

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the matter of the Petition	)	DOCKET NO. A04-754
	)	
of	)	ORDER ACCEPTING
	)	PETITIONER'S AMENDED FINAL
MAUI LANI 100, LLC	)	ENVIRONMENTAL ASSESSMENT
	)	FOR A STATE LAND USE
To Amend the Land Use District	)	DISTRICT BOUNDARY
Boundary of Approximately 59.6 acres of	)	AMENDMENT FILED ON
Land in the Agricultural District to the	)	FEBRUARY 22, 2005.
Urban District at Wailuku, Island of	)	
Maui, State of Hawai'i, Tax Map Key	)	
No.: 3-8-007: 131 (por.)	)	

ORDER ACCEPTING PETITIONER'S AMENDED FINAL ENVIRONMENTAL
ASSESSMENT FOR A STATE LAND USE DISTRICT BOUNDARY AMENDMENT
FILED ON FEBRUARY 22, 2005

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

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ORDER ACCEPTING PETITIONER'S AMENDED FINAL ENVIRONMENTAL
ASSESSMENT FOR A STATE LAND USE DISTRICT BOUNDARY
AMENDMENT FILED ON FEBRUARY 22, 2005

On January 24, 2005, Maui Lani 100, LLC ("Petitioner") filed its Final Environmental Assessment ("FEA") for its proposed development of affordable and market-priced single- and multi-family homes ("Project").

On February 10, 2005, the State Land Use Commission ("LUC" or "Commission") held its meeting in Waikoloa, Hawaii, to consider acceptance of the Petitioner's FEA. During the meeting, the Petitioner provided clarification pertaining to the Project as it relates to the thirteen significance criteria to

determine if the Petitioner's proposed action warrants a Finding of No Significant Impact ("FONSI").

The County of Maui Planning Department ("County") stated that the County has no objections to the acceptance of the FEA, if Petitioner amended its FEA to include its representations and supplemental materials presented at the February 10, 2005 hearing.

After receiving verbal confirmation that that the deed for the school site adjacent to the Project has been transferred to the Department of Land and Natural Resources, the State of Hawaii Office of Planning, Department of Business Economic Development and Tourism ("OP") opined that the Petitioner has met the legal requirements of the FEA and believes that a FONSI is warranted.

On February 10, 2005, at its meeting in Waikoloa, Hawaii, the Commission conditionally accepted Petitioner's FEA subject to the submittal of an amended FEA to reflect deliberations of the February 10, 2005 hearing.

On February 22, 2005, Petitioner submitted its amended FEA, which included its representations and supplemental materials presented at the February 10, 2005, hearing.

CONCLUSIONS OF LAW

Pursuant to Chapter 343, HRS, as amended, and Chapter 200 of Title 11, HAR, the Commission concludes that the Petitioner has satisfied the criteria and procedures for acceptance of a Final Environmental Assessment and the requirements of Section 11-200-12, HAR.

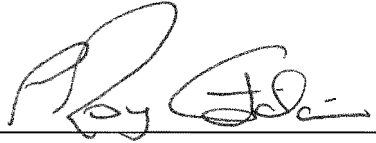
ORDER

IT IS HEREBY ORDERED that the amended Final Environmental Assessment submitted by the Petitioner on February 22, 2005, under LUC Docket A04-754/MAUI LANI 100, LLC, is hereby accepted and the Project warrants a Finding of No Significant Impact pursuant to Chapter 343, HRS, and Chapter 200 of Title 11, HAR.

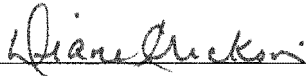
At the hearing conducted on February 10, 2005, a Motion to accept Petitioner's FEA as amended and deliberated was made and seconded. There being a vote tally of seven ayes, the Motion PASSED, having received the affirmative votes required by Section 15-15-13, HAR.

Dated: Honolulu, Hawai'i, APR 12 2005.

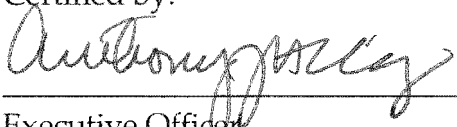
LAND USE COMMISSION
STATE OF HAWAII

By 
P. Roy Catalani
Chairperson and Commissioner

APPROVED AS TO FORM:


Deputy Attorney General

Filed and effective on
APR 12 2005, 2005

Certified by:

Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the matter of the Petition	)	DOCKET NO. A04-754
	)	
of	)	CERTIFICATE OF SERVICE
	)	
MAUI LANI 100, LLC	)	
	)	
To Amend the Land Use District	)	
Boundary of Approximately 59.6 acres of	)	
Land in the Agricultural District to the	)	
Urban District at Wailuku, Island of	)	
Maui, State of Hawai'i, Tax Map Key	)	
No.: 3-8-007: 131 (por.)	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Accepting Petitioner's Amended Final Environmental Assessment For A State Land Use District Boundary Amendment Filed on February 22, 2005 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

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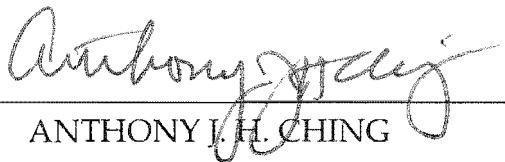
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APR 12 2005

Dated: Honolulu, Hawaii, _____.



ANTHONY J. H. CHING

Executive Officer