that was required to be used for the golf course irrigation will be available for irrigation use for the redesignated Park lands. The reclaimed water will be used for irrigation of these Park lands and the Hotel lands, to the extent available.

Comment 18:

(Page 46) The statement in the DEA reads as follows: "Overall, the proposed Koele (sic) Project District will cause a reduction in wastewater flow, compared to the existing Koele (sic) Project District, as a result of a reduction in developable land " This statement, according to a Commissioner, does not appear to be factually accurate. Should this paragraph say that there will be a reduction in "proposed" wastewater flow due to reduced land development?

Response: The Applicant agrees with this statement. We will make this revision in the Final EA.

Comment 19:

(Page 46) Do the DEA wastewater calculation discussions include projections from current building at Koele (sic) (Malanai Estates, etc.), the planned Hokuao (sic) affordable housing development, the DHHL residential project, etc.? Explain how these projects may affect wastewater projections and what additional capacity may be required.

Response: The impacts to wastewater flow due to the proposed Kōʻele Project District were determined by the projectʻs civil engineering consultant, by comparing the calculated wastewater flows for both the existing and proposed zoning districts at full build out conditions. Due to the reduction in developable land, the proposed Kōʻele Project District is anticipated to be a reduction in wastewater flows, when compared to the original 1988 Kōʻele Project District plan.

[2] WUDP page 4-93 and 4-94.

REF-189

The proposed wastewater generation calculations includes the build-out of the Malanai housing project, it does not, however, include the Hōkūao and Department of Hawaiian Home Lands projects as these developments are not located within the Kōʻele Project District.

The County of Maui Department of Environmental Management (DEM) operates the waste water reclamation facility (WWRF) on Lānaʻi. All building permit applications are reviewed by DEM. During their review, they determine if the WWRF will be able to accommodate the building permit application. On October 7, 2021 DEM sent comments regarding subject application, in their letter they had no comments regarding the proposed action.

Comment 20:

(Page 75) The statement in the DEA reads as follows: "For example, the former designated golf course lands are being repurposed for a sculpture garden." Does this include all of the formerly designated golf course lands, aside from the Adventure Center? If the sculpture garden only takes up portions of these golf course lands, what are the other potential uses for this area? Provide irrigation source and amount for these repurposed lands.

Response: Per the Applicant, the majority of the former Golf Course subdistrict will be repurposed as Park. A proposed sculpture garden will be located on some of the Park subdistrict. A variety of outdoor recreational uses, as further described in the proposed MCC 19.71.050 will be permitted in the Park subdistrict.

As shown on page 3-5 of Appendix J, Preliminary Engineering Report, the proposed Kōʻele PD water demand for Park is 1,500 GPD (comfort station). A majority of the Park area irrigation is anticipated to be primarily provided by effluent (e.g., R-1 water), to the extent available. The effluent water proposed to irrigate the Park subdistrict was previously used as irrigation for the Experience at Kōʻele Golf Course.

Comment 21:

(Section VIII, Page 116) Please note language used in Peter Young's letter to Russell Tsuji, Land Administrator that states: "Thank you /or your comments on the Draft Environmental Assessment on the Miki Basin Industrial Park."" Please explain whether the heading or the entire submission was included in error and revise accordingly.

Response: This is an error made by the letter preparer, it should have referenced the Kōʻele Project District Amendment project.

REF-190

Comment 22:

(Section VIII, Page 114) In the November 21, 2019, letter from the State of Hawaii Commission on Water Resource Management, a question was asked regarding whether there was a consistency analysis of the proposed Project amendment with the Lanai Water Use and Development Plan (LWUDP). The language as stated in the letter is: "The Draft Environmental Assessment should discuss the consistency of the proposed project district amendment with the LWUDP and note any amendments to the LWUDP that should be made if the proposed amendment is approved " Please point out where in the DEA the discussion on the consistency with the LWUDP plan, and any amendments that might be required, occurs, and if such discussions are not included, indicate when it will be provided.

Response: On October 19, 2021, the Maui County Department of Water Supply (DWS) commented on subject application. DWS included a section on the alignment of the proposed Kōʻele amendments with the Lānaʻi Island Water Use and Development Plan (WUDP). Here is an excerpt of their comments and the Applicantʻs response to those comments, which have been included in the Applicant's response to the DWS comment letter in the Final EA:

Lānaʻi Island Water Use and Development Plan (WUDP) Alignment

Use of R-1

The projects proposed use of R-1 recycled wastewater in the parks is in alignment with the Lānaʻi Island WUDP:

"Efficient use of water..." is "...essential to reduce waste of Lanaʻi's limited water resources. Lanaʻi's water and wastewater utilities should implement water recycling and water conservation programs targeting landscape...to substantially reduce water consumption to the extent allowed by the Public Utilities Commission" (Lānaʻi Island WUDP, page 30).

Lānaʻi Island WUDP Conservation Options

Specific water conservation resource options measures advocated by the Lānaʻi Island WUDP (Page 19) that may be applicable to the proposed project include the following: 1) water-efficient clothes washers; 2) water-efficient dishwashers; 3) improve irrigation scheduling; 4) soil moisture sensors; 5) improve performance of irrigation systems; 6) auto rain shut off; 6) rain barrel catchment; and 7) greywater for irrigation.

Lānaʻi Island WUDP Potable Water Allocation

According to the Lānaʻi Island WUDP (page 21), by 2030, 652,305 gpd will be needed for the Kōʻele PD, of which, 335,507 gpd will be potable "fresh" water. Table 6 (Kōʻele Project District (PD) Amendment DEA, page 45) indicates that 292,260 gpd of potable/"fresh" water will be used, which is approximately 13 percent less than predicted by the Lānaʻi Island WUDP.

Response (to DWS): We acknowledge your comments that the proposed use of R-1 water is in alignment with the Lānaʻi Water Use and Development Plan (WUDP). We note that the currently proposed action does not involve any construction activities. Nonetheless, the WUDP conservation options noted in your letter will be evaluated for incorporation into any future development which may be proposed within the Kōʻele Project District. We acknowledge your comment that the proposed amended Kōʻele Project District is anticipated to utilize less potable water than predicted by the Lānaʻi WUDP.

The Final EA will be updated to contain an analysis of the proposed amended Kōʻele Project District's conformance with the Lānaʻi Water Use and Development Plan.

Comment 23:

(Appendix J, Page 14) The Preliminary Engineering Report provided by R. M. Towill states in Section 3.2.2 Water Demand Criteria: "The existing PD "full build out" unit counts for Hotel, Multi-Family Residential and Single Family Residential, and unit water demands are based on Castle & Cooke Resort 's 2006 water supply and demand assessment as well as Pulama Lanai 's (sic) limited program." One Commissioner stated that such figures from 2006 are irrelevant. Tables in the Preliminary Engineering Report using these numbers from 2006 should be, in the opinion of the Commissioner, removed or the Applicant should provide a detailed explanation why they are relying on 15-year old numbers. Address the accuracy and relevance of Castle & Cooke Resort's 2006 water supply demand assessment in light of the Project amendment water demand analysis and/or provide updated accurate information.

Response: The project's civil engineering consultant calculated the estimated overall impact of the water demand in the Kōʻele Project District by comparing the calculated water demand of the proposed Kōʻele Project District to the calculated water demand of the existing Kōʻele Project District at estimated full build out conditions.

The analyses used the 2006 unit count as a baseline for establishing what the total water demand for the existing Kōʻele Project District would be at full buildout. The 2006 values[3] were included in the Lānaʻi Water Use and Development Plan (WUDP), which was accepted by CWRM in 2011[4] with input from stakeholders, including the Lānaʻi community.[5] This total water demand

[3] The 2006 build out analysis was used as the baseline versus the 2009 buildout analysis, as stated in the WUDP on page 4-31. The excerpt, stated as *"An additional proposal was received on July 28, 2009 from Castle & Cooke Resorts. Although some analysis of this proposal is presented in this chapter, the Committee voted not to embark on a full consideration of the proposal at that late date in the process."*

[4] https://files.hawaii.gov/dlnr/cwrm/planning/wudpla2011.pdf

[5] The purpose of the County Water Use and Development Plans (WUDPs) is to inventory all projected water demands within each county and ensure that the future water needs of the county are met. The WUDPs should set forth the "allocation of water to land use in that county" and maintain consistency with

was then compared against the anticipated water demand that would be generated with full buildout of the proposed amended Kōʻele Project District.

These are preliminary engineering estimates. When there is a development project proposed for the Project District, the estimates will be refined to actual designs and plans for such project. The applications for such projects will be prepared and subsequently reviewed by the appropriate Departments/Agencies. These projects will be reviewed by the Lānaʻi Planning Commission during the PH2 process.

The Applicant also provides the Maui County Planning Department and subsequently the Lānaʻi Planning Commission, quarterly water reports for actual water use within the Kōʻele Project District.

Comment 24:

(Appendix A-I, Page I) Under the proposed revisions to Maui County Code (MCC), Chapter 19.71 Lanai Project District 2 (Koele), Section 19.71.020 Residential PD-L/2 it is proposed that short-term rental homes (STRH) shall be a principal use. With a capacity of 15 permitted short-term rental homes on the Island of Lanai, which passed 2nd reading by the Maui County Council on September 17, 2021, what is the intent of permitting such homes in the Koele (sic) Project District? Does the County of Maui even allow short-term rental homes to be permitted in project districts? How will single-family homes in the Koele (sic) Project District be used if the capacity for STRH permits is reached and then such homes don't qualify for a STRH permit?

Response: The Applicant will remove STRH as a principal use in the proposed MCC Chapter 19.71.020 Residential PD-L/2.

Comment 25:

(Appendix A-1, Page 6) Under the proposed revisions to MCC, Chapter 19.71 Lanai Project District 2 (Koele), Section 19. 71.050 Park PD-L/2 it states: "C. Non-potable water shall be used for irrigation to the extent available. Notwithstanding anything to the contrary under Chapter 20.30 of this title, high level aquifer groundwater may he used for irrigation in areas where sufficient non-potable water is not available. Areas within Park districts that have continually and lawfully used high level aquifer groundwater for maintenance and irrigation shall be permitted to continue such use, subject to the provisions of Section 19.500.10 of this title. "MCC, Chapter 20.30.020 requires reclaimed water be used for irrigation for landscaping, not limited to golf courses. Identify which areas within which Park subdistricts have continually used potable water for irrigation, define continually by identifying the time frame referenced, and provide

---

county zoning and land use policies. The WUDPs serve to inform future land use planning and provide guidance to the Commission for decision-making on water allocations and water reservation requests. https://dlnr.hawaii.gov/cwrm/planning/hiwaterplan/countyplans/

water amounts supplied on a daily average. Furthermore, define who gets to decide availability.

Response: MCC, Chapter 20.30.020 does not apply to the Kōʻele Project District as item D of this provision states "this chapter applies only in "Central Maui", "South Maui", and, "West Maui" for mandatory irrigation purposes, as defined by the entire geographic areas shown on Figure 6-2 of the Wailuku-Kahului feasibility study dated June 1991, Figure 6-2 of the South Maui water reuse feasibility study dated September 1992, and Figure 6-2 of the West Maui water reuse feasibility study dated May 1992, respectively, and other locations in Maui County for construction, irrigation, and other suitable purposes where reclaimed water fill stations are made available by the County." The County does not currently have a reclaimed water fill station on Lānaʻi. However, as shown on page 3-5 of Appendix J, Preliminary Engineering Report, the proposed Kōʻele Project District water demand for Park is 1,500 GPD (to be used for comfort stations). The irrigation of the Park is anticipated to be primarily provided by effluent, non-potable water, to the extent available. The effluent water proposed to irrigate the Park subdistrict was previously used for the Experience at Kōʻele Golf Course. The availability of the reclaimed water would be determined by the DEM as the source of the water.

Comment 26:

(Appendix B, Page 10-11) The Agricultural Impact Report states on pages 10 and 11: "There is a plan for a 100-acre agricultural park on the Island of Lanai. In 1992, the Land Use Commission required C&C's Lanai Resorts to set aside 100 acres for the development and operation of an agricultural park by the State Department of Agriculture and County of Maui for the residents of Lanai. This was a condition for approving the Manele (sic) Golf Course. However, there has not been any progress on developing the park due to a lack of interest." Explain the source of this comment and justify the comment that no progress is solely due to lack of interest.

Response: The Applicant supports agriculture on island. The Applicant also has several agricultural leases near the airport, some of which are not occupied and available for lease to interested persons.

As part of the condition stated above, in 1994, the Applicant did set aside 100 acres for agricultural use, as evidence by Land Court Document No. 2165943. Dole leased 100 acres of real property to the Department of Land and Natural Resources for 55 years at a nominal lease rate of $100 per year for use as the Lānaʻi Agricultural Park. This lease was amended by an Amendment of Lease dated August 19, 1994 and filed as Land Court Document No. 2199103.

As stated in a 2017 Pacific Business News article,[6] "The agricultural park has not made any major moves in the past two decades, with the Lanai Chamber saying

[6] https://www.bizjournals.com/pacific/news/2017/04/03/100-acre-agriculture-park-on-billionaire-larry.html

that the Department of Agriculture felt that in the 1990s there was not sufficient community support for the project."

The County of Maui recently has expressed interest in an Ag park on Lānaʻi,[7] however there are no details at this time regarding how the County's interest and the State's lease with the Applicant will evolve.

Comment 27:

(Appendix B, Page ES-3) The Agricultural Impact Report states on page ES-3 "In addition, two (2) historic buildings will be relocated to the 55-acre portion of the Stables. These historic properties will to be converted to a museum and a retail shop. Also, a third building may be constructed, resulting in a total of about 30,000 SF of commercial space (about 2 acres) with parking and landscaping." Confirm if the two historic buildings referenced are the former ranch/Richardson houses. Furthermore, 30,000 square feet is equivalent to five lots on Ilima Ave (almost the entire block). The LPC voted several years ago to limit big box buildings to a square footage much less than 30,000 square feet. What is planned for this square footage?

Response: The Applicant confirmed that the referenced historic properties are the Kōʻele Ranch Homes (SIHP #-1004 Structures C and D), referenced as the former ranch/Richardson houses in Comment 27. The Kōʻele Ranch Homes which are currently located in the proposed Hotel subdistrict were originally located at the Maunalei Sugar Company camp at Keōmuku, and were relocated to Kōʻele sometime between 1902-1917. They were moved to their current location in the late 1980's during the construction of the Four Seasons Resort. Appendix E, the Archeological Literature Review and Field Investigation Report, recommends that if construction activities are proposed, prior to start of construction, these structures be assessed by a qualified architectural historian in coordination with the SHPD. The Applicant will work with an architectural historian to preserve and move the homes, when it is necessary.

There are currently no final design/permit plans for the 30,000 square feet (sf) space available at this time. With three (3) potential structures supporting ongoing activities such as the tennis courts and stables, and allowing for building setbacks and parking requirements, the 30,000 sf space (0.7 acre) would be the approximate area covered by all improvements. For example, if there is a parking lot associated with the improvement,that would be included in the 0.7 acre footprint. For more information on future development in the Resort Commercial subdistrict, see response to Comment 6. Further, it should be noted that majority of the land is to remain undeveloped for support/accessory activities for the stables (e.g., fenced pastures for animals etc.), which is currently the use today.

[7] https://www.mauinews.com/news/local-news/2021/03/proposed-fiscal-year-2022-budget/

Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

Comment 28:

(Appendix B, Page 13) The Agricultural Impact Report states on page 13: "Tax revenues derived from County property taxes and State taxes (excise, personal income, cooperate income, and transient accommodations tax)." The word should likely be "corporate." Please revise. Further what is the source of anticipated transient accommodation tax revenue? Is this the Hotel only? Are there other sources?

Response: We acknowledge the error of "cooperate," it should be "corporate." We will address this error via a letter from the technical author stating the error and correction. This letter will be attached to the study and filed as part of the Final EA.

Furthermore, we confirm that transient accommodation taxes are and will continue to be generated by the Resort.

Comment 29:

(Appendix H, Page ES-2) The Socio-Economic Impact Report states on page ES-2: "The revised plan for the Resort features 96 hotel rooms (no change from 2019), 57 resort sf homes (an increase of 39 homes from 2019), 33 resort mf homes (no change from 2019, the addition of 20 staff mf homes, continued operation of the 9-hole community golf course, and 30,000 square feet of new commercial space. Depending on future market conditions, the hotel rooms could be increased to a number to be determined." However, see Section VIII, "Parties Consulted" at Pages 102 and 104 from Peter Young. Comments are "Maximum Units Allowed for Single Family is reduced from 535 units to 20-units [.]" and "Presently, 18 single-family units have been built and the permissible total is 20-units, so only 2 units may be added " Clarify inconsistent SF/MF projections included in the DEA by consultants, since the DEA is silent on numbers. There is a conflict in saying that this is 'only housekeeping, no construction' and then on the other hand insisting "the analysis contained in this Environmental Assessment (EA) is based upon full build-out of the proposed amended Koele Project District. " (From Section II, Description of the Existing Environment, Potential Impacts, and Mitigation Measures, Page 11).

Response: While the studies included in the Draft EA contemplate full build out of the Kōʻele Project District based on the proposed zoning changes, any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

The table below summarizes the units that have been constructed as of May 2021, approved existing units at full build-out, and proposed full build-out for Hotel, Multi-Family, and Residential (e.g., single-family). These were included in the Preliminary Engineering Report (Appendix J) that evaluated the water and wastewater impacts.

	Constructed as of May 2021	**Existing Project District at Full Build-out**	**Proposed Project District at Full Build-out**
Hotel*	96	250	96 + TBD
Multi-Family*	33	90	53
Residential* (e.g., single-family)	18	255	57

Note*: Maximum net density for Hotel is limited by Maui County Code 19.17.040(C)(7) at twelve units per acre, for Multi-Family is limited by Maui County Code 19.71.030(B)(4) at six units per acre, and for Residential is limited by Maui County Code 19.71.020(B)(4) at two and one half units per acre.

Regarding the future Hotel subdistrict area noted as "TBD," see response to Comment #10. As noted earlier, any development in the Hotel subdistrict will require a PH2 and PH3 with detailed studies, including a preliminary engineering report and subject to review and approval of the PH2 by the Lānaʻi Planning Commission.

Comment 30:

(Appendix A-1, Pages 9-10) In the proposed changes to Lanai Project District 2 (Koele), it appears that grazing is permitted only in the "Open Space" subdistrict. What will happen to the existing pastures? Would this Project amendment prohibit grazing in the Resort Commercial subdistrict?

Response: Existing pastures would remain and this Project District amendment will not prohibit pastures for the animals to graze in the Resort Commercial subdistrict.

Comment 31:

(Appendix A-1, Page 13) Explain the proposed deletion to Lanai Project District 2 (Kōʻele), MCC, Section 19.71.100 that states: "In accordance with section 19.45.050, the applicant shall enter into the following bilateral agreements: ... A bilateral agreement requiring the applicant to develop and coordinate an affordable housing program for residents of Lanai; provided, that development other than hotel development within the project district may proceed before the agreement has been executed. "

Response: Both agreements were executed by Castle & Cooke. That was the requirement in MCC 19.71.100 (A) and (B). Applicant is proposing deletion of this language as it is no longer relevant because the agreements have been executed. See **Exhibit "A-2"** for copies of the executed agreements.

Comment 32:

(Appendix A-1, Page 4) In the proposed changes to Lanai Project District 2 (Koele), MCC, Section 19.71.050 Park PD-L/2 A. 1.a., noncommercial parks and playgrounds are proposed to be deleted as a principal use. Explain this proposed deletion. Will commercial parks and playgrounds be a principal use in the proposed revised Open Space subdistrict?

Response: The intent of the proposed deletion is to allow certain commercial activity to occur within the Park district. For example, the Lānaʻi Adventure Center will be located within the Park subdistrict, this is a commercial park use. Appendix A-1, Page 4 outlines additional principal uses that may have associated commercial activity associated with it, the deletion will allow for such associated commercial activity.

While parks are still allowable in the Open Space subdistrict, playgrounds are not an allowable use.

Comment 33:

Provide the Maui County Planning Department and include in the FEA a section that states in detail a status report of all conditions attached to the Kō'ele (sic) Project District entitlement process, including but not necessarily limited to Ordinance 2140 from the County of Maui and Land Use Commission Docket A90-662 for the District Boundary Amendment. Include the full documents along with the status report. Write out each condition and provide a full report on how and when each condition was satisfied, or, if fulfillment of any condition is still outstanding provide a detailed report on current status and, as applicable, efforts being made to fulfill that condition. A statement such as 'This condition has been satisfied' is not adequate nor sufficient in demonstrating how a condition was completed satisfactorily.

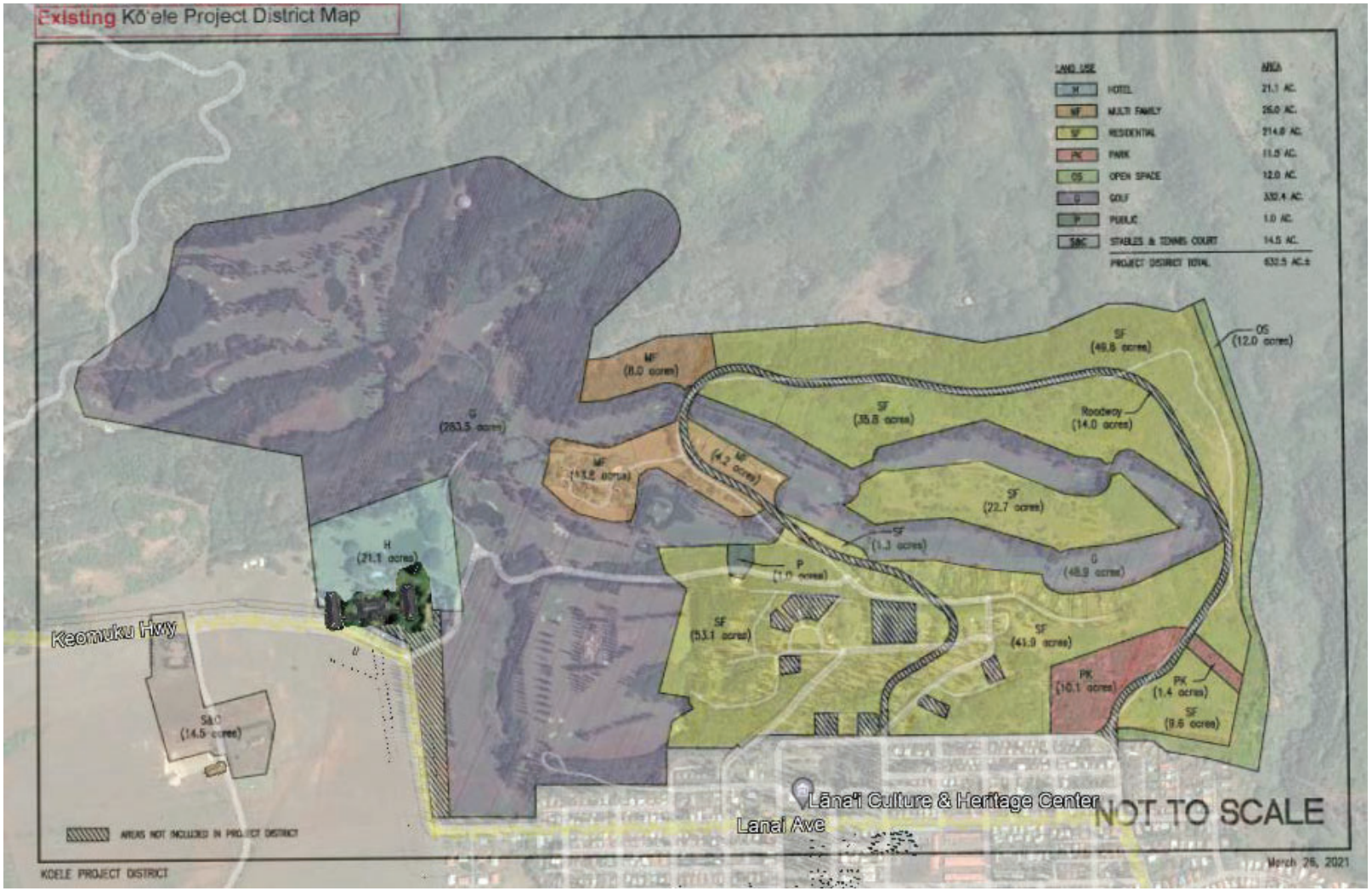
Response: See **Exhibit "A-3"** for the Ordinance 2140 status report and supporting documentation and **Exhibit "A-4"** for the Land Use Commission Docket A-90-662 status report and supporting documentation.

EXHIBIT “A-1”

REF-199

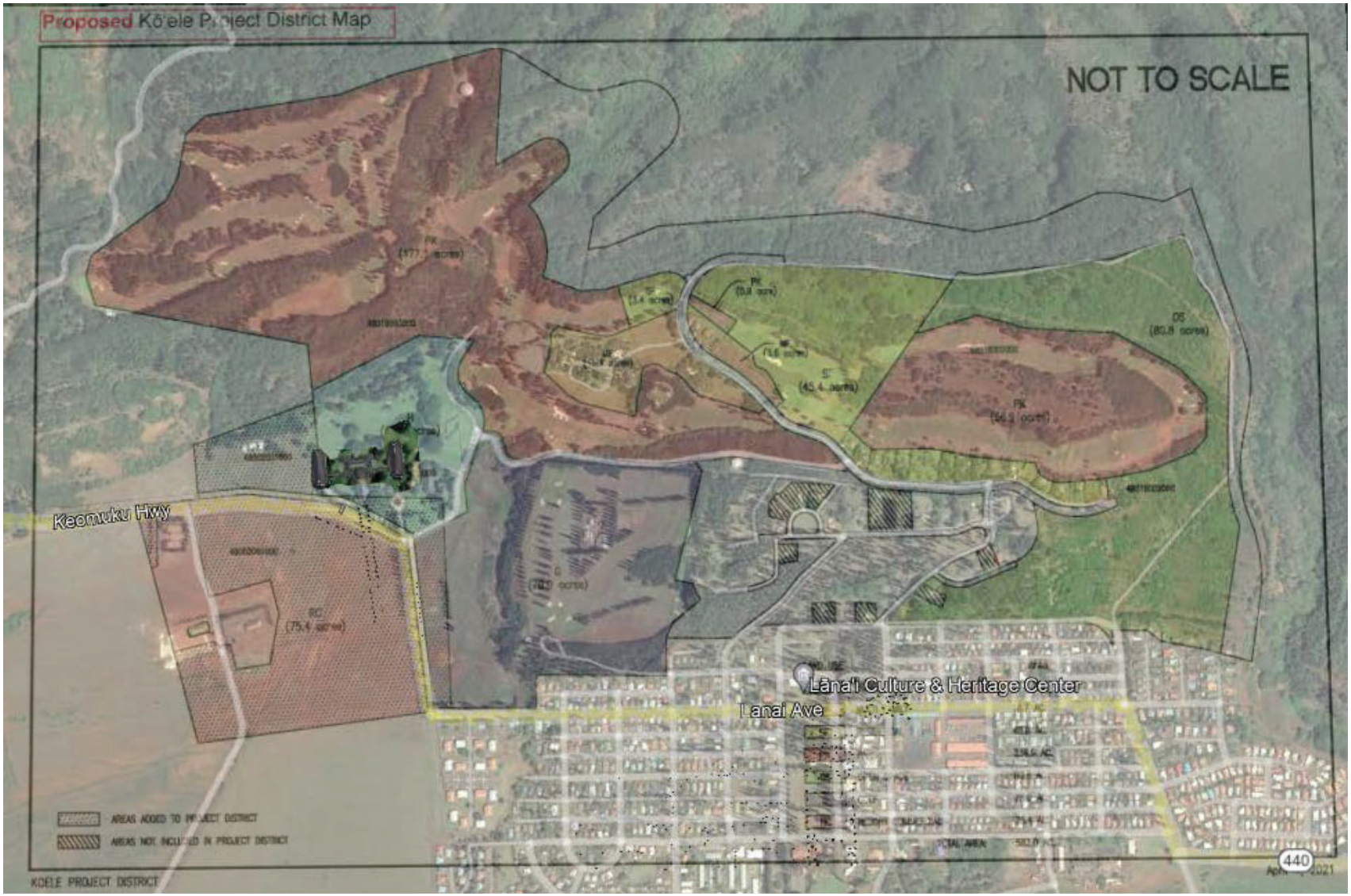
Exhibit "A-1"

Existing Kōʻele Project District Map



REF-200

Proposed Kō'ele Project District Map



REF-201

EXHIBIT “A-2”

RECORDED AS FOLLOWS:
STATE OF HAWAII
OFFICE OF
BUREAU OF CONVEYANCES

Received for record this MAY - 5 1987

day of _____, A.D., 19____

at 1:37 o'clock P M. and

recorded in Liber 20640 425

on Pages _____

REF-203

COPY

AGREEMENT FOR DEVELOPMENT AND COORDINATION OF A JOB TRAINING PROGRAM

THIS AGREEMENT, made this 30th day of April, 1987, by LANAI COMPANY, INC., a Hawaii corporation, whose principal place of business is 650 Iwilei Road, Honolulu, Hawaii, and whose mailing address is P.O. Box 2780, Honolulu, Hawaii 96803, hereinafter referred to as "Company", and the COUNTY OF MAUI, whose business and mailing address is 200 High Street, Wailuku, Maui, Hawaii 96793, hereinafter called the "County".

W I T N E S S E T H :

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", in its passage of the Ordinances relating to standards for the project district at Manele and Koele, Lanai and procedures for project districts required Company to enter into a bilateral agreement with County to develop and coordinate a job training program; and

WHEREAS, Company and County have agreed to execute this Agreement pursuant to the provisions of the Maui County Code relating to the project districts at Manele and Koele, Lanai and procedures for project districts.

NOW, THEREFORE, the Company and County hereby agree as follows:

REF-204

IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first above written.

LANAI COMPANY, INC.

By _____
Its VICE PRESIDENT

By _____
Its

APPROVED AS TO FORM:

_____
Attorney for Declarant

Dated: 4/21/87

COUNTY OF MAUI

By _____
Its Mayor

APPROVED AS TO FORM
AND LEGALITY

_____
Corporation Counsel
FRED W. ROHLFING

REF-205

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 30th day of April, 1987, before me appeared HANNIBAL TAVARES, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of the County of Maui by authority of its Council, and the said HANNIBAL TAVARES acknowledged the said instrument to be the free act and deed of the said County of Maui.

Linda K. Tamashiro
Notary Public, in and for said County and State.

le

My commission expires: 10/19/90

REF-206

Exhibit "A"

JOB TRAINING PROGRAM

The Company shall assume the lead responsibility for the development and coordination of a defined job service and training program for all phases of the hotel operations. The Company shall coordinate with its hotel management company (hotel operational jobs), State and County agencies, labor unions, as well as appropriate public and private agencies required to assist with the structuring, funding and/or direct implementation of the various phases of the overall training program.

The job training and service program shall include, but not be limited to, provisions covering the following:

(a) Priority enrollment for Lanai residents, to the extent legally permissible;

(b) Job counselors, preferably available through established programs;

(c) Identification of a lead person or agency to serve as an ombudsman liaison with the community to interface with the community to ensure that legitimate concerns or suggestions are communicated to the proper sources within the training program;

(d) Development of sources of compensation for participants in the training programs and services to be provided such as transportation and day care centers;

(e) Development of management type training facilities;

(f) Development of in-service upgrade programs provided by the hotel management company so that future hotel employees may upgrade current skill levels and/or acquire new skills required for promotion;

(g) A master job summary schedule which will include a detailed description of each job category with the following information included:

1. Description of job duties;
2. Required qualifications;
3. Number of full and part-time jobs;

REF-207

6) The hiring of an employment coordinator to facilitate the programs proposed under this condition.

In order to maximize hiring of workers from the Lanai labor pool, the Company will maximize job opportunities for Lanai residents by requiring a 30-day advance publication of an advertisement in the local Company paper and by use of bulletin Boards, etc. of the number and type of jobs which will be offered.

If an independent entity is retained by Company to carry out its programs, the Company shall be responsible to enforce the provisions of the Program and then the County.

REF-208

RECORDATION REQUESTED BY:

County of Maui
Planning Department
200 S High Street
Wailuku, Maui, HI 96793

N/C

87- 65098

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

87 MAY 5 P1:37

LIBER/ 20640 417
C. F. NEUMANN III, REGISTRAR

AFTER RECORDATION, RETURN TO:

Same as Above

RETURN BY: MAIL ( ) PICKUP ( )

Re: Lahai Co. Housing...

RECEIVED
MAY 31 10 13 AM '88
DEPT. OF PLANNING
COUNTY OF MAUI

REF-209

AGREEMENT FOR DEVELOPMENT AND COORDINATION OF AN AFFORDABLE HOUSING PROGRAM

THIS AGREEMENT, made this 30 day of April, 1987, by LANAI COMPANY, INC., a Hawaii corporation, whose principal place of business is 650 Iwilei Road, Honolulu, Hawaii, and whose mailing address is P.O. Box 2780, Honolulu, Hawaii 96803, hereinafter referred to as "Company", and the COUNTY OF MAUI, whose business and mailing address is 200 High Street, Wailuku, Maui, Hawaii 96793, hereinafter called the "County".

W I T N E S S E T H :

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", in its passage of the Ordinances relating to standards for the project district at Manele and Koele, Lanai and procedures for project districts required Company to enter into a bilateral agreement with County to develop and coordinate an affordable housing program; and

WHEREAS, Company and County have agreed to execute this Agreement pursuant to the provisions of the Maui County Code relating to the project districts at Manele and Koele, Lanai and procedures for project districts.

NOW, THEREFORE, the Company and County hereby agree as follows:

1. This Agreement is made pursuant to the provisions of the Maui County Code, relating to the project districts at Manele and Koele, Lanai and procedures for project districts.

2. The Company agrees to develop and coordinate an affordable housing program for the residents of Lanai in accordance with the Affordable Housing Program attached hereto as Exhibit "A".

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the terms and conditions of this Agreement shall bind all Company's successors in interests and assignees and the County of Maui shall have the right to enforce this Agreement by appropriate action at law or suit in equity against all such persons, provided that Company or its successors and assigns may at any time file a petition for amendments to this Agreement, such petition to be processed in the same manner as this original Agreement.

REF-211

IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first above written.

LANAI COMPANY, INC.

By _____
Its VICE PRESIDENT

By _____
Its VICE PRESIDENT

APPROVED AS TO FORM:

_____
Attorney for Company

Dated: 4/21/87

COUNTY OF MAUI

By _____
Its Mayor

APPROVED AS TO FORM
AND LEGALITY

_____
Corporation Counsel
FRED W. ROHLFING

REF-212

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

On this _____ day of APR 23 1987, 1987, before me appeared ROBERT C. ODA and RONALD HEDANI, to me personally known, who, being by me duly sworn, did say that they are the VICE PRESIDENT and VICE PRESIDENT, respectively of LANAI COMPANY, INC., a Hawaii corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officers, acknowledged said instrument to be the free act and deed of said corporation.

Cynthia Kadebaum
Notary Public, in and for said County and State.

My commission expires: March 22, 1990

REF-213

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 30th day of April, 1987, before me appeared HANNIBAL TAVARES, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of the County of Maui by authority of its Council, and the said HANNIBAL TAVARES acknowledged the said instrument to be the free act and deed of the said County of Maui.

Linda K. Tamashiro
Notary Public, in and for said County and State.

My commission expires: 10/19/90

la

REF-214

Pūlama Lānaʻi

October 30, 2017

Lanai Planning Commission
c/o Clayton Yoshida
Maui County Department of Planning
2200 Main Street #601
Wailuku, HI 96793
By Federal Express

Re: Lanai Planning Commission Request for Information on Affordable Housing Status

Dear Mr. Yoshida:

At the October 04, 2017 Lanai Planning Commission (LPC) meeting, Commissioner Roxanne Catiel requested that the affordable housing project that completed the requirement for Kō'ele be provided at the next LPC meeting. This letter summarizes the affordable housing that has been developed on Lānaʻi to satisfy all requirements and conditions set forth in the approval to develop at Ko`ele and Manele. This summary mirrors the testimony already provided by the Maui County Department of Housing & Human Resources (DHHR) at the Lānaʻi Planning Commission meeting of July 19, 2017.

The affordable housing requirement for the Kō'ele and Manele hotels begins with the "Agreement for Development and Coordination of an Affordable Housing Program," (Agreement) recorded at the Bureau of Conveyances July 2, 1987. This agreement stated that Castle & Cooke (C&C) should develop a minimum of 150 single family or multi-family dwelling units or a combination of both within or without the Project Districts. C&C, at its option, may also develop vacant lots and duplex dwellings not to exceed 15 units. One-half or more of the units must be completed before the certificate of occupancy for the first hotel is granted. Prior to the completion of the second hotel the balance must be completed. The projects that covered these requirements were units in Lalakoa II, and Lalakoa III.

The agreement noted in the second paragraph above is the one that Deputy Corporation Counsel Richelle Thomson referred to in her statements at the July 19, 2017 LPC meeting, which exempts the Kō'ele hotels from the Workforce Housing Ordinance, as the Agreement contains the affordable housing requirements.

Specific to the Kō'ele Project District zoning, it was specified that 115 acres of land for an affordable housing development, be given to Maui County in the "Unilateral Agreement for Conditional Zoning, dated February 28, 1992. This land was deeded to Maui County and remains in the same vacant land condition as in 1992. Richelle Thompson also spoke to this condition on the evening of July 19th, 2017. The Deputy Corporation Counsel further stated, "and from the Planning Department's review of the materials related to those conditions, within the Kō'ele Project District[s], those requirements have been satisfied."

C&C also had the 1996 Lānaʻi City Redevelopment Project, 201G-118, which had additional affordable housing requirements. These requirements had two components, an affordable housing (single family units/lots) and affordable rental housing. For the affordable single family, 97 lots were required. For the affordable rental housing, 105 rental units were required.

Specific to affordable single family housing requirements, 132 houses/lots were sold as compared to the 97 that were required. These units were developed as lots and houses, in Lalakoa III, and Olopua Woods. This results in the current status of 35 affordable housing credits for single family units being available for another project in the future. This is confirmed with the December 29, 2006 letter from Alice Lee, Administrator of the Maui County Department of Housing and Human Concerns (DHHC). Subsequent Administrator JoAnn Ridao, confirmed this credit by e-mail May 13, 2014. These two documents are attached.

Addressing specifically affordable rental units, there were 163 affordable units constructed, compared to the 105 that were required. This requirement was satisfied by units in Iwiole, Kanepuu Hale (four-plex), Hale Kapuna/Senior Housing, Kānepu'u (tri-plex), Lāna'i City Apartments, and The Courts. These developments were confirmed via a December 29, 2006 letter from Alice Lee, Administrator of the Maui County DHHC. C&C did not submit the paperwork for these last two complexes to the County. However, both complexes were constructed, and Pūlama Lāna'i can submit the documents needed to resolve this final action. This will result in a credit of 58 affordable rental units.

In summary, the housing developments that have been implemented to address affordable housing conditions have resulted in a net credit of 35 single family and 58 affordable rental units for Pūlama Lāna'i.

An additional source confirming that there were no remaining affordable or otherwise housing requirements for Kō'ele comes in the form of a letter from the Maui County Planning Department to Council Member Riki Hokama in his letter dated June 8, 2016. The letter is in response to Council Member Hokama's request for a complete summary of any open conditions for the Kō'ele and Manele Project Districts. The letter confirmed that there were no housing requirements remaining from either the Ko`ele or Manele Project District developments. This letter was provided to the LPC Commissioners at the July 2017 meeting.

Should you have further questions, I will be attending the Lāna'i Planning Commission meeting November 15, 2017. Mahalo!

Me ke aloha pumehana
With warm aloha,

Lynn P. McCrory
Senior Vice President of Government Affairs

C: Kurt Matsumoto

Enclosures (2)

REF-216

County of Maui
Planning Depaprment
200 S. High Street
Wailuku, Hi 96793

87-98666

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

87 JUL 2 P2 1
20859 232

DECLARATION AND SUBSTITUTION OF EXHIBIT A TO THE AGREEMENT FOR DEVELOPMENT AND COORDINATION OF AN AFFORDABLE HOUSING PROGRAM.

THIS DECLARATION, made and entered into this 24th day of June, 1987 by LANAI COMPANY, INC. a Hawaii corporation, whose principal place of business is 650 Iwilei Road, Honolulu, Hawaii, and whose mailing address is P.O. Box 2780, Honolulu, Hawaii 96803, hereinafter referred to as "Company", and the COUNTY OF MAUI, whose business and mailing address is 200 High Street, Wailuku, Maui, Hawaii 96793, hereinafter called the "County".

W I T N E S S E T H :

WHEREAS, the parties hereto enter into that certain Agreement for Development and Coordination of an Affordable Housing Program as of April 30, 1987 which agreement provided, inter alia that "The Company agrees to develop and coordinate an affordable housing program to develop and coordinate an affordable housing program for the residents of Lanai in accordance with the Affordable Housing Program attached hereto as Exhibit 'A'", said agreement having been recorded in the Bureau of Conveyances, State of Hawaii in Liber 20640 at Page 417 et. seq., and

WHEREAS through inadvertence an incomplete version of said Exhibit A to said agreement was submitted and so recorded in said Bureau.

Now therefore for and in consideration of their mutual promises the parties hereby mutually agree and declare that the said Agreement for Development and Coordination of an Affordable Housing Program should be and is hereby amended by the substitution of the attached document entitled "Exhibit 'A' Affordable Housing Program" in lieu of the Exhibit A formerly submitted with said agreement and recorded, as aforesaid.

In witness whereof, the undersigned have executed these presents on the date first above written.

LANAI COMPANY, INC.

By _____

Its VICE PRESIDENT

By _____

Its ASST. SECRETARY

APPROVED AS TO FORM:

_____

Attorney for Company

Dated: 6/24/87

COUNTY OF MAUI

By _____

Its Mayor

APPROVED AS TO FORM
AND LEGALITY

_____

DEPUTY Corporation Counsel
County of Maui
H. LODGER BETTS

REF-218

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

On this 24th day of June, 1987, before me appeared B. GARCIA and RONALD HEDANI, to me personally known, who, being by me duly sworn, did say that they are the VICE PRESIDENT and ASST. SECRETARY, respectively of LANAI COMPANY, INC., a Hawaii corporation, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said B. GARCIA and RONALD HEDANI, acknowledged said instrument to be the free act and deed of said corporation.

Cynthia Kodikara
Notary Public, First Judicial Circuit, State of Hawaii.

My commission expires: 3/22/90

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 30 day of June, 1987, before me appeared HANNIBAL TAVARES, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of the County of Maui by authority of its Council, and the said HANNIBAL TAVARES acknowledged the said instrument to be the free act and deed of the said County of Maui.

Linda K. Tamashiro
Notary Public, Second Judicial
Circuit, State of Hawaii.

LS

My commission expires: 10/19/90

Exhibit "A"

AFFORDABLE HOUSING PROGRAM

The Company shall develop, coordinate and implement an affordable housing program for the residents of Lanai.

The Company shall cause the development and construction, either alone or in joint venture with another entity, a minimum total of one-hundred fifty (150) single family or multi-family dwelling units or a combination of both, which may be within or outside of any Lanai island project district. As part of this requirement, at its option, the Company may also develop vacant lots and duplex dwellings not to exceed a combined total of fifteen (15) units.

Prior to the issuance of a certificate of occupancy for the first hotel or commercial development within any Lanai project district, the Company shall complete the construction of Phase One of its affordable housing program. Phase One will consist of approximately seventy-five (75) dwellings. The Company shall, to the extent legally permissible, use its best efforts to ensure that Lanai residents receive first notice of the availability of homes in Phase One and are given preference in eligibility to purchase or rent these dwellings.

Prior to the completion of the second hotel development within any Lanai project district, the Company shall complete Phase Two of its affordable housing program. Phase Two will consist of the remaining units required under this agreement. The Company shall, to the extent legally permissible, use its best efforts to ensure that Lanai residents receive first notice of the availability of homes in Phase Two and are given preference in eligibility to purchase or rent these dwellings including any vacant lots.

For each phase the following criteria shall be used for establishing sale prices and rental rates:

1) At least twenty-five percent (25%) of the units shall be sold at prices which are affordable to individuals and families whose income do not exceed the prevailing annual adjusted income limits established for low income families under the Farmers Home Administration's (FmHA's) Section 502 housing program. If the Section 502 program is not in

existence when the units are available for sale, its replacement program or the program's income limits in existence on the date this affordable housing agreement is executed adjusted for any increase in the Honolulu Consumer Price Index shall apply.

2) Approximately twenty-five percent (25%) of the units shall be offered for rent at rates which are affordable to individuals and families whose income does not exceed the prevailing gross annual income limits established for lower income families under the U. S. Department of Housing and Urban Development's Section 8 (Existing) Housing Assistance Payments Program. The term "affordable" shall mean the individual or family (household) not having to pay more than thirty percent (30%) of the household's adjusted monthly income for rent and utilities (computation of adjusted monthly income shall be in the same manner as for the Section 8 housing program). If the Section 8 program is not in existence when the units are available for rent, its replacement program or the program's income limits in existence on the date this affordable housing agreement is executed adjusted for any increase in the Honolulu Consumer Price Index shall apply.

If, after a reasonable period of time has passed, the Company determines and the County agrees that the remaining rental units are not required, the Company may sell the remaining rental units in the same manner as specified in item 1 above.

3) At least twenty-five percent (25%) of the units shall be sold at prices which are affordable to individuals and families whose income do not exceed the prevailing gross annual family income limits established for the County of Maui's home ownership projects.

4) The balance of the units may be sold without restrictions.

The foregoing may be modified only with the prior written approval of the County.

All dwelling units developed under this program and sold to individuals or families shall be owner-occupied.

The Company may develop some of the dwellings in either phase under any and all government sponsored programs in order

to contain the costs of construction or to qualify for favorable financing from governmental or other sources.

To prevent real estate speculation on the dwelling units provided under this program, the Company shall develop and incorporate in its conveyance document resale restrictions giving first it and then the County the right of first refusal to purchase any dwelling units offered for sale by the owner during the first ten (10) years after the sale of the first dwelling unit in each phase. Such restrictions shall include but not be limited to the Company and the County having the right of first refusal to purchase the dwelling units at a price which shall not exceed the sum of:

1. The original cost to the owner;

2. The cost of any improvements added by the owner;

3. Simple interest on the owner's equity in the property at the rate of seven percent (7%) a year.

The Company or the County, as the case may be, may purchase the unit either outright, free and clear of all liens and encumbrances; or by transfer subject to an existing mortgage.

If by outright purchase the Company or the County, as the case may be, shall ensure that all existing mortgages, liens and encumbrances are satisfactorily paid by the owner.

In any purchase by transfer subject to an existing mortgage, the Company or the County, as the case may be, shall agree to assume and to pay the balance on any first mortgage created for the purpose of enabling the owner to obtain funds for the purchase of the unit and any other mortgages which were created with the approval and consent of the Company and County. In such cases, the amount to be paid to the owner by the Company or the County, as the case may be, shall be the difference between the above-mentioned price and the principal balance of all mortgages outstanding and assumed at the time of transfer of title to the Company or the County, as the case may be.

EXHIBIT “A-3”

Exhibit “A-3”

Ordinance 2140 Status Report

Condition Number	Reference Number	Condition	Status
1	2140_1	The Declarant will establish a loan fund of $1,000,000.00 to be administered and managed by the Bank of Hawaii, in consultation with Lānaʻi Resort Partners for the purpose of assisting current Lānaʻi City merchants with improvements of their commercial facilities. Loans will be made available to the merchants from the date of the Unilateral Agreement and for a minimum of 10 years thereafter, at an annual rate of 2% per annum below the Bank of Hawaii's prevailing commercial loan rate for similar type loans. Also, the loan qualifications and pay back methods shall not exceed those required by the Bank of Hawaii for their commercial loans. Written notice that the loan fund of $1,000,000.00 is available for disbursement to qualified Lānaʻi City merchants shall be given by Bank of Hawaii to said merchants, the Mayor of the County of Maui and the Chairperson of the County Council and the Chairperson of the Planning and Economic Development Committee. Written notice of the expiration of the loan fund shall be given to the above-named persons one (1) year prior to such expiration.	The condition requirement beginning in 1992, for a minimum duration of 10 years, expired in 2002, prior to Applicant ownership.

REF-225

Condition Number	Reference Number	Condition	Status
2	2140_2	The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, 115 acres of land adjacent to the Lower Waialua Single Family site to the County as shown in Exhibit "A" (shaded area) attached hereto and by reference made a part hereof, for an affordable housing project. The project shall be similar in design quality and density to the recent affordable housing developments on Lānaʻi.	Petitioner has complied with this condition. Petitioner entered into and recorded a Unilateral Agreement and Declaration for Conditional Zoning on February 28, 1992 to establish residential zoning for the Kōʻele Project District. Petitioner agreed to donate to the County of Maui 115 acres of real property for affordable housing, located adjacent to the Lower Waialua Single Family site, in fee simple, at no cost and free and clear of all mortgages and encumbrances. After the County of Maui and Petitioner identified and agreed upon the precise location of the 115 acres of real property, the County of Maui approved the subdivision of land for the 115 acres (as confirmed by letter, dated June 4, 1998, from County of Maui Department of Public Works and Waste Management to Petitioner) and appropriate petitions were filed with the Land Court of the State of Hawaii to record the subdivision. Following the Land Court's approval of the subdivision, the County of Maui accepted conveyance of 115 acres of Land under two Warranty Deeds with Use Restrictions, both file-dated November 13, 1998, and filed as Land Court Document Nos. 2499792 (102.234 acres) and 2499793 (12.766 acres).
3	2140_3	The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, a minimum of one acre of land on Lānaʻi to the County for use as a veteran's cemetery.	Petitioner has complied with this condition. In Resolution 95-57 on May 19, 1995, the County of Maui accepted a dedication of 1 acre of land to be used for a veteran's cemetery and related purposes.

REF-226

Condition Number	Reference Number	Condition	Status
4	2140_4	The Declarant shall consummate a land exchange with the County for a new police station upon terms and conditions acceptable to Declarant and the County.	Petitioner agreed to convey to the County of Maui a site for the new police station containing one (1) acre of land. Petitioner subdivided land to create a new one-acre lot (Land Court Lot 1163), and subsequently conveyed Lot 1163 to the County of Maui by Deed filed on October 15, 2002 as Land Court Document No. 2850540. Petitioner also executed in favor of the County of Maui an Agreement to Dedicate Upon Demand affecting Lot 1163 (road widening strip along Ninth Street of the new Lānaʻi police station site), filed on October 15, 2002, as Land Court Document Number 2850541.
5	2140_5	The Declarant shall preserve in perpetuity the tradition of permitting free play on the Cavendish golf course for Lānaʻi residents and shall continue maintaining said golf course. The Declarant shall make the Kōʻele golf course available for play to Lānaʻi residents at a kamaaina rate of 50% of the standard rate, and for Hawaii residents at 60% of the standard rate.	Petitioner has complied with this condition. The Cavendish Golf Course is operating and will continue to operate as free play course to residents of Lānaʻi. Petitioner's obligation to maintain "free play" on the Cavendish Golf Course is documented in the Unilateral Agreement and Declaration for Conditional Zoning, dated February 28, 1992, by Lanaʻi Resort Partners.
6	2140_6	The Declarant shall irrigate the Kōʻele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.	The Experience at Kōʻele Golf Course closed in 2016.

REF-227

Condition Number	Reference Number	Condition	Status
7	2140_7	Declarant shall provide monetary support to E Malama I Na Keiki 0 Lānaʻi (Lānaʻi Preschool) to subsidize the cost of its operations for a period of 15 years up to $250,000.00. Approximately $47,143.58 has been contributed to the Lānaʻi Preschool as of December 31, 1991. The balance of the funds shall be prorated as equally as possible over the balance of the 15 year period from 1992 to 2006, inclusive. In addition, $25,000.00 shall be distributed over the transition period from 1992 to 1997, inclusive, at $5,000.00 per year.	The condition requirement beginning in 1992, for a period of 15 years, expired in 2007, prior to Appliant ownership.
8	2140_8	The Declarant shall comply with the environmental health concerns addressed in Exhibit "B" attached hereto and incorporated herein by reference, entitled "Twelve (12) Conditions Applicable to All New Golf Course Development", dated January 1992 (Version 4), issued by the State Department of Health. Copies of all reports that are sent to the Department of Health by Declarant shall also be sent to the County Council, the directors of the Department of Planning and the Department of Public Works.	The Experience at Kōʻele Golf Course closed in 2016.

REF-228

Condition Number	Reference Number	Condition	Status
9	2140_9	Declarant shall a) build a by-pass road, similar in concept to the road as shown in the Lānaʻi Community Plan, Exhibit E, adopted April 5, 1983, in conformance with the standards of the County, as approved by the Director of Public Works, and b) dedicate, in fee simple absolute, free and clear of all mortgage and lien encumbrances, the constructed by-pass road to the County, at no cost to the County, within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Kōʻele Project District is reached; provided, however, that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two years of reaching 50% occupancy) in and around Lānaʻi City is not determined to be operationally substandard under the level of rating criteria of the American Association of State Highway and Transportation Officials.	Condition 9 requires a bypass road to be built within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Kōʻele Project District is reached. This also has a codicil that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two (2) years of reaching fifty percent (50%) occupancy) in and around Lānaʻi City is not determined to be operationally substandard. The total number of units approved for Kōʻele Project District is 255 single family units and 100 multi-family units, for a total of 355 units. The trigger to build a by-pass road is 50% of 355, which is 178 units completed. As of May 2021 when the Applicant submitted the subject application, there were eighteen (18) single-family units and thirty-three (33) multi-family units completed in the Kōʻele Project District. A total of 51 units, which is only 14% (much lower than the 50% trigger).
10	2140_10	Declarant shall defer construction of any single family and multifamily dwellings in that parcel of land located at Kōʻele, Lānaʻi, Hawaii, containing approximately 67.908 acres and identified as Parcel B in Exhibit 1 of this Unilateral Agreement and Declaration for Conditional Zoning, until such time as a social impact study is completed and submitted to the County Council for review.	The Petitioner has complied with this condition. The Social Impact Study was completed and submitted in 1992.

Supporting Documentation for

Exhibit "A-3"

<u>Note:</u>

At the top of the page in a red box, this is the reference number for the condition is listed

Example:

2140_1

Ordinance #_condition #

Ordinance 2140_Condition 1

REF-230

COUNTY OF MAUI Hawaii

Parcel Information

Parcel Number	490020580000
Location Address	AWALUA AVE LANAI HI 96763
Neighborhood Code	4962-5
Legal Information	
Land Area	115 Acres
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
COUNTY OF MAUI Fee Owner

Mailing Address
COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	AGRICULTURAL	$803,200	$0	$803,200	$0	$803,200	$803,200	$0

How to calculate real property taxes

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
1/19/1999	$0	0000000000						
1/9/1999	$0	0000000000						
10/27/1998	$0	0000000000	Fee conveyance			11/13/1998	2499792	521026
10/27/1998	$0	0000000000	Fee conveyance			11/13/1998	2499793	521027

Recent Sales In Area

Sale date range:

From: 10/08/2018 **To:** 10/08/2021

Sales by Neighborhood

1500 Feet Sales by Distance

REF-231

Generate Owner List by Radius

Distance:

100 | Feet

Use Address From:

(●) Owner ( ) Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

[x] Show All Owners

[ ] Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

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

User Privacy Policy

GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 10/7/2021, 11:36:23 PM

Version 2.3.151

REF-232

2140_3

Resolution

No. 95-57 Introduced By WAYNE K. NISHIKI Councilmember

ACCEPTING DEDICATION OF LAND PURSUANT
TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, DOLE FOOD COMPANY, INC., a Hawaii corporation (hereinafter "DOLE"), is the owner of certain land situate on the Island of Lanai, which DOLE recently subdivided into a one (1) acre parcel of land identified by its tax map key number (2) 4-9-02:portion of 1, as more particularly described in the legal description attached hereto as Exhibit "A" and made a part hereof, and shown as "Lot 48" on the Land Court Consolidation map attached hereto as Exhibit "B" and made a part hereof (hereinafter "Parcel"); and

WHEREAS, DOLE wishes to make a charitable contribution by conveying the Parcel to the County of Maui for public purposes in that the Parcel shall be used for a veteran's cemetery and related purposes, pursuant to Chapter 13.20 of the Maui County Code, as it may be amended from time to time; and

WHEREAS, pursuant to Maui County Code Section 3.44.015.C., the County Council may accept gifts or donations of real property or any interest in real property by the passage of a resolution, approved by a majority of its members; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby accepts the Parcel, as described in Exhibit "A" and shown in Exhibit "B", attached hereto and made a part hereof, to be dedicated by DOLE to the County of Maui for

Resolution No. 95-57

public purposes in that the Parcel shall be used for a veteran's cemetery and related purposes, pursuant to Chapter 13.20 of the Maui County Code, as it may be amended from time to time; and

2. That it does hereby authorize the Mayor of the County of Maui to execute all necessary documents in connection with the acceptance of said dedication; and

3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui and to Dole Food Company, Inc.

APPROVED AS TO FORM
AND LEGALITY:

LILLIAN B. KOLLER
Deputy Corporation Counsel
County of Maui
c:\reso\dole(syc)

COUNCIL OF THE COUNTY OF MAUI
WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 19th day of May, 19 95 by the following vote:

MEMBERS	Alice L. LEE Chair	Patrick S. KAWANO Vice-Chair	James "Kimo" APANA	Alan ARAKAWA	Sol P. KAHOOHALAHALA	Robert M. MONDEN	Thomas P. MORROW	Dennis Y. NAKAMURA	Wayne K. NISHIKI
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye	Aye

COUNTY CLERK

EXHIBIT A

THAT certain parcel of land situate on the Island of Lanai, County of Maui, State of Hawaii, more particularly described as Lot 48, area 1.000 acre, as shown on Map 9 of Land Court Consolidation No. 170 and being a portion of the lands described in Transfer Certificate of Title No. 324345.

SUBJECT, HOWEVER, to the following:

1. Subdivision Agreement (Large Lot), dated June 8, 1988, by and between Castle & Cooke, Inc. and County of Maui, filed as Document No. 1558116.

2. Subdivision Agreement (Large Lot), dated December 28, 1988, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633943.

3. Subdivision Agreement (Three Lots or Less), dated April 26, 1989, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633944.

4. Subdivision Agreement (Large Lot), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2025213.

5. Subdivision Agreement (Agricultural Use), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2070238.

6. Hold Harmless Agreement dated May 24, 1994, by and between the County of Maui, Lanai Resort Partners, as Developer, and Dole Food Company, Inc., as Owner, filed in the Bureau of Conveyances as Document No. 94-118691.

END OF EXHIBIT A

EXHIBIT "A"

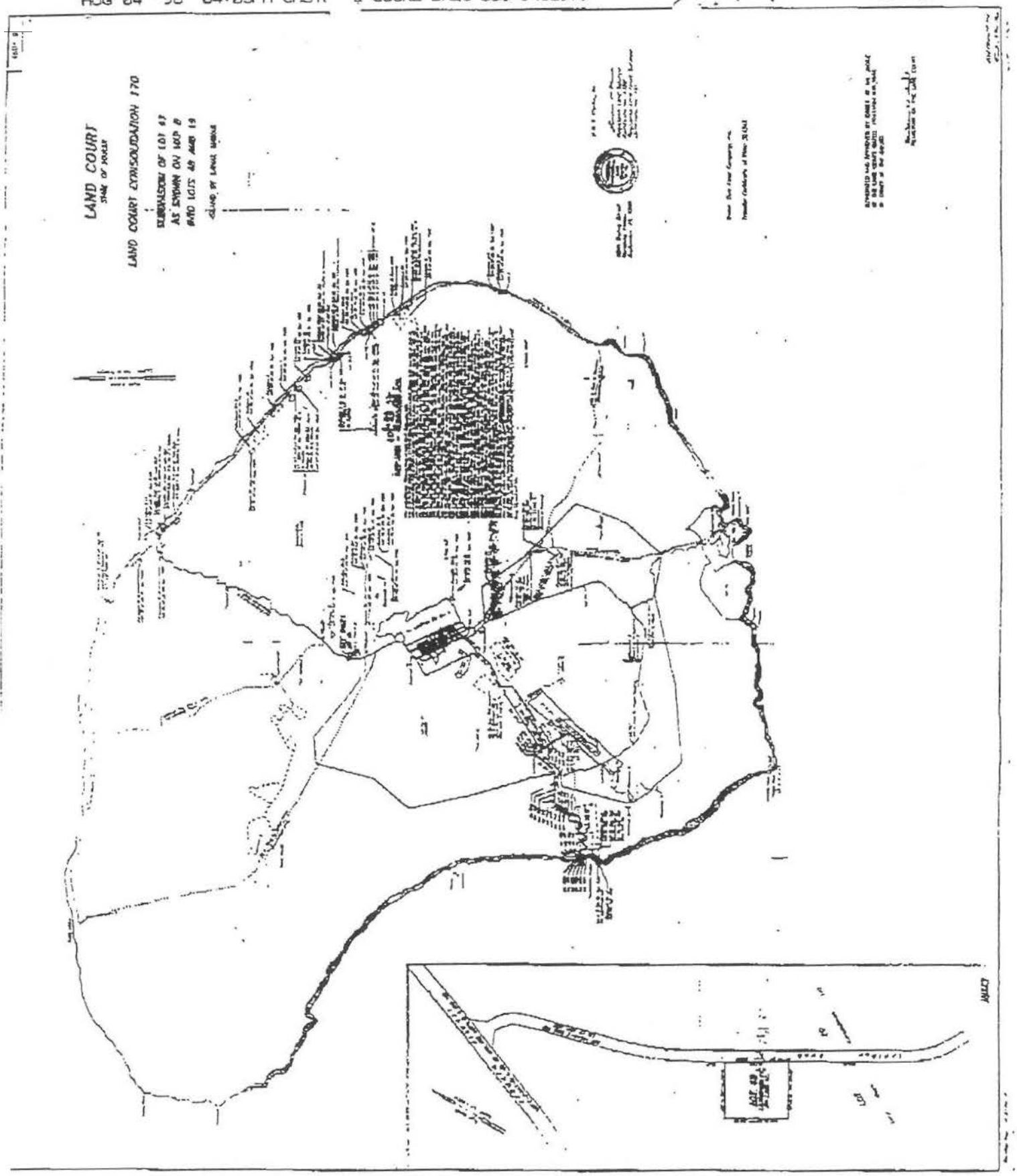


EXHIBIT "B"

COUNTY OF MAUI Hawaii

Parcel Information

Parcel Number	490020510000
Location Address	LANIOLA RD LANAI HI 96763
Neighborhood Code	9911-6
Legal Information	
Land Area	1 Acres
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
COUNTY OF MAUI Fee Owner

Mailing Address
COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	NON-OWNER-OCCUPIED/RESIDENTIAL	$100	$0	$100	$22,000	$22,100	$100	$22,000

How to calculate real property taxes

Improvement Information

Building Number	10	**Heating/Cooling**	NONE
Style	Contemporary	**Exterior Wall**	FIR/PINE
Year Built	1947	**Bedrooms/Full Bath/Half Bath**	3/1/0
Eff Year Built	1975	**Roof Material**	Metal shingle
Percent Complete	100%	**Fireplace**	No
Living Area	1,590	**Grade**	2+
Construction Type	Frame	**Building Value**	N/A

Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
10	GARAGE W00D/PAVED FLOOR	0x0 1900 / 1	1988	100%	$23,400

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
2/10/1995	$0	0000000000						
11/14/1994	$0	0000000000	Fee conveyance			6/7/1995	2241548	457680

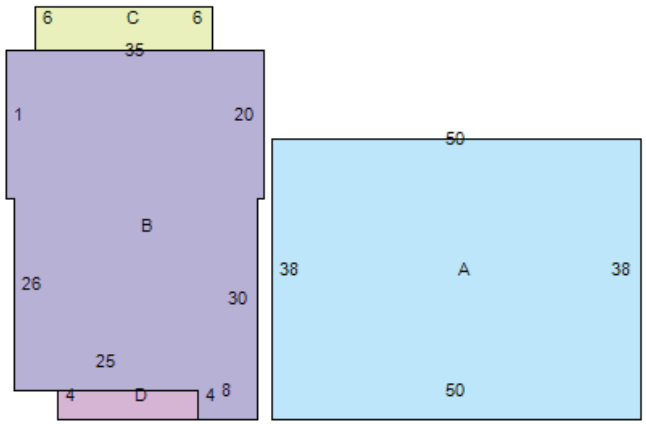
REF-237

Permit Information

Date	Permit Number	Reason	Permit Amount
4/4/2018	B20180345	Other see notes	$200,000
4/4/2018	B20180344	Other see notes	$100,000
4/4/2018	B20180343	Water Tank	$94,000
4/4/2018	B20180342	Improvement Demolished	$10,000
4/4/2018	B20180339	Improvement Demolished	$24,000
12/13/2011	B20111363	Other see notes	$47,694

KIVA Permit Site

Sketches



	Room Type	Area
	A GARAGE W00D/PAVED FLOOR	1900
	B Main Area	1590
	C WDDCK WOOD DECKS	144
	D WDDCK WOOD DECKS	76

Building 10

Recent Sales In Area

Sale date range:

From: 10/11/2018 To: 10/11/2021

Sales by Neighborhood

1500 Feet Sales by Distance

REF-238

Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Commercial Improvement Information.

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

User Privacy Policy

GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 10/9/2021, 2:29:24 PM

Version 2.3.151

REF-239

COUNTY OF MAUI Hawaii

Parcel Information

Parcel Number	490140190000
Location Address	855 FRASER AVE LANAI CITY HI 96763
Neighborhood Code	4961-3
Legal Information	LOT 1161 MAP 145 LC APP 862 1.00 AC TOG/ES SUBJ/ES
Land Area	1 Acres
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
COUNTY OF MAUI Fee Owner

Mailing Address
COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	COMMERCIAL	$653,400	$0	$653,400	$2,659,500	$3,312,900	$3,312,900	$0

How to calculate real property taxes

Commercial Improvement Information

Building Number	1	**% Complete**	100%
Building Type	POLICE STATION	**Building Square Footage**	6,868
Year Built	2003	**Value**	$2,616,900
Eff Year Built			

Section	Floor #	Area	Perimeter	Occupancy	Wall Height	Exterior Wall	Rank	Building Class
1	01	6868	368	Office Building	10		3.2	Masonry Bearing Walls s1 p7

Other Features

Section	Structure	Measure 1	Measure 2	Stops
1	MASONRY UTILITY BLDG	240	1	0
1	PORCH, CEIL- RECESSED	128	1	0

Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
1	MASONRY UTILITY SHED	0x0 342 / 1	2003	100%	$21,657
1	CARPORT OPEN ASPH/CONC FLOOR	0x0 1444 / 1	2003	100%	$25,891
1	GARAGE HOL-TILE/PAVED FLOOR	0x0 459 / 1	2003	100%	$16,946

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
8/30/2002	$0		Fee conveyance		Deed	10/15/2002	2850540	625345
5/11/2001	$0		Mapping		Land Court	5/11/2001		

REF-240

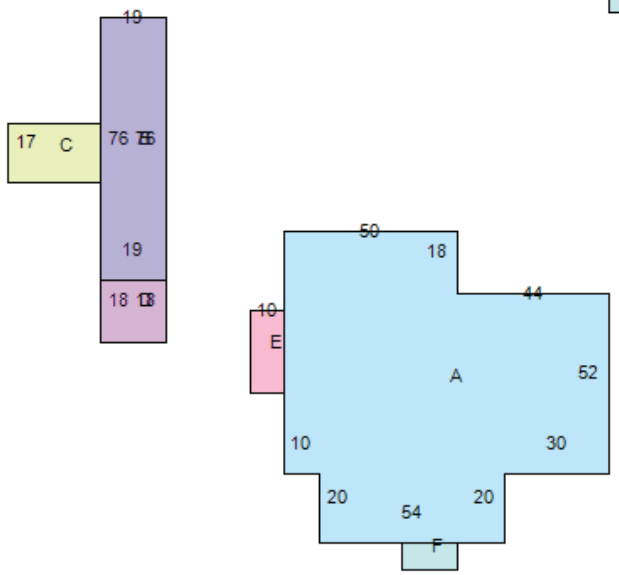
Permit Information

Date	Permit Number	Reason	Permit Amount
8/27/2003	200331718	Garage	$100,000
8/27/2003	20031717	New commercial bldg	$3,900,000

KIVA Permit Site

Sketches

	Room Type	Area
	A OFFICES	6868
	B CARPORT OPEN ASPH/CONC FLOOR	1444
	C GARAGE HOL-TILE/PAVED FLOOR	459
	D MASONRY UTILITY SHED	342
	E MASONRY UTILITY BLDG	240
	F PORCH, CEIL- RECESSED	128



Building 1

Recent Sales In Area

Sale date range:

From: 10/08/2018 To: 10/08/2021

Sales by Neighborhood

1500 Feet Sales by Distance

REF-241

Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information.

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

User Privacy Policy

GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 10/7/2021, 11:36:23 PM

Version 2.3.151

REF-242

R-728

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

APR 08, 1992 / 11:25 AM

Doc No(s) 92-052311

/s/ S. FURUKAWA
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: $0.00

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup ( ) To:
Office of the County Clerk
County of Maui
200 So. High Street
Wailuku, Hawaii 96793

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, made this 28th day of February, 1992, by LANAI RESORT PARTNERS, a California general partnership, whose business and mailing address is 650 Iwilei Street, Honolulu, Hawaii 96803, hereinafter referred to as "Declarant", and who is the developer of that certain parcel located at Koele, Lanai, Hawaii, comprised of approximately 153.555 acres, and identified for real property tax purposes by Tax Map Key Nos. 4-9-01:02 and 4-9-02:01 (portion), hereinafter referred to as the "Parcel".

W I T N E S S E T H:

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", is considering

Koele

the establishment of PD-L/2 (Koele) Project District zoning for the Parcel, comprised of approximately 153.555 acres and which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in Land Zoning Map No. 2608, which is on file in the Office of the County Clerk of the County of Maui; and

WHEREAS, the Council recommends through its Planning and Economic Development Committee, Committee Report No. 92-81, that said establishment of zoning be approved for passage on first reading subject to certain conditions pursuant to Section 19.510.050, Maui County Code; and

WHEREAS, Declarant has agreed to execute this instrument pursuant to the conditional zoning provisions of Section 19.510.050, Maui County Code.

NOW, THEREFORE, the Declarant hereby makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.510.050, Maui County Code, relating to conditional zoning.

2. That the Parcel, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions contained herein and that all of such covenants, conditions and restrictions shall be effective as to and shall run with the land as to the Parcel from and after the

REF-244

recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, as the case may be, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign, as the case may be, of any of them, that the acquisition of any right, title or interest in or with respect to the Parcel by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities, and that upon any transfer of any right, title or interest in or with respect to the Parcel the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform, all of the covenants, conditions and restrictions of this Declaration;

3. This Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the same is released as to the Parcel or any part thereof by the County;

4. The term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine

REF-245

or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of PD-L/2 (Koele) Project District Zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii, as the case may be;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said

REF-246

land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

DECLARANT:

LANAI RESORT PARTNERS

By LANAI COMPANY, INC.
Its General Partner

By Ralph Masuda
RALPH MASUDA
Its Vice President

APPROVED AS TO FORM:

B. Martin Luna
B. MARTIN LUNA
Attorney for Declarant

APPROVED AS TO FORM
AND LEGALITY:

Gary W. Zakian
GARY W. ZAKIAN
Deputy Corporation Counsel
County of Maui

REF-247

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 28th day of February, 1992, before me appeared RALPH MASUDA, to me personally known, who, being by me duly sworn, did say that he is the Vice President of LANAI COMPANY, INC., a Hawaii corporation, the general partner of LANAI RESORT PARTNERS, a California general partnership, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation, as general partner of said partnership.

Mary E. Ashan
Notary Public, State of Hawaii

My commission expires: 4-24-95

037/4389M

REF-248

DESCRIPTION

Parcel A

Being a portion of Lot 9 as shown on Map 1
of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 2,695.51 feet South and 4,644.04 feet East, thence running by azimuths measured clockwise from True South:

1. Along Lot 2 as shown on Map 1 of Land Court Consolidation 170, on a curve to the left with a radius of 320.00 feet, the chord azimuth and distance being: 122° 11' 22" 219.83 feet;

2. 102° 06' 732.28 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;

3. 67° 00' 1,049.60 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;

4. 123° 30' 930.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;

5. 167° 14' 55" 1,698.62 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

6. 227° 55' 235.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolication 170;

7. 261° 10' 165.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolication 170;

8. 300° 30' 720.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

EXHIBIT "1"

REF-249

9.	273°	10'		200.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
10.	256°	40'		340.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
11.	293°	50'		210.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
12.	328°	00'		1,065.08 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
13.	316°	50'		471.99 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
14.	322°	16'	44"	736.97 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolication 170 to the point of beginning and containing an Area of 85.647 Acres.

680 Ala Moana Boulevard
Suite 200
Honolulu, Hawaii 96813

December 27, 1989

ROBERT W. CUNNINGHAM
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4188
HAWAII, U.S.A.

BELT COLLINS & ASSOCIATES

Robert W. Cunningham

Registered Professional Surveyor
Certificate Number 4188

REF-250

DESCRIPTION

Parcel B

Being a portion of Lot 9 as shown on Map 1

of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 4,124.97 feet South and 3,216.41 feet East, thence running by azimuths measured clockwise from True South:

1.	257°	10'	330.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
2.	330°	00'	155.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
3.	314°	55'	430.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
4.	332°	55'	1,600.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
5.	346°	55'	905.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
6.	326°	20'	487.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
7.	313°	25'	530.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
8.	336°	35'	180.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
9.	347°	50'	350.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

REF-251

10.	311°	45'	240.34 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
11.	48°	49'	823.54 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
12.	147°	00'	1,334.75 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
13.	162°	00'	1,200.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
14.	170°	40'	1,480.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
15.	136°	30'	565.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
16.	152°	30'	585.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170 to the point of beginning and containing an Area of 67.908 Acres.

680 Ala Moana Boulevard
First Floor
Honolulu, Hawaii 96813

ROBERT W. CUNNINGHAM
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4188
HAWAII, U.S.A.

BELT COLLINS & ASSOCIATES

Robert W. Cunningham
Registered Professional Surveyor
Certificate Number 4188

January 10, 1992

EXHIBIT "2" (KOELE)

Conditions

Pursuant to Section 19.510.050 of the Maui County Code, the zoning established for the parcels of land shall be subject to the following conditions:

*1. The Declarant will establish a loan fund of $1,000,000.00 to be administered and managed by the Bank of Hawaii, in consultation with Lanai Resort Partners for the purpose of assisting current Lanai City merchants with improvements of their commercial facilities. Loans will be made available to the merchants from the date of the Unilateral Agreement and for a minimum of 10 years thereafter, at an annual rate of 2% per annum below the Bank of Hawaii's prevailing commercial loan rate for similar type loans. Also, the loan qualifications and pay back methods shall not exceed those required by the Bank of Hawaii for their commercial loans. Written notice that the loan fund of $1,000,000.00 is available for disbursement to qualified Lanai City merchants shall be given by Bank of Hawaii to said merchants, the Mayor of the County of Maui and the Chairperson of the County Council and the Chairperson of the Planning and Economic Development Committee. Written notice of the expiration of the loan fund shall be given to the above-named persons one (1) year prior to such expiration.

*2. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, 115 acres of land adjacent to the Lower Waialua Single Family site to the County as shown in Exhibit "A" (shaded area) attached hereto and by reference made a part hereof, for an affordable housing project. The project shall be similar in design quality and density to the recent affordable housing developments on Lanai.

*3. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, a minimum of one acre of land on Lanai to the County for use as a veteran's cemetery.

*4. The Declarant shall consummate a land exchange with the County for a new police station upon terms and conditions acceptable to Declarant and the County.

5. The Declarant shall preserve in perpetuity the tradition of permitting free play on the Cavendish golf course

REF-253

for Lanai residents and shall continue maintaining said golf course. The Declarant shall make the Koele golf course available for play to Lanai residents at a kamaaina rate of 50% of the standard rate, and for Hawaii residents at 60% of the standard rate.

6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.

7. Declarant shall provide monetary support to E Malama I Na Keiki O Lanai (Lanai Preschool) to subsidize the cost of its operations for a period of 15 years up to $250,000.00. Approximately $47,143.58 has been contributed to the Lanai Preschool as of December 31, 1991. The balance of the funds shall be prorated as equally as possible over the balance of the 15 year period from 1992 to 2006, inclusive. In addition, $25,000.00 shall be distributed over the transition period from 1992 to 1997, inclusive, at $5,000.00 per year.

8. The Declarant shall comply with the environmental health concerns addressed in Exhibit "B" attached hereto and incorporated herein by reference, entitled "Twelve (12) Conditions Applicable to All New Golf Course Development", dated January 1992 (Version 4), issued by the State Department of Health. Copies of all reports that are sent to the Department of Health by Declarant shall also be sent to the County Council, the directors of the Department of Planning and the Department of Public Works.

9. Declarant shall a) build a by-pass road, similar in concept to the road as shown in the Lanai Community Plan, Exhibit E, adopted April 5, 1983, in conformance with the standards of the County, as approved by the Director of Public Works, and b) dedicate, in fee simple absolute, free and clear of all mortgage and lien encumbrances, the constructed by-pass road to the County, at no cost to the County, within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Koele Project District is reached; provided, however, that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two years of reaching 50% occupancy) in and around Lanai City is not determined to be operationally substandard under the level of rating criteria of the American Association of State Highway and Transportation Officials.

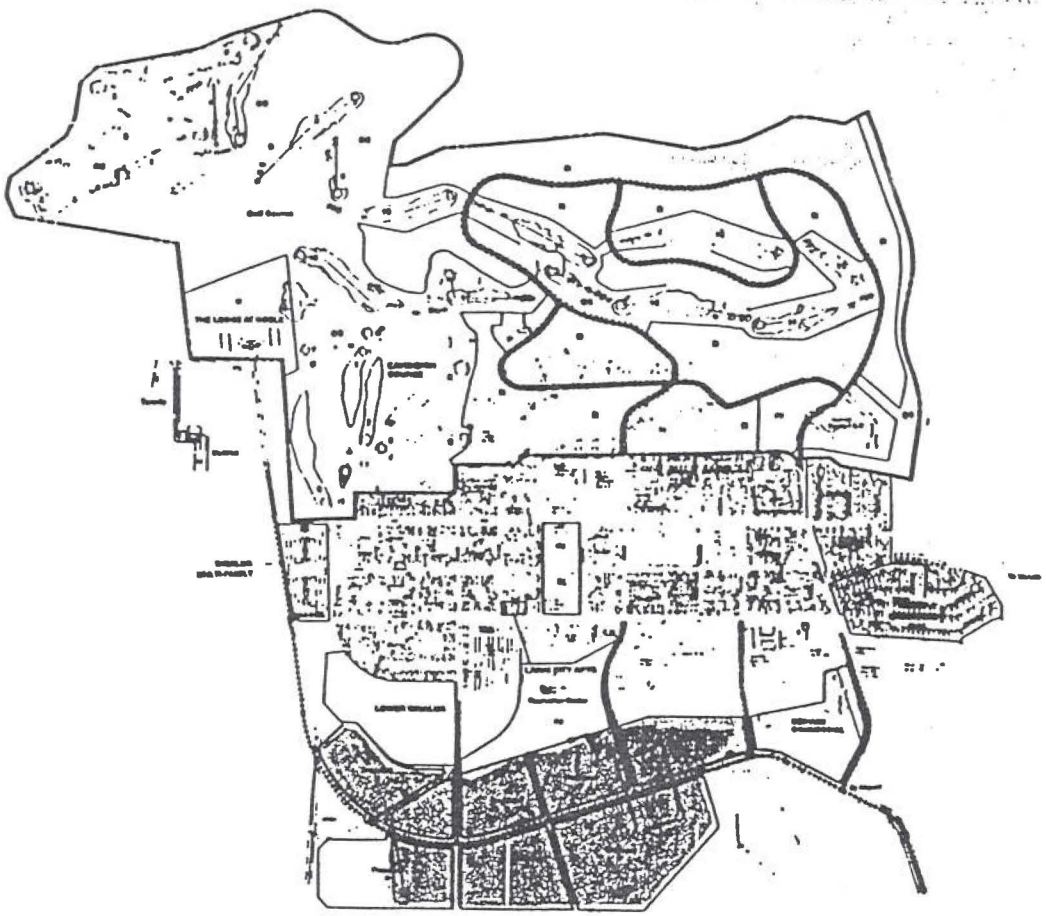
REF-254

10. Declarant shall defer construction of any single family and multifamily dwellings in that parcel of land located at Koele, Lanai, Hawaii, containing approximately 67.908 acres and identified as Parcel B in Exhibit 1 of this Unilateral Agreement and Declaration for Conditional Zoning, until such time as a social impact study is completed and submitted to the County Council for review.

*Asterisked conditions are contained in the Unilateral Agreement for the Manele rezoning application as well. Fulfillment of these conditions shall satisfy the requirements in both the Manele rezoning application and this Koele rezoning application.

4389/2M

REF-255



LAND USE
- H HOTEL
- R RESIDENTIAL
- PK PARK
- OS OPEN SPACE
- P PUBLIC
- COMMERCIAL

LANAI CITY AND
KOELE PROJECT DISTRICT
LAND USE PLAN
Prepared for Lanai Co
Prepared by Belt Collins & Associates
February 6, 1991

EXHIBIT "A"

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received

REF-256

RECORDER'S MEMO: Legibility of Writing/Typing or Printing UNSATISFACTORY in this document when received.

STATE OF HAWAII
DEPARTMENT OF HEALTH

January, 1992 (Version 4)

TWELVE (12) CONDITIONS APPLICABLE TO ALL NEW GOLF COURSE DEVELOPMENT

The following conditions are recommended for all new golf course development in Hawaii to assure that environmental quality is preserved and enhanced as it relates to human health and the protection of sensitive ecosystems. Additional conditions may be imposed based on site-specific considerations.

1. Baseline groundwater/vadose zone and/or, if appropriate, coastal water quality shall be established. Once the sampling plan has been determined and approved by the State Department of Health, the owner/developer shall establish the baseline groundwater/vadose zone water quality, and, if appropriate, nearshore water quality, and report the findings to the State Department of Health. Analyses shall be done by a laboratory approved by the Department of Health.

2. The owner/developer and all subsequent owners shall establish a groundwater monitoring plan and system which shall be presented to the State Department of Health for its approval. The groundwater monitoring plan and system shall minimally describe the following components:

   a. A monitoring system tailored to fit site conditions and circumstances. The system shall include, and not be limited to, the use of monitoring wells, lysimeters, and vadose zone monitoring technologies. If monitoring wells are used, the monitoring wells shall generally extend 10 to 15 feet below the water table.

   b. A routine groundwater monitoring schedule of at least once every six (6) months, or more frequently, if required by the State Department of Health in the event that the monitoring data indicates a need for more frequent monitoring.

   c. A list of compounds which shall be tested for as agreed to by the State Department of Health. This list shall include, but not be limited to the following: total dissolved solids; chlorides; PH; nitrogen; phosphorus; and other compounds associated with fertilizers, biocides, or effluent irrigation.

EXHIBIT "B"

REF-257

3. If the data from the monitoring system indicate increased levels of a contaminate that poses, or may pose, a threat to public health and the environment, the State Department of Health shall require the owner to take immediate action to stop the source of contamination. Subsequently, the owner shall mitigate any adverse effects caused by the contamination.

4. Owner/developer shall provide sewage disposal for the clubhouse and other facilities by connecting to the public sewer system or by means of a treatment individual wastewater system approved by the Department of Health in conformance with Administrative Rules, Title 11, Chapter 62, Wastewater Treatment Systems. The use of wastewater for irrigation will be generally encouraged, with appropriate controls (see Condition 5).

5. If a wastewater treatment works with effluent reuse becomes the choice of wastewater disposal, then the owner/developer, and all subsequent owners, shall develop and adhere to a Wastewater Reuse Plan which shall incorporate the provisions of the Department of Health's Guidelines for the Use of Reclaimed Water which includes:

   a. An Irrigation Plan encompassing buffer distances, pipe and appurtenance placement, and labeling.

   b. An Engineering Report encompassing treatment options and treatment levels.

   c. Hydro-geologic and hydrologic surveys to determine application rates, sizing and storage needs.

   d. A monitoring plan.

   e. A management plan.

   f. Public and employee education plans.

6. Underground storage tanks (USTs) used to store petroleum products for fueling golf carts, maintenance vehicles, and emergency power generators that pose potential risk to groundwater shall be discouraged. Use of electric golf carts and above-ground storage tanks for emergency power generators shall be encouraged.

   Should the owner/developer/operator plan to install USTs that contain or other regulated substances, the owner/developer/operator must comply with the federal UST technical and financial responsibility requirements setforth in Title 40 of the Code of Federal Regulations Part 280. These federal rules require, among other things, owners and operators of USTs to meet specific requirements in release detection and response, and subsequent corrective action. Also, the owner/developer/operator must comply with all State UST rules and regulations pursuant to the Hawaii Revised Statutes, Chapter 342-L, Underground Storage Tanks.

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this document when rec.

7. Buildings designed to house the fertilizer and biocides shall be bermed to a height sufficient to contain a catastrophic leak of all fluid containers. It is also recommended that the floor of this room be made waterproof so that all leaks can be contained within the structure for cleanup.

8. A golf course maintenance plan and program will be established based on "Best Management Practices (BMP)" in regards to utilization of fertilizers and biocides as well as the irrigation schedule. BMP's will be reviewed by the State Department of Health prior to implementation.

9. Every effort shall be made to minimize the amount of noise from golf course maintenance activities. Essential maintenance activities (e.g., mowing of greens and fairways) shall be conducted at times that do not disturb nearby residents.

10. Solid waste shall be managed in a manner that does not create a nuisance. Whenever possible, composting of green wastes for subsequent use as a soil conditioner or mulching material is encouraged. The composting and reuse should be confined to the golf course property to eliminate the necessity for offsite transport of the raw or processed material.
In addition, during construction, the developer should utilize locally-produced compost and soil amendments whenever available.

11. Fugitive dust shall be controlled during construction in accordance with Hawaii Administrative Rules, Title 11, Chapter 60, Air Pollution Control. Pesticides and other agricultural chemicals should be applied in a manner that precludes the offsite drift of spray material. The State Department of Agriculture should be consulted in this regard.

12. To avoid soil runoff during construction, the developer should consult with the U.S. Department of Agriculture, Soil Conservation Service to assure that best management practices are utilized. If the total project area is five (5) acres or more and the development activities include clearing, grading, and excavation, a National Pollutant Discharge Elimination System (NPDES) stormwater permit application shall be submitted to the Department of Health in accordance with the Federal Clean Water Act requirements.

If there are any questions regarding the twelve (12) conditions mentioned here, please contact the Environmental Planning Office at 586-4337. We appreciate your cooperation in preserving and protecting environmental quality in Hawaii.

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this document when received.

2140_9

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
2016 JUN -8 AM 9:41
OFFICE OF THE MAYOR

June 8, 2016

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
JUN 13 2016
RECEIVED

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

For Transmittal to:

Honorable Riki Hokama
Council Member
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Acting Mayor 6/9/16 Date

Dear Council Member Hokama:

SUBJECT: UPDATE REGARDING LĀNA'I PROJECT DISTRICTS (RFC 2016/0004)

The Department of Planning (Department) is in receipt of a request for an update on zoning conditions pertaining to the project districts on Lāna'i. The Department provides the following report.

EXECUTIVE SUMMARY: In looking over the reports for the Manele and Koele Project Districts on Lāna'i including State Land Use Commission District Boundary Amendments, Community Plan Amendments, Changes In Zoning, and Special Management Area Major Permits, the Department finds satisfactory compliance reporting when it is required in the permit conditions. Some discretionary permits such as Community Plan Amendments and Changes in Zoning do not have compliance reporting requirements. It appears that Pulama Lāna'i in is compliance with permit conditions; however, there are certain conditions that are driven by performance milestones, such as the number of dwelling units being occupied or prior to ground disturbing activities.

Permits reviewed with past conditions still to be completed include the following conditions. There is an associated location map for reference with each item.

1. **Decision & Order from the State Land Use Commission LUC Docket No. A89-649 (Manele Golf Course);** Condition 1 states "Petitioner shall make available to the State at no cost, on a fee simple basis, twenty-five (25) acres of land with no restrictions. Of these twenty-five (25) acres, ten (10) acres shall be in the vicinity of Lāna'i City and fifteen (15) acres may be located at another site

both agreeable to the Office of State Planning. Development on these sites shall be at a density comparable to existing developments in Lāna'i City. Prior to development on the land, the State shall gain approval of Petitioner as to the conformity and harmony of the exterior design of the proposed improvements, with neighboring sites and development of Lāna'i by Petitioner pursuant to its master plan. Should Petitioner withhold approval, the State may submit the matter to binding arbitration. If the land or so much thereof is not utilized within a ten-year period, the unutilized portion shall revert back to the Petitioner."

NOTE: While there is an Agreement to Convey these properties dated June 28, 1994, the State of Hawai'i has not accepted the dedications due to lack of appropriations; however, it is the Department's understanding that the State is still interested in accepting them. Department of Hawaiian Home Lands (DHHL) has requested the lands from Department of Land and Natural Resources (DLNR); however transfer has not been made.

2. **A Bill for an Ordinance Pertaining to the PD-L/1 Project District Situated at Manele, Lanai, Hawaii, Ordinance 2743 with a December 22, 1998 effective date;** This ordinance rezoned Pu'upehe Peninsula as open space for public use with no dwellings permitted except for cultural or archaeological structures. Further, approximately twenty-five (25) acres of Multi-Family were to be relocated east of Manele Road, and 6.6 acres adjacent to the existing hotel were to be redesignated from Single Family to Hotel without increasing the number of hotel units currently permitted. Condition 4 states: "That a conceptual archaeological preservation interpretation plan, including buffer zones and setbacks, shall be reviewed by the Maui County Cultural Resources Commission and the Lāna'i Archaeology Committee, before the Phase 2 Project District approval."

   NOTE: As work in this project area is still pending; such an archaeological resource management plan for the Pu'upehe Peninsula would be needed at the time that ground disturbing activity is to be commenced.

3. **Manele Golf Course Project District Phase II Development Approval (92/PH2-01), Special Management Area Use Permit (95/SM1-15) approved December 21, 1995, and Maui County Planning Letter dated January 2, 2014, granting a 5-Year Extension ("Extension Letter") relating to the development of approximately 164 single-family residences and approximately fifty-four (54) multi-family units.**

NOTE: Regarding Condition 10 that an archaeological data recovery plan for site 1509 shall be approved by Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) prior to any ground disturbing activating occurring in the vicinity of Site 1509, it is the Department's understanding that no ground disturbing work has occurred, hence the archaeological preservation plan has yet to be completed.

4. **Ordinance 2140 Effective August 13, 1992, establishing zoning in the Koele Project District and Unilateral Agreement and Declaration for Conditional Zoning for Koele Project District dated February 28, 1992, filed as Document No. 92-052311.**

NOTE: Condition 9 requires a bypass road once fifty percent (50%) of the total number of single family and multi-family units specified in the Koele Project District is reached. This also has a codicil that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two (2) years of reaching fifty percent (50%) occupancy) in and around Lānaʻi City is not determined to be operationally substandard. The total number of units approved for Koele Project District is 255 single family units and 100 multi-family units, for a total of 355 units. To date, there are thirty-three (33) units completed at Koele. Fifty percent (50%) of Koele dwelling units have not been constructed and occupied; hence fulfillment of this condition is pending a milestone in development.

5. **Decision & Order Land Use Commission Dated August 28, 1991, Docket No. A90-662 (Koele).** By letter dated April 14, 1997, the Petitioner/Owner agreed that at the time 100 residential units (combined for Manele and Koele) are sold, or at the request of the District Engineer, the Seller shall (1) plan, design and construct the channelized intersection of Kaumalapau Highway and Manele Road; (2) dedicate any right-of-way needed for all Manele Road to resolve encroachments and to provide right-of-way for safety improvements and lookouts; and (3) dedicate right-of-way for a proposed realignment of Manele Road at mile post 9.72."

NOTE: The Owner has indicated that 143 units are sold to date. Records indicate that a meeting was held on February 11, 2004, with Maui State Highways Division, R.T. Tanaka, and Cooke, to review project status. Two (2) subdivision maps were approved by the County, but one for the upper five (5) miles was not completed. There is no request from the District Engineer to do this work. In reviewing the Maui State Highways Divisions' Traffic Study records from 1993 to 2014, the peak one hour vehicle count is 154 nearby the corner of

Kaumalapau & Manele Roads and at peak count of 141 at Hulopoe and Manele Roads. The United States Department of Transportation (US-DOT) Federal Highway Administration Policy for rural roads would have a count of 470 vehicles in a one hour period which would require changes to the roadway system. Realignment and improvements of Manele Road appear to not be needed nor have been requested by the District Engineer.

6. **Manele Golf Course Project District Phase II Development Approval (92/PH2-03), Special Management Area Use Permit (92/SM1-23) and Planned Development Step 1 Approval.** Archaeological preserve/archaeological site references from Conditions 20.

NOTE: Regarding Condition 20, certain archaeological sites including 1510, 1565, 1569-71, 1573, 1574A, and 1575-1578 need to have a final protection and preservation plan completed and reviewed for compliance by State Historic Preservation Division of the State of Hawai'i. While the record appears to indicate that the Department of Planning in the past has been satisfied with the Owner pursuing preservation plan work, completion of plans is encouraged as soon as possible.

Thank you for the opportunity to respond. Should you have any questions, please transmit them to the Department via transmittal through the Office of the Mayor.

Sincerely,

WILLIAM SPENCE
Planning Director

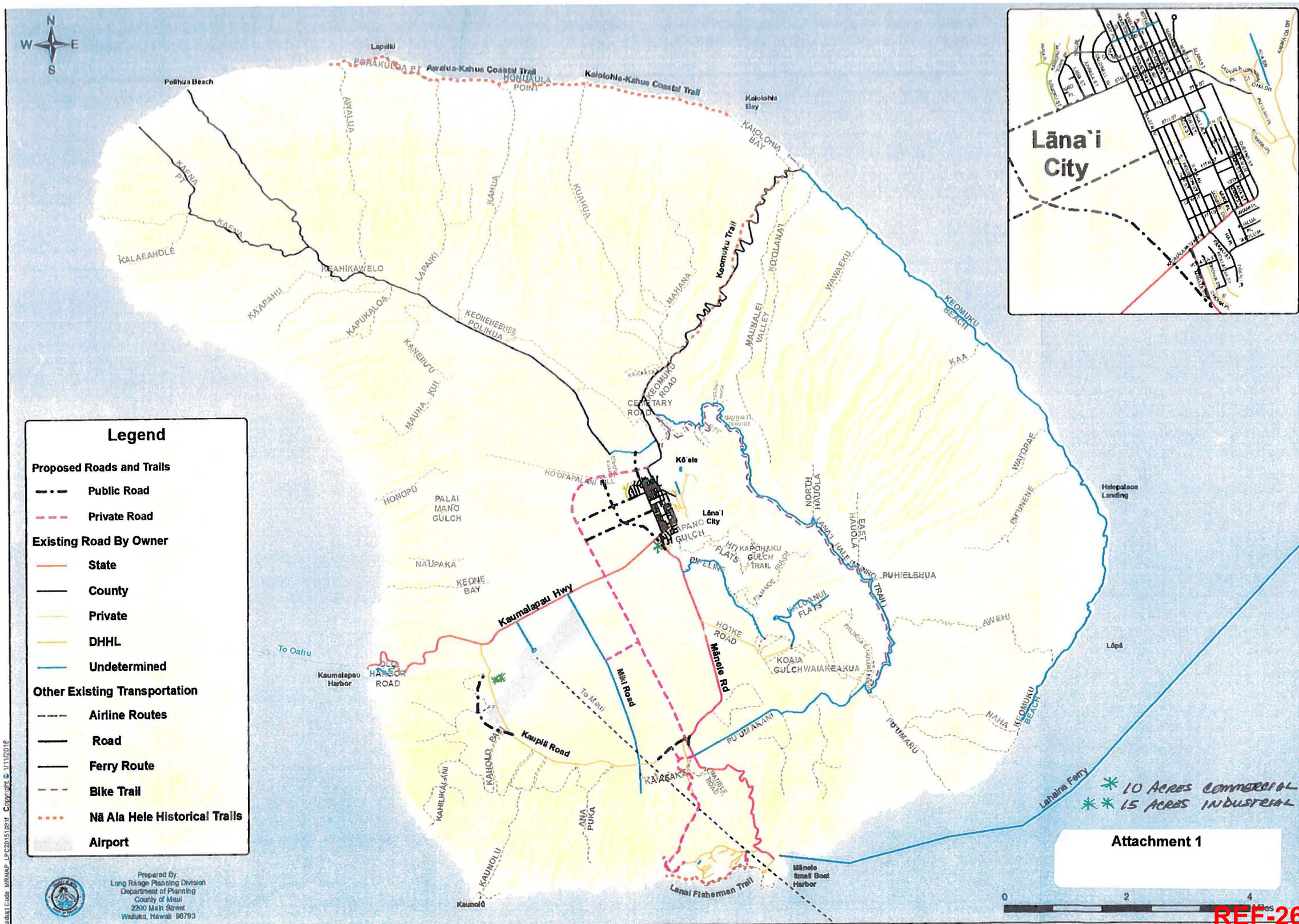
ATTACHMENTS – LOCATION MAPS

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)

WRS:KFW:lk

Project File
General File

K:\WP_DOCS\PLANNING\RFC\2016\0004_LanaiProject\Lanai_Past Conditions Final Response.doc



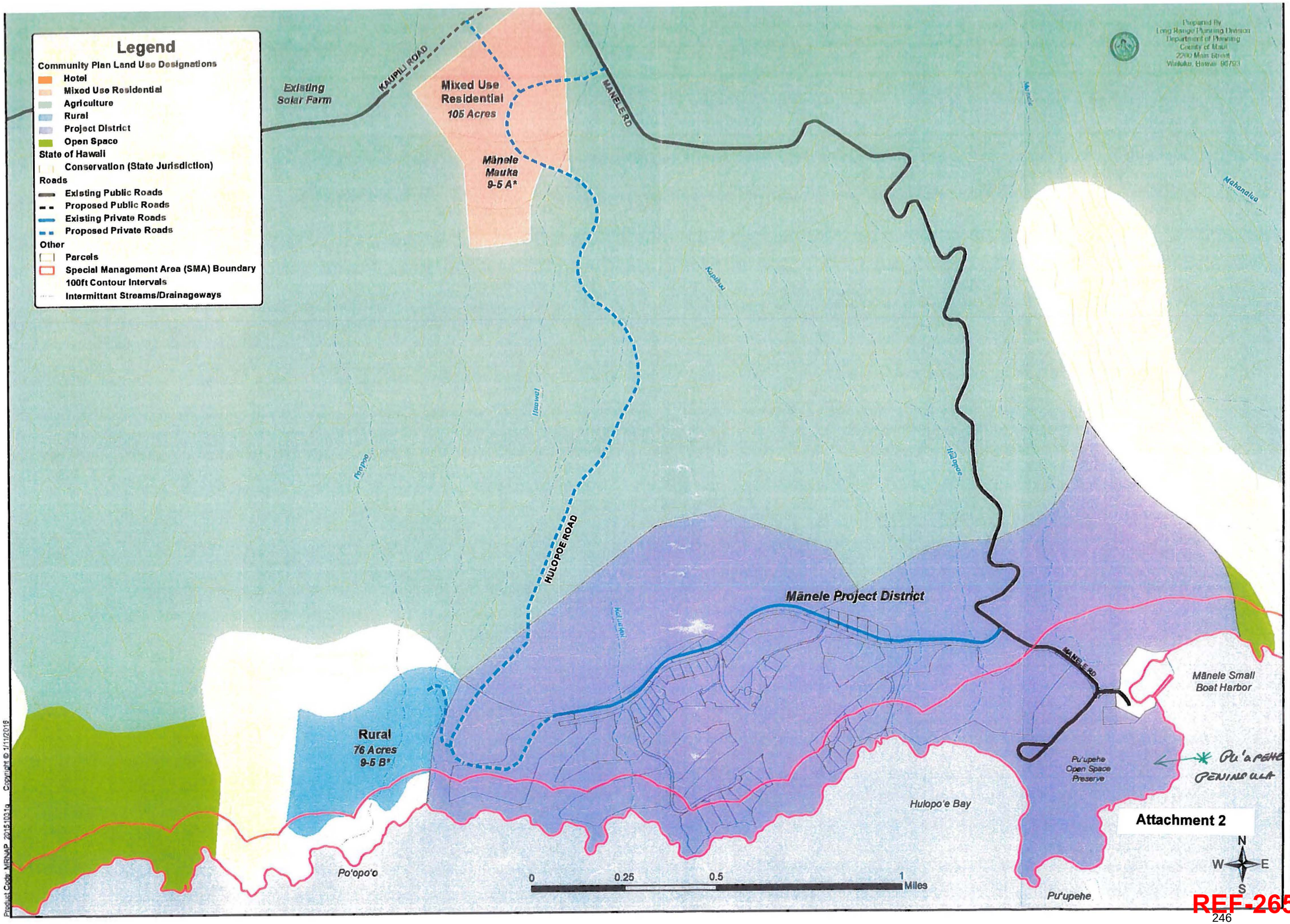
Map 7.2 Transportation: Existing and Proposed Lānaʻi Community Plan Update

Date: 1/21/2016

Maui County General Plan 2030 Lānaʻi Community Plan

Product Code: MRNAP LPC20151021 Copyright © 1/11/2016

REF-264

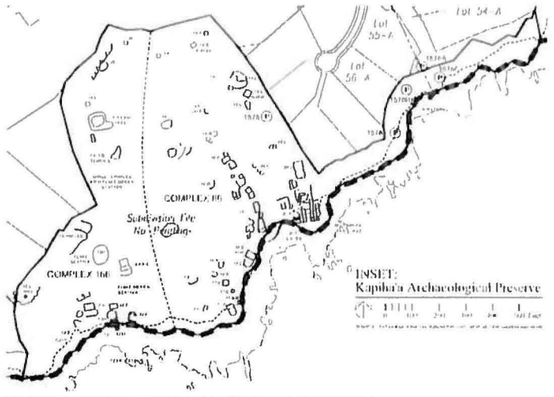


Map 9.5 Mānele Land Use Detail

Lāna'i Community Plan Update

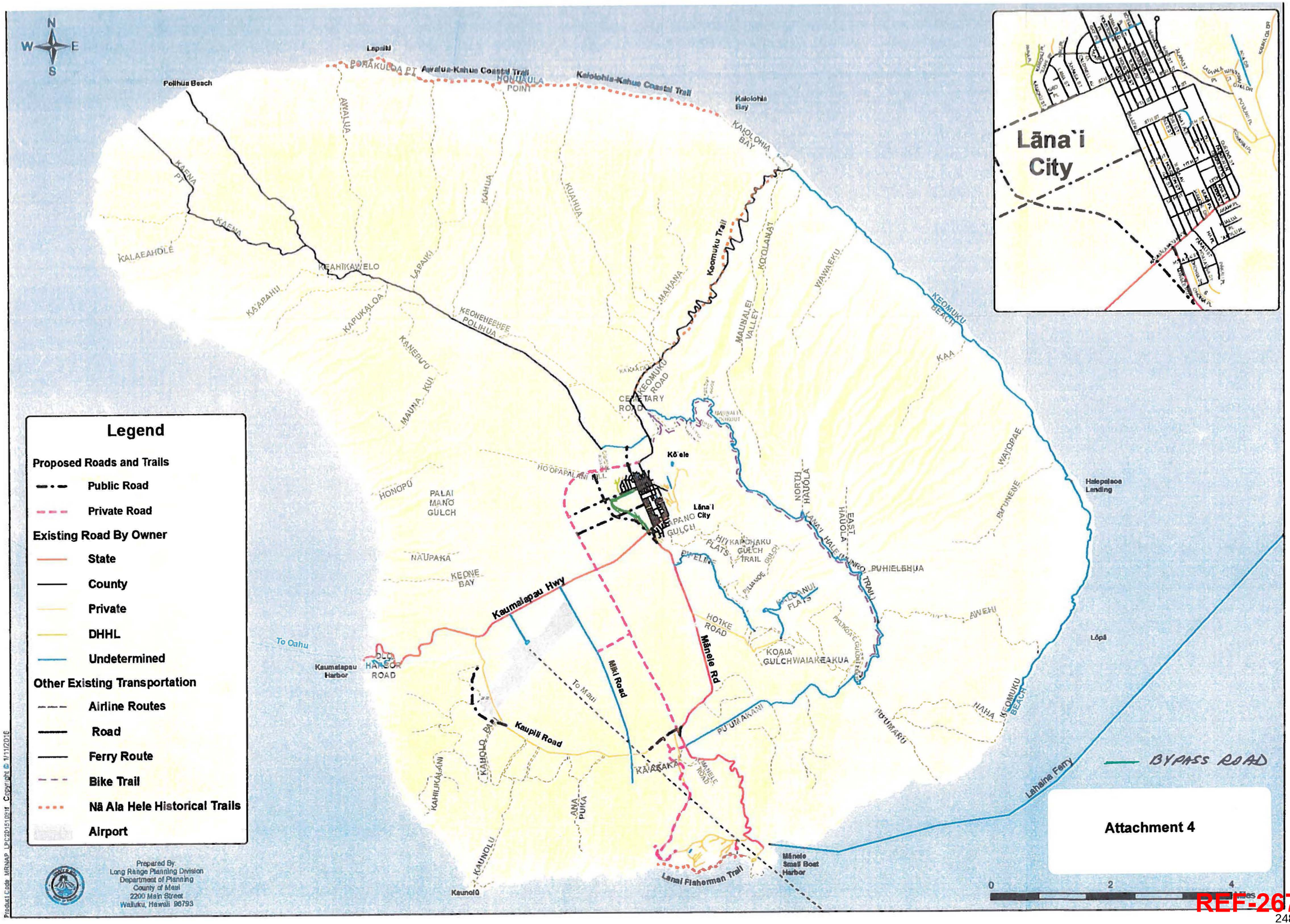
Date:1/21/2016

REF-265



MANELE GOLF COURSE AND RESIDENTIAL AREA
LIST OF ARCHAEOLOGICAL SITES

State Site #	Status	Description	Reference
	P = Preserve (Site on Preserve)		
	SIP = Site Plan (Site on SIP)		
1501 Complex	P		
1502 Complex	P		
1505	P		
1506	P		
1507	SIP		
1508	P		
1509	P		
1509-A	P		
1511	P		
1512	SIP		
1513	P		
1514	P		
1515-A, B	P		
1516	P		
1517	SIP		
1518	P		
C5H1	SIP		
C5H2	SIP		
C5H3	P		
C5H4	P		
76	P		
1520 Complex	SIP		
1521	P		
1522	P		
1523	P		
1524	P		
1525	P		



Attachment 4

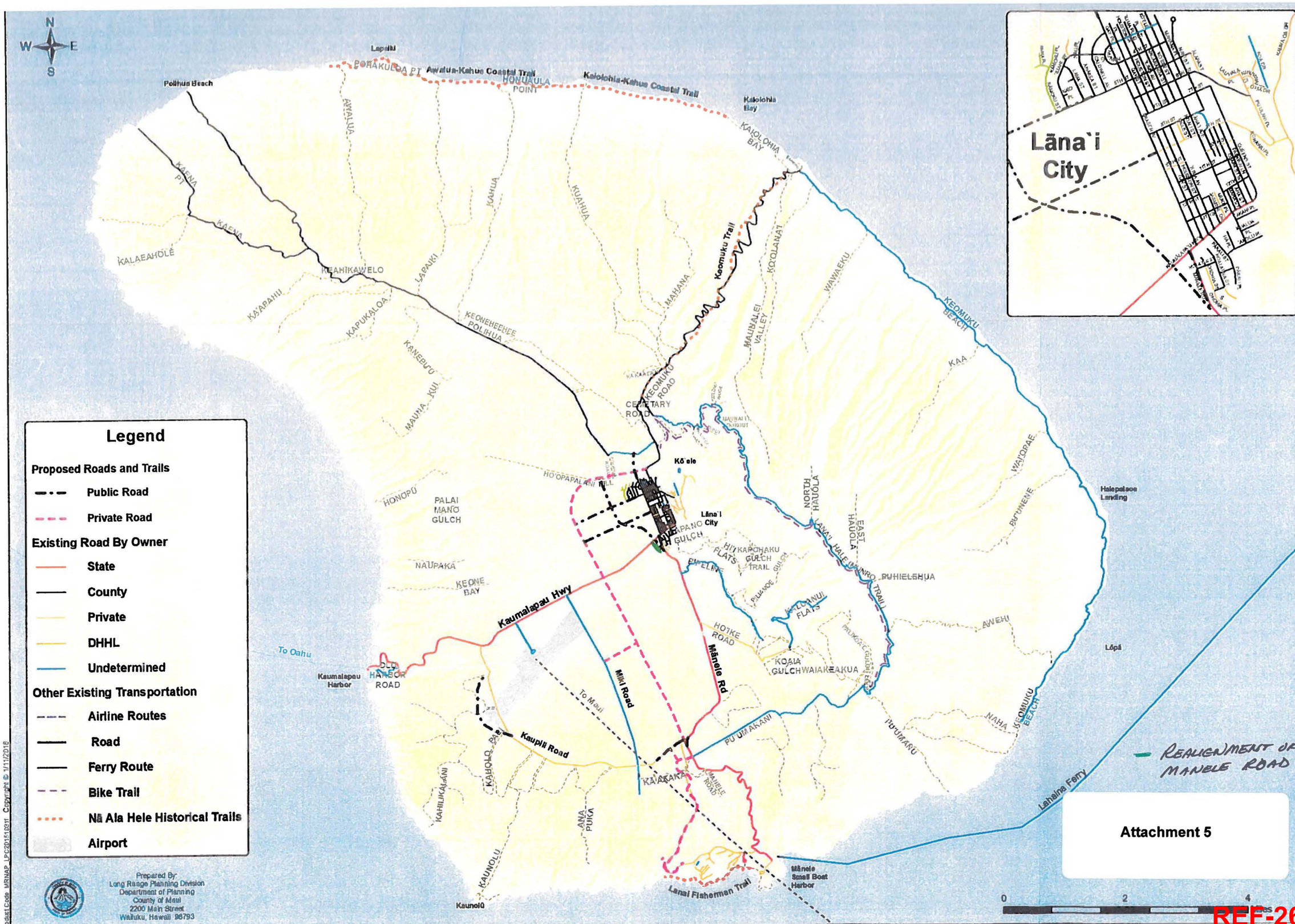
Map 7.2 Transportation: Existing and Proposed

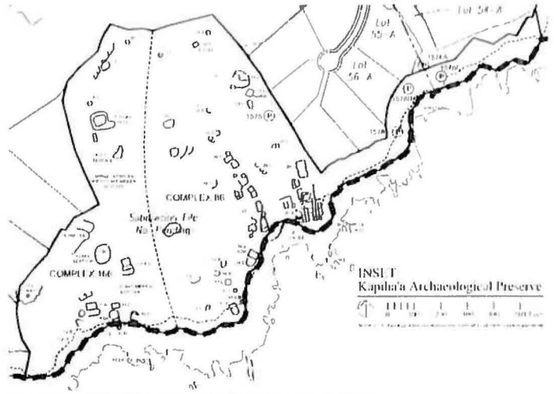
Lānaʻi Community Plan Update

Date: 1/21/2016

Maui County General Plan 2030 Lānaʻi Community Plan

REF-267


N
W
E
S
Lānaʻi City
Legend
Proposed Roads and Trails
Public Road
Private Road
Existing Road By Owner
State
County
Private
DHHL
Undetermined
Other Existing Transportation
Airline Routes
Road
Ferry Route
Bike Trail
Nā Ala Hele Historical Trails
Airport
Attachment 5
REALIGNMENT OF MANELE ROAD
Kaumalapau Hwy
Miki Road
Manele Rd
Kaupili Road
Keomuku Trail
Awalua-Kahue Coastal Trail
Kalolohia-Kahue Coastal Trail
Lānaʻi City
Kōʻele
Hālepalaoa Landing
Lōpā
Manele Small Boat Harbor
Lānaʻi Community Plan Update
Map 7.2 Transportation: Existing and Proposed
Maui County General Plan 2030 Lānaʻi Community Plan
Date: 1/21/2016
Prepared By:
Long Range Planning Division
Department of Planning
County of Maui
2200 Main Street
Wailuku, Hawaii 96793
Product Code: MRNAP_LPC201510211 Copyright © 1/11/2016



MANELE GOLF COURSE AND RESIDENTIAL AREA
LIST OF ARCHAEOLOGICAL SITES

State Site #	Status	Notes	Reference
	1 = Preservation 2 = Data Recovery		
88 Complex	P		
166 Complex	P		
1508	P		
1509	P		
1510	Dth		
1562	DP		
1564	DP		
1565	P		
1566 A-B	P		
1567	P		
1568	DP		
1569	P		
1570	P		
1571 A-B	P		
1572	P		
1573	P		
1574	P		
1575	P		
1576	P		

2140_10

KO'ELE RESORT HOUSING SOCIAL IMPACT ASSESSMENT

May 1992

VOLUME 1: MAIN REPORT

Prepared for:
Castle & Cooke Properties, Inc.
Maui County Council
The Community of Lana'i

Community Resources, Inc. Staff Contributing to This Report:
John M. Knox, Ph.D. (Principal Author)
Paula Yanagisako (Community Interviews)
John Kirkpatrick, Ph.D. (Quantitative Estimates)
Lin F. Wong (Interviews Elswhere in Hawai'i, Mainland, Caribbean)
Paul Kiikoro (General Research Assistance)

REF-270

2140_10

KO'ELE RESORT HOUSING

SOCIAL IMPACT

ASSESSMENT

May 1992

VOLUME 2: APPENDICES

Prepared for:
Castle & Cooke Properties, Inc.
Maui County Council
The Community of Lana'i

REF-271

EXHIBIT “A-4”

Exhibit "A-4"

Docket A-90-662 Status Report[1]

Condition No.	Reference No.	Condition	Status
1	A90-662_1	"Petitioner shall donate an adequate amount of land to the County of Maui for affordable residential projects to the satisfaction of the Department of Housing and Human Concerns of the County of Maui."	Petitioner has complied with this condition. Petitioner entered into and recorded a Unilateral Agreement and Declaration for Conditional Zoning on February 28, 1992 to establish residential zoning for the Kōʻele Project District. Petitioner agreed to donate to the County of Maui 115 acres of real property for affordable housing, located adjacent to the Lower Waialua Single Family site, in fee simple, at no cost and free and clear of all mortgages and encumbrances. After the County of Maui and Petitioner identified and agreed upon the precise location of the 115 acres of real property, the County of Maui approved the subdivision of land for the 115 acres (as confirmed by letter, dated June 4, 1998, from County of Maui Department of Public Works and Waste Management to Petitioner) and appropriate petitions were filed with the Land Court of the State of Hawaii to record the subdivision. Following the Land Court's approval of the subdivision, the County of Maui accepted conveyance of 115 acres of Land under two Warranty Deeds with Use Restrictions, both file-dated November 13, 1998, and filed as Land Court Document Nos. 2499792 (102.234 acres) and 2499793 (12.766 acres).

[1] This report is provided annually to the Maui County Department of Planning and filed online at https://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/completed-dba-maui-county/completed-dba-maui-1990s/completed-dba-maui-1990-to-1993/a90-662-lanai-resort-partners/

REF-273

Condition No.	Reference No.	Condition	Status
2	A90-662_2	"Petitioner shall implement a groundwater monitoring program and other measures to prevent groundwater contamination from the development on the Property, in consultation with, and to the satisfaction of, the State Department of Health (DOH)."	Petitioner has complied with this condition. This condition has been implemented and completed to the satisfaction of the DOH, as confirmed by letter, dated February 27, 1995, from DOH regarding "Kōʻele Golf Course Groundwater Monitoring Plan" and by the submission to DOH of the "Monitoring System Construction Report- Kō’ele Golf Course", dated March 1995, by Belt Collins. In a January 13, 2016 letter from the Department of Health (DOH), they have simplified the ground water monitoring requirements whereby the areas for recycled water use are redefined for unrestricted, conditional or restricted in the “Reuse Guidelines, Volume II: Recycled Water Projects, January, 2016.” For unrestricted areas there are no requirements to submit monitoring reports to the DOH. The Kōʻele Golf Course on Lānaʻi is in the unrestricted area. Notice of this change was sent on June 6, 2016 to Mr. Riley K. Hakoda, along with the DOH confirming letter that the Kōʻele Golf Course is in the unrestricted area, and would not require any further ground water monitoring.
3	A90-662_3	'Petitioner shall have the project-generated wastewater collected and transported to the Lānaʻi City Wastewater Treatment Facility, and shall also participate in the funding of any expansion or improvements to this treatment facility required by the project-generated wastewater, to the satisfaction of the County of Maui, Department of Public Works, and the State Department of Health."	Petitioner has complied with this condition. Petitioner funded the expansion of the Lānaʻi City Wastewater Treatment Facility (operated by the County of Maui) to accommodate the needs of the Kōʻele residential development (as well as the Kōʻele Golf Course). Wastewater from the present Kōʻele residential development is (and future residential development on the subject Property will be) transported to this facility via a pump station and pipeline installed as part of the Kōʻele residential subdivision.

REF-274

Condition No.	Reference No.	Condition	Status
4	A90-662_4	"Petitioner shall fund the design and construction of all necessary water facility improvements, including source development, to provide adequate quantities of potable water to service the subject project."	Petitioner has complied with this condition. All necessary water facility improvements, including a new well, pumps, controls and a storage tank, have been completed.
5	A90-662_5	"Petitioner shall submit a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, to the County of Maui, Department of Public Works, for review and approval. This plan shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. The approval of the plan shall be deemed compliance of this condition."	Petitioner has complied with this condition. Petitioner's consultant, Belt Collins & Associates (Hawaii Ltd.), completed and transmitted to the County of Maui-Land Use and Codes Administration, the following reports: (1) Drainage and Soil Erosion Control Study for the Mass Grading for the Villas at Kōʻele, dated March, 1993, (2) Drainage and Soils Erosion Control Study for Kōʻele Residential-Phase I, Package A, dated December 15, 1993, and (3) Drainage and Soils Erosion Control Study for Kōʻele Residential Subdivision-Phase I, Package B, dated December 15, 1993. The preliminary subdivision approval for the Kōʻele Project District required Petitioner to comply with all "regulations within Chapter 19.71" of the Maui County Code, as stated in a letter, dated July 28, 1993, from George N. Kaya, Director of County of Maui Department of Public Works and Waste Management, to Robert W. Cunningham. As evidenced by the County's final subdivision approval, to the extent that Petitioner has commenced or completed construction, Petitioner has satisfied the County's requirements to the satisfaction of the County's Department of Public Works and Waste Management. The subdivision approval is confirmed by letter, dated July 10, 1997, from Charles Jencks, Director of County of Maui Department of Public Works and Waste Management, to E. K. Chong. A drainage master plan for the Kōʻele Project District was completed by Petitioner's consultant, R. M. Towill Corporation, in 2007 and submitted to the County of Maui.

REF-275

Condition No.	Reference No.	Condition	Status
6	A90-662_6	"Petitioner shall participate in the funding and construction of any transportation improvements necessitated by the proposed project, identified by and to the satisfaction of the County of Maui, Department of Public Works and State Department of Transportation."	To the extent that residential construction has commenced or has been completed, Petitioner has complied with this condition to the satisfaction of both the State of Hawaii and the County of Maui. In its preliminary subdivision approval, the County of Maui stated very specific requirements with respect to roadway and transportation improvements, as indicated in Conditions 6 through 16 and 18, stated in a letter, dated July 28, 1993, from George N. Kaya, Director of County of Maui Department of Public Works and Waste Management, to Robert W. Cunningham, regarding the County of Maui's Preliminary Subdivision Approval. Petitioner complied with these requirements to the satisfaction of the County's Department of Public Works and Waste Management, as confirmed by letter, dated July I 0, 1997 from Charles Jencks, Director of County of Maui Department of Public Works and Waste Management, to E. K. Chong, regarding County of Maui's Final Subdivision Approval. Petitioner has also satisfied the requirements of the DOT, as confirmed by letter, dated August 3, 1994, from DOT to Land Use Codes Administration, County of Maui stating that Petitioner has satisfied the requirements of the DOT in connection with the Kōʻele Residential Project District. The DOT and the Petitioner have further agreed on the extent of road improvements necessitated by the combined Kōʻele and Mānele residential projects. By letter agreement, dated April 14, 1997, Petitioner and DOT agreed that at the time that 100 residential units (combined for Mānele Residential and Kōʻele Residential) are sold or at the request of the District Engineer, Petitioner shall (1) "plan, design and construct the channelized intersection at Kaumālapaʻu Highway and Mānele Road" and (2) "dedicate any right-of-way needed for all of Mānele Road to resolve encroachments and dedicate right-of-way to provide safety improvements and scenic lookouts" and (3) "dedicate right of way for a proposed realignment of Mānele Road at mile post 9.72." By letter dated July 13, 2000, District Engineer Robert Siarot deferred the intersection improvements

REF-276

Condition No.	Reference No.	Condition	Status
			until traffic improvements are warranted. DOT-Highways reserved the right to require the improvements when deemed necessary. Review of the 1993 to 2014 State traffic counts for the intersection showed that the volume was at 31% of the maximum capacity for Federal Highway Administration Policy for Highway Capacity of Rural Two-Lane Roads, at peak volumes.
7	A90-662_7	"Petitioner shall immediately stop work and contact the State Department of Natural Resources, Historic Preservation Division should any previously unidentified archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development."	Petitioner has complied with condition. There have been no findings of previously unidentified archaeological resources to date.

REF-277

8	A90-662_8	"Petitioner shall provide its' pro rata share for police, fire, park and solid waste disposal as may be required by the proposed project and to the satisfaction of the County of Maui."	Compliance: Petitioner has complied with this condition as follows: Pro rata share for police: Petitioner agreed to convey to the County of Maui a site for the new police station containing one (1) acre of land. Petitioner subdivided land to create a new one-acre lot (Land Court Lot 1163), and subsequently conveyed Lot 1163 to the County of Maui by Deed filed on October 15, 2002 as Land Court Document No. 2850540. Petitioner also executed in favor of the County of Maui an Agreement to Dedicate Upon Demand affecting Lot 1163 (road widening strip along Ninth Street of the new Lānaʻi police station site), filed on October 15, 2002, as Land Court Document Number 2850541. Pro rata share for fire: Petitioner and the County of Maui entered into an Indenture of Lease, dated February 22, 1988, demising a 13,650 square foot parcel, identified for real property tax purposes as Tax Map Key (2) 4-9-014:012, on which the County constructed a fire station. The lease rent is $1.00 per year and the original term ended in 2021. On June 24, 2021, the lease was amended and extended such that it ends upon the conveyance in fee simple of the Leased Premises pursuant to Maui County Resolution No. 18-208. Pro rata share for park: In coordination with the County of Maui, Petitioner designated a five-acre Kōʻele park site to be owned and maintained by Petitioner for public use, as evidenced by the Amended and Restated Petition for Re-subdivision, file dated March 6, 2001 (Land Court Document 141134), and letter, dated July 21, 2000, addressed to County of Maui Department of Public Works from Belt Collins Hawaii Ltd. This letter transmitted a corrected final map to show that the Kōʻele Park Site is to be owned and maintained by Petitioner as a park for public use. Petitioner and Maui County had planned for Petitioner's dedication of a 4.7 acre park assessed in connection with Kōʻele and Mānele subdivisions. This would provide park credits for a total of 409 residential units in Kōʻele and Mānele. Petitioner also paid to Maui County the aggregate sum of $700,451.85 as a deposit/security (corresponding to 193 units of park credits), based upon the understanding that when the park was completed, the park fees paid would be returned to Petitioner, leaving a balance of 216 park unit credits to be applied to

			future development. Petitioner has developed 171 units of the 409 planned, and has received final subdivision approval for an additional 22 units. Petitioner is in discussions with Maui County Parks Department regarding a potential restructuring of the foregoing plans involving County application of a portion of the park fees previously paid as payment in lieu of dedication of park land, and dedication of a park with less acreage. The park would satisfy the park dedication requirements for the remaining 216 units (of the 409 total planned) to be subdivided in the future. Discussions are ongoing. Petitioner donated a 1.024-acre parcel of land for a park located on Fraser Avenue to the County of Maui by Deed filed on September 7, 2000 as Land Court Document No. 2649278. Petitioner donated approximately 2.8 acres of land to the County of Maui for a park located on Kaumālapaʻu Highway and Fraser Avenue by Warranty Deed filed on August 19, 2003 as Land Court Document No. 2978954. Pro rata share for solid waste disposal: By and through a License Agreement dated December 31, 1968, Castle & Cooke, Inc. granted the County of Maui a non-exclusive license to use 10 acres of land "for purposes of a Sanitary Landfill Refuse Disposal operation." For purposes of expanding the landfill site to 35 acres, the State Land Use Commission approved a Special Use Permit on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The current area of the landfill site, as re-subdivided and used by the County (to date without the payment of license fees), is 35.677 acres; being Lot 2 as shown on Map 1 of Land Court consolidation 189 of Castle & Cooke, Inc. Petitioner has also worked with the County of Maui to identify a new landfill site and the County's adopted Lānaʻi Community Plan designates the Kaumālapaʻu Quarry as a future County landfill site. This new landfill site is in addition to the expansion of the existing Lānaʻi Sanitary Landfill approved by the Commission on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The County of Maui received approval from the Commission for a fifteen

REF-279

Condition No.	Reference No.	Condition	Status
			(15) year extension of the current landfill location on November 15, 2015 (LUC Docket No. SP94-386/County of Maui-Lānaʻi Sanitary Landfill). Petitioner is working with the County of Maui to determine whether there are acceptable alternatives to another landfill on Lānaʻi.
9	A90-662_9	"Petitioner shall provide its' pro rata share for school facilities as may be required by the proposed project and to the satisfaction of the State Department of Education."	Compliance: Petitioner has complied with this condition. In the context of Petitioner's Kōʻele Project District Phase 2 Application (which encompasses the Property as part of a larger 153.555-acre Phase II project) to the County of Maui, the State Department of Education ("DOE") stated that the entire Phase II project will have an enrollment impact of 13 students in grades K through 12, as evidenced by letter, dated October 15, 1992, from Charles T. Toguchi, DOE Superintendent, to Brian Miskae, Maui County Planning Director. In that letter, the DOE concluded: "Lānaʻi High and Elementary School should be able to accommodate the students generated from this development. Since the enrollment impact is less than 15 students, the Department of Education will not request that the County require the developer to make a pro rata share contribution for the construction of school facilities." Notwithstanding this conclusion by the DOE, Petitioner has made substantial contributions to Lānaʻi public schools and the DOE. Since 1996, Castle & Cooke as Petitioner contributed either directly or through the Lānaʻi Community Benefit fund-over $209,000 to Lānaʻi High School; over $120,000 to Lānaʻi Elementary School (Reading Recovery Program) and $100,000 to the Maui Chamber of Commerce Tech Ready program. Prior to 1996 contributions were made by Dole Food Company, Inc.. Moreover, Petitioner has donated $250,000 to E Mālama I Na Keiki O Lānaʻi (Lānaʻi Preschool). Pūlama Lānaʻi has continued these contributions for the Lānaʻi High and Elementary School (LHES) with $400,000 in 2013, $550,000 in 2014, $300,000 in 2015, $234,000 in 2016, $246,000 in 2017 and $210,000 for various other supporting programs.

Condition No.	Reference No.	Condition	Status
			In 2018, Pūlama Lānaʻi contributed $246,000 to UH Maui and funded private college counseling. In 2019, Pūlama Lānaʻi supported LHES with various contributions totaling $275,000 and continued to provide private college counseling. In 2020, Pūlama Lānaʻi supported LHES and UH Foundation with various contributions totaling $355,000 and continued to provide private college counseling.
10	A90-662_10	"Petitioner shall fund and install the necessary number of emergency siren units within the Property as required for service to the Property to the satisfaction of the State Department of Defense."	Petitioner has complied with this condition. Petitioner has worked with the Hawaii Department of Civil Defense to identify and place an appropriate emergency siren as confirmed by letter, dated August 23, 1994, from Petitioner to Hawaii Department of Civil Defense regarding equipment and site placement and by letter, dated December 8, 1994, from Hawaii Department of Civil Defense to Petitioner regarding recommendations for civil defense sirens. Petitioner worked with the State to relocate and upgrade the emergency siren in light of the State's assessment of needs, as evidenced by the Right of Entry Agreement between Petitioner and the State of Hawaii Department of Civil Defense dated June 24, 2003.

REF-281

Condition No.	Reference No.	Condition	Status
11	A90-662_11	"Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property. Failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification."	Petitioner will develop the property in substantial compliance with the representations made to the Commission. Land use approvals for the development of the Property have been obtained from the County of Maui. Petitioner is further required to apply for project district development approvals for the proposed development. The Maui County Planning Commission approved Phase II of the Project District Development on December 29, 1992. The County of Maui granted approval for Kōʻele Project District Phase III, Supplemental Application for Phase 1 and 2 Villas at Kōʻele, 39 Multi-Family Units; 19 Single Family Units (package A); Reservoir (package B); and other related improvements, TMK: (2) 4-9-001 :021, 024, 025, 027, 030, (2) 4-9-001 (por 1); (2)4-9-019:001,002, Kōʻele, Lānaʻi (95/PH3-001). Petitioner received final subdivision approvals for Phase I on October 11, 1994. In early 2020, Pūlama Lānaʻi received a Phase III Project District Approval for a twenty (20) Multi-Family Unit Project (Malanai Estates) located on TMK (2) 4-9-021:001, 003, 005, 006, and 011. Construction commenced on the project, however progress was delayed due to COVID-19 travel restrictions. Construction has continued to progress in 2021.
12	A90-662_12	"Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property prior to development of the Property."	Petitioner has complied with this condition. No alteration of ownership or development interest in the Property occurred "prior to development of the Property." As noted above, Petitioner has subsequently undertaken reorganizations in which Lānaʻi Company, Inc. became the successor entity to Lānaʻi Resort Partners, Castle & Cooke Resorts, LLC became the successor entity to Lānaʻi Company, Inc., and Pūlama Lānaʻi, most recently, became the successor to Castle & Cooke Resorts, LLC. Petitioner has given the Commission appropriate notice of such changes.

Condition No.	Reference No.	Condition	Status
13	A90-662_13	"Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the Maui County Planning Department in connection with the status of the development of the Property and Petitioner's progress in complying with the conditions imposed."	Petitioner has complied with this condition. Reports have been published annually on the Land Use Commission website: http://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/completed-dba-maui-county/completed-dba-maui-1990s/completed-dba-maui-1990-to-1993/a90-662-lanai-resort-partners/.
14	A90-662_14	The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner."	Status: To date, none of the conditions have been fully or partially released, although Land Use Petitioner does intend to request such a release in the future.
15	A90-662_15	"Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to title 15, Chapter 15, Section 92, Hawaii Administrative Rules."	Petitioner has complied with this condition. Petitioner recorded the Certificate and Authorization dated October 25, 1991 (covering the conditions imposed by the Commission) in the Bureau of Conveyances of the State of Hawaii as Document No. 91-147908 on October 28, 1991.

REF-283

Supporting Documentation for

Exhibit "A-4"

<u>Note:</u>

At the top of the page in a red box, this is the reference number for the condition is listed

Example:

A90-662_1

Docket No._condition #

Docket No. A90-662_Condition 1

A90-662_1

COUNTY OF MAUI Hawaii

Parcel Information

Parcel Number	490020580000
Location Address	AWALUA AVE LANAI HI 96763
Neighborhood Code	4962-5
Legal Information	
Land Area	115 Acres
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
COUNTY OF MAUI Fee Owner

Mailing Address
COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	AGRICULTURAL	$803,200	$0	$803,200	$0	$803,200	$803,200	$0

How to calculate real property taxes

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
1/19/1999	$0	0000000000						
1/9/1999	$0	0000000000						
10/27/1998	$0	0000000000	Fee conveyance			11/13/1998	2499792	521026
10/27/1998	$0	0000000000	Fee conveyance			11/13/1998	2499793	521027

Recent Sales In Area

Sale date range:

From: 10/08/2018 To: 10/08/2021

Sales by Neighborhood

1500 Feet Sales by Distance

REF-285

Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

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

User Privacy Policy

GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 10/7/2021, 11:36:23 PM

Version 2.3.151

REF-286

A90-662_2

DAVID Y. IGE
GOVERNOR OF HAWAII

RECEIVED
JUN - 3 2016
BY:

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

R-108 GWM reports

May 26, 2016

Ms. Lynn P. McCrory
Senior Vice President of Government Affairs
Pulama Lanai
733 Bishop Street, Suite 2000
Honolulu, Hawaii 96813

Dear Ms. McCrory:

Subject: Discontinuance of Groundwater Monitoring and Report Submittals
Koele Golf Course, Lanai
TMK: (2) 2-4-009:182
File No. R-108

The Department of Health (Department) acknowledges receipt of your letter dated April 27, 2016, stating your intention to discontinue submission of quarterly groundwater monitoring reports for the subject facility.

The Reuse Guidelines, revised in January 2016, no longer require ground water monitoring for projects in unrestricted areas, as designated in Appendix A1 of Volume 2: Recycled Water Projects.

Therefore, since the subject facility is located in an unrestricted area, the Department concurs with the discontinuance of the groundwater monitoring and report submittals for the Koele Golf Course.

Should you have any questions, please contact April Matsumura at 586-4294.

Sincerely,

SINA PRUDER, P.E., CHIEF
Wastewater Branch

AM:lmj

c: Mr. Bob Whittier, SDWB (via e-mail)
Mr. Scott A. Derrickson, State of Hawaii, Land Use Commission, (via email: scott.a.derrickson@hawaii.gov)
Mr. Leo Asuncion, Director of Office of Planning

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director

AARON SHINMOTO, P.E.
Chief Staff Engineer

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

EASSIE MILLER, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

Solid Waste Division

BRIAN HASHIRO, P.E.
Highways Divisions

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT
LAND USE AND CODES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 10, 1997

Mr. E.K. Chong, Land Manager
CASTLE & COOKE LAND COMPANY
650 Iwilei Road
Honolulu, Hawaii 96817

SUBJECT: KOELE RESIDENTIAL SUBDIVISION - PHASE I
TMK: (2) 4-9-002:001
(2) 4-9-018:002
LUCA FILE NO. 6.66

Dear Mr. Chong:

All of the improvements within the jurisdiction of the Department of Water Supply and Department of Public Works and Waste Management for Package A of the subject subdivision has been satisfactorily completed. Therefore, we hereby release the developer of the obligations of the "Agreement For Subdivision Approval" and "Subdivision Bond" (Bond No. 14-05-63) in the amount of $4,165,033.00.

If you have any questions regarding this letter, please call Howard Hanzawa of our Land Use and Codes Administration at 243-7373.

Very truly yours,

for CHARLES JENCKS
Director of Public Works and Waste Management

Attachments: Agreement For Subdivision Approval (Original)
Subdivision Bond (Original)

ey
xc: Dept. of Water Supply, SD 93-39 w/o attachments
Richard Albrecht, Lanai Company w/o attachments
Cary Kondo, Belt Collins Hawaii w/o attachments
S:\LUCA\ALL\SUBD\LUCASUBD\REG6\6#66-1.LTR

Exhibit "10"

A90-662_5

'07 JUL 26 P1:28

COUNTY OF MAUI
PUBLIC WORKS

CASTLE & COOKE
LANA'I

TRANSMITTAL MEMORANDUM

☐ RUSH

DEPT. OF PUBLIC WORKS

	INFO	ACTION	SEE ME	COMMENTS	COPY	FILE
DIRECTOR	☐	☐	☐	☐	☐	☐
DEPUTY DIR.	☐	☐	☐	☐	☐	☐
PERS.	☐	☐	☐	☐	☐	☐
DSA	☐	☐	☐	☐	☐	☐
ENGR.	☐	☐	☐	☐	☐	☐
HWY.	☐	☐	☐	☐	☐	☐
SECTY.	☐	☐	☐	☐	☐	☐
_____	☐	☐	☐	☐	☐	☐
_____	☐	☐	☐	☐	☐	☐

Return to_____ Due_____
By:_____ Date_____

To: County of Maui
Department of Public Works
200 South High Street
Wailuku, Hawaii 96793
Attention: Milton Arakawa, Director

Date: July 26, 2007

Via: Hand Delivered

From: Ralph Masuda

Re: Koele Drainage Master Plan - Lanai

COPY		DATE	DESCRIPTION
1	CD	7/19/06	Koele Drainage Master Plan - Final

TRANSMITTED FOR:

- ☐ For your information
- ☐ For your review, signature and return
- ☐ For your review and forwarding
- ☐ For your approval
- ☐ For review and comment
- ☐ For necessary action
- ☐ Per your request
- ☐ Per our conversation
- ☐ For your use
- ☐ For distribution
- [X] For your files
- [X] SEE COMMENTS BELOW

COMMENTS:

Please note a hard copy of the Koele Drainage Master Plan prepared by R.M. Towill Corporation was submitted to your office on July 23, 2007.

2145 Wells Street, Suite 106
Wailuku, Hawaii 96793
Phone (808) 244-5432 Fax (808) 244-8707

REF-289

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

A90-662_6

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
2016 JUN -8 AM 9:41
OFFICE OF THE MAYOR

June 8, 2016

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
JUN 13 2016
RECEIVED

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

For Transmittal to:

Honorable Riki Hokama
Council Member
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Acting Mayor 6/9/16 Date

Dear Council Member Hokama:

SUBJECT: UPDATE REGARDING LĀNA'I PROJECT DISTRICTS (RFC 2016/0004)

The Department of Planning (Department) is in receipt of a request for an update on zoning conditions pertaining to the project districts on Lāna'i. The Department provides the following report.

EXECUTIVE SUMMARY: In looking over the reports for the Manele and Koele Project Districts on Lāna'i including State Land Use Commission District Boundary Amendments, Community Plan Amendments, Changes In Zoning, and Special Management Area Major Permits, the Department finds satisfactory compliance reporting when it is required in the permit conditions. Some discretionary permits such as Community Plan Amendments and Changes in Zoning do not have compliance reporting requirements. It appears that Pulama Lāna'i in is compliance with permit conditions; however, there are certain conditions that are driven by performance milestones, such as the number of dwelling units being occupied or prior to ground disturbing activities.

Permits reviewed with past conditions still to be completed include the following conditions. There is an associated location map for reference with each item.

1. **Decision & Order from the State Land Use Commission LUC Docket No. A89-649 (Manele Golf Course);** Condition 1 states "Petitioner shall make available to the State at no cost, on a fee simple basis, twenty-five (25) acres of land with no restrictions. Of these twenty-five (25) acres, ten (10) acres shall be in the vicinity of Lāna'i City and fifteen (15) acres may be located at another site

both agreeable to the Office of State Planning. Development on these sites shall be at a density comparable to existing developments in Lāna'i City. Prior to development on the land, the State shall gain approval of Petitioner as to the conformity and harmony of the exterior design of the proposed improvements, with neighboring sites and development of Lāna'i by Petitioner pursuant to its master plan. Should Petitioner withhold approval, the State may submit the matter to binding arbitration. If the land or so much thereof is not utilized within a ten-year period, the unutilized portion shall revert back to the Petitioner."

NOTE: While there is an Agreement to Convey these properties dated June 28, 1994, the State of Hawai'i has not accepted the dedications due to lack of appropriations; however, it is the Department's understanding that the State is still interested in accepting them. Department of Hawaiian Home Lands (DHHL) has requested the lands from Department of Land and Natural Resources (DLNR); however transfer has not been made.

2. **A Bill for an Ordinance Pertaining to the PD-L/1 Project District Situated at Manele, Lanai, Hawaii, Ordinance 2743 with a December 22, 1998 effective date;** This ordinance rezoned Pu'upehe Peninsula as open space for public use with no dwellings permitted except for cultural or archaeological structures. Further, approximately twenty-five (25) acres of Multi-Family were to be relocated east of Manele Road, and 6.6 acres adjacent to the existing hotel were to be redesignated from Single Family to Hotel without increasing the number of hotel units currently permitted. Condition 4 states: "That a conceptual archaeological preservation interpretation plan, including buffer zones and setbacks, shall be reviewed by the Maui County Cultural Resources Commission and the Lāna'i Archaeology Committee, before the Phase 2 Project District approval."

   NOTE: As work in this project area is still pending; such an archaeological resource management plan for the Pu'upehe Peninsula would be needed at the time that ground disturbing activity is to be commenced.

3. **Manele Golf Course Project District Phase II Development Approval (92/PH2-01), Special Management Area Use Permit (95/SM1-15) approved December 21, 1995, and Maui County Planning Letter dated January 2, 2014, granting a 5-Year Extension ("Extension Letter") relating to the development of approximately 164 single-family residences and approximately fifty-four (54) multi-family units.**

NOTE: Regarding Condition 10 that an archaeological data recovery plan for site 1509 shall be approved by Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) prior to any ground disturbing activating occurring in the vicinity of Site 1509, it is the Department's understanding that no ground disturbing work has occurred, hence the archaeological preservation plan has yet to be completed.

4. **Ordinance 2140 Effective August 13, 1992, establishing zoning in the Koele Project District and Unilateral Agreement and Declaration for Conditional Zoning for Koele Project District dated February 28, 1992, filed as Document No. 92-052311.**

NOTE: Condition 9 requires a bypass road once fifty percent (50%) of the total number of single family and multi-family units specified in the Koele Project District is reached. This also has a codicil that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two (2) years of reaching fifty percent (50%) occupancy) in and around Lāna'i City is not determined to be operationally substandard. The total number of units approved for Koele Project District is 255 single family units and 100 multi-family units, for a total of 355 units. To date, there are thirty-three (33) units completed at Koele. Fifty percent (50%) of Koele dwelling units have not been constructed and occupied; hence fulfillment of this condition is pending a milestone in development.

5. **Decision & Order Land Use Commission Dated August 28, 1991, Docket No. A90-662 (Koele).** By letter dated April 14, 1997, the Petitioner/Owner agreed that at the time 100 residential units (combined for Manele and Koele) are sold, or at the request of the District Engineer, the Seller shall (1) plan, design and construct the channelized intersection of Kaumalapau Highway and Manele Road; (2) dedicate any right-of-way needed for all Manele Road to resolve encroachments and to provide right-of-way for safety improvements and lookouts; and (3) dedicate right-of-way for a proposed realignment of Manele Road at mile post 9.72."

NOTE: The Owner has indicated that 143 units are sold to date. Records indicate that a meeting was held on February 11, 2004, with Maui State Highways Division, R.T. Tanaka, and Cooke, to review project status. Two (2) subdivision maps were approved by the County, but one for the upper five (5) miles was not completed. There is no request from the District Engineer to do this work. In reviewing the Maui State Highways Divisions' Traffic Study records from 1993 to 2014, the peak one hour vehicle count is 154 nearby the corner of

Kaumalapau & Manele Roads and at peak count of 141 at Hulopoe and Manele Roads. The United States Department of Transportation (US-DOT) Federal Highway Administration Policy for rural roads would have a count of 470 vehicles in a one hour period which would require changes to the roadway system. Realignment and improvements of Manele Road appear to not be needed nor have been requested by the District Engineer.

6. **Manele Golf Course Project District Phase II Development Approval (92/PH2-03), Special Management Area Use Permit (92/SM1-23) and Planned Development Step 1 Approval.** Archaeological preserve/archaeological site references from Conditions 20.

NOTE: Regarding Condition 20, certain archaeological sites including 1510, 1565, 1569-71, 1573, 1574A, and 1575-1578 need to have a final protection and preservation plan completed and reviewed for compliance by State Historic Preservation Division of the State of Hawai'i. While the record appears to indicate that the Department of Planning in the past has been satisfied with the Owner pursuing preservation plan work, completion of plans is encouraged as soon as possible.

Thank you for the opportunity to respond. Should you have any questions, please transmit them to the Department via transmittal through the Office of the Mayor.

Sincerely,

WILLIAM SPENCE
Planning Director

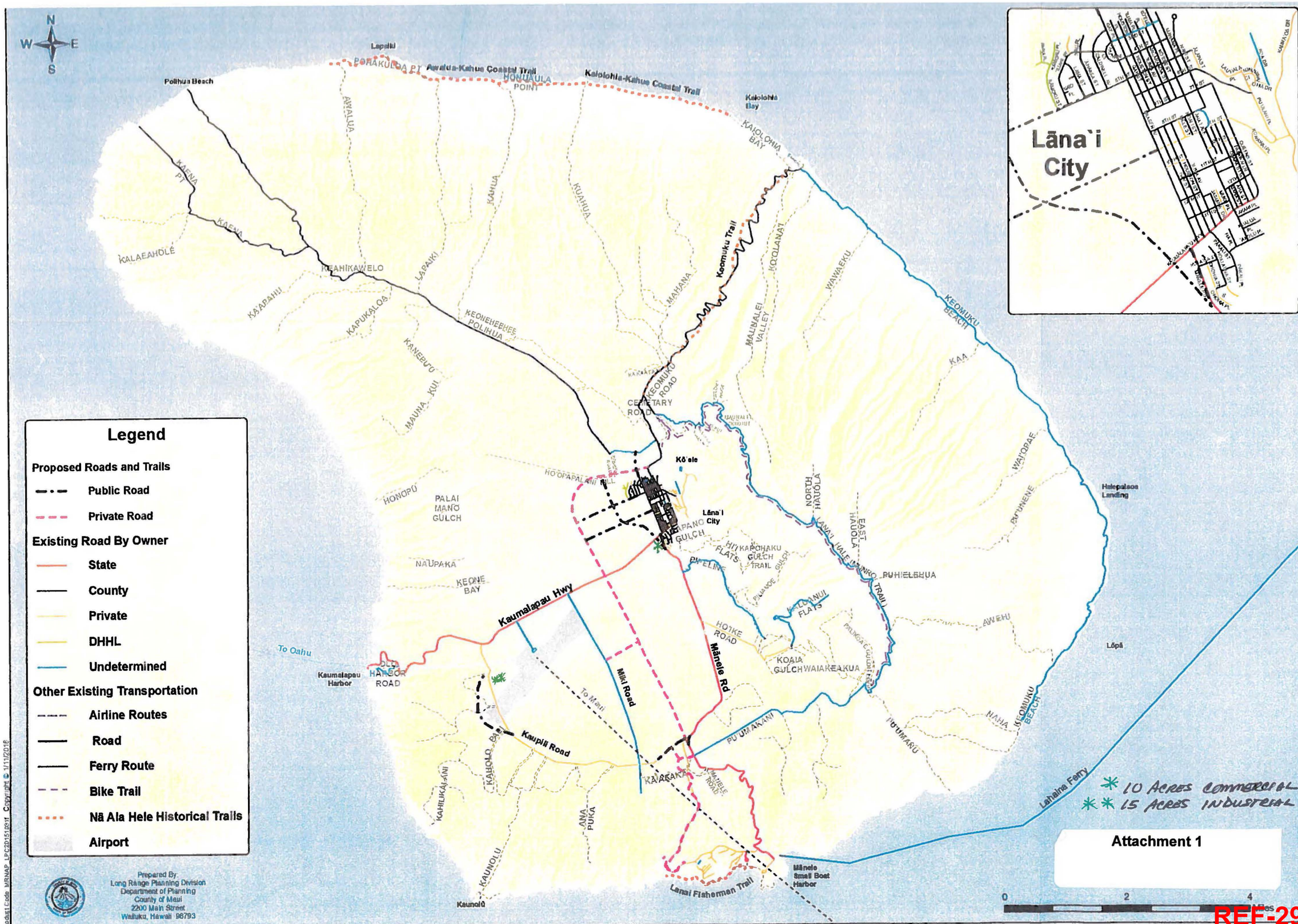
ATTACHMENTS – LOCATION MAPS

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)

WRS:KFW:lk

Project File
General File

K:\WP_DOCS\PLANNING\RFC\2016\0004_LanaiProject\Lanai_Past Conditions Final Response.doc



Attachment 1

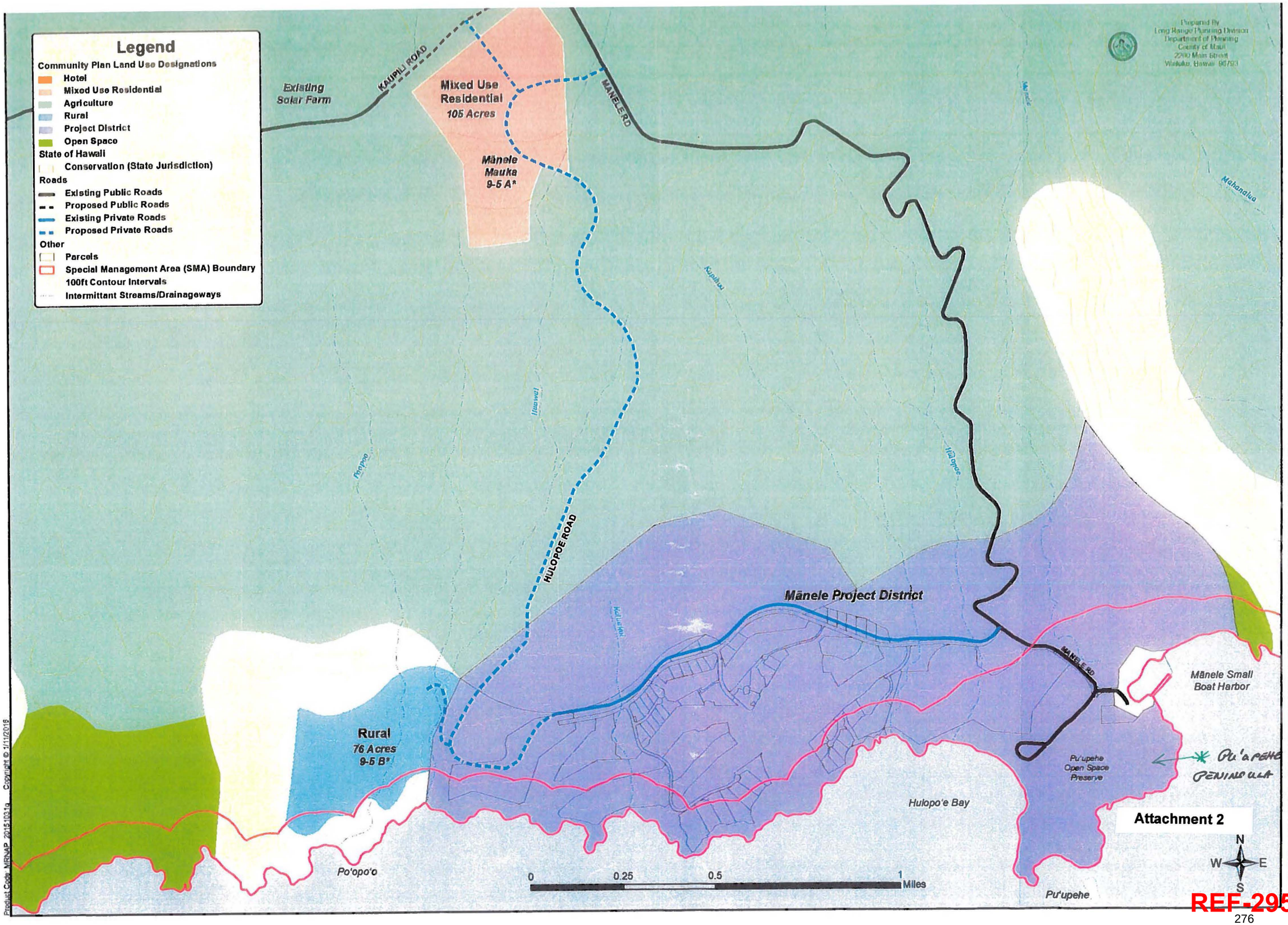
Map 7.2 Transportation: Existing and Proposed

Lānaʻi Community Plan Update

Date: 1/21/2016

Maui County General Plan 2030 Lānaʻi Community Plan

REF-294



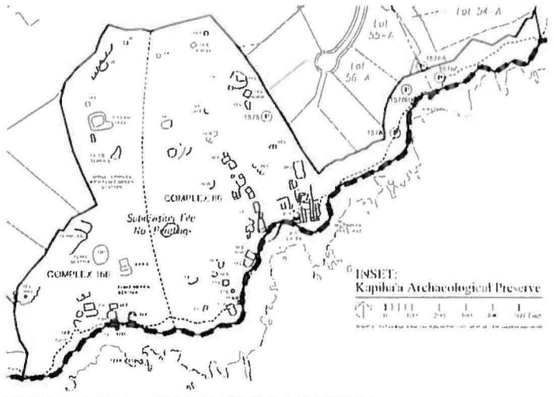
Lāna'i Community Plan Update

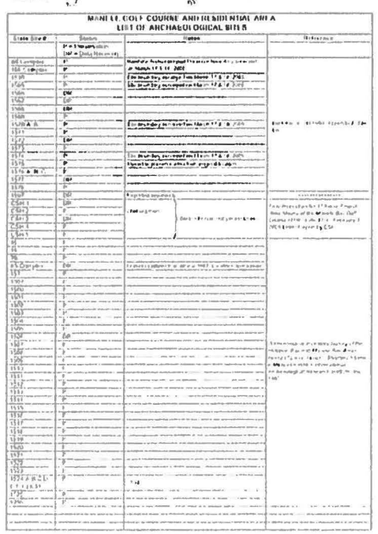
Date:1/21/2016

Map 9.5 Mānele Land Use Detail

Maui County General Plan 2030 Lāna'i Community Plan

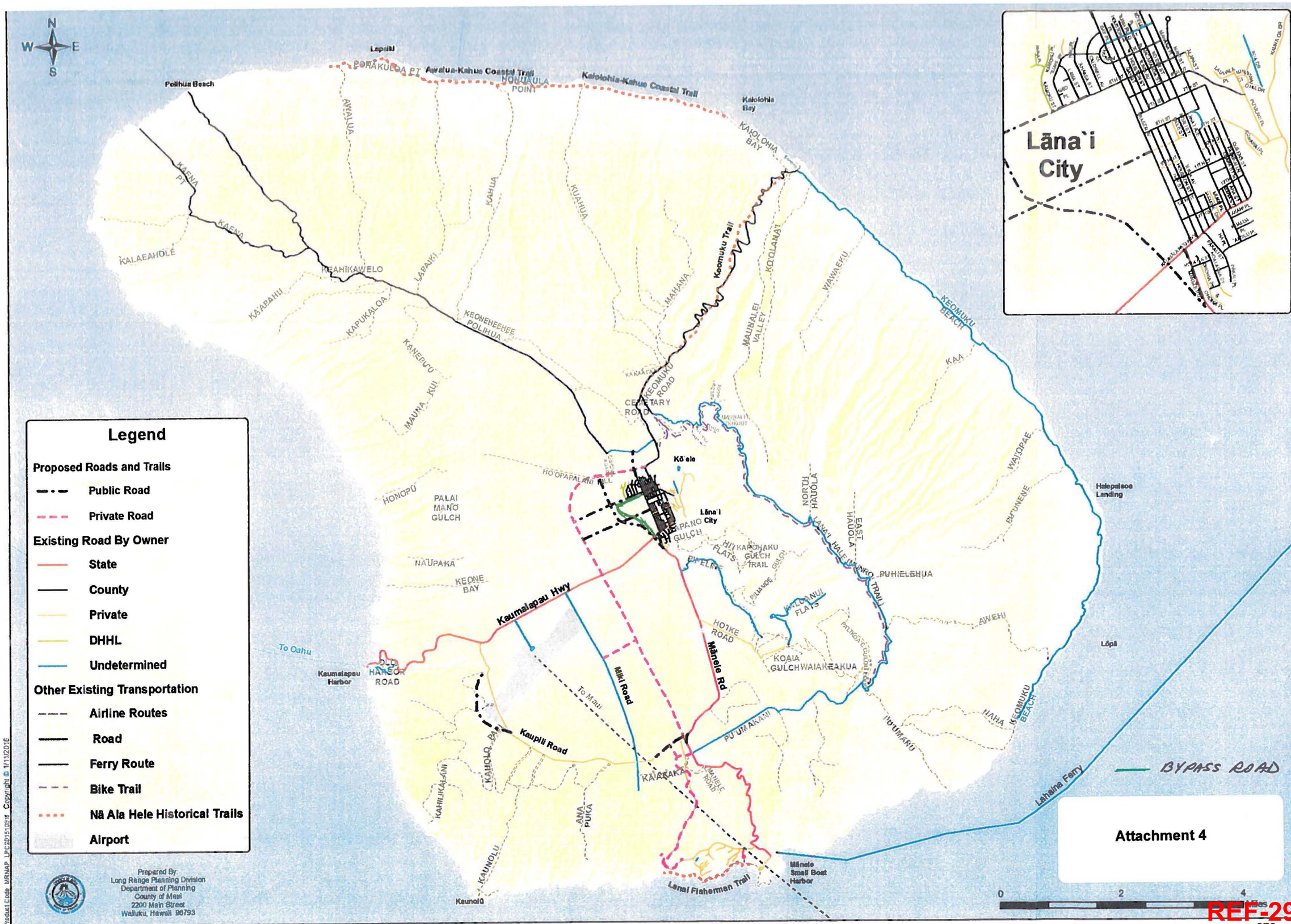
REF-295





MANELE GOLF COURSE AND RESIDENTIAL AREA
LIST OF ARCHAEOLOGICAL SITES

State Site #	Status	Description	Reference
	(M = Manele site) (SM = Shelly Mitchell site)		
861 Complex	P		
1501 Complex	P	Manele Archaeological Preserve Area (see inset) per Nakai 11 1 01 2001	
1502	P		
1503	P	Site Boundary changed from Nakai 11 1 01 p. 2-10	
1504	P	Site Boundary changed from Nakai 11 1 01 p. 2-10	
1505	SM		
1506	SM		
1507	P		
1508	P		
1508-A	P	Site Boundary changed from Nakai 11 1 01 p. 2-10	
1509	P		
1510	P		
1511	P	Site Boundary changed from Nakai 11 1 01 p. 2-10	
1512	P	Manele Bay Archaeological Preserve (see map 2-0-0)	
1513	SM		
1514	P		
1515	P		
1516	P		
1517	P		
1518	P		
1519	P		
C5H1	SM	Kapihaa complex	
C5H2	SM	Lanai Fishermans Trail	Fish Shrine (Lanai Fishermans Trail) Kapihaa Complex (Site 1509) Hawaiian Fishing Site
C5H3	P		
C5H4	P		
76	P		
1520 Complex	SM	Kapihaa complex	
1521	P		
1522	P		
1523	P		
1524	P		
1525	P		



Attachment 4

Prepared By:
Long Range Planning Division
Department of Planning
County of Maui
2200 Main Street
Wailuku, Hawaii 96793

Product Code: MRNAP LPC20151231 Copyright © 1/11/2016

Map 7.2 Transportation: Existing and Proposed

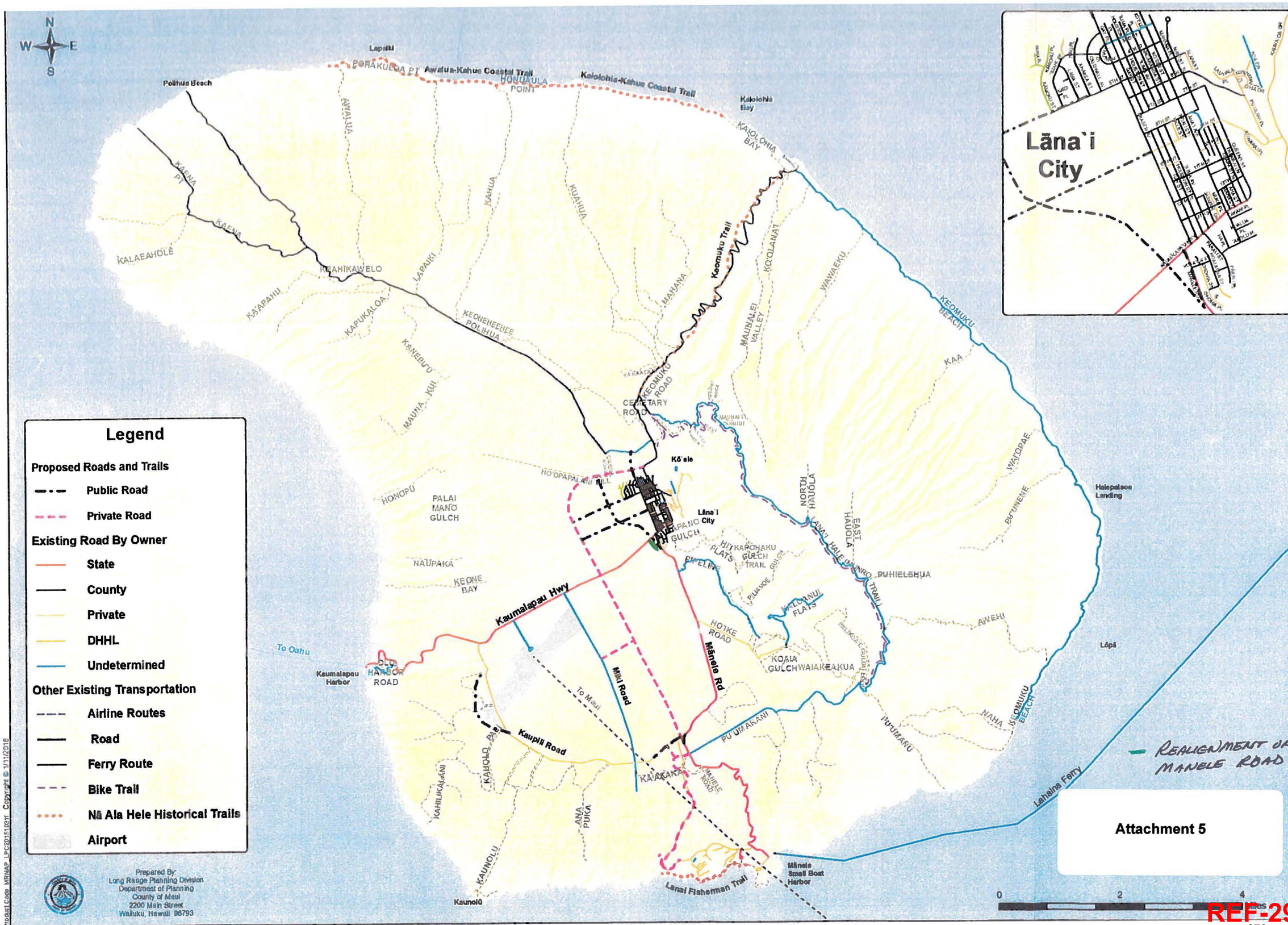
Lānaʻi Community Plan Update

Date: 1/21/2016

Map 7.2 Transportation: Existing and Proposed

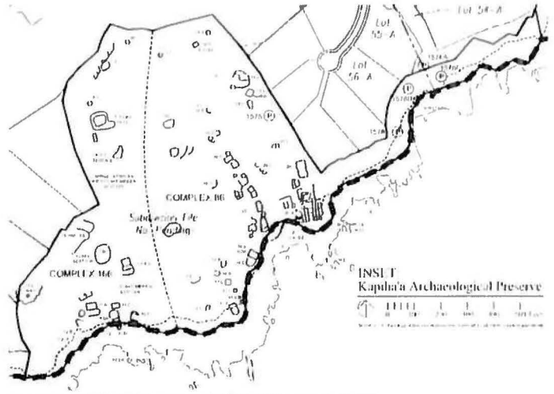
Lāna`i Community Plan Update

Date: 1/21/2016



Maui County General Plan 2030 Lāna`i Community Plan

REF-298



MANELE GOLF COURSE AND RESIDENTIAL AREA
LIST OF ARCHAEOLOGICAL SITES

State Site #	Status	Notes	Reference
	1 = Preservation 2 = Data Recovery		
86 Complex	P		
166 Complex	P		
1508	P		
1509	P		
1510	Dth		
1562	DP		
1564	DP		
1565	P		
1566 A-B	P		
1567	P		
1568	DP		
1569	P		
1570	P		
1571 A-B	P		
1572	P		
1573	P		
1574	P		
1575	P		
1576	DP		
1577	DP		
1578	DP		
1579	P		
1580	P		
1581	P		
1582	P		
1583	P		

GOVERNOR

A90-622_6

KAZU HAYASHIDA
DIRECTOR

DEPUTY DIRECTORS
BRIAN K. MINAAI
GLENN M. OKIMOTO

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

MAUI DISTRICT
650 PALAPALA DRIVE
KAHULUI, HAWAII 96732

IN REPLY REFER TO:

HWY-M 2.210-00

July 13, 2000

Mr. Vince Bagoyo
Lanai Company, Inc.
P. O. Box 310
Lanai City, Hawaii 96763

Dear Mr. Bagoyo:

SUBJECT: TERRACES AT MANELE, TMK: 4-9-17: Portion of 08,
I.D. NO. ME-00-55

Upon further assessment of the referenced project, it has been determined that intersection improvements at Manele Road and Kaumalapau Highway may be deferred until traffic improvements are warranted. Please be advised that the State reserves the right to require Lanai Company, Inc. to construct the improvements when deemed necessary.

If there are any questions or concerns, please call me at (808) 873-3535.

Very truly yours,

ROBERT O. SIAROT
District Engineer, Maui

PMC:mh

c: STP (Elton Teshima)
HWY-PS

EXHIBIT 22a

REF-300

A90-662_8

Parcel Information

Parcel Number	490140190000
Location Address	855 FRASER AVE LANAI CITY HI 96763
Neighborhood Code	4961-3
Legal Information	LOT 1161 MAP 145 LC APP 862 1.00 AC TOG/ES SUBJ/ES
Land Area	1 Acres
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
COUNTY OF MAUI Fee Owner

Mailing Address
COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	COMMERCIAL	$653,400	$0	$653,400	$2,659,500	$3,312,900	$3,312,900	$0

How to calculate real property taxes

Commercial Improvement Information

Building Number	1	**% Complete**	100%
Building Type	POLICE STATION	**Building Square Footage**	6,868
Year Built	2003	**Value**	$2,616,900
Eff Year Built			

Section	Floor #	Area	Perimeter	Occupancy	Wall Height	Exterior Wall	Rank	Building Class
1	01	6868	368	Office Building	10		3.2	Masonry Bearing Walls s1 p7

Other Features

Section	Structure	Measure 1	Measure 2	Stops
1	MASONRY UTILITY BLDG	240	1	0
1	PORCH, CEIL- RECESSED	128	1	0

Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
1	MASONRY UTILITY SHED	0x0 342 / 1	2003	100%	$21,657
1	CARPORT OPEN ASPH/CONC FLOOR	0x0 1444 / 1	2003	100%	$25,891
1	GARAGE HOL-TILE/PAVED FLOOR	0x0 459 / 1	2003	100%	$16,946

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
8/30/2002	$0		Fee conveyance		Deed	10/15/2002	2850540	625345
5/11/2001	$0		Mapping		Land Court	5/11/2001		

REF-301

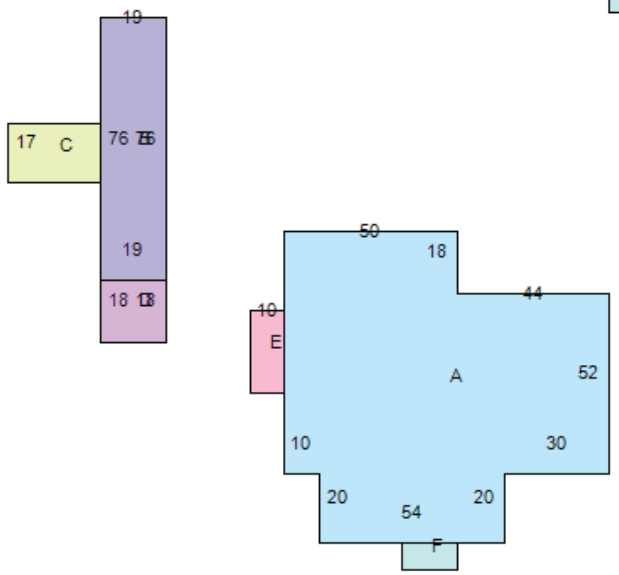
Permit Information

Date	Permit Number	Reason	Permit Amount
8/27/2003	200331718	Garage	$100,000
8/27/2003	20031717	New commercial bldg	$3,900,000

KIVA Permit Site

Sketches

	Room Type	Area
	A OFFICES	6868
	B CARPORT OPEN ASPH/CONC FLOOR	1444
	C GARAGE HOL-TILE/PAVED FLOOR	459
	D MASONRY UTILITY SHED	342
	E MASONRY UTILITY BLDG	240
	F PORCH, CEIL- RECESSED	128



Building 1

Recent Sales In Area

Sale date range:

From: 10/08/2018 To: 10/08/2021

Sales by Neighborhood

1500 Feet Sales by Distance

REF-302

Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information.

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

User Privacy Policy

GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 10/7/2021, 11:36:23 PM

Version 2.3.151

REF-303

A90-662_8

Parcel Information

Parcel Number	490140120000
Location Address	1345 FRASER AVE LANAI HI 96763
Neighborhood Code	4962-4
Legal Information	
Land Area	13650 Square Feet
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
LANAI RESORTS LLC Fee Owner
COUNTY OF MAUI Leasee
⊞ Show All Owners and Addresses

Mailing Address
LANAI RESORTS LLC
733 BISHOP ST, SUITE 1500
HONOLULU HI 96813

Assessment Information

⊞ Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	INDUSTRIAL	$145,200	$0	$145,200	$464,400	$609,600	$609,600	$0

How to calculate real property taxes

Commercial Improvement Information

Building Number	1	**% Complete**	100%
Building Type	LANAI FIRE STATION	**Building Square Footage**	2,268
Year Built	1988	**Value**	$462,200
Eff Year Built			

Section	Floor #	Area	Perimeter	Occupancy	Wall Height	Exterior Wall	Rank	Building Class
1	01	2268	192	Fraternal Building	13		1.2	Masonry Bearing Walls s1 p7

Other Features

Section	Structure	Measure 1	Measure 2	Stops
1	PORCH CEIL SHED ROOF	378	1	0
1	GARAGE HT- PAVED FL	1470	1	0
1	OVERHEAD DR-ROLL STL	144	1	0

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
6/26/2015	$0		Land Court Order (all types)		Land Court Order (all types)	7/8/2015	T9312234	
9/25/2012	$0		Land Court Order (all types)		Land Court Order (all types)	10/2/2012	T8310375	
12/16/1996	$0	0000000000						
7/12/1988	$0	0000000000						
2/22/1988	$0	0000000000	Lease			4/11/1988	1542121	96990

REF-304

Permit Information

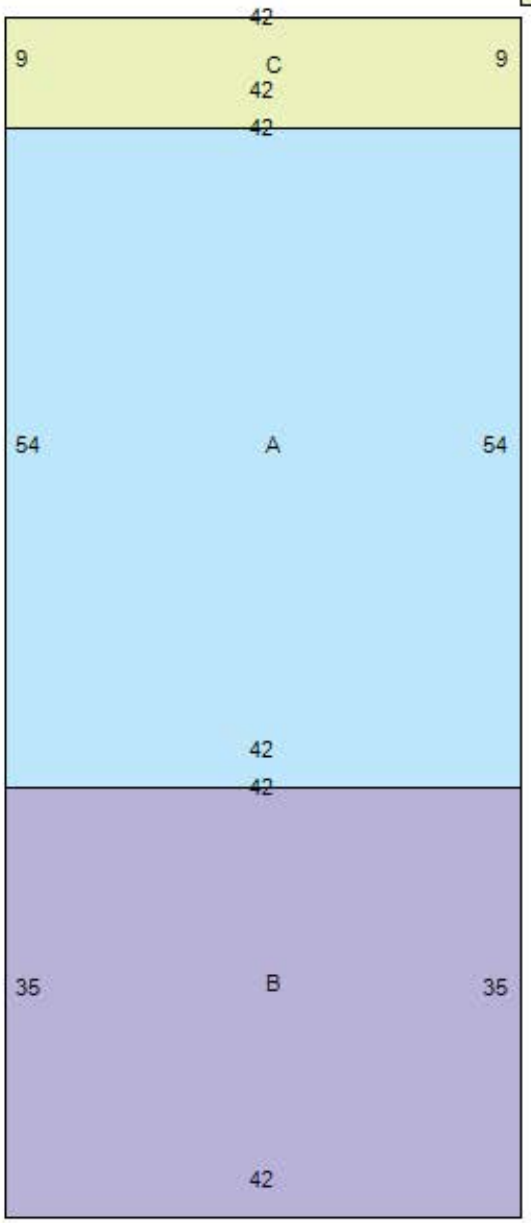
Date	Permit Number	Reason	Permit Amount
6/7/2007	B20071213	Other see notes	$108,457
5/9/1996	B960786	Addition	$156,657
12/7/1990	B903416	Addition	$12,000

KIVA Permit Site

Sketches

REF-305

	Room Type	Area
	A SOCIAL/FRATERNAL HALL	2268
	B GARAGE HT- PAVED FL	1470
	C PORCH CEIL SHED ROOF	378



REF-306

Building 1

Recent Sales In Area

Sale date range:

From: 10/08/2018 **To:** 10/08/2021

Sales by Neighborhood

1500 Feet Sales by Distance

Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Accessory Information.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.
User Privacy Policy
GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 10/7/2021, 11:36:23 PM

Version 2.3.151

REF-307

A90-662_8

NC
AM

STATE OF HAWAII
OFFICE OF THE ASSISTANT REGISTRAR
RECORDED
August 11, 2021 8:01 AM
Doc No(s) T - 11545143
on Cert(s) 468683
Issuance of Cert(s)

/s/ LESLIE T KOBATA
ASSISTANT REGISTRAR

Pkg 11840855 FEH

Conveyance Tax: $0.00

LAND COURT | REGULAR SYSTEM

Return by Mail to:

Department of Finance
County of Maui
200 S. High Street
Wailuku, Maui, Hawaii 96793

TITLE GUARANTY OF HAWAII HAS FILED THIS DOCUMENT FOR RECORD AS AN ACCOMMODATION ONLY. THIS DOCUMENT HAS NOT BEEN REVIEWED OR IN ANY WAY EXAMINED AS TO ITS EFFECT ON REAL PROPERTY.

TO ACCOM 524780C

TITLE OF DOCUMENT:

AMENDMENT TO LEASE

PARTIES TO DOCUMENT:

LESSOR: LĀNA'I RESORTS, LLC
733 Bishop Street, Suite 1500
Honolulu, Hawaii 96813

LESSEE: COUNTY OF MAUI
200 South High Street
Wailuku, Maui, Hawaii 96793

TAX MAP KEY(S): (2) 4-9-014:012 (por.)

TOTAL NUMBER OF PAGES: 7

REF-308

AMENDMENT TO LEASE

THIS AMENDMENT TO LEASE ("Amendment to Lease") is made this 24th day of June, 20 21, by and between LĀNA'I RESORTS, LLC, a Hawaii limited liability company, dba Pūlama Lāna'i, whose mailing address is 733 Bishop Street, Suite 1500, Honolulu, Hawaii 96813, (hereinafter referred to as the "Lessor"), and the COUNTY OF MAUI, a political subdivision of the State of Hawaii, the principal office and mailing address of which is 200 South High Street, Wailuku, Maui, Hawaii 96793 (hereinafter referred to as the "Lessee").

WITNESSETH:

Castle & Cooke, Inc., a Hawaii corporation, as lessor, and the County of Maui, as Lessee, entered into that certain lease agreement dated February 22, 1988, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1542121 (the "Original Lease"), demising that certain parcel of land situate in Lanai City, Island of Lanai, County of Maui, State of Hawaii, being more particularly described as Lot 744-B-1, area 13,650 square feet, as shown on Map 80, on file in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862, being a portion of the land described in and covered by Transfer Certificate of Title No. 468683 and currently designated as Tax Map Key No. (2) 4-9-014:012 (por.) (the "Leased Premises"), which remains in full force and effect and terminates June 30, 2021; and

In 2012, LĀNA'I RESORTS, LLC, dba Pūlama Lāna'i, acquired from Castle & Cooke, Inc. the fee simple interest in the Leased Premises and all rights and obligations of the lessor under the Original Lease.

NOW, THEREFORE, the Lessor and Lessee desire to amend and extend said Original Lease as follows:

1. The terms, conditions, and covenants of the Original Lease remain in full force and effect, except as amended herein.

2. The term of the Original Lease is extended such that it ends upon the conveyance in fee simple of the Leased Premises from the Lessor to the Lessee pursuant to Maui County Council Resolution No. 18-208.

3. The indemnification provision on page 5 of the Original Lease is amended in its entirety as follows:

REF-309

"LESSEE will indemnify and hold harmless the Lessor from and against all claims for property damage, personal injury, or wrongful death arising out of or in connection with an act or omission of the Lessee, its officers, directors, employees, contractors, and permitted agents, to the extent that the Lessee's liability for such damage, loss, or injury has been determined by a court of competent jurisdiction or otherwise agreed to by the Lessee, and further, to the extent the payment for such damage, loss, or injury is permitted by law and approved by the Maui County Council, pursuant to Chapter 3.16, Maui County Code, as amended."

4. This Amendment to Lease may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

REF-310

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Lease to be duly executed on the day and year first written above.

LESSOR:

LĀNA'I RESORTS, LLC,
a Hawai'i limited liability company,
doing business as Pūlama Lāna'i

By Lanai Island Holdings, LLC
Its Member

By LIH Corporation
Its Manager

By _____
KURT MATSUMOTO
Its Vice President

LESSEE:

COUNTY OF MAUI

By _____
MICHAEL P. VICTORINO
Its Mayor

By _____
SCOTT K. TERUYA
Its Director of Finance

APPROVAL RECOMMENDED:

_____ DEPUTY
FOR DAVID C. THYNE, Fire Chief
Department of Fire and Public Safety

APPROVED AS TO FORM
AND LEGALITY:

_____
JENNIFER M.P.E. OANA
Deputy Corporation Counsel
County of Maui

LF2020-1590

REF-311

STATE OF HAWAI'I)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 25th day of May, 2021, before me personally appeared KURT MATSUMOTO, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Stamp or Seal]

BARBI S. SHINNO NOTARY 98-398 PUBLIC STATE OF HAWAII

Notary Public, State of Hawaii

Print Name: Barbi S. Shinno
My commission expires: 08-11-22

NOTARY PUBLIC CERTIFICATION

Doc. Date:	Undated at time of notarization	# Pages:	7
Notary Name:	Barbi S. Shinno	Judicial Circuit:	First
Doc. Description:	AMENDMENT TO LEASE Lanai Fire Station (2) 4-9-014:012 (por.)		
Notary Signature:			
Date:	05-25-21		

[Stamp or Seal]

BARBI S. SHINNO NOTARY 98-398 PUBLIC STATE OF HAWAII

STATE OF HAWAI'I)
) SS.
COUNTY OF MAUI)

On this 24th day of June, 2021, before me appeared MICHAEL P. VICTORINO, to me personally known, who being by me duly sworn did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, in the capacity shown, having been duly authorized to execute such instrument in such capacity, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed in behalf of said County of Maui by authority of its Charter, and the said MICHAEL P. VICTORINO acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

MICHELLE L. SANTOS NOTARY PUBLIC No. 17-499 STATE OF HAWAII
[Stamp or Seal]

Michelle L. Santos
Notary Public, State of Hawaii

Print Name: MICHELLE L. SANTOS
My commission expires: 12-03-2021

NOTARY PUBLIC CERTIFICATION

Doc. Date:	06-24-2021	# Pages:	7
Notary Name:	MICHELLE L. SANTOS	Judicial Circuit:	2nd
Doc. Description:	AMENDMENT TO LEASE		
Notary Signature:	Michelle L. Santos		
Date:	06-24-2021		

MICHELLE L. SANTOS NOTARY PUBLIC No. 17-499 STATE OF HAWAII
[Stamp or Seal]

REF-313

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 21st day of June, 2021, before me appeared MAY-ANNE A. ALIBIN, to me personally known, who, being by me duly sworn did say that she is the Deputy Director of Finance of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui by authority of its Charter, and the said MAY-ANNE A. ALIBIN acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

DIDI A. HAMAI NOTARY 13-164 PUBLIC STATE OF HAWAII

Notary Public, State of Hawaii
Print Name: Didi A. Hamai
My commission expires: 05/13/2025

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	Undated	# Pages:	07
Notary Name:	Didi A. Hamai	Judicial Circuit:	Second
Doc. Description:	Amendment to Lease	DIDI A. HAMAI NOTARY 13-164 PUBLIC STATE OF HAWAII	
Notary Signature:			
Date:	06/21/2021		

REF-314

OFFICE OF THE
ASSISTANT REGISTRAR, LAND COURT
STATE OF HAWAII
(Bureau of Conveyances)

The original of this document was recorded as follows:

LCO
~~DOCUMENT~~ NO. 141134

DATE MAR 6 2001 TIME 10:45

LAND COURT SYSTEM | REGULAR SYSTEM

RETURN BY MAIL ( ) PICK UP (X): Total Pages:

Castle & Cooke Resorts, LLC
P. O. Box 898900
Mililani, HI 96789
C. Kurasaki 548-2909

AMENDED AND RESTATED
PETITION FOR SUBDIVISION

Lanai - Koele Park Site

EXHIBIT "3"

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application of CASTLE & COOKE, INC. to register and confirm title to lands situate on the Island of Lanai, State of Hawaii	)	SUBDIVISION of Consolidation 170 (Map 20)

LAND COURT
STATE OF HAWAII
FILED
JAN 29 3 09 PM '01
HOWARD NOBUNAGA
REGISTRAR

Petition of LANAI COMPANY, INC., Owner, subdivision of Lot 45 as shown on Map 8 into Lots 45-A and 45-B

ORDER OF SUBDIVISION

Upon the record and the evidence herein, and the map or plan filed with the application for subdivision in this matter having been referred to the Surveyor of the State of Hawaii, and he having examined and checked the same and certified the same to be correct, Copy of said petition and the Return of the Surveyor by reference made a part hereof,

IT IS ORDERED, ADJUDGED AND DECREED, that the said subdivision, as certified by the Surveyor of the State of Hawaii, is hereby authorized and approved, and the Assistant Registrar of this court is hereby directed to endorse on Owner's Certificate of Title No. 468,700 a reference to said map or plan as approved, and, upon presentation to him of proper deeds of transfer, to issue a new certificate, or certificates, for the lots conveyed, and enter same on said Owner's Certificate of Title No. 468,700, in accordance with Hawaii Revised Statutes, Sections 501-89 and 501-109.

Dated: Honolulu, Hawaii, January 29, 2001

HOWARD NOBUNAGA
Registrar
for Judge of the Land Court

A TRUE COPY, ATTEST WITH THE SEAL OF SAID COURT,

JANNIS SHISOM

REF-316

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application of CASTLE & COOKE, INC. to register and confirm title to lands situate on the Island of Lanai, State of Hawaii	)	SUBDIVISION of Consolidation 170 (Map 20)

LAND COURT
STATE OF HAWAII
FILED
JAN 29 3 09 PM '01
HOWARD NOBUYAGA
REGISTRAR

Petition of LANAI COMPANY, INC., Owner, subdivision of Lot 45 as shown on Map 8 into Lots 45-A and 45-B

RETURN OF THE STATE LAND SURVEYOR

To the Honorable Judge of the Land Court,
State of Hawaii.

Pursuant to an Order duly made and issued out of said Honorable Court on the 7th day of December 2000, referring the map filed for approval of subdivision in the above entitled matter, to the State Land Surveyor for verification, check on the ground if necessary and report.

The undersigned, the State Land Surveyor begs to report that the same has been examined and checked as to form and mathematical correctness and found to be in order.

And further, that said map has been compared with Certificate of Title No. 468,700 and found to be in accord therewith.

REF-317

NOTE:

Allegations in the petition have been checked and found to be in accord therewith except for the following:

1. All references to existing easements as "designation of" should be deleted.

~~2. All references to documents filed in the regular system should be deleted.~~

Only land court encumbrances as noted in the petition have been checked.

And pending approval of the Court, the map and said Certificate of Title will be held for further instructions.

DATED at Honolulu, this 29rd day of January 2001.

Examined by:

Assistant.
gm

STATE LAND SURVEYOR

==========

Received from the State Land Surveyor ____ blueprints of, and the approved tracing map in the above entitled matter and Certificate of Title No.

Honolulu, Hawaii
JAN 29 2001, 20___

JANNIS SHIROMA
CLERK ~~REGISTRAR~~ OF THE LAND COURT.

REF-318

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application of CASTLE & COOKE, INC. to register and confirm title to lands situate on the Island of Lanai, State of Hawaii	)	CONSOLIDATION NO. 170

LAND COURT
STATE OF HAWAII
FILED
FEB 27 12 43 PM '01
HOWARD NOBUNAGA
REGISTRAR

AMENDED AND RESTATED
PETITION FOR SUBDIVISION

Referred to the Surveyor of the State for check and report.

Map filed _____.

Seven (7) white prints required.

Dated _____.

BY ORDER OF THE COURT

_____
Registrar

J:PET (2/8/01)
Lanai - Koele Park Site

REF-319

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application of CASTLE & COOKE, INC. to register and confirm title to lands situate on the Island of Lanai, State of Hawaii	)	CONSOLIDATION NO. 170

AMENDED AND RESTATED
PETITION FOR SUBDIVISION

TO: THE HONORABLE JUDGE OF THE
LAND COURT OF THE STATE OF HAWAII

Comes now CASTLE & COOKE RESORTS, LLC, a Hawaii limited liability company, successor by merger to Lanai Company, Inc., hereinafter called "Petitioner", and respectfully shows unto this Court as follows:

1. LANDS. Petitioner is the owner of Lot 213 as shown on Map 22 filed with Land Court Application No. 862 and being a portion of the lands described in Transfer Certificate of Title No. 468,683 and being also the owner of Lots 43, 44 and 45 as shown on Map 8 filed with Land Court Consolidation No. 170, being portions of the lands described in Transfer Certificate of Title No. 468,700.

2. MAP. Filed herewith is a Map showing the subdivision of Lot 45 into Lots 45-A and 45-B.

3. APPROVAL. Said subdivision as shown on said Map filed herewith has been approved by the Department of Public Works, County of Maui, and the approval of said Map is shown on the front of a print of said Map filed herewith.

REF-320

4. ACCESS. Lot 45-A will have access to a public road over Lots 43 and 44 as shown on said Map 8 and over Lot 213 as shown on said Map 22. Lot 45-B has direct access to a public road.

5. ACCESS RIGHTS. The rights of access set forth in the previous paragraph shall supersede all previous provisions for access with respect to the area included within said Lot 45, and as may have been provided in any land court orders issued prior to the order approving this Petition. Each such right of access herein provided over a certain lot shall cease automatically upon the conveyance of said lot or lots to the State of Hawaii or the County of Maui for road purposes. Until such conveyance to the State of Hawaii or County of Maui of a lot or lots so encumbered or until the sale, lease or conveyance to any other party of any lot specified herein as requiring access over such lot or lots, Petitioner reserves the right to change and modify said Map filed herewith and to delete and eliminate any of said rights of access. Nothing in this Petition or in any order issued herein or on said Map shall be deemed a dedication of said road lots to the public or to create in any other person any right, title or interest therein by way of right of access or otherwise.

6. ENCUMBRANCES. Lots 45-A and 45-B are subject to the following encumbrances and only to the following encumbrances:

A. Subdivision Agreement (Large Lot), dated June 9, 1988, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1558116.

B. Subdivision Agreement (Large Lot), dated December 28, 1988, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633943.

REF-321

C. Subdivision Agreement (Three Lots or Less), dated April 26, 1989, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633944.

D. Private Water System Agreement dated January 21, 1994, by and between Dole Food Company, Inc. and Department of Water Supply of the County of Maui, for Koele Residential, Phase I, filed as Document No. 2131648.

E. Hold Harmless Agreement dated May 24, 1994, by and between the County of Maui, Lanai Resort Partners, as Developer, and Dole Food Company, Inc., as Owner, filed in the Bureau of Conveyances as Document No. 94-118691.

F. Easement 17 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

G. As to Easement 17: Declaration of Covenants, Conditions and Restrictions for Koele, dated December 22, 1994, filed as Land Court Document No. 2206277.

H. As to Easement 17: Grant dated December 20, 1994 in favor of Koele Homeowners Association, filed as Land Court Document No. 2206279.

I. Mortgage, Assignment of Leases and Rents, Security Agreement and Financing Statement dated September 19, 2000, filed as Land Court Document No. 2652427 and recorded as Document No. 2000-132865.

J. Assignment of Leases and Rents dated September 19, 2000, filed as Land Court Document No. 2655490 and recorded as Document No. 2000-139600.

K. Lot 45-A is also subject to the following:

1) Grant of easement in favor of Maui Electric Company, Limited and Hawaiian Telephone Company, dated March 23,

REF-322

1955, filed as Document No. 172242 and assigned by Document Nos. 172243 and 172244.

2) Grant of easement in favor of Maui Electric Company, Limited, dated August 7, 1989, filed as Document No. 1664245 and assigned by Document No. 1664246.

3) Certificate and Authorization, dated October 25, 1991, by and between Dole Food Company, Inc. and Lanai Resort Partners, filed in the Bureau of Conveyances as Document No. 91-147908, as amended by Document No. 97-071423.

4) Subdivision Agreement (Large Lot), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2025213.

5) Subdivision Agreement (Agricultural Use), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2070238.

6) Unilateral Agreement and Declaration for Conditional Zoning, dated February 28, 1992, by Lanai Resort Partners, filed in the Bureau of Conveyances as Document No. 92-052311, as amended by Document No. 96-145185.

7) Easement 19 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

8) Easement 20 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

9) Easement 21 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

REF-323

10) Easement 22 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

11) Easement 23 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

12) Easement 24 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

13) Easement 29 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

14) Easement 39 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

15) Easement 48 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

16) Easement 49 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

17) Easement 51 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

18) Easement 52 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

19) Private Water System Agreement dated February 5, 1996, by and between Lanai Company, Inc. and Department of Water Supply of the County of Maui, filed as Document No. 97-015393.

Petitioner understands that the State Land Surveyor will not be examining encumbrances noted in this Petition which

REF-324

are not filed in the Office of the Assistant Registrar of the Land Court.

WHEREFORE, Petitioner respectfully prays as follows:

A. That said Map filed herewith be examined and if found correct, that an Order issue approving this Petition and approving and authorizing said Map.

B. That an Order issue directing the Assistant Registrar of the Court to endorse, upon approval of the Petition for Subdivision, reference to the Map filed herewith and to this Order on Transfer Certificate of Title No. 468,700, all in accordance with Chapter 501 of the Hawaii Revised Statutes, as amended.

Seven (7) white prints of said Map filed herewith are requested by Petitioner.

DATED: Honolulu, Hawaii February 12, 2001.

CASTLE & COOKE RESORTS, LLC,
a Hawaii limited liability company,
successor by merger to Lanai Company, Inc.

By _____
RICHARD K. MIRIKITANI
Its Vice President/Secretary

By _____
BONNIE E. FREITAS
Its Vice President/Asst. Secretary

Subscribed and sworn to
before me this 12th day
of February 2001.

_____
Cynthia Kadekawa
Notary Public, State of Hawaii
My commission expires: 3/22/2002

co

REF-325

COUNTY OF MAUI Hawaii

Parcel Information

Parcel Number	490140160000
Location Address	FRASER AVE LANAI HI 96763
Neighborhood Code	4963-1
Legal Information	
Land Area	1.024 Acres
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
COUNTY OF MAUI Fee Owner

Mailing Address
COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	NON-OWNER-OCCUPIED/RESIDENTIAL	$100	$0	$100	$0	$100	$100	$0

How to calculate real property taxes

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
2/22/1999	$0	0000000000	Fee conveyance			9/7/2000	2649278	468694
12/16/1996	$0	0000000000						
10/22/1992	$0	0000000000						

Recent Sales In Area

Sale date range:

From: 11/17/2018 To: 11/17/2021

Sales by Neighborhood

1500 Feet Sales by Distance

REF-326

Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

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

User Privacy Policy

GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 11/16/2021, 10:40:02 PM

Version 2.3.161

REF-327

A90-662_8

COUNTY OF MAUI Hawaii

Parcel Information

Parcel Number	490140170000
Location Address	FRASER AVE LANAI HI 96763
Neighborhood Code	4962-4
Legal Information	LOT 1170 MAP 149 LC APP 862 2.843 AC SUBJ/ES 29 & 71
Land Area	2.843 Acres
Parcel Note	Non taxable

View Map

Owner Information

Owner Names
COUNTY OF MAUI Fee Owner

Mailing Address
COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	INDUSTRIAL	$900	$0	$900	$0	$900	$900	$0

How to calculate real property taxes

Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
3/5/2003	$0		Fee conveyance		Warranty deed	8/19/2003	2978954	660425
12/10/2001	$0		Mapping		Land Court	12/10/2001		
12/16/1996	$0	0000000000						
1/1/1993	$0	0000000000						

Recent Sales In Area

Sale date range:

From: 11/17/2018 To: 11/17/2021

Sales by Neighborhood

1500 Feet Sales by Distance

REF-328

Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels 0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

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

User Privacy Policy

GDPR Privacy Notice

Developed by Schneider GEOSPATIAL

Last Data Upload: 11/16/2021, 10:40:02 PM

Version 2.3.161

REF-329

A90-662_8

2015 NOV 30 P 12: 09
LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI	)	ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING COMMISSION TO APPROVE TIME EXTENSION REQUEST TO SPECIAL USE PERMIT AND CERTIFICATE OF SERVICE
For A Special Use Permit To Establish And Operate Expansion Of The Lāna`i Sanitary Landfill On Approximately 25 Acres Of Land Situated Within The State Land Use Agricultural District At Lāna`i City, Lāna`i, Tax Map Key Number: 4-9-002: Portion Of 60 (Formerly 4-9-002: Portion Of 1)	)	

ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING COMMISSION TO APPROVE TIME EXTENSION REQUEST TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawai`i.

November 30 ,2015 by

Executive Officer

REF-330

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

2015 NOV 30 P 12: 08
LAND USE COMMISSION
STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI	)	ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING COMMISSION TO APPROVE TIME EXTENSION REQUEST TO SPECIAL USE PERMIT AND CERTIFICATE OF SERVICE
For A Special Use Permit To Establish And Operate Expansion Of The Lāna`i Sanitary Landfill On Approximately 25 Acres Of Land Situated Within The State Land Use Agricultural District At Lāna`i City, Lāna`i, Tax Map Key Number: 4-9-002: Portion Of 60 (Formerly 4-9-002: Portion Of 1)	)	

ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING COMMISSION TO APPROVE TIME EXTENSION REQUEST TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

2015 NOV 30 P 12: 09
LAND USE COMMISSION
STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI	)	ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING COMMISSION TO APPROVE TIME EXTENSION REQUEST TO SPECIAL USE PERMIT
For A Special Use Permit To Establish And Operate Expansion Of The Lāna`i Sanitary Landfill On Approximately 25 Acres Of Land Situated Within The State Land Use Agricultural District At Lāna`i City, Lāna`i, Tax Map Key Number: 4-9-002: Portion Of 60 (Formerly 4-9-002: Portion Of 1)	)	

ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING COMMISSION TO APPROVE TIME EXTENSION REQUEST TO SPECIAL USE PERMIT

On November 2, 2015, the County of Maui Department of Planning ("DP") filed a copy of the decision and a portion of the record of the Lāna`i Planning Commission's ("Planning Commission") proceeding on the 15-year time extension request of the Department of Environmental Management, County of Maui (formerly the Department of Public Works and Environmental Management) ("Applicant" or

"Petitioner")[1] to the existing special use permit that allowed the expansion of the Lāna`i Sanitary Landfill with the State of Hawai`i Land Use Commission ("LUC"), pursuant to Hawai`i Administrative Rules ("HAR") §15-15-95(b).[2] On November 5, 2015, the DP filed the remaining portion of the record of the proceeding with the LUC.

On November 19, 2015, the LUC met at the Maui Arts & Cultural Center, McCoy Studio Theater, in Kahului, Maui, Hawai`i,[3] to consider the recommendation of the Planning Commission to approve the Applicant's time extension request. At the meeting, the LUC heard a presentation on the time extension request from the Applicant's representatives, Michael M. Miyamoto and Elaine Baker. Michael Hopper, Esq.; William Spence; and Kurt Wollenhaupt were also present at the meeting on behalf of the County of Maui Department of Planning ("DP"), and Bryan C. Yee, Esq., was present on behalf of the State of Hawai`i Office of Planning ("OP").

Following discussion on the operations of the landfill as well as the Applicant's compliance with the various conditions imposed, discussion on the

---

[1] The Department of Public Works and Environmental Management itself was previously known as the Department of Public Works and Waste Management.

[2] The Applicant initially filed a request for a 10-year time extension. The Applicant subsequently amended its request to a 15-year time extension based on a capacity study of the landfill.

[3] The Commission's agenda had stated that the meeting would be at the Maui Arts & Cultural Center, Haynes Meeting Room. However, the location was changed to a more expansive room within the same facility to accommodate the large numbers of the public who were present for an agenda item that immediately preceded this matter.

Planning Commission's vote record ensued.[4] Thereafter, a motion was made and seconded to remand the recommendation of the Planning Commission to approve the Applicant's 15-year time extension request for further proceedings to obtain a clear vote in light of HRS §92-15 and AG Opinion No. 85-11. After further discussion, the motion and second were withdrawn. Thereafter, a motion to adopt the recommendation of the Planning Commission to approve the Applicant's 15-year time extension request was made and seconded. The seconder to the motion subsequently proposed an amendment to the motion, which was accepted by the movant, consisting of amendments to Condition Numbers 1 and 3[5] to read as follows:

1. That the State Land Use Commission Special Use Permit shall be valid until September 13, 2029, subject to further extensions by the Lāna`i Planning Commission and the State Land Use Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.

---

[4] The Planning Commission, in its decision to recommend approval of the time extension request, recorded a vote tally of four ayes, three noes, one abstention, and one excused. The abstention was deemed an affirmative vote, pursuant to the Planning Commission Rule §12-401-24(c), which states: "Unless a present member is disqualified from voting pursuant to section 12-401-25, their silence or refusal to vote shall be recorded as an affirmative vote." Based on this provision of the Planning Commission's rules, the motion passed with five votes in favor, three opposed, and one excused.

Attorney General ("AG") Opinion No. 85-11 addressed the issue as to whether a board member's act of abstention should be counted as a vote for the purpose of achieving the minimum number of votes necessary to validate a board's action. The AG Opinion concluded that "...abstentions are not equivalent to, nor do they constitute, 'concurrence' for the purpose of validating board action in conformity with section 92-15 and that the words 'concurrence of majority' mean nothing less than the affirmative votes of the majority."

[5] The amendments represent technical, non-substantive changes to the conditions as recommended by the Planning Commission.

3. That Petitioner shall use non-drinking water, to the extent possible, for grading and dust control of the landfill.

Following discussion by the Commissioners, a vote was taken on the motion, as amended. There being a vote tally of 6 ayes, 0 nays, and 2 excused,[6] the amended motion carried.

ORDER

The LUC, having duly considered the arguments presented by the Applicant and the record in this proceeding, and an amended motion having been made and seconded at a meeting held on November 19, 2015, in Kahului, Maui, Hawai`i, and the amended motion having received the affirmative votes required by HAR §15-15-13, HAR, and there being good cause for the amended motion,

HEREBY ORDERS that the recommendation of the Planning Commission to approve the Applicant's 15-time extension request be ADOPTED, subject to the following amendments to Condition Numbers 1 and 3:

1. That the State Land Use Commission Special Use Permit shall be valid until September 13, 2029, subject to further extensions by the Lāna`i Planning Commission and the State Land Use Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.

3. That Petitioner shall use non-drinking water, to the extent possible, for grading and dust control of the landfill.

[6] There are currently eight sitting commissioners on the LUC. The one remaining seat is vacant.

ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 30th, day of November, 2015, per motion on November 19, 2015.

LAND USE COMMISSION

STATE OF HAWAI'I

APPROVED AS TO FORM

Deputy Attorney General

By

EDMUND ACZON
Chairperson and Commissioner

Filed and effective on:

11/30/15

Certified by:

DANIEL ORODENKER
Executive Officer

REF-336

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

2015 NOV 30 P 12: 00
LAND USE COMMISSION
STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI	)	CERTIFICATE OF SERVICE
	)	
For A Special Use Permit To Establish And Operate Expansion Of The Lāna`i Sanitary Landfill On Approximately 25 Acres Of Land Situated Within The State Land Use Agricultural District At Lāna`i City, Lāna`i, Tax Map Key Number: 4-9-002: Portion Of 60 (Formerly 4-9-002: Portion Of 1)	)	

CERTIFICATE OF SERVICE

I hereby certify that due service of the within document was made by depositing the same with the United States Mail, postage prepaid, or by hand delivery, on November 30, 2015, addressed to:

BY HAND DELIVERY

LEO R. ASUNCION, JR., AICP
Acting Director
Office of Planning
State of Hawaii
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

BRYAN C. YEE, ESQ. Deputy Attorney General Department of the Attorney General 425 Queen Street Honolulu, HI 96813	BY MAIL
WILLIAM SPENCE Director, County of Maui Department of Planning 2200 Main St., One Main Plaza Bldg., Ste 315 Wailuku, HI 96793	BY MAIL
LANAI PLANNING COMMISSION C/O County of Maui 2200 Main St., One Main Plaza Bldg., Ste 315 Wailuku, HI 96793	BY MAIL
PATRICK K. WONG, ESQ. Corporation Counsel Department of the Corporation Counsel County of Maui 200 S. High St. Wailuku, HI 96793	BY MAIL CERTIFIED
MICHAEL M. MIYAMOTO Director, County of Maui Department of Environmental Management 2050 Main St. , Suite 1C Wailuku, HI 96793	BY MAIL

DATED: Honolulu, Hawai'i, November 30 , 2015.

DANIEL ORODENKER
Executive Officer
State Land Use Commission

A90-662_9

GOVERNOR

Deputy Dir.	☐	Assign	☐
Secretary	☐	Rush	☐
Current Div.	☐	See Me	☐
Long Range	☐	Comments	☐
Energy Div.	☐	Draft	☐
Admin.	☐	Handle	☐
GERRY	☐	File	☐
	☐	FYI	☑
Copy to:	☐	CIRCULATE	☐
		Recycle	☐

Today's date 10/31/92

Date Due

By B

OFFICE OF THE SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P. O. BOX 2360
HONOLULU, HAWAII 96804

'92 OCT 29 P3:08

DEPT OF PL

October 15, 1992

Mr. Brian Miskae
Planning Director
Maui Planning Department
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Miskae:

SUBJECT: Koele Resort
I.D. No. 92/PH2-004 & 92/PD1-003
TMK: 4-9-001: 021, 24, 25, 27 & 30;
4-9-02: 002; and 4-9-18: 1 & 2

Our review of the subject application indicates that the proposed development of 100 town-home units and 255 single-family units will have the following enrollment impact on Lanai High and Elementary School:

School	Grades	Projected Students
Lanai High and Elementary	K-6	7
	7-8	3
	9-12	3

Lanai High and Elementary School should be able to accommodate the students generated from this development.

EXHIBIT 11

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

REF-339

Since the enrollment impact is less than 15 students, the Department of Education will not request that the County require the developer to make a pro rata share contribution for the construction of school facilities.

Should there be any questions, please call the Facilities Branch at 737-4743.

Sincerely,

Charles T. Toguchi
Superintendent

CTT:hy

cc: A. Suga
L. Lindsey

A90-662_10

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
COMPTROLLER

SANDRA L. YAHIRO
DEPUTY COMPTROLLER

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

MAY - 6 2010

(P)1102.0

Mr. Gary M. Yokoyama
Vice President and Corporate Counsel
Castle & Cooke Resorts, LLC
P.O. Box 898900
Mililani, HI 96789-8900

Dear Mr. Yokoyama:

Subject: Proposed New Civil Defense Sirens on Castle & Cooke, Inc. Property
Koele Park (Siren 203) and Kaumalapau Harbor (Siren 204)
County of Maui, Island of Lanai
Tax Map Key (2) 4-9-002: 001

Attached please find a fully executed right-of-entry and non-exclusive license agreement for the proposed new civil defense sirens at Koele Park and Kaumalapau Harbor.

As noted previously, the implementation schedule of these sirens will depend on the availability of construction funds.

Thank you very much for your responsive attention to this matter. If you have any questions, please call Mr. Brian Isa of my Planning Branch staff at (808) 586-0484.

Sincerely,

ERNEST Y.W. LAU
Public Works Administrator

BI:lnn
Attachment
c: Mr. Vincent Shigekuni, PBR Hawaii w/attachment

RIGHT-OF-ENTRY AND NON-EXCLUSIVE LICENSE AGREEMENT

THIS RIGHT-OF-ENTRY AND NON-EXCLUSIVE LICENSE AGREEMENT ("**Agreement**") made this 22nd day of April, 2010 ("**Effective Date**") by and between CASTLE & COOKE, INC., whose mailing address is 100 Kahelu Avenue, 2nd Floor, Mililani, Hawaii 96789 ("**Grantor**") and the STATE OF HAWAII, DEPARTMENT DEFENSE (DOD), whose mailing address is 3949 Diamond Head Road, AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (DAGS), whose mailing address is 1151 Punchbowl Street, Honolulu, Hawaii, 96813 ("**Grantee**").

BACKGROUND

WHEREAS, Grantor is the fee owner of that certain 86,071 acre (approximate) parcel of land on the Island of Lanai, County of Maui, State of Hawaii, bearing Tax Map Key Number (2) 4-9-002: 001, and as more particularly described on **Exhibit "A"** attached hereto and made a part hereof (the "**Property**");

WHEREAS, the State Civil Defense has identified 2 (two) suitable siren locations which are located on a portion of the Property and identified on **Exhibits "B"** and **"C"** attached hereto (the "**Koele Park (Siren 203)**" and "**Kaumalapau Harbor (Siren 204)**");

WHEREAS, Grantee, who has the responsibility to fund and maintain the civil defense siren, seeks a right-of-entry onto the Property together with a non-exclusive license for the purpose of installing and maintaining the 2 (two) new State Civil Defense sirens in accordance with the specifications and details set forth on **Exhibit "D"** attached hereto and made a part hereof (the "**New Sirens**").

NOW, THEREFORE, in consideration of the promises and covenants contained herein and for other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged by the parties hereto, the parties hereby agree as follows:

AGREEMENT

1. **Right-of-Entry**. Subject to the terms and conditions of this Agreement, Grantor hereby grants to Grantee, its officers, employees, agents, contractors and subcontractors, a right-of-entry (the "**Right-of-Entry**") onto the Property for the purpose of installing the New Sirens.

REF-342

2. **Term of Right-of-Entry**. The term of the Right-of-Entry shall commence as of the Effective Date and shall expire upon Grantee's installation of the New Sirens.

3. **Non-Exclusive License**. Subject to the terms and conditions of this Agreement, Grantor hereby grants to Grantee, its officers, employees, agents, contractors and subcontractors, a non-exclusive license (the "**License**") to use 2 (two) portions of the Property identified on **Exhibits "B"** and **"C"** attached hereto as the "**Koele Park (Siren 203)**" and "**Kaumalapau Harbor (Siren 204)**", for the purpose of installing and maintaining the New Sirens identified on **Exhibit "D"**, but for no other purpose.

4. **Term of License**. The term of the License shall commence upon Grantee's installation of the New Sirens and shall thereafter continue on a month-to-month basis. Grantor or Grantee may terminate the License upon thirty (30) days prior written notice to the other party at the respective addresses set forth above.

5. **Access Approval**. Grantor shall have the right of prior approval of Grantee's entry onto the Property for any and all purposes contemplated under the Right-of-Entry and License, which right shall be exercised in Grantor's sole and absolute discretion. Such approval must be obtained from Grantor's representative, Steven M. Bumbar, President, Castle & Cooke Resorts, LLC , by telephone at (808) 565-3831, or from such other representative as may be communicated by Grantor to Grantee in writing, at least seventy-two (72) hours prior to Grantee's entry. Grantee shall make a good faith effort to minimize any potential interference with Grantor's normal operations.

6. **Liability and Indemnity**. The State shall be responsible for damage or personal injury resulting from the negligent, reckless, intentional, or wrongful acts, errors, or omissions of State's officers and employees and its agents, contractors and subcontractors while acting within the scope 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. The State shall pay for such damage and injury to the extent that funds have been authorized, appropriated, and allocated for such purpose and allocated.

7. **Safety Precautions**. At all times during installation of the New Sirens and during maintenance of the New Sirens, Grantee shall clearly and safely mark-off the construction work area and shall maintain and exercise due care to keep the area around Grantor's activity clear and safe for public use.

8. **Restoration**. Upon replacement of the New Sirens, or permanent removal of the New Sirens, or upon termination of this Agreement, Grantee shall restore the siren site to a condition that is substantially similar to that which existed prior to the commencement of Grantee's activity under this Agreement.

9. **Utilities**. Grantee shall pay for all utilities it uses to operate the New Sirens.

REF-343

10. **Compliance with Laws**. Grantee, its officers, employees, agents, contractors, and subcontractors shall comply with and satisfy all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments in doing its work during the term of the Right-of-Entry and term of the License.

11. **Counterparts and Facsimile Signatures**. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute but one instrument. Duplicate, unexecuted counterpart pages may be discarded and the remaining pages assembled as one document. Signatures transmitted and received by facsimile on this Agreement shall be binding and effective for all purposes.

12. **Governing Law not defined.** This Agreement shall be governed under Hawaii law, and be binding on and inure to the benefit of the successors and permitted assignees of the respective parties.

13. **No Party Deemed Drafter.** Grantor and Grantee agree that neither party shall be deemed to be the drafter of this Agreement and that in the event this Agreement is ever construed by a court of law; such court shall not construe this Agreement or any provision hereof against either party as the drafter.

14. **Entire Agreement** This Agreement constitutes the entire agreement between the parties, and supersedes all understandings, offers, negotiations and other agreements concerning the subject matter contained herein. There are no representations or understandings of any kind not set forth herein. Any amendments, modifications or waivers of any of the terms and conditions of this Agreement must be in writing and executed by both parties.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

REF-344

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the date first above written.

CASTLE & COOKE INC.

By: _____
Harry A. Saunders, SVP

By: _____
Richard K Mirikitani, Asst. Sec.

"GRANTOR"

STATE OF HAWAII,
DEPARTMENT OF DEFENSE

By: _____
Adjutant General

STATE OF HAWAII,
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

By: _____
for State Comptroller

"GRANTEE"

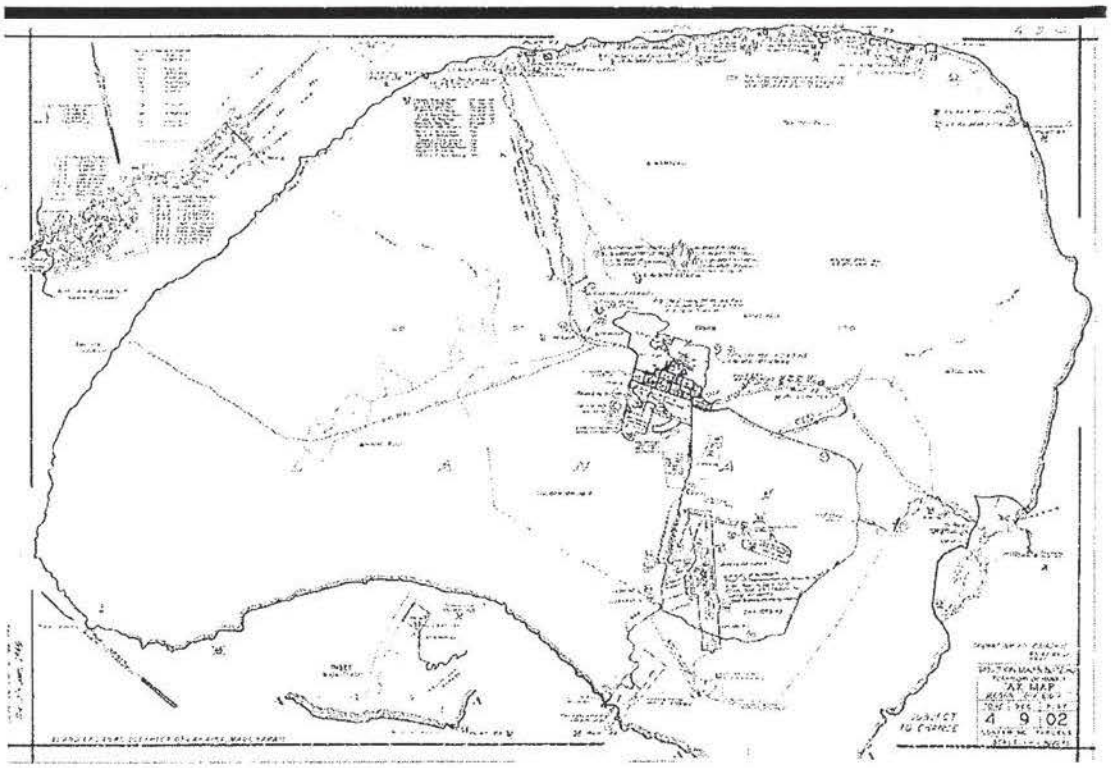
APPROVED AS TO FORM
AND LEGALITY:

By: _____
State Deputy Attorney General

REF-345

EXHIBIT A
DESCRIPTION OF THE PROPERTY

Tax Map Key (2) 4-9-002:001
Castle & Cooke Inc.

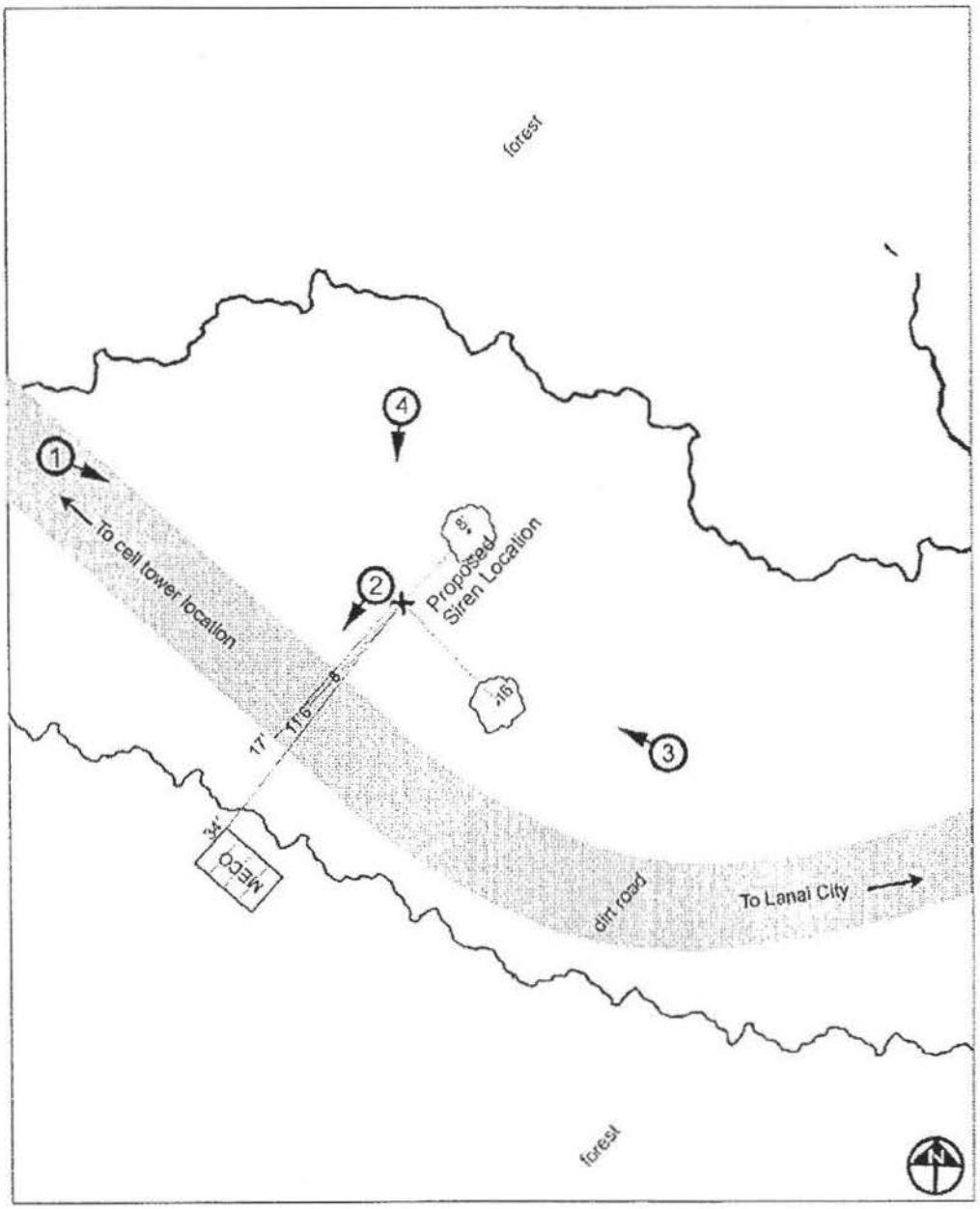


REF-346

EXHIBIT B
SKETCH OF THE SIREN AREA- KOELE PARK (203)

DATE: 11/15/2006
ISLAND: Lanai
SITE NUMBER: 203
SITE NAME: Koele Park

LEGEND
(#) Photo Direction



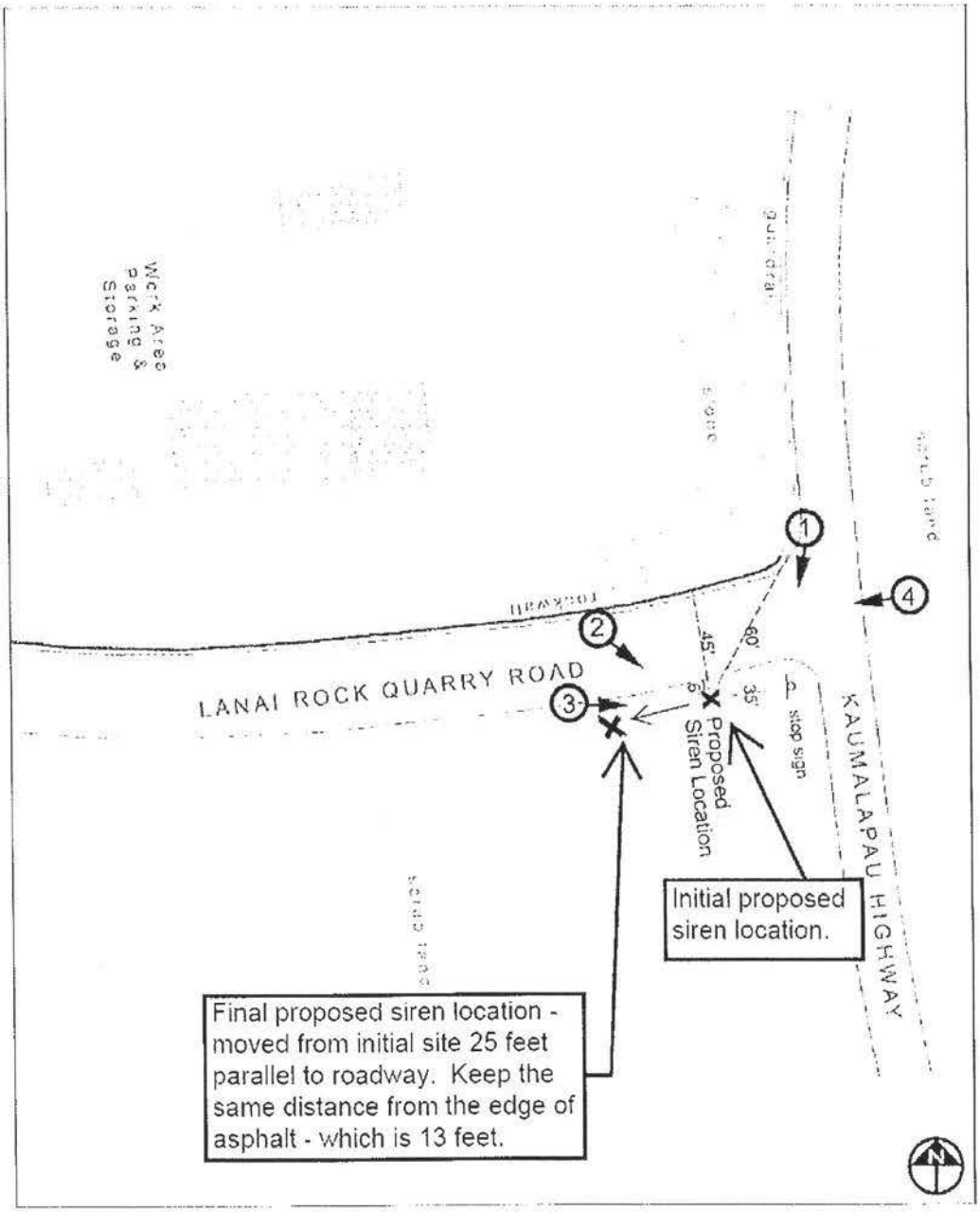
Sketch is not to scale.

REF-347

EXHIBIT C
SKETCH OF THE SIREN AREA – KAUMALAPAU HARBOR (204)

DATE: 11/15/2006
ISLAND: Lanai
SITE NUMBER: 204
SITE NAME: Kaumalapau Harbor

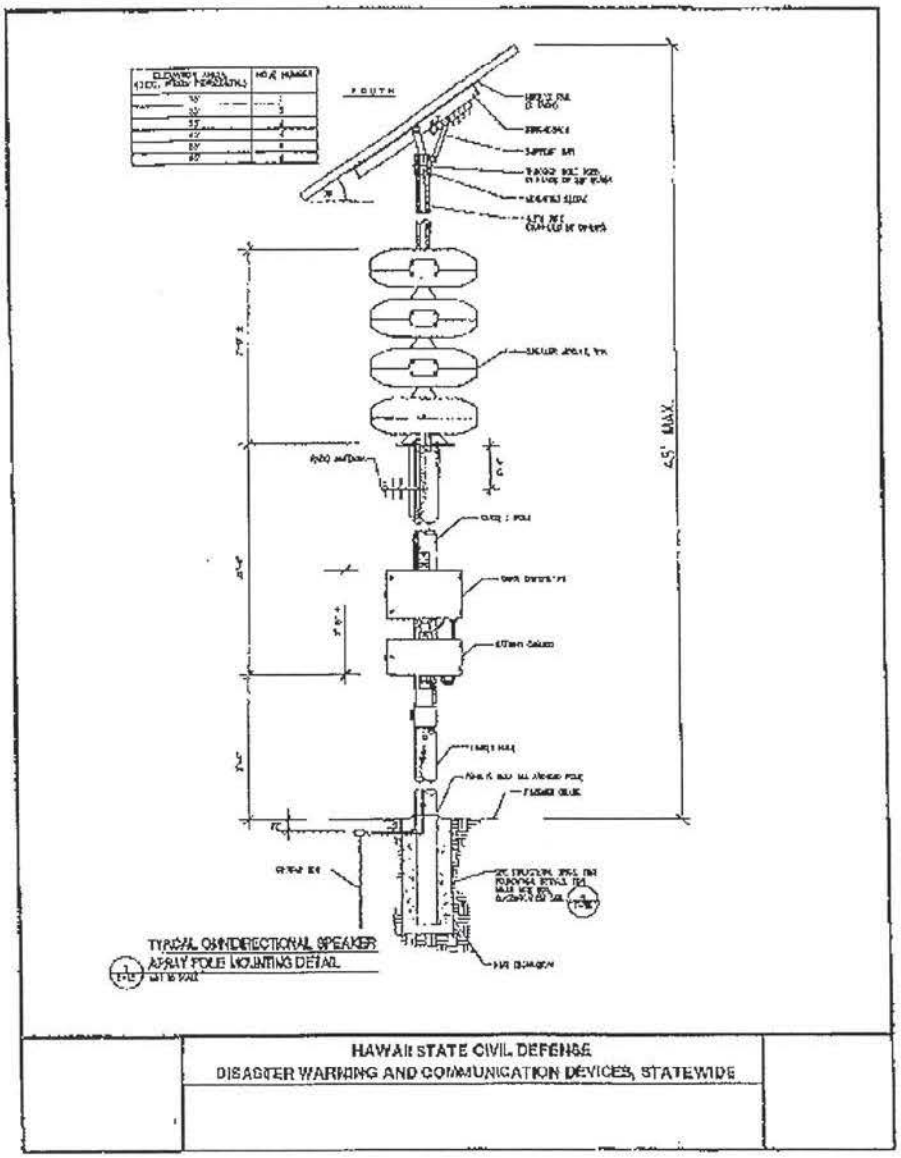
LEGEND
(#) Photo Direction
o Sign



Sketch is not to scale.

REF-348

EXHIBIT D
SKETCH OF NEW SIREN DETAIL



1/1

ATTACHMENT 2

REF-349

A90-662_13

Pūlama Lānaʻi

LAND USE COMMISSION
STATE OF HAWAII

2021 MAR -9 P 1:41

March 5, 2021

State of Hawaii Land Use Commission
Department of Business and Economic Development and Tourism
P.O. Box 2359
Honolulu, Hawaiʻi 96804-2359
Attention: Daniel E. Orodenker, Executive Officer
By Federal Express and e-mail

Re: 2019 Annual Report to the Land Use Commission
Docket No. A90-662 (Kōʻele Project Expansion)
Lānaʻi Resorts, LLC, dba Pūlama Lānaʻi – Successor to Castle & Cooke Resorts, LLC

To Chairperson and Members of the Land Use Commission:

As required by Condition No. 13 of the Finding of Fact, Conclusion of Law, and Decision and Order, dated August 28, 1991 ("D&O"), in the above described docket Lānaʻi Resorts, LLC (dba Pūlama Lānaʻi), hereby submits this annual report to the Land Use Commission ("Commission") "...in connection with the status of the Property and the Petitioner's progress in complying with the conditions imposed." Pūlama Lānaʻi submits this report as the successor entity to Castle & Cooke Resorts, LLC (collectively "Petitioner").

GENERAL PROGRESS OF THE PROJECT

The "Property," as defined in the D&O, includes certain land at Kōʻele, Lānaʻi, Hawaiʻi, Tax Map Key No. (2) 4-9-002, portion of 001, covering an aggregate area of approximately 78.793 acres. By and through the D&O, the Commission reclassified (a) approximately 63.526 acres of land from the Agricultural District to the Urban District, (b) approximately 4.382 acres of land from the Conservation District to the Urban District and (c) approximately 10.885 acres of land from the Agricultural District to the Conservation District. The Commission approved Petitioner's proposed expansion of the area of the Kōʻele Project District by approximately 67.9 acres in order to reconfigure the low density residential development planned adjacent to the Kōʻele Golf Course (which was reconfigured in order to accommodate the retention of the Cavendish Golf Course for Lānaʻi residents on a free-play basis).

HONOLULU OFFICE 733 Bishop Street, Suite 1500, Honolulu, Hawaii 96813 • TEL 808.237.2001 • FAX 808.566.6927
LĀNAʻI OFFICE 1311 Fraser Avenue, PO Box 630310, Lānaʻi City, Hawaii 96763 • TEL 808.565.3000 • FAX 808.565.3881

REF-350

The residential lots are located in the Lāna'i Project District 2 (Kō'ele), as approved by the County of Maui (Maui County Code Chapter 19.71). The project district is located to the north and east of Lāna'i City. As noted above, this Project District provides for single-family residential, multifamily residential, hotel, commercial, park, golf course, open space, and public uses; and presently includes The Lodge at Kō'ele, The Experience at Kō'ele Golf Course and clubhouse, the 9-hole Cavendish Golf Course, 27 Villa units, 6 Pine units, and 18 single-family lots (14 of which have completed residences).

In 2017, The Lodge at Kō'ele and the Experience at Kō'ele Golf Course were closed. The Lodge at Kō'ele underwent significant renovations and the Golf Course was closed and abandoned as a golf course.

In November of 2019, Sensei Lāna'i, A Four Seasons Resort opened after several years of renovation and the Lāna'i Adventure Park opened on a section of the former Experience at Kō'ele Golf Course.

PROGRESS IN COMPLYING WITH CONDITIONS IMPOSED

As described below, Petitioner is in compliance with all the conditions imposed by the Commission.

Number	Condition	Status
1	"Petitioner shall donate an adequate amount of land to the County of Maui for affordable residential projects to the satisfaction of the Department of Housing and Human Concerns of the County of Maui."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
2	"Petitioner shall implement a groundwater monitoring program and other measures to prevent groundwater contamination from the development on the Property, in consultation with, and to the satisfaction of, the State Department of Health (DOH)."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
3	"Petitioner shall have the project-generated wastewater collected and transported to the Lana`i City Wastewater Treatment Facility, and shall also participate in the funding of any expansion or improvements to this treatment facility required by the project-generated wastewater, to the satisfaction of the County of Maui, Department of Public Works, and the State Department of Health."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
4	"Petitioner shall fund the design and construction of all necessary water facility improvements, including source development, to provide adequate quantities of potable water to service the subject project."	In Compliance and **Complete** Refer to the 2018 Annual report[1]

[1] https://luc.hawaii.gov/wp-content/uploads/2019/06/A90-662-LUC-Koele-Annual-Report-for-2018-6-26-19.pdf

5	"Petitioner shall submit a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, to the County of Maui, Department of Public Works, for review and approval. This plan shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. The approval of the plan shall be deemed compliance of this condition."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
6	"Petitioner shall participate in the funding and construction of any transportation improvements necessitated by the proposed project, identified by and to the satisfaction of the County of Maui, Department of Public Works and State Department of Transportation."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
7	"Petitioner shall immediately stop work and contact the State Department of Natural Resources, Historic Preservation Division should any previously unidentified archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
8	See condition below	In Compliance, see update below.
9	See condition below	In Compliance, see update below.
10	"Petitioner shall fund and install the necessary number of emergency siren units within the Property as required for service to the Property to the satisfaction of the State Department of Defense."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
11	See condition below	In Compliance, see update below.
12	See condition below	In Compliance, see update below.
13	See condition below	In Compliance, see update below.
14	See condition below	In Compliance, see update below.
15	"Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to title 15, Chapter 15, Section 92, Hawaii Administrative Rules."	In Compliance and **Complete** Refer to the 2018 Annual report[1]
16	See condition below	In Compliance, see update below.

CONDITION 8

"Petitioner shall provide its' pro rata share for police, fire, park and solid waste disposal as may be required by the proposed project and to the satisfaction of the County of Maui."

Compliance: Petitioner has complied with this condition as follows:
Pro rata share for police: Petitioner agreed to convey to the County of Maui a site for the new police station containing one (1) acre of land. Petitioner subdivided land to create a new one-acre lot (Land Court Lot 1163), and subsequently conveyed Lot 1163 to the County of Maui by Deed filed on October 15, 2002 as Land Court Document No. 2850540. Petitioner also executed in favor of the County of Maui an Agreement to Dedicate Upon Demand affecting Lot 1163 (road widening strip along Ninth Street of the new Lāna'i police station site), filed on October 15, 2002, as Land Court Document Number 2850541.

Pro rata share for fire: Petitioner and the County of Maui entered into an Indenture of Lease, dated February 22, 1988, demising a 13,650 square foot parcel, identified for real property tax purposes as Tax Map Key (2) 4-9-014:012, on which the County constructed a fire station. The lease rent is $1.00 per year and lease term ends in the year 2021.

Pro rata share for park: In coordination with the County of Maui, Petitioner designated a five-acre Kō'ele park site to be owned and maintained by Petitioner for public use, as evidenced by the Amended and Restated Petition for Re-subdivision, file- dated March 6, 2001 (Land Court Document 141134), and letter, dated July 21, 2000, addressed to County of Maui Department of Public Works from Belt Collins Hawaii Ltd. This letter transmitted a corrected final map to show that the Kō'ele Park Site is to be owned and maintained by Petitioner as a park for public use.

Petitioner and Maui County had planned for Petitioner's dedication of a 4.7 acre park assessed in connection with Kō'ele and Mānele subdivisions. This would provide park credits for a total of 409 residential units in Kō'ele and Mānele. Petitioner also paid to Maui County the aggregate sum of $700,451.85 as a deposit/security (corresponding to 193 units of park credits), based upon the understanding that when the park was completed, the park fees paid would be returned to Petitioner, leaving a balance of 216 park unit credits to be applied to future development. Petitioner has developed 171 units of the 409 planned, and has received final subdivision approval for an additional 22 units.

Petitioner is in discussions with Maui County Parks Department regarding a potential restructuring of the foregoing plans involving County application of a portion of the park fees previously paid as payment in lieu of dedication of park land, and dedication of a park with less acreage. The park would satisfy the park dedication requirements for the remaining 216 units (of the 409 total planned) to be subdivided in the future.

Petitioner donated a 1.024-acre parcel of land for a park located on Fraser Avenue to the County of Maui by Deed filed on September 7, 2000 as Land Court Document No. 2649278.

Petitioner donated approximately 2.8 acres of land to the County of Maui for a park located on Kaumalapau Highway and Fraser Avenue by Warranty Deed filed on August 19, 2003 as Land Court Document No. 2978954.

Pro rata share for solid waste disposal: By and through a License Agreement dated December 31, 1968, Castle & Cooke, Inc. granted the County of Maui a non-exclusive license to use 10 acres of land "for purposes of a Sanitary Landfill Refuse Disposal operation." For purposes of expanding the landfill site to 35 acres, the State Land Use Commission approved a Special Use Permit on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The current area of the landfill site, as re-subdivided and used by the County (to date without the payment of license fees), is 35.677 acres; being Lot 2 as shown on Map 1 of Land Court consolidation 189 of Castle & Cooke, Inc. Petitioner has also worked with the County of Maui to identify a new landfill site and the County's adopted Lāna'i Community Plan designates the Kaumalapau Quarry as a future County landfill site. This new landfill site is in addition to the expansion of the existing Lāna'i Sanitary Landfill approved by the Commission on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The County of Maui received approval from the Commission for a fifteen (15) year extension of the current landfill location on November 15, 2015 (LUC Docket No. SP94-386/County of Maui-Lāna'i Sanitary Landfill). Petitioner is working with the County of Maui to determine whether there are acceptable alternatives to another landfill on Lāna'i.

CONDITION 9

"Petitioner shall provide its' pro rata share for school facilities as may be required by the proposed project and to the satisfaction of the State Department of Education."

Compliance: Petitioner has complied with this condition. In the context of Petitioner's Kō'ele Project District Phase 2 Application (which encompasses the Property as part of a larger 153.555-acre Phase II project) to the County of Maui, the State Department of Education ("DOE") stated that the entire Phase II project will have an enrollment impact of 13 students in grades K through 12, as evidenced by letter, dated October 15, 1992, from Charles T. Toguchi, DOE Superintendent, to Brian Miskae, Maui County Planning Director. In that letter, the DOE concluded:

> *"Lana`i High and Elementary School should be able to accommodate the students generated from this development. Since the enrollment impact is less than 15 students, the Department of Education will not request that the County require the developer to make a pro rata share contribution for the construction of school facilities."*

Notwithstanding this conclusion by the DOE, Petitioner has made substantial contributions to Lāna'i public schools and the DOE. Since 1996, Castle & Cooke as Petitioner contributed- either directly or through the Lāna'i Community Benefit fund-over $209,000 to Lāna'i High School; over $120,000 to Lāna'i Elementary School (Reading Recovery Program) and $100,000 to the Maui Chamber of Commerce Tech Ready program. Prior to 1996 contributions were made by Dole Food Company, Inc.. Moreover, Petitioner has donated $250,000 to E Mālama I Na Keiki O Lana'i (Lāna'i Preschool).

Pūlama Lāna'i has continued these contributions for the Lāna'i High and Elementary School (LHES) with $400,000 in 2013, $550,000 in 2014, $300,000 in 2015, $234,000 in 2016, $246,000 in 2017 and $210,000 for various other supporting programs.

In 2018, Pūlama Lānaʻi contributed $246,000 to UH Maui and funded private college counseling. In 2019, Pūlama Lānaʻi supported LHES with various contributions totaling $275,000 and continued to provide private college counseling.

In 2020, Pūlama Lānaʻi supported LHES and UH Foundation with various contributions totaling $355,000 and continued to provide private college counseling.

CONDITION 11

"Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property. Failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification."

Compliance: Petitioner will develop the property in substantial compliance with the representations made to the Commission. Land use approvals for the development of the Property have been obtained from the County of Maui. Petitioner is further required to apply for project district development approvals for the proposed development. The Maui County Planning Commission approved Phase II of the Project District Development on December 29, 1992. The County of Maui granted approval for Kōʻele Project District Phase III, Supplemental Application for Phase 1 and 2 Villas at Kōʻele, 39 Multi-Family Units; 19 Single Family Units (package A); Reservoir (package B); and other related improvements, TMK: (2) 4-9-001 :021, 024, 025, 027, 030, (2) 4-9-001 (por 1); (2)4-9-019:001,002, Kōʻele, Lānaʻi (95/PH3-001). Petitioner received final subdivision approvals for Phase I on October 11, 1994.

In early 2020, Pūlama Lānaʻi received a Phase III Project District Approval for a twenty (20) Multi-Family Unit Project (Malanai Estates) located on TMK (2) 4-9-021:001, 003, 005, 006, and 011. Construction commenced on the project, however progress was delayed due to COVID-19 travel restrictions.

CONDITION 12

"Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property prior to development of the Property."

Compliance: Petitioner has complied with this condition. No alteration of ownership or development interest in the Property occurred "prior to development of the Property." As noted above, Petitioner has subsequently undertaken reorganizations in which Lānaʻi Company, Inc. became the successor entity to Lānaʻi Resort Partners, Castle & Cooke Resorts, LLC became the successor entity to Lānaʻi Company, Inc., and Pūlama Lānaʻi, most recently, became the successor to Castle & Cooke Resorts, LLC. Petitioner has given the Commission appropriate notice of such changes.

CONDITION 13

"Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the Maui County Planning Department in connection with the status of the development of the Property and Petitioner's progress in complying with the conditions imposed."

Compliance: Petitioner has complied with this condition. Petitioner has submitted annual reports for each calendar year since the Commission's approval of the project, and this letter constitutes Petitioner's 2020 annual report.

CONDITION 14

The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner."

Status: To date, none of the conditions have been fully or partially released, although Land Use Petitioner does intend to request such a release in the future.

CONDITION 16

"The Cavendish golf course shall remain as a 'free play' golf course to the residents of Lanaʻi."

Compliance: Petitioner has complied with this condition. The Cavendish Golf Course is operating and will continue to operate as free play course to residents of Lānaʻi.

Petitioner's obligation to maintain "free play" on the Cavendish Golf Course is documented in the Unilateral Agreement and Declaration for Conditional Zoning, dated February 28, 1992, by Lanaʻi Resort Partners.

Should you have any questions or desire any additional information concerning the foregoing, please contact the undersigned at (808) 237-2205.

Very truly yours,

Kurt Matsumoto

Kurt Matsumoto
Chief Operating Officer

cc: Ms. Mary Alice Evans, Director, Office of Planning, State of Hawaiʻi,
cc: Ms. Michele Chouteau McLean, Director, County of Maui Planning Department

A90-662_15

91-147908

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

'91 OCT 28 PM 1 39

S. FURUKAWA, REGISTRAR

LAND COURT SYSTEM | REGULAR SYSTEM

Return by Mail ( ) Pickup ( ) To:

DOLE FOOD COMPANY, INC.
P.O. Box 2990
Honolulu, Hawaii 96802

CERTIFICATE AND AUTHORIZATION

DOLE FOOD COMPANY, INC., formerly known as Castle & Cooke, Inc., a Hawaii corporation, the business address of which is 650 Iwilei Road, Honolulu, Hawaii 96817, is the holder of the fee simple interest and title in and to the land described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter referred to as "Property"); and

LANAI RESORT PARTNERS, a California general partnership registered to do business in the State of Hawaii, whose partners are M K Development, Inc., a Hawaii corporation, and Lanai Company, Inc., a Hawaii corporation, the business address of which is 650 Iwilei Road, Honolulu, Hawaii 96817, having been authorized by DOLE FOOD COMPANY, INC., as

hereinbelow set forth, to submit, as Petitioner, the Property as the subject of, and as described in, the petition in Docket No. A90-662 of the Land Use Commission of the State of Hawaii, does hereby certify pursuant to the Land Use Commission Rules, Section 15-15-92, as follows:

THAT by Decision and Order dated and entered on August 28, 1991, in said Docket No. A90-662, the Land Use Commission reclassified approximately 63.526 acres of the Property from the Agricultural District to the Urban District; approximately 4.382 acres of the Property from the Conservation District to the Urban District; and approximately 10.885 acres of the Property from the Agricultural District to the Conservation District subject to the following conditions of the Land Use Commission as set forth at pages 33 to 36, inclusive, of said Decision and Order, to which reference is hereby made:

1. Petitioner shall donate an adequate amount of land to the State of Hawaii for affordable residential projects to the satisfaction of the State Housing Finance and Development Corporation (HFDC).

2. Petitioner shall implement a groundwater monitoring program and other measures to prevent groundwater contamination from the development on the Property, in consultation with, and to the satisfaction of, the State Department of Health (DOH).

3. Petitioner shall have the project-generated wastewater collected and transported to the Lanai City

REF-358

Wastewater Treatment Facility, and shall also participate in the funding of any expansion or improvements to this treatment facility required by the project-generated wastewater, to the satisfaction of the County of Maui, Department of Public Works, and the State Department of Health.

4. Petitioner shall fund the design and construction of all necessary water facility improvements, including source development, to provide adequate quantities of potable water to service the subject project.

5. Petitioner shall submit a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, to the County of Maui, Department of Public Works, for review and approval. This plan shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. The approval of the plan shall be deemed in compliance of this condition.

6. Petitioner shall participate in the funding and construction of any transportation improvements necessitated by the proposed project, identified by and to the satisfaction of the County of Maui, Department of Public Works and State Department of Transportation.

7. Petitioner shall immediately stop work and contact the State Department of Natural Resources, Historic Preservation Division should any previously unidentified

archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development.

8. Petitioner shall provide its pro rata share for police, fire, park and solid waste disposal as may be required by the proposed project and to the satisfaction of the County of Maui.

9. Petitioner shall provide its pro rata share for school facilities as may be required by the proposed project and to the satisfaction of the State Department of Education.

10. Petitioner shall fund and install the necessary number of emergency siren units within the Property as required for service to the Property to the satisfaction of the State Department of Defense.

11. Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property. Failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification.

12. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property prior to development of the Property.

13. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the Maui

REF-360

County Planning Department in connection with the status of the development of the Property and Petitioner's progress in complying with the conditions imposed.

14. The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

15. Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.

16. The Cavendish golf course shall remain as a "free play" golf course to the residents of Lanai.

AND DOLE FOOD COMPANY, INC., having duly authorized LANAI RESORT PARTNERS to submit the Property as the subject of the petition in said Docket No. A90-662 insofar as its interest in the Property is concerned, does hereby authorize the foregoing Certification and the recording thereof in the Bureau of Conveyances and/or the Land Court of the State of Hawaii.

IN WITNESS WHEREOF, the undersigned have hereto caused this instrument to by duly executed on October 25, 1991.

LANAI RESORT PARTNERS
a California general partnership

By Its General Partner:

Lanai Company, Inc.
a Hawaii corporation

By _____
Its Senior Vice President G. Yim

By _____
Its Secretary Kevin R. Shanley

REF-361

DOLE FOOD COMPANY, INC.
a Hawaii corporation

By _____
Its Vice President Thomas C. Leppert

By _____
Its Assistant Corporate Secretary Kevin R. Shaney

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

On this 25th day of October, 1991, before me appeared G. YIM and KEVIN R. SHANEY, to me personally known, who, being by me duly sworn, did say that they are the Sr. Vice President and Secretary, respectively, of **LANAI COMPANY, INC.**, a Hawaii corporation, general partner of **LANAI RESORT PARTNERS**, a California general partnership; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officers acknowledged said instrument to be the free act and deed of said corporation as such general partner.

Cynthia Kadekawa
Notary Public, State of Hawaii

My commission expires: 3/22/94

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

On this 25th day of October, 1991, before me appeared THOMAS C. LEPPERT and KEVIN R. SHANEY, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Assistant Corporate Secretary, respectively, of **DOLE FOOD COMPANY, INC.**, a Hawaii corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officers acknowledged said instrument to be the free act and deed of said corporation.

Cynthia Kadekawa
Notary Public, State of Hawaii

My commission expires: 3/22/94

REF-363

DESCRIPTION OF PROPOSED RECLASSIFICATION
FROM AGRICULTURAL TO URBAN

PARCEL 3

Being a portion of Lot 9 (Map 1) of Land Court Consolidation 170

Situated at Lanai City, Island of Lanai, Hawaii

Beginning at the northeasterly corner of this parcel of land, being also a corner along the easterly boundaries of Lot 2 of Land Court Consolidation 170, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 4124.97 feet South and 3216.41 feet East, thence running by azimuths measured clockwise from True South:

1.	257°	10'	330.00 feet	along Lot 2 of Ld. Ct. App. 170;
2.	330°	00'	155.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
3.	314°	55'	430.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
4.	332°	55'	1600.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
5.	346°	55'	122.98 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
6.	353°	06'	1031.77 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
7.	333°	08'	90.31 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
8.	323°	12'	100.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
9.	307°	00'	850.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
10.	347°	50'	350.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
11.	311°	45'	240.34 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
12.	48°	49'	823.54 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
13.	147°	00'	1334.75 feet	along Lot 2 of Ld. Ct. Cons. 170;

14.	162°	00′	1200.00 feet along Lot 2 of Ld. Ct. Cons. 170;
15.	170°	40′	1480.00 feet along Lot 2 of Ld. Ct. Cons. 170;
16.	136°	30′	565.00 feet along Lot 2 of Ld. Ct. Cons. 170;
17.	152°	30′	585.00 feet along Lot 2 of Ld. Ct. Cons. 170 to the point of beginning and containing an area of 63.526 Acres.

TMK: 4-9-02: Portion 1
November 15, 1990

LAURANCE M. MASUDA
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4722
HAWAII, U.S.A.

M & E Pacific, Inc.

Laurance M. Masuda
Registered Land Surveyor
Certificate No. 4722

REF-365

DESCRIPTION OF PROPOSED RECLASSIFICATION
FROM AGRICULTURAL TO CONSERVATION

PARCEL 4

Being a portion of Lot 9 (Map 1) of Land Court Consolidation 170

Situated at Lanai City, Island of Lanai, Hawaii

Beginning at the northerly corner of this parcel of land, being also a corner along the easterly boundaries of Lot 2 of Land Court Consolidation 170, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 3995.03 feet South and 3786.80 feet East, thence running by azimuths measured clockwise from True South:

1.	294°	09'	310.00 feet	along Lot 2 of Ld. Ct. Cons. 170;
2.	338°	06'	1440.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons.. 170;
3.	353°	06'	580.11 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
4.	166°	55'	122.98 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
5.	152°	55'	1600.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
6.	134°	55'	430.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
7.	150°	00'	155.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
8.	257°	10'	255.00 feet	along Lot 2 of Ld. Ct. Cons. 170 to the point of beginning and containing an area of 10.885 Acres.

TMK: 4-9-02: Portion 1
November 15, 1990

LAURANCE M. MASUDA
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4722
HAWAII, U.S.A.

M & E Pacific, Inc.

Laurance M. Masuda
Registered Land Surveyor
Certificate No. 4722

EXHIBIT "A"
(Page 3 of 5)

REF-366

DESCRIPTION OF PROPOSED RECLASSIFICATION
FROM CONSERVATION TO URBAN

PARCEL 5

Being a portion of Lot 9 (Map 1) of Land Court Consolidation 170

Situated at Lanai City, Island of Lanai, Hawaii

Beginning at the northerly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 6033.85 feet South and 4676.46 feet East, thence running by azimuths measured clockwise from True South:

1.	346°	55'	782.02 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
2.	326°	20'	487.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
3.	313°	25'	530.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
4.	336°	35'	180.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
5.	127°	00'	850.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
6.	143°	12'	100.00 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
7.	153°	08'	90.31 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170;
8.	173°	06'	1031.77 feet	along the remainder of Lot 9 of Ld. Ct. Cons. 170 to the point of beginning and containing an area of 4.382 Acres.

TMK: 4-9-02: Portion 1
November 15, 1990

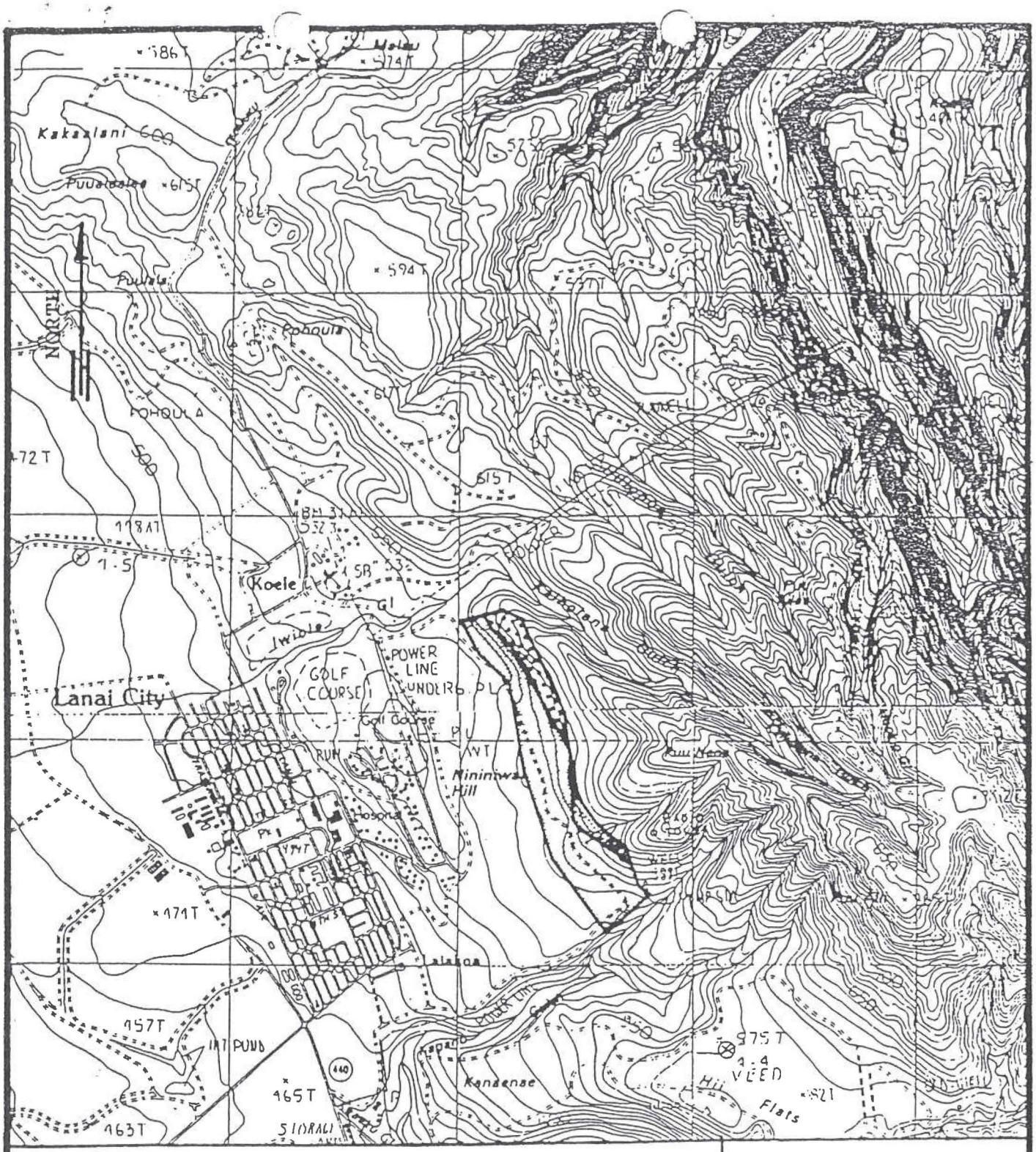
LAURANCE M. MASUDA
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4722
HAWAII, U.S.A.

M & E Pacific, Inc.

Registered Land Surveyor
Certificate No. 4722

EXHIBIT "A"
(Page 4 of 5)

REF-367



DOCKET NO. A90-662 LANAI RESORT PARTNERS

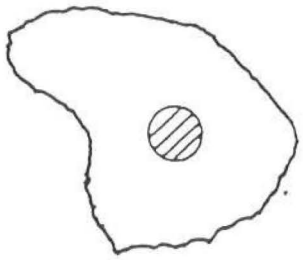
L O C A T I O N M A P

T.M.K. : 4-9-02: por. 01
KOELE, LANAI CITY, LANAI, MAUI
SCALE : 1" = 2,083 ft. ±

AGRICULTURAL TO URBAN-APPROVED AREA

AGRICULTURAL TO CONSERVATION-APPROVED AREA

CONSERVATION TO URBAN-APPROVED AREA



L A N A I

REF-368

EXHIBIT "A"

A90-662_16

R-728

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

APR 08, 1992 / 11:25 AM

Doc No(s) 92-052311

/s/ S. FURUKAWA
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: $0.00

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup ( ) To:
Office of the County Clerk
County of Maui
200 So. High Street
Wailuku, Hawaii 96793

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, made this 28th day of February, 1992, by LANAI RESORT PARTNERS, a California general partnership, whose business and mailing address is 650 Iwilei Street, Honolulu, Hawaii 96803, hereinafter referred to as "Declarant", and who is the developer of that certain parcel located at Koele, Lanai, Hawaii, comprised of approximately 153.555 acres, and identified for real property tax purposes by Tax Map Key Nos. 4-9-01:02 and 4-9-02:01 (portion), hereinafter referred to as the "Parcel".

W I T N E S S E T H:

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", is considering

Koele

REF-369

the establishment of PD-L/2 (Koele) Project District zoning for the Parcel, comprised of approximately 153.555 acres and which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in Land Zoning Map No. 2608, which is on file in the Office of the County Clerk of the County of Maui; and

WHEREAS, the Council recommends through its Planning and Economic Development Committee, Committee Report No. 92-81, that said establishment of zoning be approved for passage on first reading subject to certain conditions pursuant to Section 19.510.050, Maui County Code; and

WHEREAS, Declarant has agreed to execute this instrument pursuant to the conditional zoning provisions of Section 19.510.050, Maui County Code.

NOW, THEREFORE, the Declarant hereby makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.510.050, Maui County Code, relating to conditional zoning.

2. That the Parcel, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions contained herein and that all of such covenants, conditions and restrictions shall be effective as to and shall run with the land as to the Parcel from and after the

REF-370

recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, as the case may be, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign, as the case may be, of any of them, that the acquisition of any right, title or interest in or with respect to the Parcel by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities, and that upon any transfer of any right, title or interest in or with respect to the Parcel the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform, all of the covenants, conditions and restrictions of this Declaration;

3. This Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the same is released as to the Parcel or any part thereof by the County;

4. The term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine

REF-371

or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of PD-L/2 (Koele) Project District Zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii, as the case may be;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said

REF-372

land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

DECLARANT:

LANAI RESORT PARTNERS

By LANAI COMPANY, INC.
Its General Partner

By Ralph Masuda
RALPH MASUDA
Its Vice President

APPROVED AS TO FORM:

B. Martin Luna
B. MARTIN LUNA
Attorney for Declarant

APPROVED AS TO FORM
AND LEGALITY:

Gary W. Zakian
GARY W. ZAKIAN
Deputy Corporation Counsel
County of Maui

REF-373

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 28th day of February, 1992, before me appeared RALPH MASUDA, to me personally known, who, being by me duly sworn, did say that he is the Vice President of LANAI COMPANY, INC., a Hawaii corporation, the general partner of LANAI RESORT PARTNERS, a California general partnership, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation, as general partner of said partnership.

Mary E. Ashan
Notary Public, State of Hawaii

My commission expires: 4-24-95

037/4389M

REF-374

DESCRIPTION

Parcel A

Being a portion of Lot 9 as shown on Map 1
of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 2,695.51 feet South and 4,644.04 feet East, thence running by azimuths measured clockwise from True South:

1. Along Lot 2 as shown on Map 1 of Land Court Consolidation 170, on a curve to the left with a radius of 320.00 feet, the chord azimuth and distance being: 122° 11' 22" 219.83 feet;

2. 102° 06' 732.28 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;

3. 67° 00' 1,049.60 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;

4. 123° 30' 930.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;

5. 167° 14' 55" 1,698.62 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

6. 227° 55' 235.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolication 170;

7. 261° 10' 165.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolication 170;

8. 300° 30' 720.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

EXHIBIT "1"

REF-375

9.	273°	10'		200.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
10.	256°	40'		340.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
11.	293°	50'		210.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
12.	328°	00'		1,065.08 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
13.	316°	50'		471.99 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
14.	322°	16'	44"	736.97 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolication 170 to the point of beginning and containing an Area of 85.647 Acres.

680 Ala Moana Boulevard
Suite 200
Honolulu, Hawaii 96813

December 27, 1989

ROBERT W. CUNNINGHAM
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4188
HAWAII, U.S.A.

BELT COLLINS & ASSOCIATES

Robert W. Cunningham

Registered Professional Surveyor
Certificate Number 4188

REF-376

DESCRIPTION

Parcel B

Being a portion of Lot 9 as shown on Map 1

of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 4,124.97 feet South and 3,216.41 feet East, thence running by azimuths measured clockwise from True South:

1.	257°	10'	330.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
2.	330°	00'	155.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
3.	314°	55'	430.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
4.	332°	55'	1,600.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
5.	346°	55'	905.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
6.	326°	20'	487.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
7.	313°	25'	530.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
8.	336°	35'	180.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
9.	347°	50'	350.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

REF-377

10.	311°	45'	240.34 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
11.	48°	49'	823.54 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
12.	147°	00'	1,334.75 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
13.	162°	00'	1,200.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
14.	170°	40'	1,480.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
15.	136°	30'	565.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
16.	152°	30'	585.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170 to the point of beginning and containing an Area of 67.908 Acres.

680 Ala Moana Boulevard
First Floor
Honolulu, Hawaii 96813

January 10, 1992

ROBERT W. CUNNINGHAM
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 4188
HAWAII, U.S.A.

BELT COLLINS & ASSOCIATES

Robert W. Cunningham
Registered Professional Surveyor
Certificate Number 4188

EXHIBIT "2" (KOELE)

Conditions

Pursuant to Section 19.510.050 of the Maui County Code, the zoning established for the parcels of land shall be subject to the following conditions:

*1. The Declarant will establish a loan fund of $1,000,000.00 to be administered and managed by the Bank of Hawaii, in consultation with Lanai Resort Partners for the purpose of assisting current Lanai City merchants with improvements of their commercial facilities. Loans will be made available to the merchants from the date of the Unilateral Agreement and for a minimum of 10 years thereafter, at an annual rate of 2% per annum below the Bank of Hawaii's prevailing commercial loan rate for similar type loans. Also, the loan qualifications and pay back methods shall not exceed those required by the Bank of Hawaii for their commercial loans. Written notice that the loan fund of $1,000,000.00 is available for disbursement to qualified Lanai City merchants shall be given by Bank of Hawaii to said merchants, the Mayor of the County of Maui and the Chairperson of the County Council and the Chairperson of the Planning and Economic Development Committee. Written notice of the expiration of the loan fund shall be given to the above-named persons one (1) year prior to such expiration.

*2. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, 115 acres of land adjacent to the Lower Waialua Single Family site to the County as shown in Exhibit "A" (shaded area) attached hereto and by reference made a part hereof, for an affordable housing project. The project shall be similar in design quality and density to the recent affordable housing developments on Lanai.

*3. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, a minimum of one acre of land on Lanai to the County for use as a veteran's cemetery.

*4. The Declarant shall consummate a land exchange with the County for a new police station upon terms and conditions acceptable to Declarant and the County.

5. The Declarant shall preserve in perpetuity the tradition of permitting free play on the Cavendish golf course

REF-379

for Lanai residents and shall continue maintaining said golf course. The Declarant shall make the Koele golf course available for play to Lanai residents at a kamaaina rate of 50% of the standard rate, and for Hawaii residents at 60% of the standard rate.

6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.

7. Declarant shall provide monetary support to E Malama I Na Keiki O Lanai (Lanai Preschool) to subsidize the cost of its operations for a period of 15 years up to $250,000.00. Approximately $47,143.58 has been contributed to the Lanai Preschool as of December 31, 1991. The balance of the funds shall be prorated as equally as possible over the balance of the 15 year period from 1992 to 2006, inclusive. In addition, $25,000.00 shall be distributed over the transition period from 1992 to 1997, inclusive, at $5,000.00 per year.

8. The Declarant shall comply with the environmental health concerns addressed in Exhibit "B" attached hereto and incorporated herein by reference, entitled "Twelve (12) Conditions Applicable to All New Golf Course Development", dated January 1992 (Version 4), issued by the State Department of Health. Copies of all reports that are sent to the Department of Health by Declarant shall also be sent to the County Council, the directors of the Department of Planning and the Department of Public Works.

9. Declarant shall a) build a by-pass road, similar in concept to the road as shown in the Lanai Community Plan, Exhibit E, adopted April 5, 1983, in conformance with the standards of the County, as approved by the Director of Public Works, and b) dedicate, in fee simple absolute, free and clear of all mortgage and lien encumbrances, the constructed by-pass road to the County, at no cost to the County, within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Koele Project District is reached; provided, however, that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two years of reaching 50% occupancy) in and around Lanai City is not determined to be operationally substandard under the level of rating criteria of the American Association of State Highway and Transportation Officials.

REF-380

10. Declarant shall defer construction of any single family and multifamily dwellings in that parcel of land located at Koele, Lanai, Hawaii, containing approximately 67.908 acres and identified as Parcel B in Exhibit 1 of this Unilateral Agreement and Declaration for Conditional Zoning, until such time as a social impact study is completed and submitted to the County Council for review.

*Asterisked conditions are contained in the Unilateral Agreement for the Manele rezoning application as well. Fulfillment of these conditions shall satisfy the requirements in both the Manele rezoning application and this Koele rezoning application.

4389/2M

REF-381

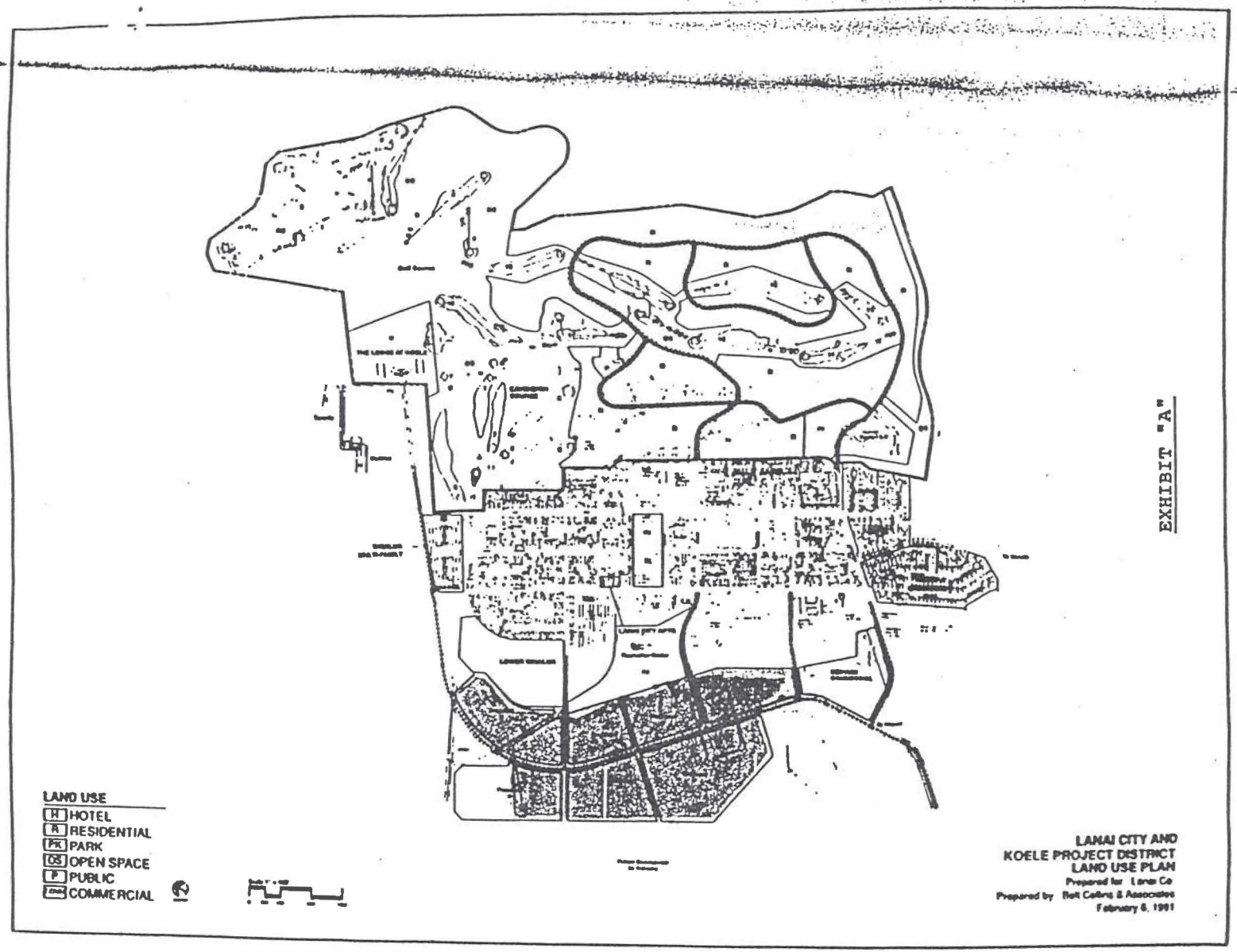


EXHIBIT "A"

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received

REF-382

RECORDER'S MEMO: Legibility of Writing/Typing or Printing UNSATISFACTORY in this document when received.

STATE OF HAWAII
DEPARTMENT OF HEALTH

January, 1992 (Version 4)

TWELVE (12) CONDITIONS APPLICABLE TO ALL NEW GOLF COURSE DEVELOPMENT

The following conditions are recommended for all new golf course development in Hawaii to assure that environmental quality is preserved and enhanced as it relates to human health and the protection of sensitive ecosystems. Additional conditions may be imposed based on site-specific considerations.

1. Baseline groundwater/vadose zone and/or, if appropriate, coastal water quality shall be established. Once the sampling plan has been determined and approved by the State Department of Health, the owner/developer shall establish the baseline groundwater/vadose zone water quality, and, if appropriate, nearshore water quality, and report the findings to the State Department of Health. Analyses shall be done by a laboratory approved by the Department of Health.

2. The owner/developer and all subsequent owners shall establish a groundwater monitoring plan and system which shall be presented to the State Department of Health for its approval. The groundwater monitoring plan and system shall minimally describe the following components:

   a. A monitoring system tailored to fit site conditions and circumstances. The system shall include, and not be limited to, the use of monitoring wells, lysimeters, and vadose zone monitoring technologies. If monitoring wells are used, the monitoring wells shall generally extend 10 to 15 feet below the water table.

   b. A routine groundwater monitoring schedule of at least once every six (6) months, or more frequently, if required by the State Department of Health in the event that the monitoring data indicates a need for more frequent monitoring.

   c. A list of compounds which shall be tested for as agreed to by the State Department of Health. This list shall include, but not be limited to the following: total dissolved solids; chlorides; PH; nitrogen; phosphorus; and other compounds associated with fertilizers, biocides, or effluent irrigation.

EXHIBIT "B"

3. If the data from the monitoring system indicate increased levels of a contaminate that poses, or may pose, a threat to public health and the environment, the State Department of Health shall require the owner to take immediate action to stop the source of contamination. Subsequently, the owner shall mitigate any adverse effects caused by the contamination.

4. Owner/developer shall provide sewage disposal for the clubhouse and other facilities by connecting to the public sewer system or by means of a treatment individual wastewater system approved by the Department of Health in conformance with Administrative Rules, Title 11, Chapter 62, Wastewater Treatment Systems. The use of wastewater for irrigation will be generally encouraged, with appropriate controls (see Condition 5).

5. If a wastewater treatment works with effluent reuse becomes the choice of wastewater disposal, then the owner/developer, and all subsequent owners, shall develop and adhere to a Wastewater Reuse Plan which shall incorporate the provisions of the Department of Health's Guidelines for the Use of Reclaimed Water which includes:

   a. An Irrigation Plan encompassing buffer distances, pipe and appurtenance placement, and labeling.

   b. An Engineering Report encompassing treatment options and treatment levels.

   c. Hydro-geologic and hydrologic surveys to determine application rates, sizing and storage needs.

   d. A monitoring plan.

   e. A management plan.

   f. Public and employee education plans.

6. Underground storage tanks (USTs) used to store petroleum products for fueling golf carts, maintenance vehicles, and emergency power generators that pose potential risk to groundwater shall be discouraged. Use of electric golf carts and above-ground storage tanks for emergency power generators shall be encouraged.

   Should the owner/developer/operator plan to install USTs that contain or other regulated substances, the owner/developer/operator must comply with the federal UST technical and financial responsibility requirements setforth in Title 40 of the Code of Federal Regulations Part 280. These federal rules require, among other things, owners and operators of USTs to meet specific requirements in release detection and response, and subsequent corrective action. Also, the owner/developer/operator must comply with all State UST rules and regulations pursuant to the Hawaii Revised Statutes, Chapter 342-L, Underground Storage Tanks.

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this document when rec.

7. Buildings designed to house the fertilizer and biocides shall be bermed to a height sufficient to contain a catastrophic leak of all fluid containers. It is also recommended that the floor of this room be made waterproof so that all leaks can be contained within the structure for cleanup.

8. A golf course maintenance plan and program will be established based on "Best Management Practices (BMP)" in regards to utilization of fertilizers and biocides as well as the irrigation schedule. BMP's will be reviewed by the State Department of Health prior to implementation.

9. Every effort shall be made to minimize the amount of noise from golf course maintenance activities. Essential maintenance activities (e.g., mowing of greens and fairways) shall be conducted at times that do not disturb nearby residents.

10. Solid waste shall be managed in a manner that does not create a nuisance. Whenever possible, composting of green wastes for subsequent use as a soil conditioner or mulching material is encouraged. The composting and reuse should be confined to the golf course property to eliminate the necessity for offsite transport of the raw or processed material.
In addition, during construction, the developer should utilize locally-produced compost and soil amendments whenever available.

11. Fugitive dust shall be controlled during construction in accordance with Hawaii Administrative Rules, Title 11, Chapter 60, Air Pollution Control. Pesticides and other agricultural chemicals should be applied in a manner that precludes the offsite drift of spray material. The State Department of Agriculture should be consulted in this regard.

12. To avoid soil runoff during construction, the developer should consult with the U.S. Department of Agriculture, Soil Conservation Service to assure that best management practices are utilized. If the total project area is five (5) acres or more and the development activities include clearing, grading, and excavation, a National Pollutant Discharge Elimination System (NPDES) stormwater permit application shall be submitted to the Department of Health in accordance with the Federal Clean Water Act requirements.

If there are any questions regarding the twelve (12) conditions mentioned here, please contact the Environmental Planning Office at 586-4337. We appreciate your cooperation in preserving and protecting environmental quality in Hawaii.

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this document when received.

MICHAEL P. VICTORINO
Mayor

JEFFREY T. PEARSON, P.E.
Director

HELENE KAU
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAI'I 96793

September 2, 2021

Mr. Kurt F. Wollenhaupt
DEPARTMENT OF PLANNING
via email: kurt.wollenhaupt@mauicounty.gov

Dear Mr. Almeida:

SUBJECT: KOELE PROJECT DISTRICT AMENDMENT AND DRAFT EA
CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002
TMK: (2) 4-9-001:021, 024, 025 (por.), 027, 030
(2) 4-9-002:001 (por.), 061
(2) 4-9-018:001, 002 (por.), 003 (por.), 004, 005
(2) 4-9-020:020 & (2) 4-9-021:009

Thank you for the opportunity to review and comment on the subject project involving the update to the Koele Project District boundaries and districts and reflect current land uses.

Lanai island does not obtain water service from the County of Maui, but from private water system purveyor(s). Therefore, any building or plumbing permits will not be reviewed by the Department of Water Supply. However, if a subdivision application is received, we will review the project to ensure it complies with Maui County Code, Chapter 14.12 "Water Availability" code concerning a long-term, reliable supply of water for the subdivision.

If you have any questions, please contact Tammy Yeh of our Engineering Division at (808) 270-7682 or at tammy.yeh@co.maui.hi.us. Engineering Division's main number is (808) 270-7835.

Sincerely,

WENDY TAOMOTO, P.E.
Engineering Program Manager

TY

cc: DWS – Water Resources & Planning (Water.Resources@mauicounty.gov)

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Wendy Taomoto, P.E.,
Engineering Program Manager
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawai‘i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Ms. Taomoto:

Thank you for your letter dated September 2, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1] We note that a subsequent letter from the Department of Water Supply dated October 19, 2021 was also received, and that a separate letter in response to the comments provided in that letter will also be prepared.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawai‘i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai‘i Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
Kevin Mendez, R.M. Towill Corporation (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DWS_Eng Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Department of Water Supply
(September 2, 2021 Letter)

Comment 1:

Lanai island does not obtain water service from the County of Maui, but from private water system purveyor(s). Therefore, any building or plumbing permits will not be reviewed by the Department of Water Supply. However, if a subdivision application is received, we will review the project to ensure it complies with Maui County Code, Chapter 14.12 "Water Availability" code concerning a long-term, reliable supply of water for the subdivision.

Response: We acknowledge that Lānaʻi is not serviced by the County Department of Water Supply (DWS), and that any building and plumbing permits will not be reviewed by DWS. Furthermore, we understand that any subdivision applications will, however, be reviewed for compliance with Maui County Code, Chapter 14.12, "Water Availability", concerning a long-term reliable supply of water. We note that the currently proposed action does not involve any development activities and add that your comments would pertain to future development which may be proposed at a later time for the Kōʻele Project District.

MICHAEL P. VICTORINO
Mayor

JEFFREY T. PEARSON, P.E.
Director

HELENE KAU
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAI`I 96793
www.mauicounty.gov/water

October 19, 2021

Kurt Wollenhaupt, Staff Planner
County of Maui Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

RE: Kō'ele Project District (PD) Amendment Draft Environmental Assessment (DEA) and Anticipated Finding of No Significant Impact (AFONSI)

TMKs: (2)4-9-001 :021, 024, 025, 027, 030; (2)4-9-002:00l(POR), 061(POR.); (2)4-9-018:001, 002, 003, 004, 005; (2)4-9-020:020; (2)4-9-021 :009 in Kō'ele, on the Island of Lāna'i

Dear Mr. Wollenhaupt:

The County of Maui Department of Water Supply (MDWS) thanks you for the opportunity to offer the following comments on the Kō'ele PD Amendment DEA.

Water Source and Demand
According to the Commission on Water Resource Management (CWRM), Lāna'i Island has a sustainable yield of 6 million gallons per day (gpd). Fresh water is found solely in the high-level Central Aquifer Sector. The entire Island of Lāna'i is served by the Lāna'i Water Company (LWC), a private water utility company regulated by the Public Utilities Commission. Please note that MDWS has no jurisdiction over projects on Lāna'i. The DEA states that the water demand for the proposed PD changes compared to the prior PD plans will result in a decrease from 436,500 gpd to 292,260 gpd, for a net reduction in water use of 144,240 gpd, or 33% less water demand.

Lāna'i Island Water Use and Development Plan (WUDP) Alignment
Use of R-1
The projects proposed use of R-1 recycled wastewater in the parks is in alignment with the Lāna'i Island WUDP**:**

> **"**Efficient use of water…." is "…essential to reduce waste of Lana'i's limited water resources. Lana'i's water and wastewater utilities should implement water recycling and water conservation programs

targeting landscape…to substantially reduce water consumption to the extent allowed by the Public Utilities Commission" (Lāna'i Island WUDP, page 30).

Lāna'i Island WUDP Conservation Options

Specific water conservation resource options measures advocated by the Lāna'i Island WUDP (Page 19) that may be applicable to the proposed project include the following: 1) water-efficient clothes washers; 2) water-efficient dishwashers; 3) improve irrigation scheduling; 4) soil moisture sensors; 5) improve performance of irrigation systems; 6) auto rain shut off; 6) rain barrel catchment; and 7) greywater for irrigation.

Lāna'i Island WUDP Potable Water Allocation

According to the Lāna'i Island WUDP (page 21), by 2030, 652,305 gpd will be needed for the Kō'ele PD, of which, 335,507 gpd will be potable "fresh" water. Table 6 (Kō'ele Project District (PD) Amendment DEA, page 45) indicates that 292,260 gpd of potable/"fresh" water will be used, which is approximately 13 percent less than predicted by the Lāna'i Island WUDP.

Pollution Prevention and Conservation

CWRM promotes the protection of groundwater and the value of treating stormwater as a resource, including groundwater recharge capability when contained onsite, described in its document titled *A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawai'i*, December, 2008 found here: http://files.hawaii.gov/dlnr/cwrm/planning/hsrar_handbook.pdf. The MDWS recommends implementing Best Management Practices (BMPs) contained in the document, such as permeable surfaces to reduce storm water loss (for example, permeable detention ponds and vegetated filter strips), and bio-retention rain gardens. Leadership in Energy and Environmental Design (LEED) certification is recommended for water conservation.

Construction BMPs for Pollution Prevention

In order to protect ground and surface water resources, we recommend that in addition to required BMPs, the following measures designed to minimize infiltration and runoff be implemented during construction:

- Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the ground.
- Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed off-site.
- Properly install and maintain erosion control barriers, such as silt fencing or straw bales.
- Disturb the smallest area possible. Retain ground cover until the last possible date.
- Replanting of denuded areas should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid establishment of stands of plants.
- Keep runoff on-site.

Conservation BMPs

Indoor

- Use EPA WaterSense labeled plumbing fixtures.
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.
- Install dual flush toilets with high-efficiency models that use 1.28 gallons per flush or less.
- Install bathroom sink faucets with fixtures that do not exceed 1 gallon per minute at 60 pounds per square inch (psi).

Outdoor

- Use Smart Approved WaterMark irrigation products. Examples include evapotranspiration irrigation controllers, drip irrigation and water-saving spray heads.
- After plants are established, in order to avoid stimulating excessive growth, avoid fertilizing and pruning. Time watering to occur in the early morning or evening to limit evaporation. Limit the use of turf.
- Use native Hawaiian climate-adapted plants for landscaping. Native Hawaiian plants adapted to the area conserve water and protect the watershed from degradation due to invasive species.
- We recommend adopting landscape irrigation conservation BMPs endorsed by the Landscape Industry Council of Hawai`i at https://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf

We hope you find this information useful. Should you have any questions, please contact staff planner Alex Buttaro at (808) 463-3103 or alex.buttaro@mauicounty.gov.

Sincerely,

Jeffrey T Pearson, P.E.
Director
BAB

Cc: Bryan Esmeralda, AICP, Munekiyo Hiraga

File location: S:\PLANNING\Permit_Review\Projects Review\planning review\EA-EIS\Lanai\249001021 Koele Project District Amendment and DEA\249001021 Koele Project District Amendment and DEA

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Jeffrey Pearson, P.E, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawai‘i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō‘ele Project District Amendment; Kō‘ele, Lāna‘i, Hawai‘i

Dear Mr. Pearson:

Thank you for your letter dated October 19, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō‘ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai‘i limited liability company doing business as Pūlama Lāna‘i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1] We note that an additional letter from the Department of Water Supply dated September 2, 2021 was also received, and that a separate letter in response to the comments provided in that letter will also be prepared.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawai‘i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai‘i Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DWS Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Department of Water Supply
(October 19, 2021 Letter)

Comment 1:

Water Source and Demand
According to the Commission on Water Resource Management (CWRM), Lānaʻi Island has a sustainable yield of 6 million gallons per day (gpd). Fresh water is found solely in the high-level Central Aquifer Sector. The entire Island of Lānaʻi is served by the Lānaʻi Water Company (LWC), a private water utility company regulated by the Public Utilities Commission. Please note that MDWS has no jurisdiction over projects on Lānaʻi. The DEA states that the water demand for the proposed PD changes compared to the prior PD plans will result in a decrease from 436,500 gpd to 292,260 gpd, for a net reduction in water use of 144,240 gpd, or 33% less water demand.

> **Response:** We acknowledge your comment that Lānaʻi Island has a sustainable yield of 6 million gallons per day (gpd), and that Lānaʻi is serviced by the Lānaʻi Water Company, not the County Department of Water Supply (DWS). It is anticipated that full buildout of the proposed amended Kōʻele Project District will result in a decreased water demand as compared to full buildout of the existing Kōʻele Project District.

Comment 2:

Lānaʻi Island Water Use and Development Plan (WUDP) Alignment
Use of R-1
The projects proposed use of R-1 recycled wastewater in the parks is in alignment with the Lānaʻi Island WUDP:

> *"Efficient use of water..." is "...essential to reduce waste of Lanaʻi's limited water resources. Lanaʻi's water and wastewater utilities should implement water recycling and water conservation programs targeting landscape...to substantially reduce water consumption to the extent allowed by the Public Utilities Commission" (Lānaʻi Island WUDP, page 30).*

Lānaʻi Island WUDP Conservation Options
Specific water conservation resource options measures advocated by the Lānaʻi Island WUDP (Page 19) that may be applicable to the proposed project include the following: 1) water-efficient clothes washers; 2) water-efficient dishwashers; 3) improve irrigation scheduling; 4) soil moisture sensors; 5) improve performance of irrigation systems; 6) auto rain shut off; 6) rain barrel catchment; and 7) greywater for irrigation.

Lānaʻi Island WUDP Potable Water Allocation
According to the Lānaʻi Island WUDP (page 21), by 2030, 652,305 gpd will be needed for the Kōʻele PD, of which, 335,507 gpd will be potable "fresh" water. Table 6 (Kōʻele Project District (PD) Amendment DEA, page 45) indicates that 292,260 gpd of potable/"fresh" water will be used, which is approximately 13 percent less than predicted by the Lānaʻi Island WUDP.

Response: We acknowledge your comments that the proposed use of R-1 water is in alignment with the Lānaʻi Water Use and Development Plan (WUDP). We note that the currently proposed action does not involve any construction activities. Nonetheless, the WUDP conservation options noted in your letter will be evaluated for incorporation into any future development which may be proposed within the Kōʻele Project District. We acknowledge your comment that the proposed amended Kōʻele Project District is anticipated to utilize less potable water than predicted by the Lānaʻi WUDP.

Comment 3:

Pollution Prevention and Conservation
CWRM promotes the protection of groundwater and the value of treating stormwater as a resource, including groundwater recharge capability when contained onsite, described in its document titled A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawai'i*, December, 2008 found here:*
http://files.hawaii.gov/dlnr/cwrm/planning/hsrar_handbook.pdf
The MDWS recommends implementing Best Management Practices (BMPs) contained in the document, such as permeable surfaces to reduce storm water loss (for example, permeable detention ponds and vegetated filter strips), and bio-retention rain gardens. Leadership in Energy and Environmental Design (LEED) certification is recommended for water conservation.

Response: As previously noted, the currently proposed action does not involve any construction activities. Nonetheless, your comments regarding implementing Best Management Practices (BMPs) to reduce storm water loss will be evaluated for incorporation into future development actions within the Kōʻele Project District.

Comment 4:

Construction BMPs for Pollution Prevention
In order to protect ground and surface water resources, we recommend that in addition to required BMPs, the following measures designed to minimize infiltration and runoff be implemented during construction:

- *Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the ground.*
- *Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed off-site.*

- *Properly install and maintain erosion control barriers, such as silt fencing or straw bales.*

- *Disturb the smallest area possible. Retain ground cover until the last possible date.*
- *Replanting of denuded areas should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid establishment of stands of plants.*
- *Keep runoff on-site.*

Response: As previously noted, the currently proposed action does not involve any construction activities. Your comments regarding implementing construction BMPs to minimize infiltration into ground and surface water resources will be evaluated for incorporation into future development actions within the Kōʻele Project District.

Comment 5:

Conservation BMPs
Indoor

- *Use EPA WaterSense labeled plumbing fixtures.*
- *Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.*
- *Install dual flush toilets with high-efficiency models that use 1.28 gallons per flush or less.*
- *Install bathroom sink faucets with fixtures that do not exceed 1 gallon per minute at 60 pounds per square inch (psi).*

Outdoor

- *Use Smart Approved WaterMark irrigation products. Examples include evapotranspiration irrigation controllers, drip irrigation and water-saving spray heads.*
- *After plants are established, in order to avoid stimulating excessive growth, avoid fertilizing and pruning. Time watering to occur in the early morning or evening to limit evaporation. Limit the use of turf.*
- *Use native Hawaiian climate-adapted plants for landscaping. Native Hawaiian plants adapted to the area conserve water and protect the watershed from degradation due to invasive species.*
- *We recommend adopting landscape irrigation conservation BMPs endorsed by the Landscape Industry Council of Hawai`i at https://www.hawaiiscape.com/wpcontent/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf*

Response: As previously noted, the currently proposed action does not involve any construction activities. However, your comments regarding implementing indoor and outdoor conservation BMPs will be evaluated for incorporation into future development actions within the Kō‘ele Project District.

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN SEKIMURA
Deputy Director

RECEIVED
COUNTY OF MAUI
2021 SEP 2 AM 10: 13
DEPT OF TRANSPORTATION

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

TRANSMITTAL **September 1, 2021**

	STATE AGENCIES
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
	OTHER
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

	COUNTY AGENCIES
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
	FEDERAL AGENCIES
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

PROJECT NAME:	**KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT**
APPLICANT:	**LANAI RESORTS, LLC, dba PULAMA LANAI**
PROJECT ADDRESS:	**KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII**
PROJECT DESCRIPTION:	**Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.** **Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.**

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634

TMKs:	**(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.**
APPLICATION NO.:	**CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002**

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as "housekeeping" with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

TRANSMITTED TO YOU ARE THE FOLLOWING:

X	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
Address:	https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table

TRANSMITTAL REQUEST:

X	Requesting your comment and recommendation on the proposed project.

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Sincerely,

KURT F. WOLLENHAUPT
Staff Planner

Agency: County of Maui Dept. of Transportation

( ) We have no objections.
(X) We have no comments.
( ) Comments are attached.

Signed: _____

Print: Marc Takamori

Email Address: marc.takamori@co.maui.hi.us

Date: 9/13/21

Copy to: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)
Project File

KFW:th
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL + MH Comments.docx

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Marc Takamori, Director
County of Maui
Department of Transportation
110 Alaʻihi Street, Suite 210
Kahului, Hawaiʻi 96732

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Mr. Takamori:

Thank you for your letter dated September 13, 2021 providing input on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we note that the Department of Transportation has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lānaʻi
Olivia Simpson, Pūlama Lānaʻi
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\County DOT Response Ltr.docx

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

TRANSMITTAL **September 1, 2021**

	STATE AGENCIES
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
	OTHER
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

	COUNTY AGENCIES
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
	FEDERAL AGENCIES
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

PROJECT NAME:	**KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT**
APPLICANT:	**LANAI RESORTS, LLC, dba PULAMA LANAI**
PROJECT ADDRESS:	**KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII**
PROJECT DESCRIPTION:	**Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.** **Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.**

MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

TMKs:	**(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.**
APPLICATION NO.:	**CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002**

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as "housekeeping" with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

TRANSMITTED TO YOU ARE THE FOLLOWING:

X	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
Address:	https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table

TRANSMITTAL REQUEST:

X	Requesting your comment and recommendation on the proposed project.

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has "no comment." If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

REF-404

Sincerely,

KURT F. WOLLENHAUPT
Staff Planner

Agency: Hawaiian Electric Company

(✓) We have no objections.
(✓) We have no comments.
( ) Comments are attached.

Signed: _____

Print: Ray Okazaki, Eng II

Email Address: ray.okazaki@hawaiianelectic.com

Date: Sept. 14, 2021

Copy to: Jordan E. Hart, Deputy Director (PDF)
Clayton I. Yoshida, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)
Project File

KFW:th
K:\WP_DOCS\Planning\CPA\2021\0001_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL + MH Comments.docx

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Via Email: Ray.Okazaki@hawaiianelectric.com

Ray Okazaki, Engineer
Hawaiian Electric Company

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Mr. Okazaki:

Thank you for your letter dated September 14, 2021 providing input on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we note that Hawaiian Electric Company has no objections or comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:lh
cc: Kurt Wollenhaupt, Department of Planning
Keiki-Pua Dancil, Pūlama Lānaʻi
Olivia Simpson, Pūlama Lānaʻi
Calvert Chipchase, Cades Schutte
Stacey Gray, Cades Schutte
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Hawaiian Electric Response Ltr.docx

From: HT-Plan Reviews <HT-PlanReviews@hawaiiantel.com>

To: Tyerone Holmes <Tyerone.T.Holmes@co.maui.hi.us>, Clayton Yoshida <Clayton.Yoshida@co.maui.hi.us>, Environmental Mgmt <Environmental.Mgmt@co.maui.hi.us>, Fire Dept <Fire.Dept@co.maui.hi.us>, housing hhc <housing.hhc@co.maui.hi.us>, Jordan Hart <Jordan.Hart@co.maui.hi.us>, Kurt Wollenhaupt <Kurt.Wollenhaupt@co.maui.hi.us>, parks dept <parks.dept@co.maui.hi.us>, Public Transit <Public.Transit@co.maui.hi.us>, Public Works <Public.Works@co.maui.hi.us>, Water Supply <Water.Supply@co.maui.hi.us>, "doh.webmaster@doh.hawaii.gov" <doh.webmaster@doh.hawaii.gov>, "contact3@fws.gov" <contact3@fws.gov>, "dags@hawaii.gov" <dags@hawaii.gov>, "dbedt.luc.web@hawaii.gov" <dbedt.luc.web@hawaii.gov>, "dbedt.stateplanning@hawaii.gov" <dbedt.stateplanning@hawaii.gov>, "DHHL.contactcenter@hawaii.gov" <DHHL.contactcenter@hawaii.gov>, "dlnr.land.maui@hawaii.gov" <dlnr.land.maui@hawaii.gov>, "dot.admin.stp@hawaii.gov" <dot.admin.stp@hawaii.gov>, "hdoa.info@hawaii.gov" <hdoa.info@hawaii.gov>, "engmauicounty@hawaiianelectric.com" <engmauicounty@hawaiianelectric.com>, HT-Plan Reviews <HT-PlanReviews@hawaiiantel.com>, "doeinfo@k12.hi.us" <doeinfo@k12.hi.us>, Terry Jones <terry.jones@mpd.net>, "bryan@munekiyohiraga.com" <bryan@munekiyohiraga.com>, "info@oha.org" <info@oha.org>, "CEPOH-RO@usace.army.mil" <CEPOH-RO@usace.army.mil>

Date: 9/1/2021 9:21 AM

Subject: RE: Planning\CPA\2021\0001_KoeleProject\Agency Transmittal

Aloha Tyerone,

Thank you for your email. I'll forward this over to our Legal and Real Estate department for review as well. Not sure if anything will affect easements or accesses. If there are any plans for constructions, you can send them here for review. Thank you!

Greg Kawachi

Specialist – Structure Engineer

O: 808.546.7666

C: 808.779.8324

Hawaii's Technology Leader Hawaiian Telcom

NOTICE: This message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged information. If you are not the intended recipient, any review, retransmission, dissemination, copying or other use of this message is strictly prohibited. If you received this message in error, please contact the sender immediately by reply email, delete this message from all computers, and destroy any printed copies.

From: Tyerone Holmes <Tyerone.T.Holmes@co.maui.hi.us>
Sent: Wednesday, September 1, 2021 9:04 AM
To: Clayton Yoshida <Clayton.Yoshida@co.maui.hi.us>; Environmental Mgmt <Environmental.Mgmt@co.maui.hi.us>; Fire Dept <Fire.Dept@co.maui.hi.us>; housing hhc <housing.hhc@co.maui.hi.us>; Jordan Hart <Jordan.Hart@co.maui.hi.us>; Kurt Wollenhaupt <Kurt.Wollenhaupt@co.maui.hi.us>; parks dept <parks.dept@co.maui.hi.us>; Public Transit <Public.Transit@co.maui.hi.us>; Public Works <Public.Works@co.maui.hi.us>; Water Supply <Water.Supply@co.maui.hi.us>; doh.webmaster@doh.hawaii.gov; contact3@fws.gov; dags@hawaii.gov; dbedt.luc.web@hawaii.gov; dbedt.stateplanning@hawaii.gov; DHHL.contactcenter@hawaii.gov; dlnr.land.maui@hawaii.gov; dot.admin.stp@hawaii.gov; hdoa.info@hawaii.gov; engmauicounty@hawaiianelectric.com; HT-Plan Reviews <HT-PlanReviews@hawaiiantel.com>; doeinfo@k12.hi.us; Terry Jones <terry.jones@mpd.net>; bryan@munekiyohiraga.com; info@oha.org; CEPOH-RO@usace.army.mil
Subject: Planning/CPA/2021/0001_KoeleProject/Agency Transmittal

Aloha,

Please see attached.

Mahalo,
Tye Holmes
Planning Department
Current Division

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Via Email: HT-PlanReviews@hawaiiantel.com

Greg Kawachi, Specialist-Structure Engineer
Hawaiian Telcom

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Mr. Kawachi:

Thank you for your email dated September 1, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Hawaiian Telcom Response Ltr.doc

REF-409

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Hawaiian Telcom

Comment 1:

Not sure if anything will affect easements or access. If there are any plans for constructions, you can send them here for review.

> **Response:** We acknowledge your comment that the proposed action is not anticipated to affect Hawaiian Telcom easements or access. We further note that the currently proposed action does not involve any development activities. Should any future development in the Kōʻele Project District involve construction plans that may affect any Hawaiian Telcom easements or access, the Applicant will inform Hawaiian Telcom.

REF-410

Fairfax Reilly
468 Ahakea Street
P.O. Box 630111
Lanai City, HI 96763-0111
Email: kimchi745@gmail.com

Approving agency: Lanai Planning Commission: planning@mauicounty.gov

kurt.wollenhaupt@co.maui.hi.us

Applicant contact email: kdancil@pulamalanai.com

Consultant contact email: planning@munekiyohiraga.com

October 6, 2021

To: Ms. Shelly Preza, Chair, Lana'i Planning Commission

Re: OPPOSE: AMENDMENT TO KO'ELE PROJECT DISTRICT CODE

APPENDIX A-1: AMENDMENT TO MAUI CODE 19.71 KO'ELE PD, PP1-13 DRAFT PROPOSAL

Dear Ms. Preza,

Mahalo for the opportunity to present a concern related "unintended consequences" of the proposed amendment specifically to the code. I disagree with the Finding of No Significant Impact related to Cultural Resources. (**9. Cultural Resources ...p 30)**

The proposed amendments to language inserts and deletes phrases that cumulatively restrict **traditional access** to the Project District.

19.71

B. To my recollection during the crafting of the current language was crafted to maintain open access for the community for uses traditional at that time, an important value.

The ORIGINAL INTENT of the LANA'I PD2 was in fact to create PRIMARILY a low-density RESIDENTIAL development with associated recreational activities such as golf in order to PREVENT A RAPID RISE IN HOME VALUES WITHIN THE ORIGINAL LANAI CITY HOUSING AREA. In other words, to ENSURE that luxury housing was contained within the Ko'ele PD thus maintaining affordable housing within the Lanai City.

C. **"but are not limited to…"** language eliminates any oversight by the Lanai Planning Commission regarding new projects which could create a significant on many aspects of the local community, economically or otherwise.

"~~and public~~" eliminates any requirement of the Lanai Planning Commission to oversee the ORIGINAL INTENT to ensure that the local community residents could continue to access the grounds of the Ko'ele Project District area for traditional uses and activities. The ORIGINAL INTENT was to ensure that residents present and future may enter these lands for traditional cultural and recreational uses.

Fairfax Reilly
468 Ahakea Street
P.O. Box 630111
Lanai City, HI 96763-0111
Email: kimchi745@gmail.com

Action summary Pūlama Lānaʻi seeks to reduce the density in the Kōʻele Project District by decreasing the Residential and MultiFamily (sub-designations) acreage, increasing Open Space and Park acreage, and reducing Golf Course acreage. The proposed amendments increases the acreage in the Hotel sub-designation accounting for existing uses as well as future uses, and also creates a new Resort Commercial sub-designation for existing and future uses which will support the Sensei Lānaʻi, A Four Seasons Resort. The amendments will reduce the total acreage in the Project District by 8 percent. Pūlama Lānaʻi also seeks to revise the Kōʻele Project District Ordinance as outlined in Chapter 19.71 of the Maui County Code. The proposed amendments include changes to the Project District map, which outlines the limits of the Project District area as well as the sub-designations**, as well as language related to permitted uses, special accessory uses, and development standards for the Project District.**

E. CUMULATIVE AND SECONDARY IMPACTS Pursuant to the Hawaiʻi Administrative Rules, Chapter 200, Section 11-200.1-2, entitled Environmental Impact Statement Rules, a cumulative impact means:

…the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

"Secondary impacts" or "indirect impacts" are defined as: …effects that are caused by the action or are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems including ecosystems.

Cumulative and secondary impacts can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one (1) of the impediments to growth. In general, the proposed amendments to the Kōʻele Project District will add a limited increment to the current level of cumulative impact, but will be less than what is permitted with the existing Project District.

No adverse impacts upon recreational services are anticipated. Similarly, no traffic impacts are anticipated. The proposed project does not appear to have the potential to involve any significant secondary impacts. While there are anticipated changes in several environmental and social categories, as noted above, these uses are consistent with surrounding uses in the area. **These changes are, therefore, considered to be less than significant.**

I respectfully disagree.

Fairfax (Pat) Reilly

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Via Email: kimchi745@gmail.com

Fairfax Reilly
P.O. Box 630111
Lānaʻi City, Hawaiʻi 96763

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Mr. Reilly:

Thank you for your letter dated October 6, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Reilly Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Fairfax Reilly

Comment 1:

Mahalo for the opportunity to present a concern related "unintended consequences" of the proposed amendment specifically to the code. I disagree with the Finding of No Significant Impact related to Cultural Resources. (9. Cultural Resources ...p 30)

The proposed amendments to language inserts and deletes phrases that cumulatively restrict traditional access to the Project District.

Response: The Applicant acknowledges your comment.

Comment 2:

To my recollection during the crafting of the current language was crafted to maintain open access for the community for uses traditional at that time, an important value.

The ORIGINAL INTENT of the LANA'I PD2 was in fact to create PRIMARILY a low-density RESIDENTIAL development with associated recreational activities such as golf in order to PREVENT A RAPID RISE IN HOME VALUES WITHIN THE ORIGINAL LANAI CITY HOUSING AREA. In other words, to ENSURE that luxury housing was contained within the Ko'ele PD thus maintaining affordable housing within the Lanai City.

Response: The Applicant acknowledges your comment. The proposed amendments to the Kō'ele Project District would not restrict the traditional access to the area for the residents and would increase the amount of Park designated lands.

Comment 3:

"but are not limited to…" language eliminates any oversight by the Lanai Planning Commission regarding new projects which could create a significant on many aspects of the local community, economically or otherwise.

"and public" eliminates any requirement of the Lanai Planning Commission to oversee the ORIGINAL INTENT to ensure that the local community residents could continue to access the grounds of the Ko'ele Project District area for traditional uses and activities. The ORIGINAL INTENT was to ensure that residents present and future may enter these lands for traditional cultural and recreational uses.

Response: The Applicant acknowledges your comments and notes that the proposed amended Kō'ele Project District greatly increases the acreage of lands

designated for Park and Open Space uses, thus continuing to allow access to the lands for traditional cultural and recreational uses.

Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

Comment 4:

Pūlama Lānaʻi seeks to reduce the density in the Kōʻele Project District by decreasing the Residential and MultiFamily (sub-designations) acreage, increasing Open Space and Park acreage, and reducing Golf Course acreage. The proposed amendments increases the acreage in the Hotel subdesignation accounting for existing uses as well as future uses, and also creates a new Resort Commercial sub-designation for existing and future uses which will support the Sensei Lānaʻi, A Four Seasons Resort. The amendments will reduce the total acreage in the Project District by 8 percent. Pūlama Lānaʻi also seeks to revise the Kōʻele Project District Ordinance as outlined in Chapter 19.71 of the Maui County Code. The proposed amendments include changes to the Project District map, which outlines the limits of the Project District area as well as the sub-designations, as well as language related to permitted uses, special accessory uses, and development standards for the Project District.

Response: The Applicant acknowledges your comment.

Comment 5:

CUMULATIVE AND SECONDARY IMPACTS Pursuant to the Hawaiʻi Administrative Rules, Chapter 200, Section 11-200.1-2, entitled Environmental Impact Statement Rules, a cumulative impact means:

…the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

"Secondary impacts" or "indirect impacts" are defined as: …effects that are caused by the action or are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems including ecosystems.

Cumulative and secondary impacts can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one (1) of the

impediments to growth. In general, the proposed amendments to the Kōʻele Project District will add a limited increment to the current level of cumulative impact, but will be less than what is permitted with the existing Project District.

No adverse impacts upon recreational services are anticipated. Similarly, no traffic impacts are anticipated. The proposed project does not appear to have the potential to involve any significant secondary impacts. While there are anticipated changes in several environmental and social categories, as noted above, these uses are consistent with surrounding uses in the area. These changes are, therefore, considered to be less than significant.

I respectfully disagree.

> **Response:** The Applicant acknowledges your comment. As stated previously, the acreage of lands designated for Park and Open Space uses will greatly increase, thus positively affecting recreational resources on Lānaʻi. While the subject Environmental Assessment does not involve any development actions, any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

October 5, 2021

Kurt Wollenhaupt
County of Maui Planning Dept.
2200 Main Street, Suite 619
Wailuku, HI 96793
kurt.wollenhaupt@co.maui.hi.us

Munekiyo Hiraga/Bryan Esmeralda
305 High Street, Suite 104
Wailuku, HI 96793
planning@munekiyohiraga.com

Lānaʻi Resorts, LLC
Keiki-Pua Dancil
733 Bishop Street, Suite 1500
Honolulu, HI 96813
kdancil@pulamalanai.com

RE: Draft Environmental Assessment (EA) Kōʻele Project District Amendment

1. *The draft EA at p. 8 states that "the proposed amendments facilitate opportunities for future development within the Kōʻele Project District, [but] the currently proposed action does not involve any construction activities."*

   - Is the applicant proposing that any future construction activities/projects will **not** require future/separate environmental assessments? Please explain.

   - Is the applicant proposing that this DEA, if approved, will automatically include approval of future construction activities? Please explain.

2. *The draft EA states at p. 39 that the "proposed action is not anticipated to have a significant impact on solid waste disposal services, nor on the Lānaʻi Landfill."*

- Assuming that all proposed projects contained in the Lānaʻi Community Plan, the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kolele Project District, are fully built out, please explain the reasoning and underlying research that supports this conclusion, referencing the current limitations of the island's landfill capacity and solid waste disposal capacity limits, if any.

3. *At p. 120 of 659 of the draft EA, Sina Pruder, Chief of the State of Hawaii, Department of Health's Wastewater Branch, states the following in a November 27, 2019 letter to Peter Young: "The proposed project will involve greater than fifty (50) dwelling units, therefore, a wastewater treatment works in accordance with Section 11-62-31(a)(1)(B) of Hawaii Administrative Rules will be needed for the project. If connection to the County of Maui's Lāna'i Wastewater Reclamation Facility is planned, improvements to facility will be required for compliance with applicable provisions of Hawaii Administrative Rules (HAR), Chapter 11-62, 'Wastewater Systems,' and an assessment will be needed before the Department of Health (DOH) will approve of any future subdivision or development plans."*

   - Assuming full build out of the amended Kō'ele Project District, please confirm whether the applicant agrees with the statement there could be "greater than (50) dwelling units" and if not, why not.

   - Assuming that the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kō'ele Project District are fully built out, please provide detailed numbers of anticipated total wastewater produced, and a detailed capacity of the current wastewater treatment plant.

   - Please specifically address the statement that "improvements to the reclamation facility will be required," and identify the necessary improvements for which the applicant will be responsible; if not the applicant then who would be responsible for improvements.

4. *The table below indicates almost a one-to-one swap in acreage that was formerly the Kō'ele Golf Course (formerly 332 acres), which was subject to extensive restrictions on irrigation, for what is now Park and OpenSpace (formerly 23 acres), which was not subject to irrigation restrictions.*

Robin Kaye *P.O. Box 631313* *Lana'i City, HI 96763* rkayelny@gmail.com

Table 3. Existing and Proposed Kō'ele Project District Sub-Designations and Total Acreage

Project District Sub-Designation	Existing Acreage	Proposed Acreage
Hotel	21.1	45.4
Multi-Family	26.0	18.7
Residential	214.0	48.8
Park	11.5	234.9
Open Space	12.0	80.8
Golf	332.4	78.0
Public	1.0	0
Resort Commercial	0	75.4
Stables and Tennis Courts	14.5	0
Total	**632.5**	**582.0**
Source: R.M. Towill Corporation.		

The golf course (78 acres) now appears limited to the existing Cavendish course and the applicant indicates it will seek to utilize potable water for irrigation. (Appendix A-1 at p. 7).

The Park/Open Space (now 315 acres), as revised, has no irrigation restrictions, aside from a statement that potable water may be used for irrigation "in areas where sufficient non-potable water is not available."(Appendix A-1 at p. 6).

- Given the acknowledgment throughout the draft EA that the Kō'ele golf course, (now park), exclusively uses effluent for irrigation, explain why the park acreage (formerly golf course), should not be subject to the same restrictions that are now proposed to be deleted from Ch. 19.71, Lāna'i Project District 2 (Kō'ele) at p.7-9 of Appendix A-1. Relying on a renaming/ re-designation of the acreage is insufficient justification for removing irrigation restrictions on what is essentially the same land.

- Please confirm that there is no "non-potable" water on Lāna'i, as defined by the EPA's primary list of contaminants. If the applicant disagrees, explain.

- Please confirm that the applicant agrees with its own consultant in the statement that "due to a limited amount of potable water on Lana'i, brackish groundwater and treated wastewater are used to irrigate the golf courses and resort landscaping." (Appendix B, at p. 8.) If not, why not.

- Please confirm that the applicant will comply with COM code restrictions on using R-I or brackish water for landscaping needs in the amended project district.
- Please explain how an intention to utilize potable water for irrigation in the Project District comports with the Countywide Plan (Appendix L) to "promote the reclamation of gray water, and enable the use of reclaimed, gray, brackish water for activities that do not require potable water."

Robin Kaye *P.O. Box 631313* *Lana'i City, HI 96763* rkayelny@gmail.com

REF-421

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Via Email: rkayelny@gmail.com

Robin Kaye
P.O. Box 631313
Lānaʻi City, Hawaiʻi 96763

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Mr. Kaye:

Thank you for your letter dated October 5, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
Kevin Mendes, RM Towill Corporation (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\R Kaye Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Robin Kaye

Comment 1:

The draft EA at p. 8 states that "the proposed amendments facilitate opportunities for future development within the Kōʻele Project District, [but] the currently proposed action does not involve any construction activities."

- *Is the applicant proposing that any future construction activities/projects will not require future/separate environmental assessments? Please explain.*

- *Is the applicant proposing that this DEA, if approved, will automatically include approval of future construction activities? Please explain.*

  Response: Any future development within the amended Kōʻele Project District will only require an Environmental Assessment (EA) if it meets one of the triggers as defined within Hawaiʻi Revised Statutes (HRS), Chapter 343-5. Although an EA may not always be triggered, any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission. It is further noted that the subject EA has been prepared as a requirement of the Community Plan Amendment application for the Kōʻele Project District Amendment.

Comment 2:

The draft EA states at p. 39 that the "proposed action is not anticipated to have a significant impact on solid waste disposal services, nor on the Lānaʻi Landfill."

- *Assuming that all proposed projects contained in the Lānaʻi Community Plan, the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kolele Project District, are fully built out, please explain the reasoning and underlying research that supports this conclusion, referencing the current limitations of the island's landfill capacity and solid waste disposal capacity limits, if any.*

  Response: As the action assessed in the subject EA does not involve any development actions, no additional solid waste will be generated compared to the current project district uses. Any future developments on Lānaʻi, will assess their project-related impacts regarding solid waste generation and on the Lānaʻi Landfill through their respective EA and/or permitting processes.

REF-424

It should further be noted that the Hōkūao[2] and Malanai[3] project-related impacts regarding solid waste generation and on the Lānaʻi Landfill have been assessed in their project-related applications.

Comment 3:

At p. 120 of 659 of the draft EA, Sina Pruder, Chief of the State of Hawaii, Department of Health's Wastewater Branch, states the following in a November 27, 2019 letter to Peter Young: "The proposed project will involve greater than fifty (50) dwelling units, therefore, a wastewater treatment works in accordance with Section 11-62-31(a)(1)(B) of Hawaii Administrative Rules will be needed for the project. If connection to the County of Maui's Wastewater Reclamation Facility is planned, improvements to facility will be required for compliance with applicable provisions of Hawaii Administrative Rules (HAR), Chapter 11-62,'Wastewater Systems', and an assessment will be needed before the Department of Health (DOH) will approve of any future subdivision or development plans."

- *Assuming full build out of the amended Kōʻele Project District, please confirm whether the applicant agrees with the statement there could be "greater than (50) dwelling units" and if not, why not.*

- *Assuming that the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kōʻele Project District are fully built out, please provide detailed numbers of anticipated total wastewater produced, and a detailed capacity of the current wastewater treatment plant.*

- *Please specifically address the statement that "improvements to the reclamation facility will be required," and identify the necessary improvements for which the applicant will be responsible; if not the applicant then who would be responsible for improvements.*

Response: The proposed amendments to the Kōʻele Project District reduces the number of acres in the Residential subdistrict from 214.0 acres to 48.8 acres, and the number of acres in the Multi-Family subdistrict from 26.0 acres to 14.87 acres. The majority of the proposed Kōʻele Project District Residential and Multi-Family subdistricts include already constructed housing and the Malanai[4] Project. As such, future development of housing in the Residential subdistrict is anticipated to be minimal given the limited available acres of undeveloped Residential designated lands.

Furthermore, as noted on page 4-4 of Appendix J, Preliminary Engineering Report, the full build out of the Proposed Kōʻele Project district is anticipated to generate a wastewater flow of 133,865 GPD. This amount is 34 percent less

[2] Hōkūao Final Environmental Assessment: 2021-05-23-TEN.pdf (hawaii.gov).
[3] Malanai applications: PH2 1992/0004 and PH3 2019/0007.
[4] Ibid.

than the current full build out of the Existing Kōʻele Project District, estimated at 201,575 GPD. The County of Maui Department of Environmental Management manages the Lānaʻi Wastewater Reclamation Facility (WWRF), they would know the current capacity of the WWRF.

As residential developments are contemplated within the Kōʻele Project District, their wastewater generation and any needed infrastructural improvement needs will be assessed and coordinated with the appropriate agencies, such as the State of Hawaiʻi, Department of Health and/or County of Maui, Department of Environmental Management. Information on the anticipated wastewater generation for the Hōkūao[5] and Malanai[6] housing projects are included in their respective EA and/or reviewed during their building permit applications.

Comment 4:

The table below indicates almost a one-to-one swap in acreage that was formerly the Kōʻele Golf Course (formerly 332 acres), which was subject to extensive restrictions on irrigation, for what is now Park and Open Space (formerly 23 acres), which was not subject to irrigation restrictions.

Table 3. Existing and Proposed Kōʻele Project District Sub-Designations and Total Acreage

Project District Sub-Designation	Existing Acreage	Proposed Acreage
Hotel	21.1	45.4
Multi-Family	26.0	18.7
Residential	214.0	48.8
Park	11.5	234.9
Open Space	12.0	80.8
Golf	332.4	78.0
Public	1.0	0
Resort Commercial	0	75.4
Stables and Tennis Courts	14.5	0
Total	**632.5**	**582.0**

Source: R.M. Towill Corporation.

The golf course (78 acres) now appears limited to the existing Cavendish course and the applicant indicates it will seek to utilize potable water for irrigation. (Appendix A-1 at p. 7).

The Park/Open Space (now 315 acres), as revised, has no irrigation restrictions, aside from a statement that potable water may be used for irrigation "in areas where sufficient non-potable water is not available." ʻ(Appendix A-1 at p. 6).

- *Given the acknowledgment throughout the draft EA that the Kōʻele golf course, (now park), exclusively uses effluent for irrigation, explain why the park acreage (formerly golf course), should not be subject to the same restrictions that are now proposed to be deleted from Ch. 19.71, Lānaʻi Project District 2 (Kōʻele) at p. 7-9 of Appendix A-1. Relying on a renaming/redesignation of the acreage is*

[5] Hōkūao Final Environmental Assessment: 2021-05-23-TEN.pdf (hawaii.gov).
[6] Malanai applications: PH2 1992/0004 and PH3 2019/0007.

insufficient justification for removing irrigation restrictions on what is essentially the same land.

- *Please confirm that there is no "non-potable" water on Lānaʻi, as defined by the EPA's primary list of contaminants. If the applicant disagrees, explain.*

- *Please confirm that the applicant agrees with its own consultant in the statement that "due to a limited amount of potable water on Lānaʻi, brackish groundwater and treated wastewater are used to irrigate the golf courses and resort landscaping" (Appendix B, at p. 8.) If not, why not.*

- *Please confirm that the applicant will comply with COM code restrictions on using R-1 or brackish water for landscaping needs in the amended project district.*

- *Please explain how an intention to utilize potable water for irrigation in the Project District comports with the Countywide Plan (Appendix L) to "promote the reclamation of gray water, and enable the use of reclaimed, gray, brackish water for activities that do not require potable water."*

Response: As noted in the proposed amended Project District Ordinance, Maui County Code (MCC), Section 19.71.050 Park, non-potable water shall be used in the Park subdistrict for irrigation to the extent available. As the Golf Course acreage is proposed for reduction, the non-potable water formerly used for irrigation of these areas would become available for use in the Park subdistrict. Non-potable water in this instance refers to R-1 effluent from the wastewater reclamation facility, which was used to irrigate the former Experience at Kōʻele golf course. This practice of using treated wastewater for irrigation will continue for the Park designated lands within the Project District. We note further that non-potable water will continue to be used first for irrigation, to the extent that it is available.

October 6, 2021

Kurt Wollenhaupt
County of Maui Planning Dept.
2200 Main Street, Suite 619
Wailuku, HI 96793
kurt.wollenhaupt@co.maui.hi.us

Lanai Resorts, LLC
Keiki-Pua Dancil
733 Bishop Street, Suite 1500
Honolulu, HI 96813
kdancil@pulamalanai.com

Munekiyo Hiraga/Bryan Esmeralda
305 High Street, Suite 104
Wailuku, HI 96793
planning@munekiyohiraga.com

RE: Draft Environmental Assessment (EA) Kōʻele Project District Amendment

Mr. Wollenhaupt:

Please accept the following comments and questions that the above-referenced draft EA should address:

I. Appendix J, "Preliminary Engineering Report" (at p. 626 of 659) references a water use of 22,760 gpd for the proposed 75-acre new "resort commercial" sub-designation, broken down as follows:

KOELE PROJECT DISTRICT AMENDMENT							
April 9, 2021							
PROPOSED KOELE PROJECT DISTRICT							
WATER DEMAND BREAKDOWN							
					Demand	Ave. Daily	
Land Use	Area	Area	Units	Demand	Unit	Demand	
	(ac)	(sf)	(ea)			(gpd)	
8. Resort/Commercial							
Museum and Retail Shop	0.7	30,000		6,000	gpd/acre	4,200	e2, e6
Special Event	0.5	22,500		n/a		200	e2, e7
Irrigation (Museum/Retail/Special Event)	1.2	52,500		2,800	gpd/acre	3,360	e2, e3
Stables & Tennis Courts	14.5			n/a		5,000	e8
Contingency				n/a		10,000	e2, e9
Vacant Land to Remain	59.7			n/a		0	
Resort/Commercial Subtotal	75.4					22,760	
TOTAL PROPOSED PROJECT DISTRICT	**582.0**					**292,260**	

- Please explain why 10,000 gpd are needed for a "contingency;" identify the "future development" that is referenced to support it; and clarify whether the 10,000 gpd is brackish or potable.

- Please explain why 3,360 gpd are needed for irrigation for a museum/retail space; confirm that this irrigation source will be brackish and/or R-1 water; and explain how Castle & Cooke's demand assessment from 2006 is relevant to an area that was not planned for development at that time.

II. The draft EA states that "The Applicant has also explored alternative land use mixes which would also result in a reduced density within the Kōʻele Project District, similar to the Preferred Alternative." (Sec. IV, "Alternatives to the Proposed Action" at p. 88.)

- Please identify what alternative land use mixes were explored and why they were rejected.

III. Please revise the proposed revisions to Ch.19.71 (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71") to reflect that the Lanai Planning Commission, and not the Director of Planning, shall act as the entity approving principle, subordinate and accessory uses and structures, and height variances in all districts, as it is for special uses in the hotel and open space districts. If the applicant objects to this revision, specifically discuss why.

IV. Given the applicant's position that the proposed revisions to the Kōʻele Project District do not involve any construction activities, and the revisions propose a "new" Resort Commercial district within the Project District (and therefore presumably would not fall under Ch. 19.22), please explain the reasoning behind, and presumed benefits of, each proposed development standards reduction. (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 10-11).

V. Please define what is meant by and what is included in "public utilities" in the proposed revisions of Ch. 19.71 (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 4, 6).

VI. Please define what is meant by "small scale" energy systems in the proposed revisions of Ch. 19.71 in terms of amount of energy proposed to be produced and what energy resources are envisioned. (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 5, 11).

VII. Please explain why the "maximum lot coverage five percent" and "maximum height one story not to exceed 20 feet" were deleted from the proposed revisions to the Park district. (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at p. 5.)

VIII. In calculating the height of a wind turbine, please revise the language referencing the maximum height to reflect that it includes the length of the rotary blade(s). (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at p. 11).

IX. The draft EA states that "under a full build-out scenario for the proposed amended Project District, approximately 450 direct jobs and 180 indirect jobs <u>would be created</u>, approximately 570 of which would be on Lanaʻi. Refer to Appendix H." (Emphasis supplied.) (Sec. II "Socio-Economic Impact Report" at p. 37.)

Appendix H, at III-9, however, states that "Resort operations at full development would result in about 450 direct jobs and 180 indirect jobs, for a total of 630 jobs," and since "some of the spending by Resort visitors and residents would occur outside the Resort (e.g. spending at local restaurants, shops, excursions, etc.), some of the direct jobs would be generated outside the Resort." (Emphasis supplied.)

- Please clarify whether the total jobs referenced (630) are new positions or inclusive of existing positions, and if in addition to existing, then how many would be new; discuss what types of employment these jobs would be; and further quantify how many would be created outside the resort.

- If the applicant is suggesting that these are 630 new jobs, please explain the statement that "From a long-term perspective, the proposed action is not a population generator[.]" (Sec. II "Socio-Economic Impact Report" at p. 39.)

- If the applicant is suggesting that these are 630 new jobs, please discuss the anticipated impact on housing and public services.

X. Appendix I does not appear to address construction-related vehicular traffic in its Traffic analysis.

- Please indicate where in the analysis this occurs, and if not, please discuss.

- Please clarify whether construction vehicles would make use of a by-pass road to avoid utilizing existing roadways during all build-out activities, and if so provide a visual of where the by-pass road is located.

XI. In 1986, MCC adopted Ordinance 1578 which included standards for all Project District Development in Maui County. Included therein is the following language:

> "19.45.030 Scope. A. The provisions of this chapter shall apply to all areas designated as a project district on the adopted community plans of the county.
> B. Other county laws shall apply within project districts, except to the extent that such laws conflict with requirements imposed pursuant to this chapter."

- Please confirm that Ch 20.30.020 which requires reclaimed water to be used to irrigate landscaping, not limited to golf courses, applies throughout the Kōʻele Project District. If not, why not.

XII. Ordinance 2140, adopted in 1992, included the following condition: "6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989."

- Since Ord. 2066 defines potable water as "ground-water extracted at an acceptable rate and containing less than 250 milligrams per liter (mg/l) chlorides and which can be disinfected to satisfy standards set forth in the department of health rules chapter 20 entitled 'potable water systems' and maximum contaminant level goals and national secondary drinking water contaminants set forth in 40 C.F.R. section 141 and 143 (1990)" please confirm that this condition continues to apply to the entire acreage formerly known as the Kōʻele golf course, and prohibits irrigation with ground water that meets the above definition.

- Please discuss whether the same requirement applies to the Cavendish golf course acreage since, per Ord. 2066, it is now included in the area subject to a community plan amendment and rezoning after the effective date of the ordinance.

Thank you for your consideration of the above.

/s/ Sally Kaye
P.O. Box 631313
Lānaʻi City, HI 96763
skaye@runbox.com

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT
Tessa Munekiyo Ng AICP
VICE PRESIDENT
Michael T. Munekiyo AICP
SENIOR ADVISOR

January 6, 2022

Via Email: skaye@runbox.com

Sally Kaye
P.O. Box 631313
Lānaʻi City, Hawaiʻi 96763

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Ms. Kaye:

Thank you for your letter dated October 6, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.[1]

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

[1] In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes."

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729
Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233
www.munekiyohiraga.com

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at planning@munekiyohiraga.com.

Very truly yours,

Bryan K. Esmeralda, AICP
Senior Associate

BKE:tn
Enclosure
cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)
Calvert Chipchase, Cades Schutte (w/enclosure)
Stacey Gray, Cades Schutte (w/enclosure)
Bruce Plasch, Plasch Econ Pacific (w/enclosure)
Kevin Mendes, R.M. Towill Corporation (w/enclosure)
K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\S Kaye Response Ltr.doc

Exhibit "A" – Responses to Draft Environmental Assessment Comments

Sally Kaye

Comment 1:

Appendix J, "Preliminary Engineering Report" at p. 626 of 659) references a water use of 22,760 gpd for the proposed 75-acre new "resort-commercial" sub-designation, broken down as follows:

KOELE PROJECT DISTRICT AMENDMENT							
April 9, 2021							
PROPOSED KOELE PROJECT DISTRICT							
WATER DEMAND BREAKDOWN							
					Demand	Ave. Daily	
Land Use	Area	Area	Units	Demand	Unit	Demand	
	(ac)	(sf)	(ea)			(gpd)	
8. Resort/Commercial							
Museum and Retail Shop	0.7	30,000		6,000	gpd/acre	4,200	e2, e6
Special Event	0.5	22,500		n/a		200	e2, e7
Irrigation (Museum/Retail/Special Event)	1.2	52,500		2,800	gpd/acre	3,360	e2, e3
Stables & Tennis Courts	14.5			n/a		5,000	e8
Contingency				n/a		10,000	e2, e9
Vacant Land to Remain	59.7			n/a		0	
Resort/Commercial Subtotal	75.4					22,760	
TOTAL PROPOSED PROJECT DISTRICT	582.0					292,260	

- *Please explain why 10,000 gpd are needed for a "contingency," identify the "future development" that is referenced to support it; and clarify whether the 10,000 gpd is brackish or potable.*

- *Please explain why 3,360 gpd are needed for irrigation for a museum/retail space; confirm that this irrigation source will be brackish and/or R-1 water; and explain how Castle & Cooke's demand assessment from 2006 is relevant to an area that was not planned for development at that time.*

Response: The Resort Commercial subdistrict designation is being proposed to allow for existing uses (e.g., stables and tennis courts and support areas such as pastures for animals), which currently support the Resorts (e.g., Four Seasons Lānaʻi and Sensei Lānaʻi, A Four Seasons Resort) and allows for other potential future development to also support the Resorts. The area will primarily support any upgrades or expansion of the tennis court and stable experience.

Upgrades to the existing stables, parking lot, and tennis courts may occur. Regarding the stables, there could be additional barns and accessory uses such as an indoor riding area. Regarding the tennis courts, there could be new and upgraded tennis courts and potential supporting structures such as a tennis pro-shop and restrooms.

Potential future uses within the Resort Commercial subdistrict described above would provide other amenities and services to support the Tennis Courts and

Stables and Resort activities as defined by the proposed MCC 19.71.070(A)(1). Principal Uses.

The Resort Commercial area is also planned to serve as an event venue for the Resorts. Roughly four (4) events, with approximately 50 guests and two (2) events with approximately 150 guests are currently anticipated to occur per year. These events would be attended by Resort guests primarily.

10,000 gpd is included as a contingency into accommodate additional water demand from the future uses described above.

To determine the 3,360 gpd for the irrigation needs for the museum/retail space, the existing irrigation demand at the hotel was used as an estimated demand for irrigation. That estimated demand (2,800 gpd/acre) was then multiplied by the number of acres (1.2 acres) to determine the estimated irrigation needs.

Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

Comment 2:

The draft EA states that "The Applicant has also explored alternative land use mixes which would also result in a reduced density within the Kōʻele Project District, similar to the Preferred Alternative." Sec. IV, "Alternatives to the Proposed Action" at p.88.)

- *Please identify what alternative land use mixes were explored and why they were rejected.*

  Response: The Applicant reviewed different potential amended Project District maps which included differing acreages within the various sub-designations. Ultimately, the preferred alternative resulted in the acreage mix which best met the Applicant's long-term objectives for the Kōʻele Project District.

Comment 3:

Please revise the proposed revisions to Ch.19.71 (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71") to reflect that the Lanai Planning Commission, and not the Director of Planning, shall act as the entity approving principle, subordinate and accessory uses and structures, and height variances in all districts, as it is for special uses in the hotel and open space districts. If the applicant objects to this revision, specifically discuss why.

Response: The Applicant objects to this revision as any future development within the Kōʻele Project District currently requires the preparation and

processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

Comment 4:

Given the applicant's position that the proposed revisions to the Kōʻele Project District do not involve any construction activities, and the revisions propose a "new" Resort Commercial district within the Project District (and therefore presumably would not fall under Ch. 19.22); please explain the reasoning behind, and presumed benefits of, each proposed development standards reduction. (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 10-11).

Response: The Resort Commercial subdesignation is being proposed to allow for existing uses (e.g., stables and support areas such as pastures for animals) which currently support the Resorts (e.g., Four Seasons Lānaʻi and Sensei Lānaʻi, A Four Seasons Resport) and allows for other potential future development to also support the Resorts. For more information, see response to Comment 1. Further, it should be noted than majority of the land is to remain undeveloped for support activities for the stables (e.g., fenced pastures for animals etc.), which is currently the use today.

The proposed reduction in development standards in the other Project District subdesignations seek to maintain and reduce the low density in other areas of the Project District, thereby maintaining the Resort as its focal point, as was the original intent of the creation of the Kōʻele Project District, as per Maui County Code (MCC) 19.71.010, which states that the intent was *"to establish a low-density primarily residential and recreational development with hotel facilities in an upland rural setting*."

Comment 5:

Please define what is meant by and what is included in "public utilities" in the proposed revisions of Ch. 19.71 (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 4, 6).

Response: Public utilities includes uses as such transmission lines used directly in the distribution of utility services which include, but which are not limited to, power substations, vaults, water wells, tanks and distribution equipment, sewage pump stations, and other similar type uses.

Comment 6:

Please define what is meant by "small scale" energy systems in the proposed revisions of Ch. 19.71 in terms of amount of energy proposed to be produced and what energy resources are envisioned. (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 5, 11).

> **Response:** Consistent with the overall Maui County Zoning Code (MCC, Chapter 19), of which Chapter 19.71 is a part, small-scale energy systems are defined as *"energy production facilities which are incidental and subordinate to a principal use which is established on the property. These systems include but are not limited to solar, wind, hydrologic, and biomass systems."*

Comment 7:

Please explain why the "maximum lot coverage five percent" and "maximum height one story not to exceed 20 feet" were deleted from the proposed revisions to the Park district. (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at p.5.)

> **Response:** The line items "maximum lot coverage five percent" and "maximum height one story not to exceed 20 feet" were deleted in the proposed revisions to the Park district to accommodate the corresponding proposed 'Principal uses' and 'Accessory uses and structures' subsections.

Comment 8:

In calculating the height of a wind turbine, please revise the language referencing the maximum height to reflect that it includes the length of the rotary blade(s). (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at p.11).

> **Response:** Applicant acknowledges this comment and will adjust the section with the underlined inserted language below:
>
> Maximum height and minimum setback for freestanding antennae or wind turbine structures, including the length of the rotary blade; maximum height of fifty feet and minimum setback of one foot for each foot in height from all property lines.

Comment 9:

The draft EA states that "under a full build-out scenario for the proposed amended Project District, approximately 450 direct jobs and 180 indirect jobs would be created, approximately 570 of which would be on Lana'i. Refer to Appendix H." (Emphasis supplied.) (Sec. II "Socio-Economic Impact Report" at p. 37.)

Appendix H, at III-9, however, states that "Resort operations at full development would result in about 450 direct jobs and 180 indirect jobs, for a total of 630 jobs," and since "some of the spending by Resort visitors and residents would occur outside the Resort (e.g. spending at local restaurants, shops, excursions, etc.), some of the direct jobs would be generated outside the Resort." (Emphasis supplied.)

- *Please clarify whether the total jobs referenced (630) are new positions or inclusive of existing positions, and if in addition to existing, then how many would be new; discuss what types of employment these jobs would be; and further quantify how many would be created outside the resort.*

- *If the applicant is suggesting that these are 630 new jobs, please explain the statement that "From a long-term perspective, the proposed action is not a population generator[.]" (Sec. II "Socio-Economic Impact Report" at p. 39.)*

- *If the applicant is suggesting that these are 630 new jobs, please discuss the anticipated impact on housing and public services.*

  Response: The 630 jobs (570 jobs on Lānaʻi) includes existing jobs. Employment at the Resort (including the Resort homes) includes hotel managers, trainers, fitness and sports experts, spa therapists, salon workers, nutritionists, cooks, waiters, receptionists, office workers, store clerks, maintenance workers, grounds keepers, maids, etc. Offsite jobs include store clerks, cooks, waiters, activity providers, airport workers, etc. Indirect jobs are generated by the purchase of goods and services by the Resort, resort workers and their families, and families living in the Resort homes. Indirect employment includes grocery and drug-store workers, cooks, waiters, mechanics, beauty salon workers, medical providers, accountants, attorneys, insurance agents, etc.

Comment 10:

Appendix I does not appear to address construction-related vehicular traffic in its Traffic analysis.

- *Please indicate where in the analysis this occurs, and if not, please discuss.*

- *Please clarify whether construction vehicles would make use of a by-pass road to avoid utilizing existing roadways during all build-out activities, and if so provide a visual of where the by-pass road is located.*

  Response: The subject Environmental Assessment (EA) does not involve any construction activities, therefore it does not address construction-related vehicular traffic in the Traffic Analysis.

  Any future development within the Kōʻele Project District will require the preparation and processing of PH2 and PH3 applications. PH2 applications are

reviewed and acted upon by the Lānaʻi Planning Commission. PH2 applications for any future development will include assessments of project-specific construction-related traffic.

Comment 11:

In 1986, MCC adopted Ordinance 1578 which included standards for all Project District Development in Maui County. Included therein is the following language:

"19.45.030 Scope.
A. The provisions of this chapter shall apply to all areas designated as a project district on the adopted community plans of the county.
B. Other county laws shall apply within project districts, except to the extent that such laws conflict with requirements imposed pursuant to this chapter."

- *Please confirm that Ch 20.30.020 which requires reclaimed water to be used to irrigate landscaping, not limited to golf courses, applies throughout the Kōʻele Project District. If not, why not.*

  Response: This provision does not apply to the Kōʻele Project District as item D of this provision states "this chapter applies only in "Central Maui", "South Maui", and, "West Maui" for mandatory irrigation purposes, as defined by the entire geographic areas shown on Figure 6-2 of the Wailuku-Kahului feasibility study dated June 1991, Figure 6-2 of the South Maui water reuse feasibility study dated September 1992, and Figure 6-2 of the West Maui water reuse feasibility study dated May 1992, respectively, and other locations in Maui County for construction, irrigation, and other suitable purposes where reclaimed water fill stations are made available by the County." The County does not currently have a reclaimed water fill station on Lānaʻi.

  It should be noted as stated in the response to Comment 12, non-potable water, to the extent available, will be used for irrigation purposes.

Comment 12:

Ordinance 2140, adopted in 1992, included the following condition:
"6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989."

- *Since Ord. 2066 defines potable water as "ground-water extracted at an acceptable rate and containing less than 250 milligrams per liter (mg/l) chlorides and which can be disinfected to satisfy standards set forth in the department of health rules chapter 20 entitled 'potable water systems' and maximum contaminant level goals and national secondary drinking water contaminants set*

forth in 40 C.F.R. section 141 and 143 (1990)" please confirm that this condition continues to apply to the entire acreage formerly known as the Kōʻele golf course, and prohibits irrigation with ground water that meets the above definition.

- *Please discuss whether the same requirement applies to the Cavendish golf course acreage since, per Ord. 2066, it is now included in the area subject to a community plan amendment and rezoning after the effective date of the ordinance.*

Response: The Experience at Kōʻele Golf Course closed in 2016; as such, Ordinance 2140 condition 6, which states "The Declarant shall irrigate the Kōʻele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989." is no longer applicable.

However, non-potable water shall be used for irrigation to the extent available. Much of the former Experience at Kōʻele Golf Course is proposed to be designated as 'Park'. As shown on page 3-5 of Appendix J, Preliminary Engineering Report, 'Park' irrigation is anticipated to be primarily provided by effluent (e.g., R1 water), not potable water.

Ordinance 2066 was approved in 1991 and states "The purpose of this ordinance is to prevent the use of potable water for irrigation and other non-domestic purposes at golf courses by restricting the approval of any permit necessary for golf course construction, if that golf course cannot show that it will use a non-potable source of water". Cavendish golf course construction concluded prior to 1991, therefore Ordinance 2066 is not applicable.

REFERENCES

X

X. REFERENCES

County of Maui, 2030 General Plan Countywide Policy Plan, 2010.

County of Maui, "Island of Maui TMK Parcels", [GIS Polygon Shapefile]. Created by Geographic Decision Systems International and County of Maui. 2010. Retrieved from http://hawaii.gov/dbedt/gis/download.htm.

County of Maui, Department of Planning, Lānaʻi Community Plan (2016). 2016.

County of Maui, Department of Planning, Socio-Economic Forecast Report 2014, September 2014.

County of Maui, Office of Economic Development and Maui Economic Development Board, Inc. & Hawaiʻi Small Business Development Center Network, Hawaiʻi Business Research Library, Maui County Data Book 2019.

County of Maui, Department of Water Supply, Lānaʻi Island Water Use and Development Plan, February 2011.

Hawaiʻi Climate Change Mitigation and Adaptation Commission, Hawaiʻi Sea Level Rise Vulnerability and Adaptation Report, 2017.

Hoʻokuleana, LLC, Kōʻele Project District Amendment Draft Environmental Assessment, September 2020 (unpublished).

Munekiyo Hiraga, Applications for County Special Use Permit and Project District Phase II Development Approval, Proposed Adventure Center at Kōʻele, March 2018.

State of Hawaiʻi, Coastal Zone Management, Chapter 205A Hawaiʻi Revised Statutes.

State of Hawaiʻi, Department of Agriculture, Agricultural Lands of Importance to the State of Hawaiʻi, 1977.

State of Hawaiʻi, Department of Agriculture. "Agricultural Lands of Important to the State of Hawaiʻi" [GIS Shapefile]. Digitized by State Office of Planning using ArcInfo version 6 from State Department of Agriculture's 1 :24,000 blueline maps. Retrieved from http://hawaii.gov/dbedt/gis/download.htm.

State of Hawaiʻi, Department of Agriculture, Agriculture Functional Plan, 1991.

State of Hawaiʻi, Department of Business, Economic Development, and Tourism, Energy State Functional Plan, 1991.

State of Hawaiʻi, Department of Business, Economic Development, and Tourism, Tourism State Functional Plan, 1991.

State of Hawaiʻi, Department of Education, Education State Functional Plan, 1989.

State of Hawaiʻi, Department of Health, Health State Functional Plan, 1989.

State of Hawai‘i, Department of Human Services, Human Services State Functional Plan, 1989.

State of Hawai‘i, Department of Labor and Industrial Relations, Employment State Functional Plan, 1990.

State of Hawai‘i, Department of Labor and Industrial Relations, Unemployment Rates – Not Seasonally Adjusted, accessed November 2021.

State of Hawai‘i, Department of Land and Natural Resources, Conservation Lands State Functional Plan, 1991.

State of Hawai‘i, Department of Land and Natural Resources, Historic Preservation State Functional Plan, 1991.

State of Hawai‘i, Department of Land and Natural Resources, Recreation State Functional Plan, 1991.

State of Hawai‘i, Department of Transportation, Transportation State Functional Plan, 1991.

State of Hawai‘i, Hawai‘i Housing Finance and Development Corporation, Affordable Housing State Functional Plan, 2017.

State of Hawai‘i, Hawai‘i State Planning Act, Chapter 226, Hawai‘i Revised Statutes.

State of Hawai‘i, State Land Use Commission. “State Land Use District Boundaries.” [GIS shapefile]. Digitized by State Office of Planning using Arclnfo 4, 5, and 6 from State Land Use Commission’s 1 :24,000 mylar maps. (2010). Retrieved from http://hawaii.gov/dbedt/g is/download. htm.

State of Hawai‘i, University of Hawai‘i, Higher Education Functional Plan, 1984.

University of Hawai‘i Department of Geography, Atlas of Hawai‘i, Third Edition, 1998.

University of Hawai‘i-Land Study Bureau, Detailed Land Classification Island of Maui, May 1967.

University of Hawai‘i, Land Study Bureau. “Land Study Bureau Detailed Land Classification” [GIS Shapefile]. Digitized by State Office of Planning using Arclnfo 7.1 .1 from Land Study Bureau’s 1 :24,000 topographic and orthophoto quads. Retrieved from http://hawaii.gov/dbedt/gis/download.htm.

U. S. Department of Agriculture, Soil Conservation Service, Soil Survey of Islands of Kaua‘i, O‘ahu, Maui, Moloka‘i, and Lāna‘i, State of Hawai‘i, August 1972.

REF-443

MUNEKIYO HIRAGA

Planning. Project Management. Sustainable Solutions.

REF-444