

CADES SCHUTTE
A Limited Liability Law Partnership

CALVERT G. CHIPCHASE 7757
CHRISTOPHER T. GOODIN 8562
STACEY F. GRAY 11125
MOLLY A. OLDS 11330

Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4212
Telephone: (808) 521-9200
Fax: (808) 521-9210
Email: cchipchase@cades.com

Attorneys for Petitioner
PŪLAMA LĀNAʻI



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 56.436
acres of land, consisting of a portion of
Tax Map Key No. (2) 4-9-002:061 (por.)
and (2) 4-9-014:001 (por.) at Lānaʻi City,
Island of Lānaʻi, County of Maui, State
of Hawaiʻi.

DOCKET NO. A21-810

**PETITION FOR LAND USE
DISTRICT BOUNDARY
AMENDMENT**

VERIFICATION OF PETITION

**AFFIDAVIT ATTESTING TO
SERVICE OF PETITION**

**AFFIDAVIT ATTESTING TO
MAILING OF THE NOTIFICATION
OF FILING**

CERTIFICATE OF SERVICE

EXHIBITS 1 - 15

Hearing:

Date: November 10, 2021

Time: 9:00 a.m.

PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

PETITIONER'S EXHIBITS

Exhibit 1	Map of Petition Area
Exhibit 2	Final Environmental Assessment and Finding of No Significant Impact (Application Parts II & III)
Exhibit 3	Hōkūao 201H Housing Project Application (Application Part I)
Exhibit 4	County Council Resolution No. 21-136
Exhibit 5	Tax Maps and Outline Showing Petition Area
Exhibit 6	Land Ownership Documentation
Exhibit 7	Affidavit and Amended Affidavit Complying with HAR § 15-15-97(b)
Exhibit 8	Proposed Findings of Fact, Conclusions of Law and Decision and Order
Exhibit 9	Affidavit of Pūlama Lānaʻi Complying with HAR § 15-15-97(k)(3)
Exhibit 10	DHHC Certification that Project Meets 201H Requirements
Exhibit 11	Survey of Petition Area
Exhibit 12	Lānaʻi Community Plan
Exhibit 13	Letter from State Historic Preservation Division
Exhibit 14	Countywide Policy Plan
Exhibit 15	AHC Written Testimony

TABLE OF CONTENTS

I.	INTRODUCTION	2
II.	AUTHORITY FOR RELIEF SOUGHT - HAR § 15-15-50(A)(1), (2)	4
A.	IDENTIFICATION OF PETITIONER - HAR § 15-15-50(C)(1)	4
B.	IDENTIFICATION OF PERSON TO RECEIVE COMMUNICATIONS - HAR § 15-15-50(C)(2).....	4
C.	PETITIONER'S PROPERTY INTEREST - HAR § 15-15- 50(C)(5)(A)	5
D.	NOTIFICATION OF PETITION FILING - HAR §§ 15-15- 50(C)(5)(C), (C)(23)	5
E.	PETITIONS FOR HRS § 201H HOUSING PROJECTS	6
III.	DESCRIPTION OF THE SUBJECT PROPERTY	8
A.	DESCRIPTION OF THE SUBJECT PROPERTY - HAR § 15-15- 50(C)(3)	8
B.	EASEMENTS ON THE SUBJECT PROPERTY - HAR § 15-15- 50(C)(6):	9
IV.	REQUESTED RECLASSIFICATION.....	9
A.	BOUNDARY AMENDMENT SOUGHT BY PETITIONER AND PRESENT USE OF THE PROPERTY - HAR § 15-15-50(C)(4)	9
B.	TYPE OF USE OR DEVELOPMENT BEING PROPOSED - HAR § 15-15-50(C)(7)	10
C.	IMPACT OF PROJECT ON HOUSING NEEDS - HAR § 15-15- 50(C)(15)	11
D.	NEED FOR RECLASSIFICATION - HAR § 15-15-50(C)(16)	12
E.	DEVELOPMENT TO BE ACCOMPLISHED WITHIN TEN YEARS - HAR § 15-15-50(C)(20)	12
F.	DENSITIES AND PROJECT MARKET - HAR § 15-15-50(C)(8).....	13
V.	SUBJECT PROPERTY	15
A.	DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREAS - HAR § 15-15-50(C)(10).....	15
B.	LOCATION OF SUBJECT PROPERTY IN RELATION TO ADJACENT LAND USE DISTRICT - HAR § 15-15-50(C)(13)	17
VI.	AVAILABILITY OF PUBLIC SERVICES AND FACILITIES - HAR § 15-15-50(C)(12).....	18
A.	SCHOOLS.....	18

B.	PARKS	18
C.	WASTEWATER SYSTEMS	19
D.	SOLID WASTE DISPOSAL.....	19
E.	DRAINAGE	20
F.	WATER	20
G.	TRANSPORTATION SERVICES.....	22
H.	PUBLIC UTILITIES	23
I.	POLICE AND FIRE PROTECTION	24
J.	CIVIL DEFENSE	24
K.	EMERGENCY MEDICAL SERVICES AND MEDICAL FACILITIES	25
VII.	ASSESSMENT OF IMPACTS ON AREA RESOURCES - HAR § 15- 15-50(C)(11).....	26
A.	ENVIRONMENTAL RESOURCES.....	26
B.	AGRICULTURAL RESOURCES	26
C.	RECREATIONAL RESOURCES.....	27
D.	CULTURAL RESOURCES	27
E.	HISTORIC RESOURCES	28
F.	SCENIC RESOURCES	29
G.	FLORA AND FAUNA	29
H.	GROUNDWATER	30
VIII.	CLIMATE CHANGE CONCERNS AND PROPOSED MITIGATION - HAR § 15-15-50(C)(24).....	30
A.	IMPACT OF SEA LEVEL RISE - HAR § 15-15-(C)(24)(A), (D)	30
B.	INFRASTRUCTURE ADAPTIONS - HAR § 15-15-(C)(24)(B).....	31
C.	OVERALL CARBON FOOTPRINT AND MITIGATION - HAR § 15-15-(C)(24)(C)	31
IX.	ADHERENCE TO SUSTAINABILITY PRINCIPLES AND PRIORITY GUIDELINES IN HRS § 226-108 AND HAWAII STATE PLAN - HAR § 15-15-50(C)(25)	33
A.	WALKABILITY - HAR § 15-15-50(C)(25)(A)	33

B.	ACCESSIBILITY TO ALTERNATE FORMS OF TRANSPORTATION AND TRANSIT ORIENTED DEVELOPMENT OPPORTUNITIES - HAR § 15-15- 50(C)(25)(B)-(C)	34
C.	GREEN INFRASTRUCTURE - HAR § 15-15-50(C)(25)(D)	34
D.	MITIGATION OF HEAT ISLAND EFFECT - HAR § 15-15- 50(C)(25)(E)	34
E.	URBAN AGRICULTURAL OPPORTUNITIES - HAR § 15-15- 50(C)(25)(F).....	35
X.	ECONOMIC IMPACTS	35
A.	FINANCIAL CONDITION OF PETITIONER - HAR § 15-15- 50(C)(9)	35
B.	ECONOMIC IMPACTS OF PROPOSED USE - HAR § 15-15- 50(C)(14)	35
XI.	CONFORMITY TO OBJECTIVES AND POLICIES OF HAWAII STATE PLAN - HAR § 15-15-50(C)(17)	36
A.	CONFORMITY TO HAWAII STATE PLAN	36
B.	CONFORMITY TO STATE FUNCTIONAL PLANS.....	44
XII.	CONFORMITY TO HAWAII COASTAL ZONE MANAGEMENT PROGRAM - HAR § 15-15-50(C)(18).....	46
XIII.	CONFORMITY TO COUNTY GENERAL PLAN - HAR § 15-15- 50(C)(19)	47
A.	CONFORMITY TO COUNTY OF MAUI GENERAL PLAN.....	47
B.	CONFORMITY TO THE LĀNAʻI COMMUNITY PLAN (2016)	49
C.	CONFORMITY TO COUNTY ZONING DESIGNATIONS.....	50
XIV.	CONFORMITY OF THE RECLASSIFICATION TO THE STANDARDS FOR DETERMINING URBAN DISTRICT BOUNDARIES	51
A.	HAR § 15-15-18(1)	51
B.	HAR § 15-15-18(2)	51
C.	HAR §15-15-18(3)	52
D.	HAR §15-15-18(4), (5).....	52
E.	HAR §15-15-18(6)	53
F.	HAR §15-15-18(7)	53
G.	HAR §15-15-18(8)	53

XV.	HAWAIIAN CUSTOMARY AND TRADITIONAL RIGHTS - HAR § 15-15-50(C)(21).....	54
XVI.	WRITTEN COMMENTS - HAR § 15-15-50(C)(22).....	55
XVII.	CONCLUSION.....	55

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In the Matter of the Petition of

PŪLAMA LĀNAʻI

To Amend The Agriculture Land Use District Boundaries Into the Urban Land Use District for approximately 56.436 acres of land, consisting of a portion of Tax Map Key No. (2) 4-9-002:061 (por.) and (2) 4-9-014:001 (por.) at Lānaʻi City, Island of Lānaʻi, County of Maui, State of Hawaiʻi.

DOCKET NO. A21-810

**PETITION FOR LAND USE
DISTRICT BOUNDARY
AMENDMENT**

PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

Petitioner LĀNAʻI RESORTS, LLC dba PŪLAMA LĀNAʻI, a Hawaiʻi limited liability company (“*Pūlama Lānaʻi*” or “*Petitioner*”) respectfully petition the Land Use Commission of the State of Hawaiʻi (the “*Commission*”) to amend the land use district boundaries of approximately 56.436 acres of land, comprised of a portion of Tax Map Key Nos. (2) 4-9-002:061 (por.) and (2) 4-9-014:001 (por.), situated at Lānaʻi City, County of Maui, State of Hawaiʻi (the “*Petition Area*”).

Specifically, Pūlama Lānaʻi petitions the Commission to amend the land use district boundaries of the Petition Area from the State Land Use Agricultural District (“*Agricultural District*”) to the State Land Use Urban District (“*Urban District*”) to allow construction of the Hōkūao 201H Housing Project (“*Project*” or “*Hōkūao*”). A map of the Petition Area is attached hereto as Exhibit 1. If this Petition is granted, Pūlama Lānaʻi will be able to construct 150 single-family homes on 8,000 to 12,000 square foot lots and consisting of both affordable and market-rate units. The remainder of the Petition Area will be developed as a one-acre park, a 1,500-square foot community center and a 60 stall parking lot.

I. INTRODUCTION

The Project has been in the design stages for several years and recently completed required environmental review. Prior to submitting Pūlama Lānaʻi's request for a Land Use District Boundary Amendment ("***Boundary Amendment***"), Pūlama Lānaʻi submitted a Draft Environmental Assessment ("***DEA***") and 201H application to the Maui County Department of Housing and Human Concerns ("***DHHC***") on October 30, 2020.¹ The DHHC was the accepting agency for the Environmental Assessment and, after the requisite review and comment period, transmitted the Final Environmental Assessment and Finding of No Significant Impact ("***FEA-FONSI***") to the Office of Environmental Quality Control, which published the FEA-FONSI on May 23, 2021. *See Exhibit 2.*

The final application for the affordable housing development was filed with the Maui County Council to request approval of the project and certain exemptions pursuant to Hawaiʻi Revised Statutes ("***HRS***") § 201H-38 on July 21, 2021. *See Exhibit 3; Exhibit 2.* After due consideration, the Maui County Council enacted Resolution No. 21-136 ("***Resolution***"). The Resolution approved requested exemptions from County requirements and imposed modifications with certain conditions on the Project. *See Exhibit 4.* The Project will be developed in the manner represented in this Petition and required by the Resolution, an order by this Commission and the approval of all other requirements, permits or exemptions.

The Project is an affordable housing project that would be developed under HRS § 201H-38, which provides exemptions from state and County land use regulations and expedites the land use entitlements process to encourage the development of affordable housing. The Project will provide for 150 new, fully furnished, single-family residences on large lot sizes to allow more space for families

¹ In the DEA and throughout the process, other planned projects were considered, including Kōʻele Project District New Uses, Mānele New Residential, Lānaʻi City Expansion, Miki Basin Industrial Park and the Department of Hawaiian Homelands' future homestead projects. Conceptual projects were not considered for resource demands.

at both affordable and market-rate price points. The homes will be rental units—as opposed to units for sale—in recognition of the current economic climate and concern about the number of residents who are able to demonstrate creditworthiness sufficient to obtain a mortgage to purchase a home. The affordable rental units within the proposed Project will be affordable in perpetuity.

A main objective of the Project is to provide housing opportunities on Lānaʻi for a variety of income groups. Specifically, the Project would provide 76 homes priced at affordable rental rates based on County rules and guidelines provided by the U.S. Department of Housing and Urban Development (“**HUD**”) and adjusted by the Maui County Department of Housing and Human Concerns for Lānaʻi. The remaining 74 units will be priced at market rental rates.

Pūlama Lānaʻi plans to construct the Project in a manner that reflects and embraces the unique island architecture of Lānaʻi City. Consistent with this goal, all units will be built with hipped roofs, spacious lanais, board and batten siding, large trim profiles and other design details to reflect the aesthetics of Lānaʻi City. The Project will also create additional gathering places for members of the island. Along the east edge bordering the school fields, the project provides a one-acre park, a 1,500-square foot community center, bicycle and pedestrian pathways and 60 parking stalls for intermittent use by those visiting Hōkūao residents or attending events at the community center. The project will be entirely privately-funded by Petitioner.

Pūlama Lānaʻi respectfully submits this Petition and asks the Commission to approve the requested boundary amendment to achieve these goals and allow the Project to proceed. Pūlama Lānaʻi reserves the right to file an Amended Petition with the Commission.

II. AUTHORITY FOR RELIEF SOUGHT - HAR § 15-15-50(a)(1), (2)

All petitions shall: (1) State clearly and concisely the authorization or relief sought; and (2) Cite by appropriate reference the statutory provision or other authority under which commission authorization or relief is sought.

Pūlama Lānaʻi has standing to petition the Commission for a Boundary Amendment pursuant to HRS § 205-4(a) and HAR § 15-15-46(3). See HRS § 205-4(a); HAR § 15-15-46(3). The Commission is authorized to grant the relief pursuant to HRS §§ 201H-38 and 205-4, as amended, and all other statutes and rules applicable to the Commission. See HRS § 201H-38; HRS § 205-4.

Pūlama Lānaʻi reserves the right to further amend this Petition in response to any reports, pleadings, arguments, exhibits, issues and witnesses identified by any party or persons.

A. Identification of Petitioner - HAR § 15-15-50(c)(1)

The exact legal name of each petitioner and the location of the principal place of business and if an applicant is a corporation, trust, or association, or other legal entity, the state in which the petitioner was organized or incorporated.

LĀNAʻI RESORTS, LLC dba Pūlama Lānaʻi is a land and resource management company organized in the state of Hawaiʻi. Pūlama Lānaʻi's principal place of business is located at 733 Bishop Street, Suite 1500 Honolulu, Hawaiʻi 96813.

B. Identification of Person to Receive Communications - HAR § 15-15-50(c)(2)

The name, title, and address of the person to whom correspondence or communications in regard to the petition are to be addressed.

Cades Schutte LLP represents Pūlama Lānaʻi in accordance with HAR § 15-15-35(b). All correspondence and communication regarding this Petition shall be addressed to and served upon:

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
STACEY F. GRAY
MOLLY A. OLDS

1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813
Telephone: (808) 521-9220

In connection with the filing of this Petition, Petitioner has authorized the undersigned counsel to act on its behalf with respect to this matter.

C. Petitioner's Property Interest - HAR § 15-15-50(c)(5)(A)

The petitioner shall attach as exhibits to the petition the following: A true copy of the deed, lease, option agreement, development agreement, or other document conveying to the petitioner a property interest in the subject property or a certified copy of a nonappealable final judgment of a court of competent jurisdiction quieting title in the petitioner.

Pūlama Lāna'i is the fee owner of the Petition Area, which is comprised of portions of two separate parcels identified as Tax Map Key Nos. (2) 4-9-002:061 and (2) 4-9-014:001. Exhibit 5. Copies of relevant land ownership documentation, including deeds and title reports prepared by Title Guaranty of Hawaii, LLC for both parcels, demonstrates that Pūlama Lāna'i is the fee owner of the Petition Area. See Exhibit 6.

D. Notification of Petition Filing - HAR §§ 15-15-50(c)(5)(C), (c)(23)

The petitioner shall attach as exhibits to the petition the following: An affidavit of the petitioner or its agent attesting to its compliance with section 15-15-48 and a copy of the notification of petition filing pursuant to subsection (d).

Under HAR § 15-15-48, Petitioner is required to serve copies of this Petition on the Maui County Planning Department, the Maui Planning Commission, the Lāna'i Planning Commission, the State of Hawai'i Office of Planning and Sustainable Development and all persons with a property interest in the Petition Area as recorded in the County's real property tax records at the time the Petition is filed. An affidavit complying with this requirement is filed with this Petition. In accordance with HAR § 15-15-48(b), a copy of this Petition is required to be served upon any intervenor upon receipt of a notice of intent to intervene pursuant to HAR § 15-15-52(b). There are no intervenors as of the date of the filing of this

Petition. An affidavit attesting to compliance with this section is filed with this Petition.

A copy of the notification of petition filing was sent to all persons on the Commission's state and County mailing lists pursuant to HAR § 15-15-50(d).² An affidavit of Christopher T. Goodin, attorney at Cades Schutte LLP, attesting to compliance with HAR § 15-15-50(d), is filed with this Petition.

E. Petitions for HRS § 201H Housing Projects

Not less than sixty days prior to the filing of a petition, the petitioner shall: (1) File an original, one paper copy, and one electronic copy of a notice of intent to file a petition with the commission according to a format provided by the commission; the number and format of copies required under this section may be modified by order of the commission; (2) Publish the notice of intent at least once in a newspaper of general circulation in the State as well as in a county newspaper in which the subject property is situated. (3) Serve copies of the notice of intent to file a petition upon the director of the state office of planning, the planning department of the county in which the subject property is situated, and persons with a property interest in the subject property that is recorded in the county's real property tax records. The notice of intent to file a petition shall also be sent to persons on a mailing list provided by the chief clerk. In proceedings related to 201H petitions, the petitioner's notice of intent shall also serve as the notice of hearing for the purposes of intervention; (4) File an original and one paper copy of an affidavit of mailing the notices of intent to the persons specified in paragraph (3); and (5) File an affidavit of publication of the notice of intent to file a petition in compliance with paragraph (2).

1. HAR § 15-15-97(b)

The Petition complies with the requirements of HAR § 15-15-97(b). Prior to filing the Petition, Pūlama Lānaʻi filed with the Commission its Notice of Intent to File a Land Use District Boundary Amendment Petition (“*Notice of Intent*”), on August

² The County of Maui and statewide mailing lists are maintained by the Commission staff. Individuals are included on the list if they sign up to receive Commission updates and agendas.

19, 2021. The Notice of Intent to File a Land Use District Boundary Amendment Petition was published in the Honolulu Star-Advertiser, a newspaper of general circulation in the state, and the Maui News which is a newspaper of general circulation in the County of Maui, on August 19, 2021. The Notice of Intent was also served on the director of the Maui County Planning Department and the State of Hawai'i Office of Planning and Sustainable Development, and sent by mail to those on the state and county mailing lists. Affidavits attesting to publication, service and notification were filed with the Commission on August 19, 2021, and are attached as Exhibit 7.

2. HAR § 15-15-97(k)

The petitioner shall file a petition in conformance with subchapters 5 and 6 except that at the time of filing, the petition shall include: (1) A finding of no significant impact or approved environmental impact statement if conservation district lands are involved; (2) A proposed decision and order; (3) An affidavit that the petitioner has met with interested community groups to discuss the proposed project; (4) A clear description of the manner in which petitioner proposes to finance the proposed development, including a budget, a marketing plan, and a feasibility study; and (5) A certification from the Hawai'i housing finance and development corporation or county housing agency that the petition involves a section 201H-38, HRS, housing project, including a certified copy of an approved county council resolution approving the project with conditions and any exemptions granted.

The Petition complies with the requirements of HAR § 15-15-97(k). The following are attached to this Petition:

(1) An FEA-FONSI; no Conservation District lands are involved in this Petition. Exhibit 2.

(2) Pūlama Lāna'i's Proposed Findings of Fact, Conclusions of Law and Decision and Order. Exhibit 8.

(3) An affidavit of Pūlama Lānaʻi attesting that the Petitioner met with interested community groups to discuss the Project. Exhibit 9.

(4) A statement that the Project will be entirely funded by LANAI ISLAND HOLDINGS, LLC, a parent company of LĀNAʻI RESORTS, LLC, dba Pūlama Lānaʻi. See Exhibit 3 at Section 8.

(5) Certification of the DHHC that this petition involves a HRS § 201H-38 housing project, including a certified copy of a County Council resolution approving the project, imposing conditions and granting exemptions from the Maui County Code. Exhibit 10.

III. DESCRIPTION OF THE SUBJECT PROPERTY

A. Description of the Subject Property - HAR § 15-15-50(c)(3)

Description of the subject property, acreage, and tax map key number, with maps, including the tax map, that identify the area under petition. If the subject property is a portion of one or more lots, or the petition proposes incremental development of the subject property on both increments of development, the petitioner shall include a map and description of the subject property and increments in metes and bounds prepared by a registered professional land surveyor.

The Petition Area is located in Lānaʻi City, ahupuaʻa of Kamoku, Island of Lānaʻi, County of Maui, State of Hawaiʻi, and consists of approximately 56.436 acres, being a portion of Tax Map Key Nos. (2) 4-9-002:061 (por.) and (2) 4-9-014:001 (por.) (the “**Tax Parcels**”). Attached to this Petition as Exhibit 5 are copies of the relevant tax maps (“**Tax Map**”) with the approximate proposed Petition Area shown with respect to the larger parcel of land, outlined in red. A metes and bounds description of the Petition Area prepared by a registered professional land surveyor is attached to the Petition as Exhibit 11.

B. Easements on the Subject Property - HAR § 15-15-50(c)(6):

A description of any easements on the subject property, together with identification of the owners of the easements; a description of any other ownership interests shown on the tax maps.

Pūlama Lānaʻi has reviewed its records and confirms that there are no known property interests in the Petition Area.

The Maui County Real Property Tax website shows that the parcel identified by Tax Map Key No. (2) 4-9-002:061 is subject to a lease in favor of Lānaʻi Sustainability Research, LLC. This lease does not relate to the Petition Area. Lānaʻi Sustainability Research, LLC is a wholly owned subsidiary of Petitioner and is not entitled to separate service. Nevertheless, a copy of this Petition was served on Lānaʻi Sustainability Research, LLC.

IV. REQUESTED RECLASSIFICATION

A. Boundary Amendment Sought by Petitioner and Present Use of the Property - HAR § 15-15-50(c)(4)

The boundary amendment sought and present use of property, including an assessment of conformity of the boundary amendment to the standards for determining the requested district boundary amendment.

Pūlama Lānaʻi seeks the reclassification of the Petition Area from the Agricultural District to the Urban District in order to develop a 201H affordable housing project. The Petition Area is located on former pineapple fields, former landscaping nursery operations and former community gardens and is currently undeveloped. Pursuant to HAR § 15-15-18 setting forth the standards for determining Urban District boundaries, such district shall include “lands characterized by ‘city-like’ concentrations of people, structures, streets, urban level of services and other related land uses;” and “shall take into consideration the following specific factors: proximity to centers of trading and employment. . .; availability of basic services such as schools, parks. . . public utilities. . . and; sufficient reserve areas for foreseeable urban growth.” HAR § 15-15-18(1)-(2). “It shall also include lands with satisfactory topography, drainage and reasonably free

from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects.” *Id.* at (3). The Boundary Amendment sought in this Petition conforms to these standards. As shown on Exhibit 1, a majority of the Petition Area is an extension of similar land use in the adjoining Lānaʻi City, the business center of the island. As explained more fully in Section VI, the Petition Area is in close proximity to available public services and resources and employment, which makes it an appropriate area for urban growth. In addition, there is ample land available in the vicinity for future growth.

B. Type of Use or Development Being Proposed - HAR § 15-15-50(c)(7)

Type of use or development being proposed, including without limitation, a description of any planned development, residential, golf course, open space, resort, commercial, or industrial use.

The Project, when fully built-out, will consist of approximately 150 single-family homes for rent. Seventy-six of the units will be available to renters who earn no more than 140 percent of the Lānaʻi area median income. The remaining units will be offered for rent at market rate. The Project qualifies as an affordable housing project under HRS Chapter 201H and may be exempted from state and County land use regulations pursuant to the procedures provided under HRS § 201H-38.

The Project is intended to be an extension of Lānaʻi City, retaining the character and feel of the existing urban development. Lot sizes will be approximately 8,000 square feet. The Project includes a one-acre park, pedestrian and bicycle path, three small pocket parks along the edge of the Project, a 1,500 square-foot community center for use by the Lānaʻi community and a 60-stall parking lot. Portions of Ninth and Twelfth Streets, which are currently dirt roads, will be improved as part of the Project. Exhibit 2 at V.A.

The Project is part of an effort by Pūlama Lānaʻi to make Lānaʻi City a sustainable community. The homes have been designed to maximize airflow and conserve energy to provide innovative energy solutions, such as photovoltaic roof tiles and battery energy storage systems. Pūlama Lānaʻi chose the Petition Area

because of its close proximity to the economic and recreational resources of Lānaʻi City and to promote the Project as a walkable community. The Project incorporates green infrastructure, such as vegetated drainage swales, retention basins and other mindful designs that follow existing topography to greatly reduce any potential runoff. Located in former pineapple fields, the Project seeks to repurpose and revitalize the Petition Area. If the Boundary Amendment is granted, Pūlama Lānaʻi will be able to provide a much needed, affordable and desirable community for the people of Lānaʻi. See Exhibit 2 at III.D.

C. Impact of Project on Housing Needs - HAR § 15-15-50(c)(15)

A description of the manner in which the petitioner addresses the housing needs of low income, low-moderate income, and gap groups.

The primary objective of the Project is to provide much-needed affordable and market-rate rental units in the heart of Lānaʻi City. Pūlama Lānaʻi aims to achieve this objective by offering 76 of the 150 homes at affordable rates, as defined by state law for rent in perpetuity. Generally, state law requires more than 50 percent of the total dwelling units in a project developed pursuant to 201H to be reserved for very low, low, low-moderate, and moderate-income groups. See 201H-38; HAR § 15-307-26(3)(C). This formula provides housing for a range of households earning from 50 percent and below of the area median income up to 140 percent of the area median income. As explained in subsection “F” of this section, the affordable housing units in the Project will generally be priced within ranges established for low-moderate and moderate income groups to address affordable housing needs of Lānaʻi.

To address the housing needs of low income groups, Pūlama Lānaʻi proposes to commit 39 of 128 units at Iwiolo Hale—an existing residential housing complex owned by Petitioner—for rent at affordable rates. These 39 units will be reserved for lower AMI categories in perpetuity. Accordingly, the housing needs of those in the low income group will be provided for in connection with the development of the Project.

D. Need for Reclassification - HAR § 15-15-50(c)(16)

An assessment of need for boundary amendment based upon the relationship between the use or development proposed and other projects existing or proposed for the area and consideration of other similarly designated land in the area.

Reclassification of the Petition Area from Agricultural to Urban is necessary in order to develop the Project, which has been designed to provide quality affordable and market-rate rental units that conform to the unique needs of Lānaʻi. A market study conducted by CBRE in 2020 (the “**Market Study**”) concluded that there is a shortage of homes on the island available for residential long-term rent. By way of example, there were only four units listed across popular listing platforms—such as Zillow and craigslist—available for rent as of the Market Study publication date.

CBRE estimates that the mid-point or average demand for new residential units will total 465 units by 2035. Many of those households will choose to live in Lānaʻi City, as 90 percent of the current population and two-thirds of the island’s economic activity are centered there. The available units on Lānaʻi are inadequate to meet the present and future needs of residents. Reclassification of the Petition Area and subsequent development of the Project will contribute to meeting that need.

There have been additional long-term projects discussed with the community over the last several decades, including one by the County of Maui and one by Department of Hawaiian Homelands. Per the Market Study only 113 units unrelated to the Project are estimated to be completed before 2035. See Exhibit 2 at II.B; see also Exhibit 2 at Appendix H.

E. Development to be Accomplished Within Ten Years - HAR § 15-15-50(c)(20)

Petitioners submitting petitions for boundary amendment to the urban district shall also represent that development of the subject property in accordance with the demonstrated need therefor will be accomplished before ten years after the date of commission approval. In the event full urban development cannot substantially be completed within such period, the petitioner shall also submit a schedule for development of the total of such project in increments together with a map

identifying the location of each increment, each such increment to be completed within no more than a ten-year period.

Pūlama Lānaʻi represents, to the best of its knowledge and ability, that contingent upon the timely grant of all necessary permits and approvals, the Project will be completed before ten years after the date of this Commission's approval of the Boundary Amendment. Incremental development is not planned at this time.

F. Densities and Project Market - HAR § 15-15-50(c)(8)

A statement of projected number of lots, lot size, number of units, densities, selling price, intended market, and development timetables.

The intended market for the Project's affordable residential rental units are renters earning more than 80 percent of the area median household income to 140 percent of the area median household income pursuant to guidelines established by HUD, as adjusted by the County for the island of Lānaʻi. Pūlama Lānaʻi is proposing 150 single-family homes, 76 of which will be priced as affordable homes and 74 of which will be priced as market-rate homes. Renderings of the Project can be found in Appendix A of the FEA. See Exhibit 2 at Appendix A. Each lot will be approximately 8,000 to 12,000 square-feet. House sizes will be as follows:

- The 76 affordable homes will consist of a two-bedroom layout. The home size will have a 1,150 to 1,175 square-foot interior and a 370 to 375 square-foot lanai.
- The 74 market-rate homes will consist of a two-bedroom layout identical to the affordable home dimensions.³

The homes—both affordable and market-rate—will have either a car pad or car port. Both options are currently being considered.

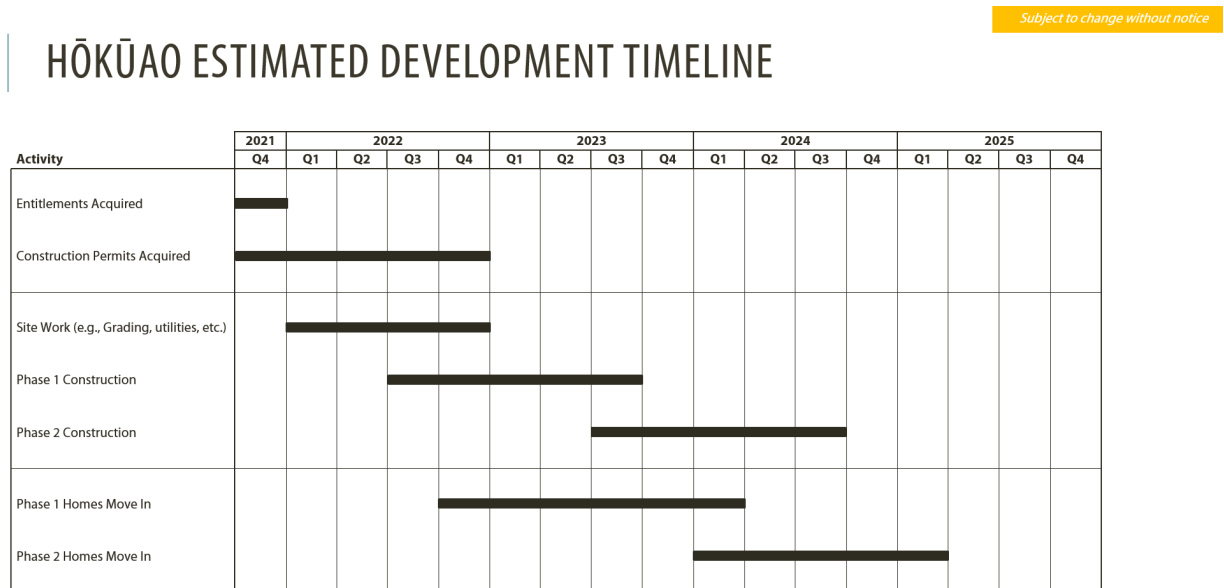
The current estimated monthly rents for the Project's affordable units will generally be priced within the following ranges:

³ In the DEA, Pūlama Lānaʻi originally planned to develop 59 two-bedroom units and 15 four-bedroom units to be sold at market rate. Since then, the Project has been updated, and the 15 four-bedroom units have been removed. All 74 market units will be two-bedroom units.

- 10 percent priced according to affordability guidelines for a household earning more than 80 percent, but not more than 100 percent of the area median household income.
- 20 percent priced for households earning more than 100 percent, but not more than 120 percent of the area median household income.
- 70 percent priced for households earning more than 120 percent, but not more than one 140 percent of the area median household income.

As of May 2021, the guidelines set rents for an affordable unit from \$998 to \$1,747 per month.

Pūlama Lāna‘i is committed to start construction of the affordable units first and add market units at a rate that maintains the ratio of affordable to market units of 51 percent to 49 percent, respectively. The estimated development timetable is summarized in the table below:



Development will promptly proceed upon receipt of all necessary permits, approvals, and exemptions.

V. SUBJECT PROPERTY

A. Description of the Subject Property and Surrounding Areas - HAR § 15-15-50(c)(10)

Description of the subject property and surrounding areas including the use of the property over the past two years, the present use, the soil classification, the agricultural lands of importance to the State of Hawai‘i classification (ALISH), the productivity rating, the flood and drainage conditions, and the topography of the subject property.

1. Recent and Present Use

Presently, the Petition Area is vacant and unutilized. The majority of the Petition Area is abandoned pineapple fields, former commercial landscaping nursery, and community gardens. The land has lain fallow for decades with no plans for cultivation. Due to poor soil conditions for crops, other than pineapple and sugar, as well as limited water available to support large-scale agriculture, the land is suitable for development. Historically, a Maui Electric Company Power plant—now demolished and removed—was located within the Petition Area.

Most recently, a portion of the Petition Area was used as the location for the Pūlama Lāna‘i Nursery and community gardens. A graded portion of the site was also used to store shipping containers. The community gardens were relocated in February 2020. Pūlama Lāna‘i is currently in the process of cleaning up and removing small structures and other remnants of the gardens.

Pūlama Lāna‘i had a site characterization and environmental hazard evaluation conducted by TRC to determine the nature and extent of any potential contamination from past use of the land as pineapple fields. The Final Site Characterization Report & Environmental Hazard Evaluation was submitted to the DOH on February 10, 2021. The DOH has stated it has no comments. See Exhibit 2 at II.A.13.

2. Soil Classification

The productivity of the soil is average, and would require irrigation to be suitable for agriculture. Soils at the site are predominantly “Lahaina Silty Clay”

and “Waihuna Clay” types. The Petition Area is classified on Agricultural Lands of Importance to State of Hawai‘i (“*ALISH*”) maps as “unique.” Exhibit 2 at II.A.3. Unique lands can be suitable for the production of specific high-value crops. The Petition Area represents approximately 0.38 percent of the over 13,000 acres of the previously cultivated pineapple plantation on Lāna‘i. See Exhibit 2 at II.A.4.

Soils within the Petition Area are classified as “C” and “D” pursuant to the University of Hawai‘i Land Study Bureau Detailed Land Classification rating system, with “A” indicating the most productive soil and “E” the least. See Exhibit 2 at Appendix B.

3. Flood and Drainage

The Petition Area is located in central Lāna‘i and receives a moderate amount of rainfall each year. The annual average rainfall measures at approximately 34 inches, with the rainfall typically peaking in January and reaching its lowest point in August. The soils within the Petition Area are well drained. According to Federal Emergency Management Agency records, the Petition Area is located within Flood Zone X, designated as areas outside of the 0.2 percent annual chance floodplain. See Exhibit 2 at II.D.4.

No permanent surface water bodies or wetlands are located within the Petition Area. There is an existing drainage swale on the western boundary of the Petition Area that carries storm water away from the town center. See Exhibit 2 at II.A.5.

4. Topography

The Petition Area is located at the southeastern end of the island’s northwest rift zone. Most of the Petition area topography consists of flat to gently sloping open, patchy forest, and scrub lands. The Petition Area encompasses fallow pineapple fields and graded weedy lots with vehicle tracks and dirt roads. Additional information regarding the Petition Area’s topography is provided in the FEA and Phase 1 Environmental Site Assessment. Exhibit 2 at II.A.4; Exhibit 2 at Appendix G.

B. Location of Subject Property in Relation to Adjacent Land Use District - HAR § 15-15-50(c)(13)

Location of the proposed use or development in relation to adjacent land use districts and any centers of trading and employment.

The Petition Area is immediately adjacent to Lānaʻi City, the economic center of Lānaʻi. The Petition Area is bounded on the east by Fraser Avenue, a major thoroughfare, and two church parcels. To the north, the area is bounded by Ninth Street and a dirt road following Tax Map Key boundaries. Most of the western boundary is marked by a chain-link fence along the boundary of the Lānaʻi Wastewater Reclamation Facility (“**WWRP**”), while the southern boundary follows Twelfth Street.

The Petition Area is immediately adjacent to the Urban District along its northeastern and eastern boundaries and a portion of the project site is already within the Urban District. The remainder of the adjacent land falls within the Agricultural District. The agricultural lands in and adjacent to the Petition Area have lain fallow for decades with no plans for future cultivation.

The Petition Area is close to Dole Park and is within walking distance to shops, grocery stores, school and entertainment venues. The Petition Area was intentionally chosen as the site of the Project by Pūlama Lānaʻi for its proximity to employment and business center of the island.

VI. AVAILABILITY OF PUBLIC SERVICES AND FACILITIES - HAR § 15-15-50(c)(12)

Availability or adequacy of public services and facilities such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, police and fire protection, civil defense, emergency medical service and medical facilities, and to what extent any public agency would be impacted by the proposed development or boundary amendment.

A. Schools

The Project is located within walking distance of Lānaʻi High and Elementary School, the only public school that serves the educational needs of the island of Lānaʻi. The capacity for the school is indicated as 700 students. Recent enrollment has held relatively steady with approximately 550 to 575 students. The school consists of 17 permanent structures, 9 portable classrooms, 2 parking areas and faculty housing spread over a 10.39 acre campus. The Department of Education has prepared a Master Plan to guide the physical expansion and development of the school over the next 25 years and beyond. Although the Project is not expected to increase capacity at the school, there is sufficient capacity to accommodate any increase in enrollment that may result from the development of the Project. See Exhibit 2 at II.C.4.

B. Parks

There are a number of parks and recreational facilities within and surrounding Lānaʻi City to which residents of the Project will have access. Public parks and recreational facilities maintained by the Maui County Department of Parks and Recreation, as well as those associated with the Lānaʻi public schools, in Lānaʻi City include the Lānaʻi Community Center, the Lānaʻi Gym and Tennis Courts, the Lānaʻi Little League Field, Fraser Avenue Park and the Kamālapaʻu Highway/Fraser Avenue Park. There are also a number of parks owned and maintained by Pūlama Lānaʻi with recreational facilities available for public use, including Lānaʻi Community Football Field, Dole Park, Olopuā Woods Park and

Waialua Park in Lānaʻi City, as well as Hulopoʻe Beach Park near Mānele Small Boat Harbor. Additionally, a one-acre park and 1,500 square-foot community center will be developed and built within the Project. See Exhibit 2 at II.C.5.

C. Wastewater Systems

Lānaʻi's municipal wastewater collection system is situated in and around Lānaʻi City and is owned and operated by the County. The existing 10-inch and 12-inch sewer lines that route lines from current subdivisions to the WWRf will need to be relocated. The relocation will be within proposed street right-of-ways and the lines will be connected to the 15-inch sewer line leading to the WWRf.

According to the County's Department of Environmental Management, Wastewater Reclamation Division ("**DEM**"), the capacity of the WWRf is 0.5 million gallons per day ("**MGD**"). Exhibit 2 at Appendix I. The average actual daily flow is approximately 0.325 MGD. Exhibit 3 at 151. The Project will have an average daily flow of 0.05 MGD. See Exhibit 2 at Appendix I.⁴ This estimate is based on a 150-unit Project. The use attributable to the Project brings the total average daily estimated flow to 0.375 MGD. See Exhibit 3 at 150-51.⁵ Thus, there is ample capacity to support the Project. See Exhibit 2 at II.D.3; Exhibit 2 at Appendix I; Exhibit 3 at 150-51. DEM will not reserve allocation until building permits are issued. Exhibit 3 at 150.

D. Solid Waste Disposal

The County of Maui, through the Department of Environmental Management, provides residential application-based refuse pick up and disposal services on

⁴ The average wastewater demand for the Project is based on a calculation of 200 units utilizing 320 gallons per day which totals 0.064 MGD. However, based on the updated Project design of 150 units the average daily estimated flow will be 0.05 MGD.

⁵ The average actual daily flow of 0.325 MGD plus the Project's average daily estimated flow of 0.05 MGD equals an average daily estimated flow of 0.375 MGD.

Lānaʻi. The County has a variety of solid waste services, including the Lānaʻi landfill, refundable glass and can recycling.

Pūlama Lānaʻi already employs solid waste mitigation strategies. Programs include rural recycling events for hard to recycle items and green waste recycling, with the resulting compost made available to the community. Pūlama Lānaʻi will provide trash service through a contractor for the Residents of the Project. See Exhibit 2 at II.C.3.

E. Drainage

An existing drainage swale on the western boundary of the Petition Area carries storm water away from the Lānaʻi City town center. On the western flank, the Project sits back from the WWRF with a 600-foot buffer between the closest lot and the WWRF boundary. Proposed improvements will maintain these existing conditions, and the tributary drainage area will remain the same.

Surface improvements will consist of shallow cutoff swales between the residential units and Fraser Avenue to capture runoff and direct flow around the Project or into the new drainage system. The Project design also proposes three retention basins to mitigate any increase in runoff. Roadway drains will be provided along the new roadways and will feed into the retention basins. A new swale will direct runoff away from the wastewater treatment plant, the only property downward of the Project. As a result, the Project will have no impact on existing regional drainage infrastructure. See Exhibit 2 at II.D; Exhibit 2 at Appendix I.

F. Water

The Lānaʻi Water Company privately owns the domestic water system on Lānaʻi. The Project's water use conforms to the Lānaʻi Water Use and Development Plan (“**LWUDP**”).

R.M. Towill prepared a Preliminary Engineering Report (“**PER**”) for the Project assessing water availability and capacity for a 200-unit development. Since that time, the number of units within the Project has decreased to 150 units. Correspondingly, the estimated increase in water demand for the Project will be

lower than projected in the PER. However, the recommendations proposed by the PER remain valid. As discussed below, there is adequate pumping capacity and source availability to support the Project.

The sustainable yield of Lānaʻi's combined aquifers is estimated at 6 MGD. Most of the available water included in this estimate is located in the Central aquifer, which is divided into two aquifer systems with an estimated sustainable yield of 3 MGD each.

The estimated increase in the average daily domestic water demand from the Project at 200 units was approximately 0.1217 MGD. The estimated increase at 150 units is approximately 0.0917 MGD. The estimated demand (0.0917 MGD) plus the January 2020 12-month moving average for the entire island (1.6 MGD)⁶ results in an estimated overall usage of approximately 1.6917 MGD.⁷ These water estimates include the water necessary for the proposed one-acre park. This is well below the 4.3 MGD threshold set by the Commission on Water Resource Management ("**CWRM**") that triggers the reinstatement of proceedings for designation of Lānaʻi as a groundwater management area. Exhibit 2 at II.D.2.

Even if all other currently proposed projects are approved and developed, the development of the Project will not cause capacity to reach the 4.30 million gallon per day trigger. Including 1.51 MGD for other projects that may be developed in the future, the forecasted demand is estimated at 3.2 MGD. Again, this forecasted estimate falls below the 4.3 MGD threshold.

The Lānaʻi Water Company has indicated that Petitioner will be developing Well #7 to provide additional source capacity and reliability. Once completed, Well #7 will feed into the Lānaʻi City distribution system along with Wells #6, #8, and #3.

⁶ The 1.6 MGD 12-month moving average has been rounded up from the original value of 1.578 MGD.

⁷ See Comm'n on Water Res. Mgmt., *Monthly Pumpage Chart 12 Month Moving Average* 19 available at https://files.hawaii.gov/dlnr/cwrp/monitoringdata/pump_lanai.pdf (last visited September 16, 2021).

The permitting process is currently underway to bring Well #7 on-line. Initially drilled in 1987 but never put in regular use. The development and use of Well #7 is consistent with the LWUDP. A detailed account of water source availability, capacity, and demand can be found in Section II.D.2. of the FEA. Exhibit 2 at II.D.2.

The Project will be constructed with water efficiency in mind utilizing efficient fixtures, smart meters and landscaping that will minimize irrigation needs.

G. Transportation Services

1. Roadways

The two primary streets for ingress/egress for the Project are Ninth Street and Twelfth Street, which both feed onto Fraser Avenue, a main thoroughfare through Lānaʻi City. Kaumālapaʻu Highway, Tenth Street, Thirteenth Street and Mānele Road are all roads within the immediate vicinity of the Project.

Ninth Street is an east-west, two-way, two-lane roadway that runs perpendicular to Fraser Avenue. This roadway begins to the west at a T-intersection with Awalau Avenue and terminates to the east at a T-intersection with Kaunaoa Drive. The planned expansion of Ninth Avenue into the Project will have curbs, gutters and pedestrian sidewalks connecting the Project to town.

Twelfth Street is an east-west, two-way, two-lane roadway that runs perpendicular to Fraser Avenue. This roadway begins to the west of the Project at a T-intersection with Fraser Avenue and terminates to the east at a T-intersection with Ilima Ave. The street continues to the east as a T-intersection with Lānaʻi Avenue and terminates to the east as a T-intersection with Queens Street.

Fraser Avenue is a north-south, two-way, two-lane roadway through Lānaʻi City. This roadway begins to the south at a T-intersection with Kaumālapaʻu Highway and terminates to the north as an outlet. As a main thoroughfare, Fraser Avenue provides access to Lānaʻi High and Elementary School, churches, park and other smaller streets with restaurants and retail.

Kaumālapaʻu Highway is an east-west, two-way, two-lane roadway that runs perpendicular to Fraser Avenue. This roadway begins to the west at the Fuel Depot

and terminates to the east at its intersection with Lānaʻi Avenue and Queens Street.

Mānele Road is a north-south, two-way, two lane roadway. This roadway begins at its intersection with Kaumālapaʻu Highway and terminates to the south at the Mānele Small Boat Harbor.

The Traffic Impact Analysis Report (“*TIAR*”) reviewed six intersections located at Fraser Avenue/Ninth Street, Fraser Avenue/Tenth Street, Fraser Avenue/Twelfth Street, Fraser Avenue/Thirteenth Street, Kaumālapaʻu Highway/Fraser Avenue and Kaumālapaʻu Highway/Mānele Road. Currently, all intersections operate at level of service (“*LOS*”) B, defined as reasonably free-flow traffic conditions.

The TIAR considered the total traffic impacts of the Project as well as the impacts of known future developments in the vicinity of the Project. Each of the intersections is forecasted to operate at LOS B, similar to existing conditions. The TIAR found that no intersection improvements are necessary. See Exhibit 2 at II.D.1; Exhibit 2 at Appendix I.

2. Transit Systems

There are currently no public transit systems serving the island of Lānaʻi.

H. Public Utilities

The existing MECO electrical service will be extended to the Project through connection to MECO’s 12.47 kilo-Volt distribution system. The Project was initially anticipated to generate a total electrical demand load of approximately 1,000 kilo-Volt Amperes (“*kVA*”) or 1.0 megavolt amperes (“*MVA*”) based on a diversified peak load of 5 kVA per residential unit. As this estimate was based on 200 total units, the actual total demand will likely be lower, especially with the solar roof tiles and battery energy systems on each of the residential units.

MECO will be able to accommodate the increase in demand generated by the project, but upgrades to the existing overhead lines may be required. Pūlama Lānaʻi is working with MECO to address the necessary upgrades, including possibly up-

converting the existing distribution system to 12.47 kV. Upgrades would eliminate the need for substation relocation and temporary 2.4 kV relocation. Some or all of the costs associated with possible upgrades may be allocated to the Project.

Hawaiian Telecom (“**HTCO**”) and Charter Communications dba Spectrum (“**Spectrum**”) will offer broadband, cable television and telephone services to residents of the Project. Both HTCO and Spectrum will likely extend fiber optic cable infrastructure into the Project. Exhibit 2 at II.D.5.

I. Police and Fire Protection

The Maui Police Department (“**MPD**”) serves as the primary law enforcement agency for the island of Lānaʻi, including the Petition Area. The station is an 8,000 square-foot facility located in Lānaʻi City, less than a mile from the Petition Area. The island makes up District II of the MPD, which is comprised of eleven full-time officers, including a Lieutenant, two Sergeants and a School Resource Officer. The number of officers currently exceeds the estimated need. As the Project is located within an area that is currently patrolled, it will not present a significant increase to existing law enforcement services. See Exhibit 2 at II.C.1.

The Lānaʻi Fire Station provides the fire protection services for the island. Located in Lānaʻi City, the fire station is approximately one mile from the Petition Area. To mitigate any possible impact of the Project on the Fire Department, and at their request, Pūlama Lānaʻi will incorporate a fire break of approximately 30 feet around the Project. After accounting for this mitigation, the Project is not anticipated to have a significant impact on fire protection services. See Exhibit 2 at II.C.1.

J. Civil Defense

The Maui Emergency Management Agency (“**MEMA**”) is responsible for the administration of county, state, and federal emergency programs for the Mayor. Pūlama Lānaʻi also has an Emergency Operations Plan, which integrates the company’s emergency response efforts with other stakeholders, including the County of Maui and state of Hawaiʻi.

The Petition Area, located in Lānaʻi City, is at a high elevation and is outside the flood and tsunami evacuation zones. See Exhibit 2 at II.A.5. Currently, residents of Lānaʻi City typically shelter in place during storm warnings or emergencies due to Lānaʻi City's high elevation. The closest emergency shelter to the Project is located at Lānaʻi High and Elementary School should residents of the Project need to seek shelter. There is sufficient capacity at the School to provide shelter for residents of the Project.

The development of the Project will also mitigate wildfire risks, as vegetative fuel and brush will be replaced by homes and mindful landscaping. Pūlama Lānaʻi will work with state and County agencies regarding any further civil defense measures necessary to serve the Project.

K. Emergency Medical Services and Medical Facilities

Lānaʻi Community Hospital provides hospital services to the island. Lānaʻi Community Hospital is affiliated with Maui Health System as of summer 2017 and is the sister hospital of Kula Hospital and Maui Memorial Medical Center. These facilities are open to everyone regardless of health coverage.

Lānaʻi Community Hospital offers limited 24-hour emergency care, acute care, and diagnostic imaging. The hospital also provides long-term care, including skilled nursing and intermediate nursing care. The Project is not anticipated to adversely affect the Lānaʻi Community Hospital. See Exhibit 2 at II.C.2.

VII. ASSESSMENT OF IMPACTS ON AREA RESOURCES - HAR § 15-15-50(c)(11)

An assessment of the impacts of the proposed use or development upon the environment, agriculture, recreational, cultural, historic, scenic, flora and fauna, groundwater, or other resources of the area. If required by chapter 343, HRS, either a finding of no significant impact after review of an environmental assessment or an environmental impact statement conforming to the requirements of chapter 343, HRS, must be filed.

A. Environmental Resources

Pūlama Lānaʻi will ensure that any impact to air quality or noise caused during construction will be mitigated by compliance with applicable state and federal regulations and best management practices.

Long-term impacts to air quality in and around the Petition Area due to increased vehicular traffic are not anticipated. A model of worst-case scenario projections indicates that the air quality will remain well within applicable ambient air quality standards. See Exhibit 2 at II.A10. Per the air quality report prepared by B.D. Neal & Associates, any possible impact that the neighboring wastewater treatment plant may have on the air quality in the Petition Area can be mitigated by a buffer of at least 300 to 600 feet. The Project was purposefully designed with a 600-foot buffer to comply with this recommendation. See Exhibit 2 at II.A.10; Exhibit 2 at Appendix F.

Noise around the Petition Area is currently derived from the natural environment, traffic from neighboring roadways, community sounds related to people and pets and aircraft coming to and leaving from Lānaʻi Airport. Once construction is complete, any noise associated with the Project is expected to be negligible. See Exhibit 2 at II.A.12.

B. Agricultural Resources

There is an adequate amount of available agricultural lands surrounding the Petition Area and on the island, and development of the Project will occur on land that is currently unproductive. The approximately 76 acres of the proposed Project

represents approximately 0.38 percent of the 13,000 plus acres of the previously cultivated pineapple fields.⁸ Though the Project will result in the loss of approximately 76 acres of historically cultivated agricultural land,⁹ the land has not been cultivated for decades. Moreover, the 56.436 acre Petition Area makes up an even smaller fraction of the potentially cultivatable acres on the island, and even less of the 200,000 acres of fallow agricultural lands vacated by the sugar and pineapple industries statewide.

There is presently no demand for agricultural use of the Petition Area, and there is sufficient available agricultural land to meet near to mid-term demand. Exhibit 2 at II.A.3; Exhibit 2 at Appendix B.

C. Recreational Resources

There will be a beneficial impact on recreational use in the Petition Area. As described above, the Project proposes a one-acre park that will be maintained by Pūlama Lāna‘i and open to the community on Lāna‘i. The project will also provide a 1,500 square-foot community center, which will be made available for use by the residents on Lāna‘i. Consequently, development of the Project will improve recreational resources in the area. See Exhibit 2 at II.C.5.

D. Cultural Resources

A Cultural Impact Assessment (“*CIA*”) was completed for the Petition Area by Maria Orr of Kaimipono Consulting Services LLC. The Petition Area is situated in the ahupua‘a of Kamoku. The CIA involved archival and documentary research, ethnographic research and interviews of individuals with knowledge of Kamoku and

⁸ At the time the Agricultural Assessment was completed, the Project was estimated to be approximately 50 acres, and the approximated calculations are based on that number. An additional 26 acres were subsequently added to the proposed Project to allow for the development of three retention basins. The additional 26 acres do not impact the analysis and conclusions of the Agricultural Assessment. See Exhibit 2 at Appendix B; Exhibit 2 at II.A.3.

⁹ The entire Project area is approximately 76 acres, some of which already falls within the State Land Use Urban District. The Petition Area is 56.436 acres.

native Hawaiian beliefs, practices and traditions on Lānaʻi. The CIA concluded that there were no identified cultural resources, practices or beliefs connected the Petition Area. However, the CIA did recommend that a *kukui* nut tree—which is believed to have been harvested by the father of one of the interviewees—be preserved if possible. See Exhibit 2 at Appendix E at 68. The *kukui* nut tree will be relocated within the Petition Area. The Project will not have an impact on the exercise of native Hawaiian traditional and cultural practices in the area. See *infra* Section XV.

E. Historic Resources

The Archaeological Impact Survey (“*AIS*”) completed by T.S. Dye & Colleagues (Log. No.: 2019.00221) identified three historical properties.

All three of the identified properties are historic-era artifacts that were transported to the Petition Area for preservation decades ago. Two were wood-frame buildings from the Kōʻele School complex that have deteriorated and now lack the integrity of condition to be listed in the Hawaiʻi Register of Historic Places. Both have been demolished, and a HABS report was completed. The third, a pineapple harvester, was identified as of sufficient integrity to be listed under Criterion “A.” The harvester, identified as “Machine 1,” in the possession of Lānaʻi Culture & Heritage Center, was anticipated to be moved offsite in accordance with the recommendations of the AIS. Upon further inspection by the archaeological consultant and further discussions with State Historic Preservation Division, the harvester is significantly dilapidated and unsafe to be moved. It will be disposed of accordingly to all applicable laws. No pre-contact archeological sites have been recorded in the vicinity of the Petition Area. The AIS recommends no further historic preservation in the Petition Area. To mitigate any unknown and unanticipated impact on any historic resources, an Archaeological Monitoring Plan was accepted by the State Historic Preservation Division. See Exhibit 13. Consistent with this plan, a qualified monitor will be present to monitor all subsurface construction activities. The monitor will have the authority to halt any excavation in the event that any archeological or historical features are identified during

construction. Should this occur, the State Historic Preservation Division will be contacted to determine an acceptable course of action. However, given the conclusions of the AIS, discovery of historic items in the Petition Area is not expected. See Exhibit 2 at A.II.8.

F. Scenic Resources

The Project is not located in a sensitive visual setting. The Petition Area is not part of a scenic corridor, and the Project will not affect scenic vistas or view planes. Rather, the Petition Area is immediately west of and downslope from Lānaʻi City, a moderately urbanized area. The character and design of the Project will reflect the existing design of the area. The single-family homes will have design characteristics that perpetuate the architectural character already present in Lānaʻi City. See Exhibit 2 at II.A.14.

G. Flora and Fauna

A terrestrial vegetation and wildlife study of the Petition area was completed. No state or federally-listed threatened or endangered species or rare native Hawaiian plant species were observed within the Petition Area, and the area is not designated a critical habitat for any species.

Historically, the vegetation of Lānaʻi has been impacted by grazing and commercial pineapple cultivation. Of the 156 plant species observed, only three are native to the Hawaiian Islands. A single endemic *Acacia koa* tree was observed in the center of the survey area. The indigenous ‘uhaloa or *Waltheria indica* was seen scattered along the existing roadways, and popolo or *Solanum americanum* was observed along the edges of the forest. See Exhibit 2 at Appendix C.

Although two endangered Hawaiian species—six black-necked stilt *Himantopus mexicanus knudseni* and four coot *Fulica alai*—were observed foraging in the wastewater treatment ponds approximately 300 feet outside the southwestern Petition Area boundary, they will not be impacted by the Project. Though none were observed, the native pueo or Hawaiian short-eared owl *Asio flammeus sandwichensis* may fly over or hunt in the Project area.

The 600-foot buffer from the wastewater treatment ponds will mitigate any potential disturbance to the observed endangered Hawaiian birds that frequent the nearby ponds. The Project activities will also adhere to the mitigation measures proposed by the surveys. Recommended mitigation measures include designing all lighting in compliance with federal, state and county standards for preventing fallout of fledging seabirds and maintaining a 600 foot buffer from the WWRP. Exhibit 2 at II.A.7.

H. Groundwater

Groundwater from the Leeward aquifer, in the Central aquifer sector will be utilized from Well #7 as discussed in more detail in Section VI.F. Pūlama Lānaʻi will conform to the requirements of the CWRM and DOH related to installation, inspection and maintenance of water systems associated with the Project. The housing units of the proposed Project will be serviced by Lānaʻi Water Company, which regularly monitors water quality parameters to ensure adherence to all state and federal standards. Exhibit 2 at II.D.3.

VIII. CLIMATE CHANGE CONCERNS AND PROPOSED MITIGATION - HAR § 15-15-50(c)(24)

A statement and analysis pursuant to section 226-109, HRS, addressing climate change related threats to the proposed development and proposed mitigation measures. The statement and analysis shall address, but not be limited to, the following issues: (A) The impacts of sea level rise on the proposed development; (B) Infrastructure adaptations to address the impacts of climate change including sewer, water and roadway improvements; (C) The overall carbon footprint of the proposed development and any mitigation measures or carbon footprint reductions proposed; and (D) The location of the proposed development and the threats imposed to the proposed development by sea level rise, based on the maps and information contained in the Hawaiʻi Sea Level Rise Vulnerability Adaptation report and the proposed mitigation measures taken to address those impacts.

A. Impact of Sea Level Rise - HAR § 15-15-(c)(24)(A), (D)

The Petition Area is between 1,500 and 1,600 feet above sea level, located

approximately 4.3 miles inland from the western shoreline towards the center of the island in Lānaʻi City. The Petition Area falls well outside the Sea Level Rise Exposure Area as shown on the Hawaiʻi Sea Level Rise Viewer for the Hawaiʻi Sea Level Rise Vulnerability Adaptation Report. *See* Hawaiʻi Sea Level Rise Viewer, *available at* <https://www.pacioos.hawaii.edu/shoreline/slr-Hawaii/> (last visited March 6, 2021). Based on the maps and information contained in the Hawaiʻi Sea Level Rise Vulnerability Adaptation Report, the predicted three- to six-foot increase in sea level over the next century is not anticipated to have an impact on the Petition Area. Accordingly, no mitigation measures are necessary. *See Exhibit 2 at II.A.5.*

B. Infrastructure Adaptions - HAR § 15-15-(c)(24)(B)

The Project will be designed to meet all applicable International Building Code (“*IBC*”), federal, state and county requirements, as stated in the 201H Application. The design of the Project includes grass swales throughout the interior of the Project and three retention basins to attenuate peak storm water flow. Improvements will terrace the land to maintain characteristics similar to existing conditions. Homes will follow County requirements for low-flow fixtures and fittings. Generated gray and black water will be treated to an R-1 water level to be used by Pūlama Lānaʻi for its irrigation needs. Site design will also incorporate low-water and drought tolerant plants to minimize the need for excessive irrigation. Additionally, the Project will be serviced with existing water, electric and wastewater utilities to minimize infrastructure excavation and land disruption. Exhibit 2 at II.B.4, 11.

C. Overall Carbon Footprint and Mitigation - HAR § 15-15-(c)(24)(C)

The Project is anticipated to have a carbon neutral footprint. Petitioner will ensure that the development incorporates, to the extent practicable, measures to promote energy conservation, sustainable design and environmental stewardship. Site lighting will be low-energy consumptive, and homes will incorporate Energy Star fixtures, LED lighting, interior fans and on-demand hot water heaters. To

reduce the amount of energy expended on cooling, homes have been designed to increase air flow, and construction will utilize R-19 insulation, roof ventilators and reflective roof heat barriers. In recognition of the reliance on fresh-air ventilation, house designs will work to off-set window and door locations to minimize noise transmission.

Homes will also include solar photovoltaic on-site generation with individual home battery energy storage to satisfy most of the energy demand for each unit. The most effective way to reduce carbon dioxide emissions is to reduce fossil fuel consumption. By implementing on-site generation for each home, there is a significant reduction of carbon dioxide emissions. At this point, each home is contemplated to being connected to the MECO system, which provides all the energy to the island. As of Q2 2021, the grid was supplied by 97% fossil fuel and 3% renewable energy (solar). There is an on-going effort at MECO to procure more renewables for the island of Lānaʻi with a guaranteed commercial operations date in 2025 (see Hawaii Public Utilities Commission Docket No. 2015-0389). To determine the amount of carbon emissions that will not be expended because of Petitioner's efforts for the Project, a calculation was completed to assess how much carbon dioxide equivalents would have been expended if Petitioner was not installing on-site generation and batteries (see table below).

	Value	Calculation	Source
Number of homes in Project (# of homes)	150	a	Project Details
Lānaʻi Estimated Residential Home Energy Use per month (kWh/month)	500	b	DBEDT Monthly Energy Trends Average Schedule R use from 1996-2020
Lānaʻi Estimated Residential Home Energy Use per year (kWh/year)	6,000	$c = b * 12$	
Project Estimated Residential Home Energy Use per year (kWh/year)	900,000	$d = a * c$	
Project's Residential Carbon Dioxide Equivalent (Metric Tons/year)	638	$e = d * 7.09 \times 10^{-4}$	https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator

More broadly, Petitioner is committed to redefining Lānaʻi as a sustainable community. Consistent with this goal, Petitioner, in partnership with other organizations, is managing and protecting Lānaʻi's natural resources through projects such as native reforestation and recycling efforts. As the owner of 98 percent of Lānaʻi, Petitioner has incorporated energy efficiency and conservation in its numerous redevelopments and improvements on the island, including the use of carbon encapsulating concrete. Petitioner is committed to reducing its carbon footprint. As of Q2 2021, 20% of its light duty vehicle fleet are electric. Petitioner plans to replace more of their fleet with electric powered vehicles as electric freight vehicles and pick-up trucks become more widely available. See Exhibit 2 at II.A.11.

IX. ADHERENCE TO SUSTAINABILITY PRINCIPLES AND PRIORITY GUIDELINES IN HRS § 226-108 AND HAWAII STATE PLAN - HAR § 15-15-50(c)(25)

A statement and analysis addressing the proposed development's adherence to sustainability principles and priority guidelines and climate change issues as contained in section 226-108, HRS, the Hawai'i State Plan (Sustainability), and smart growth principles, including, but not limited to: (A) Walkability; (B) Accessibility to alternate forms of transportation; (C) Transit oriented development opportunities; (D) Green infrastructure, including water recharge and reuse and water recycling; (E) Mitigation of heat island effects; and, (F) Urban agricultural opportunities.

A. Walkability - HAR § 15-15-50(c)(25)(A)

The Project is located close to Dole Park to take advantage of its walkable proximity to shops, groceries, educational and entertainment venues. The Ninth Street extension will have no parking signs for the first 250 feet and pedestrian sidewalks connecting the Project to town. The pedestrian sidewalks along the Ninth Street extension will increase in width as one moves towards the Project, starting at 5.5 feet wide at Fraser Avenue, then 7.5 feet wide and finally 8 feet wide. The entire length of pedestrian sidewalk along the Twelfth Street extension will be 8 feet wide. There will also be pedestrian sidewalks within the Project, pedestrian and bike

paths along the edge of the Project, leading to the one-acre park, community center and comfort stations. See Exhibit 2 at I.A, B.

B. Accessibility to Alternate Forms of Transportation and Transit Oriented Development Opportunities - HAR § 15-15-50(c)(25)(B)-(C)

The Project is not a Transit Oriented Development (“**TOD**”) in the traditional sense. Lānaʻi is a rural island, with Lānaʻi City being its most urbanized area. Although Lānaʻi does not have a public transportation system, the Petition Area was intentionally chosen for its close proximity to Lānaʻi City to allow residents to enjoy and take advantage of a walkable and bicycle-friendly community. Despite the absence of public transportation, the Project offers similar benefits as a TOD with easy access to the economic and recreational resources Lānaʻi City provides.

C. Green infrastructure - HAR § 15-15-50(c)(25)(D)

Petitioner will, to the extent feasible and practicable, incorporate measures into the Project to promote energy conservation and sustainable design. As explained, the Project incorporates three retention basins to account for runoff, and improvements will terrace the land to mirror existing conditions. Road and lot layouts are oriented with the natural topography of the site to minimize mass grading requirements. Houses will utilize post and beam construction to minimize fine grading, maintain soil permeability and enhance aquifer recharge. Exhibit 2 at II.A.11.

D. Mitigation of Heat Island Effect - HAR § 15-15-50(c)(25)(E)

With 8,000 to 12,000 square-foot lots, the Project will incorporate landscaping to help absorb radiation from the sun and release moisture into the atmosphere. There will be two dense plantings of cook pines at both entrances to the Project, as well as plantings of native tree species at frequent, random intervals throughout the project area. Fruit trees are also contemplated at each home. Graded sites will be re-vegetated as soon as practicable with plants from Lānaʻi. Care will also be taken to preserve as many mature trees as practicable. A one-acre community park, three

pocket parks, and a vegetative buffer between the Project and Fraser Avenue will also serve to mitigate any heat island effect. See Exhibit 2 at III.F. at Appendix A.

E. Urban Agricultural Opportunities - HAR § 15-15-50(c)(25)(F)

Petitioner maintains community gardens in Lānaʻi City for use by the public to encourage urban agriculture. The community gardens, relocated from the Petition Area in February 2020, will continue to provide access to agricultural opportunities for the residents of the Project and the surrounding area.

X. ECONOMIC IMPACTS

A. Financial Condition of Petitioner - HAR § 15-15-50(c)(9)

A statement describing the financial condition together with a current certified balance sheet and income statement as of the end of the last calendar year, or if the petitioner is on a fiscal year basis, as of the end of the petitioner's last fiscal year, and a clear description of the manner in which the petitioner proposes to finance the proposed use or development...

The Project is being entirely privately funded by Petitioner. Supporting documentation is attached to this Petition. See Exhibit 3 at Section 8.

B. Economic Impacts of Proposed Use - HAR § 15-15-50(c)(14)

Economic impacts of the proposed boundary amendment, use, or development including, without limitation, the provision of any impact on employment opportunities, and the potential impact to agricultural production in the vicinity of the subject property, and in the county and State.

The Project will provide affordable and market-rate housing for the Lānaʻi workforce. The Project will transform vacant land of limited agricultural potential into an asset for the community.

The economic benefit is not limited to the additional housing provided. Construction activities will result in short- and long-term creation of jobs and materials spending. During initial estimated buildout, the Project will generate \$166.3 million in total new economic activity island-wide. Thereafter, the Project

will contribute an estimated \$8.3 million in annual economic activity, including the creation of full-time positions within the Project. Overall, the Project will produce an estimated \$52 million in earnings, \$19.5 million in state taxes and nearly \$7 million in county taxes. See Exhibit 2 at II.B; Exhibit 2 at Appendix H.

XI. CONFORMITY TO OBJECTIVES AND POLICIES OF HAWAI'I STATE PLAN - HAR § 15-15-50(c)(17)

An assessment of conformity of the boundary amendment to applicable goals, objectives, and policies of the Hawai'i state plan, chapter 226, HRS, and applicable priority guidelines and functional plan policies.

A. Conformity to Hawai'i State Plan

The purpose of the Hawai'i State Plan, HRS Chapter 226, is to serve as a guide for the future long-range development by identifying themes, goals, objectives, policies and priorities for the state. The three themes are individual and family self-sufficiency, social and economic mobility and community and social well-being. See HRS § 226-3. The Plan also provides a basis for determining priorities and allocating limited resources and establishes a system for plan formulation and program coordination to provide for the integration of all major state and county activities. See HRS § 226-1.

The Project will support and conform to the following goals of the state by supporting the state economy, providing housing opportunities and enhancing the social stability and well-being for the people of Lāna'i:

HRS § 226-4, State 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.

The Project will also support and conform to the following objectives and policies:

HRS § 226-5, Objective and policies for population

(b)(1) Manage population growth statewide in a manner that provides increased opportunities for Hawai'i's people to pursue their physical, social, and economic aspirations while recognizing the unique needs of each county.

(b)(2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.

(b)(3) Promote increased opportunities for Hawai'i's people to pursue their socio-economic aspirations throughout the islands.

(b)(7) (7) Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area.

HRS § 226-6, Objective and policies for the economy--in general

(a)(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawai'i's people, while at the same time stimulating the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.

(a)(2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.

(b)(13) Foster greater cooperation and coordination between the government and private sectors in developing Hawai'i's employment and economic growth opportunities.

(b)(14) Stimulate the development and expansion of economic activities which will benefit areas with substantial or expected employment problems.

(b)(15) Maintain acceptable working conditions and standards for Hawai'i's workers.

(b)(16) Provide equal employment opportunities for all segments of Hawai'i's population through affirmative action and nondiscrimination measures.

(b)(19) Promote and protect intangible resources in Hawai'i, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.

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

(b)(1) Support and assist in the promotion of Hawai'i's visitor attractions and facilities.

(b)(2) Ensure that visitor industry activities are in keeping with the social, economic, and physical needs and aspirations of Hawai'i's people.

(b)(4) Encourage cooperation and coordination between the government and private sectors in developing and maintaining well-designed, adequately

serviced visitor industry and related developments which are sensitive to neighboring communities and activities.

(b)(5) Develop the industry in a manner that will continue to provide new job opportunities and steady employment for Hawai'i's people.

(b)(6) Provide opportunities for Hawai'i's people to obtain job training and education that will allow for upward mobility within the visitor industry.

(b)(7) Foster a recognition of the contribution of the visitor industry to Hawai'i's economy and the need to perpetuate the aloha spirit.

(b)(8) Foster an understanding by visitors of the aloha spirit and of the unique and sensitive character of Hawai'i's cultures and values.

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

(a)(1) Prudent use of Hawai'i's land-based, shoreline, and marine resources.

(a)(2) Effective protection of Hawai'i's unique and fragile environmental resources.

(b)(1) Exercise an overall conservation ethic in the use of Hawai'i's natural resources.

(b)(2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.

(b)(3) Take into account the physical attributes of areas when planning and designing activities and facilities.

(b)(4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage.

(b)(6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawai'i.

(b)(8) Pursue compatible relationships among activities, facilities, and natural resources.

(b)(9) Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational, and scientific purposes.

HRS § 226-12, Objective and policies for the economy--scenic, natural beauty, and historic resources

(b)(1) Promote the preservation and restoration of significant natural and historic resources.

(b)(2) Provide incentives to maintain and enhance historic, cultural, and scenic amenities.

(b)(3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.

- (b)(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawai'i's ethnic and cultural heritage.
- (b)(5) Encourage the design of developments and activities that complement the natural beauty of the islands.

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

- (a)(1) Maintenance and pursuit of improved quality in Hawai'i's land, air, and water resources.
- (a)(2) Greater public awareness and appreciation of Hawai'i's environmental resources.
- (b)(1) Foster educational activities that promote a better understanding of Hawai'i's limited environmental resources.
- (b)(2) Promote the proper management of Hawai'i's land and water resources.
- (b)(3) Promote effective measures to achieve desired quality in Hawai'i's surface, ground, and coastal waters.
- (b)(4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawai'i's people.
- (b)(5) Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.
- (b)(6) Encourage design and construction practices that enhance the physical qualities of Hawai'i's communities.
- (b)(7) Encourage urban developments in close proximity to existing services and facilities.
- (b)(8) Foster recognition of the importance and value of the land, air, and water resources to Hawai'i's people, their cultures and visitors.

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

- (b)(1) Accommodate the needs of Hawai'i's people through coordination of facility systems and capital improvement priorities in consonance with state and county plans.
- (b)(2) Encourage flexibility in the design and development of facility systems to promote prudent use of resources and accommodate changing public demands and priorities.
- (b)(3) Ensure that required facility systems can be supported within resource capacities and at reasonable cost to the user.
- (b)(4) Pursue alternative methods of financing programs and projects and cost-saving techniques in the planning, construction, and maintenance of facility systems.

HRS § 226-15, Objective and policies for facility systems--in general

- (a)(1) Maintenance of basic public health and sanitation standards relating to treatment and disposal of solid and liquid wastes.

(a)(2) Provision of adequate sewerage facilities for physical and economic activities that alleviate problems in housing, employment, mobility, and other areas.

(b)(2) Promote reuse and recycling to reduce solid and liquid wastes and employ a conservation ethic.

HRS § 226-16, Objective and policies for facility systems--water

(b)(1) Coordinate development of land use activities with existing and potential water supply.

(b)(3) Reclaim and encourage the productive use of runoff water and wastewater discharges.

(b)(6) Promote water conservation programs and practices in government, private industry, and the general public to help ensure adequate water to meet long-term needs.

HRS § 226-18, Objective and policies for facility systems--energy

(a)(1) Dependable, efficient, and economical statewide energy systems capable of supporting the needs of the people.

(a)(2) Increased energy security and self-sufficiency through the reduction and ultimate elimination of Hawai'i's dependence on imported fuels for electrical generation and ground transportation.

(a)(3) Greater diversification of energy generation in the face of threats to Hawai'i's energy supplies and systems.

(a)(4) Reduction, avoidance, or sequestration of greenhouse gas emissions from energy supply and use.

(b) To ensure the short- and long-term provision of adequate, reasonably priced, and dependable energy services to accommodate demand.

(c)(1) Support research and development as well as promote the use of renewable energy sources.

(c)(2) Ensure that the combination of energy supplies and energy-saving systems is sufficient to support the demands of growth.

(c)(3) Base decisions of least-cost supply-side and demand-side energy resource options on a comparison of their total costs and benefits when a least-cost is determined by a reasonably comprehensive, quantitative, and qualitative accounting of their long-term, direct and indirect economic, environmental, social, cultural, and public health costs and benefits.

(c)(4) Promote all cost-effective conservation of power and fuel supplies through measures, including: (A) Development of cost-effective demand-side management programs; (B) Education; (C) Adoption of energy-efficient practices and technologies; and (D) Increasing energy efficiency and decreasing energy use in public infrastructure; (c)(5) Ensure, to the extent that new supply-side resources are needed, that the development or expansion of energy systems uses the least-cost energy supply option and maximizes efficient technologies.

- (c)(6) Support research, development, demonstration, and use of energy efficiency, load management, and other demand-side management programs, practices, and technologies.
- (c)(7) Promote alternate fuels and transportation energy efficiency.
- (c)(8) Support actions that reduce, avoid, or sequester greenhouse gases in utility, transportation, and industrial sector applications.
- (c)(9) Support actions that reduce, avoid, or sequester Hawai'i's greenhouse gas emissions through agriculture and forestry initiatives.

HRS § 226-19, Objective and policies for socio-cultural advancement--housing

- (a)(1) Greater opportunities for Hawai'i's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more rental and for sale affordable housing is made available to extremely low-, very low-, lower-, moderate-, and above moderate-income segments of Hawai'i's population.
- (a)(2) The orderly development of residential areas sensitive to community needs and other land uses.
- (b)(1) Effectively accommodate the housing needs of Hawai'i's people.
- (b)(2) Stimulate and promote feasible approaches that increase affordable rental and for sale housing choices for extremely low-, very low-, lower-, moderate-, and above moderate-income households.
- (b)(3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
- (b)(5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.
- (b)(6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.
- (b)(7) Foster a variety of lifestyles traditional to Hawai'i through the design and maintenance of neighborhoods that reflect the culture and values of the community.

HRS § 226-20, Objective and policies for socio-cultural advancement--health

- (a)(2) Maintenance of sanitary and environmentally healthful conditions in Hawai'i's communities.

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

- (b)(10) Assure adequate access to significant natural and cultural resources in public ownership.

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

(b)(4) Encourage the essence of the aloha spirit in people's daily activities to promote harmonious relationships among Hawai'i's people and visitors.

The Hawai'i State Plan also sets forth Priority Guidelines to improve the quality of life for Hawai'i's present and future generations. The Project supports and conforms to the following Priority Guidelines:

HRS § 226-103, Economic priority guidelines

(a)(1)(A)(i) Encourage investments which reflect long-term commitments to the State.

(a)(1)(A)(ii) Encourage investments which rely on economic linkages within the local economy.

(a)(1)(A)(iii) Encourage investments which diversify the economy.

(a)(1)(A)(iv) Encourage investments which reinvest in the local economy.

(a)(1)(A)(v) Encourage investments which are sensitive to community needs and priorities.

(a)(1)(A)(vi) Encourage investments which demonstrate a commitment to provide management opportunities to Hawai'i residents.

(5) Streamline the processes for building and development permit and review and telecommunication infrastructure installation approval and eliminate or consolidate other burdensome or duplicative governmental requirements imposed on business, where scientific evidence indicates that public health, safety, and welfare would not be adversely affected.

(e)(1) Maintain and improve water conservation programs to reduce the overall water consumption rate.

HRS § 226-104, Population growth and land resources priority guidelines

(a)(3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.

(a)(4) Encourage major state and federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.

(a)(5) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage the provision of housing to support selective economic and population growth on the neighbor islands.

(b)(1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.

- (b)(2) Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.
- (b)(6) Seek participation from the private sector for the cost of building infrastructure and utilities, and maintaining open spaces.
- (b)(9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.
- (b)(11) Identify all areas where priority should be given to preserving rural character and lifestyle.
- (b)(12) Utilize Hawai'i's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation lands, and other limited resources for future generations.
- (b)(13) Protect and enhance Hawai'i's shoreline, open spaces, and scenic resources.

HRS § 226-106, Affordable housing

- (1) Seek to use marginal or nonessential agricultural land, urban land, and public land to meet housing needs of extremely low-, very low-, lower-, moderate-, and above moderate-income households.
- (2) Encourage the use of alternative construction and development methods as a means of reducing production costs.
- (3) Improve information and analysis relative to land availability and suitability for housing.
- (4) Create incentives for development which would increase home ownership and rental opportunities for Hawai'i's extremely low-, very low-, lower-, and moderate-income households and residents with special needs.
- (5) Encourage continued support for government or private housing programs that provide low interest mortgages to Hawai'i's people for the purchase of initial owner-occupied housing.
- (6) Encourage public and private sector cooperation in the development of rental housing alternatives.
- (7) Encourage improved coordination between various agencies and levels of government to deal with housing policies and regulations.
- (8) Give higher priority to the provision of quality housing that is affordable for Hawai'i's residents and less priority to development of housing intended primarily for individuals outside of Hawai'i.

HRS § 226-108, Sustainability

- (1) Encourage balanced economic, social, community, and environmental priorities.

- (2) Encourage planning that respects and promotes living within the natural resources and limits of the State.
- (3) Promote a diversified and dynamic economy.
- (4) Encourage respect for the host culture.
- (5) Promote decisions based on meeting the needs of the present without compromising the needs of future generations.
- (7) Emphasize that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawai'i.

HRS § 226-109, Climate change adaptation priority guidelines

- (1) Ensure that Hawai'i's people are educated, informed, and aware of the impacts climate change may have on their communities.
- (2) Encourage community stewardship groups and local stakeholders to participate in planning and implementation of climate change policies.
- (3) Invest in continued monitoring and research of Hawai'i's climate and the impacts of climate change on the State.
- (4) Consider native Hawaiian traditional knowledge and practices in planning for the impacts of climate change.
- (5) Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change.
- (6) Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments.
- (7) Promote sector resilience in areas such as water, roads, airports, and public health, by encouraging the identification of climate change threats, assessment of potential consequences, and evaluation of adaptation options.
- (10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy.

B. Conformity to State Functional Plans

The state has also prepared functional plans to further define and implement statewide goals, objectives and priority guidelines expressed in the State General Plan. See HRS § 226-56(a). The boundary amendment request is consistent with the objectives of the following State Functional Plans:

1. Employment State Functional Plan

The Project will result in the creation of construction and construction-related employment during the development period. This will result in the influx of

employment opportunities and allow residents to compete in the workforce. Long-term, the Project is expected to result in additional primary and secondary employment gains. See Exhibit 2 at Appendix H.

Policy C(2) of the functional plan recognizes that the development of affordable housing is an encouraged strategy to increase the labor pool. In addition, action item C(2)(f) calls on the Commission and counties to impose “realistic and fair housing requirements on projects seeking land use redesignations” The Project conforms to these policies and objectives by providing 76 single-family affordable homes in perpetuity and 74 market-rate homes for rent to multiple income levels of Lānaʻi’s workforce. See Exhibit 2 at III.C.

2. Energy State Functional Plan

A primary objective of the Energy State Functional Plan is to moderate the growth in energy demand through conservation and energy efficiency in an effort to become a more sustainable island state. The Project conforms to this objective by incorporating energy-saving materials and methodologies into the Project that are anticipated to result in a carbon neutral footprint. Homes are designed to maximize natural airflow and use LED lighting, Energy Star fixtures and appliances, interior fans, R-19 insulation, solar roof ventilators, reflective roof heat barriers and on-demand hot water heaters. Homes will also include photovoltaic on-site generation with individual home battery energy storage. See Exhibit 2 at III.C.

3. Housing State Functional Plan

The revised Housing State Functional Plan explains that it is the state’s goal to “continue to focus on leveraging state funds and reducing regulatory barriers within the state’s control to increase the inventory of affordable housing, particularly rental housing that is affordable to our workforce and lower income households.” The state is also “committed to the mission of increasing housing for a continuum of income levels” Objective A of the revised plan is to increase and sustain the supply of permanent rental housing that is affordable and accessible to Hawaiʻi

residents. Policy A(2) encourages increased participation from private developers and other state entities in the development of rental housing.

The Project conforms to these goals by providing both market and affordable (in perpetuity) single-family rental homes. The Project is entirely privately funded by Petitioner. As a result, development of the Project will not require financial support of the state or County, allowing funds to be used elsewhere while still addressing the housing shortage. Moreover, affordable rental units within the Project will be affordable—consistent with County and HUD guidelines—in perpetuity. In addition, the Project will be implemented in a developed area with existing infrastructure and services in Lānaʻi City. Consequently, the project is in consonance with this state functional plan and furthers the objectives and goals of the state. See Exhibit 2 at III.C.

4. Recreation State Functional Plan

The recreation state plan recognizes the need to expand urban and community recreation opportunities. The Project conforms to this goal by providing a one-acre park, community center and pedestrian and bike paths within the Project for the residents and surrounding community. See Exhibit 2 at III.C.

XII. CONFORMITY TO HAWAII COASTAL ZONE MANAGEMENT PROGRAM - HAR § 15-15-50(c)(18)

An assessment of the conformity of the boundary amendment to objectives and policies of the coastal zone management program, chapter 205A, HRS.

The Coastal Zone Management Program is administered by the State of Hawaiʻi Office of Planning and Sustainable Development and is intended to provide for the effective management, beneficial use, protection and development of the coastal zone. The Petition Area is not located on the shoreline and is not within the Special Management Area.

Consequently, development of the Project will not impact coastal recreational activities, affect public shoreline access, increase coastal hazards, have an adverse effect upon the region's coastal ecosystem or otherwise conflict with the Coastal

Zone Management Program. Best management practices and erosion and sedimentation control measures will be implemented during construction to mitigate any possible impact from runoff on coastal ecosystems. An analysis of the impact of the Project on historical and scenic resources, as well as the flora and fauna of the region, is provided in Section VII. The Project complies with HRS Chapter 205A.

XIII. CONFORMITY TO COUNTY GENERAL PLAN - HAR § 15-15-50(c)(19)

An assessment of conformity of the boundary amendment to the applicable county general plans, development or community plans, zoning designations and policies, and proposed amendments required.

A. Conformity to County of Maui General Plan

The County of Maui 2030 General Plan consists of the Countywide Policy Plan, the Maui Island Plan and the nine community plans (“***General Plan***”). The General Plan update began with the Countywide Policy Plan adoption in 2010, the Maui Island Plan adoption in 2012 and the initiation of the update to the community plans in 2010, which is ongoing.

The vision for the County expressed in the General Plan is that the County will be an innovative model of sustainable island living and a place where every individual can grow to reach his or her potential. Further, the County has expressed, by way of the General Plan, the intention to be a leader in the creation of responsible, self-sufficient communities and environmentally sound economic development and land stewardship. The Project conforms to this vision.

Among other goals and objectives, the development of the Project directly conforms to and supports the following policies, objectives, and strategies expressed in the Countywide Policy Plan to:

- Promote, encourage, and require the correct use of traditional place names, particularly in government documents, signage, and the tourism industry.
- Emphasize respect for our island lifestyle and our unique local cultures, family, and natural environment.

- Acknowledge the Hawaiian culture as the host culture, and foster respect and humility among residents and visitors toward the Hawaiian people and their practices.
- Recognize the interconnectedness between the natural environment and the cultural heritage of the islands.
- Perpetuate the authentic character and historic integrity of rural communities and small towns.
- Seek solutions that honor the traditions and practices of the host culture while recognizing the needs of the community.
- Develop safe walking and bicycling programs for school children.
- Ensure quality, island-appropriate housing will be available to all residents.
- Reduce the affordable housing deficit for residents.
- Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.
- Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle.
- Seek innovative methods to secure land for the development of low- and moderate- income housing.
- Ensure residents are given priority to obtain affordable housing units developed in their communities, consistent with all applicable regulations.
- Develop neighborhoods with a mixture of accessible and integrated community facilities and services.
- Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and small town character.
- Design neighborhoods to foster interaction among neighbors.
- Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.
- Encourage the building industry to use environmentally sustainable materials, technologies, and site planning.
- Develop workforce housing in proximity to job centers and transit facilities.
- Increase and maintain the affordable housing inventory.
- Minimize the intrusion of housing on prime, productive, and potentially productive agricultural lands and regionally valuable agricultural lands.
- Support efforts to improve conditions that foster economic vitality in our historic small towns.

See Exhibit 14. A more detailed analysis of the manner in which the Project conforms to the Countywide Policy Plan can be found in Exhibit 2 at III.D and Exhibit 2 at Appendix J-2. See also Exhibit 12.

B. Conformity to the Lānaʻi Community Plan (2016)

The Project conforms to the 2016 Lānaʻi Community Plan. The 2016 update to the community plan highlighted key issues to the Lānaʻi community. The Project addresses a number of these issues by providing affordable and market-rate housing that mirrors the design style of Lānaʻi City. Separately, the Project conforms to the following issues identified in the plan:

- Need For Preservation Of Historic Character: Lānaʻi's historic and cultural resources are truly unique in the state and the country, but many of these resources are threatened by incremental demolition and by 'demolition by neglect'.
- Limited Housing Options: The availability and the variety of housing types on the island are limited.
- Aging Infrastructure: Many of Lānaʻi's infrastructure systems are old, inadequate, and require extensive renovation or redevelopment to meet existing and future needs.
- Relationship With Major Landowner: The relationship between the island's previous major landowner and the community was historically difficult. Recent discussion with others and progress seen in community meetings, the involvement of Pūlama Lānaʻi has been helpful in improving relations between the residents and major landowner.

Section III.D of the FEA provides further analysis of how the Project conforms to the policies of the Lānaʻi Community Plan. See Exhibit 12.

Development of the Project includes, pursuant to HRS § 201H-38, an exemption from the requirement to obtain a community plan amendment. Exemptions under HRS § 201H-38 are processed through the applicable county agencies. The Petition Area is currently designated as "Park," "Open Space," and/or OS-1 and/or OS-2, "Mixed-Use Residential" and "Public/Quasi-public" in the Lānaʻi Community Plan. Although the community plan does not show housing in the Petition Area, the Project seeks to address issues identified by the Lānaʻi Community Plan. As

discussed, the Project will be an extension of similar uses in Lānaʻi City and provide needed affordable and market-rate housing in a walkable community within close proximity to economic and recreational resources. See Exhibit 2 at III.D.

C. Conformity to County Zoning Designations

The Project has been approved by the County Council. See Exhibit 4. Exemptions from county zoning requirements for the development of the Project were granted pursuant to HRS § 201H-38. The land underlying the Petition Area is currently zoned Interim, Open Space, Active Open Space, Road and Agricultural by the Maui County Code (“**MCC**”). Exemptions from MCC Chapter 19.02A (Interim Zoning), Chapter 19.07, MCC Open (Space Districts) and Chapter 19.30A (Agricultural District) were approved to permit the development and use of the parcel for single-family and park purposes, including supporting infrastructure requirements. Input from the community and interested stakeholders confirm that the Project’s location is ideal because it provides access to the school and center of town, justifying the exemptions from county zoning. Presently, there are sufficient alternatives on the island to account for agricultural and open space uses.

A number of other exemptions were approved by the County Council, including exemptions from MCC Title 2 Administration and Personnel, Title 12 Streets, Title 16 Building and Construction and Title 18 Subdivisions. A number of additional approvals and permits will be required from the County of Maui Department of Public Works. These permits and approvals will be processed consistent with the approval granted by the County Council pursuant to HRS § 201H-38. See Exhibit 4.

XIV. CONFORMITY OF THE RECLASSIFICATION TO THE STANDARDS FOR DETERMINING URBAN DISTRICT BOUNDARIES

HAR § 15-15-18 sets forth the standards for determining Urban District boundaries. The proposed reclassification conforms to those standards, as explained below:

A. HAR § 15-15-18(1)

It shall include lands characterized by “city-like” concentrations of people, structures, streets, urban level of services and other related land uses.

The Project will be characterized by “city-like” concentrations of people, structures, streets, urban level of services and other related land uses. The Project will support 150 households in single-family dwellings with a range of incomes and will be an extension of similar uses. A community center and one-acre public park will be located within the Project and will serve as a resource for the residents of Lānaʻi. See Exhibit 2 at I.

The Petition Area is immediately adjacent to Lānaʻi City and a portion of the project site already falls within the State Urban District. Lānaʻi City is the primary business center of Lānaʻi, and contains 90 percent of the island’s population and two-thirds of the island’s economic activity. The site was chosen for its proximity to groceries, entertainment venues and shops. As part of the proposed development, Ninth and Twelfth Streets will be improved and extended into the Project.

B. HAR § 15-15-18(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; and (C) Sufficient reserve areas for foreseeable urban growth.

The Project is located immediately adjacent to Lānaʻi City. The town center contains markets, shops, restaurants, banks, medical care, a cultural center and

more. The Project is within walking distance of the only public school on the island. As noted in Section VI, basic public services are available.

Additionally, sufficient reserve areas for foreseeable urban growth are available. The island is primarily rural, and vast portions of the formerly cultivated lands lay fallow. The Lānaʻi Community Plan contemplates other housing and future developments in other areas, which will not be affected by the development of the Project. See Exhibit 12.

C. HAR §15-15-18(3)

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

As explained in Section V, the Petition Area has satisfactory topography and drainage to accommodate development of the Project. The Petition Area is located between 1,500 and 1,600 feet above sea level, is not subject to tsunami inundation and is not within a tsunami evacuation zone identified by the National Oceanic and Atmospheric Administration. Located in Flood Zone X, the Petition Area has little chance of flooding, and is outside the 0.2 annual chance floodplain. See Exhibit 2 at II.A.5.

D. HAR §15-15-18(4), (5)

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

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 or county community plans or development plans.

The Project is an extension of Lānaʻi City. A portion of the project site already falls within the State Urban District, and reclassification of the Petition Area as Urban would be an extension of existing, adjacent urban use. The Project is

contiguous with other existing urban areas and is an appropriate location for a new urban concentration.

An analysis of the Project's conformity with state and county plans is provided in Sections XI and XIII. As noted in those sections, the Project conforms to the objectives and policies of the applicable plans.

E. HAR §15-15-18(6)

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

As noted above, reclassification of the Petition Area conforms to the standards set forth in HAR §§ 15-15-18(1)-(5).

F. HAR §15-15-18(7)

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

The Petition Area is immediately adjacent to Lānaʻi City, and reclassification of the Petition Area will not contribute toward scattered spot urban development. Rather, development of the Project in the Petition Area will be an extension of existing urban use. As explained in Section VI, the Petition Area is within existing service area for public infrastructure and support services.

G. HAR §15-15-18(8)

It may include lands with a general slope of twenty per cent 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 interests in the aesthetic quality of the landscape.

The approximate range of ground slopes and elevations of the project site range from 3 percent (3% grade) to 20 percent (20% grade). The majority of the project site

ranges from flat (0% grade) to gently sloping (3% grade). The eastern and western portions of the site range from a gentle (3% grade) to a moderate slope (7%). The 20 percent (20%) slope area falls outside the portion of the Petition Area to be developed. See Exhibit 2 at Appendix I at 2-1 to 2-6; *id.* at Figure 2-2; Exhibit 2 at Appendix B at 13.

XV. HAWAIIAN CUSTOMARY AND TRADITIONAL RIGHTS - HAR § 15-15-50(c)(21)

A written disclosure and analysis addressing Hawaiian customary and traditional rights under Article XII, section 7 of the Hawai'i State Constitution.

In *Ka Pa'akai O Ka 'Aina v. Land Use Commission*, the Hawai'i Supreme Court set forth an analytical framework to balance the protection of native Hawaiian customary and traditional rights with economic development and security. 94 Hawai'i 31, 7 P.3d 1068 (2000), *as amended* (Jan. 18, 2001). Under that framework, the Commission must, at a minimum, make specific findings and conclusions in its review of a petition for reclassification of district boundaries in order to fulfill its constitutional duty to preserve and protect customary and traditional rights. Such findings and conclusions must be made as to the following:

- (1) the identity and scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (2) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- (3) the feasible action, if any, to be taken by the Commission to reasonably protect native Hawaiian rights if they are found to exist.

See *id.* at 47, 7 P.3d 1084.

The CIA concluded that there are no known customary or traditional gathering activities or cultural practices that occur in the Petition Area. Consequently, this Commission may find that no customary or traditional native Hawaiian rights have

been identified, that no such rights will be impacted by the reclassification and that no action is necessary to protect native Hawaiian rights in the Petition Area. See Exhibit 2 at Appendix E at 66-68.

XVI. WRITTEN COMMENTS - HAR § 15-15-50(c)(22)

Any written comments received by the petitioner from governmental and non-governmental agencies, organizations, or individuals in regards to the proposed boundary amendment.

Written comments received by Petitioner in response to the 201H Application are attached to this Petition as Exhibit 3 at Section 9. Comments received during the environmental review process and Petitioner's responses are attached to this Petition as Exhibit 2 at IX. Oral comments made during public testimony the Council's Affordable Housing Committee Hearing for the County 201H Application were overwhelmingly positive. Written testimony received also shows broad community support for the Project for both the affordable units and market-rate units. See Exhibit 15. Both oral and written comments highlighted the extreme need for housing on Lānaʻi and excitement for the housing opportunities the Project would provide. As these comments demonstrate, there is tremendous community support for the Project.

XVII. CONCLUSION

The Project will provide much needed and long-overdue affordable and market-rate units in a desirable, sustainable community for families on the island of Lānaʻi. Petitioner respectfully requests this Commission grant the reclassification of the Petition Area from Agricultural District to the Urban District.

DATED: Honolulu, Hawai'i, October 18, 2021.

CADES SCHUTTE
A Limited Liability Law Partnership

A handwritten signature in cursive script, appearing to read "Calvert G. Chipchase", written in black ink above a horizontal line.

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
STACEY F. GRAY
MOLLY A. OLDS
Attorneys for Petitioner
PŪLAMA LĀNA'I

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

To Amend The Agriculture Land Use District Boundaries Into the Urban Land Use District for approximately 56.436 acres of land, consisting of a portion of Tax Map Key No. (2) 4-9-002:061 (por.) and (2) 4-9-014:001 (por.) (por.) at Lānaʻi City, Island of Lānaʻi, County of Maui, State of Hawaiʻi.

DOCKET NO. A21-810

VERIFICATION OF PETITION

VERIFICATION OF PETITION

Kurt Matsumoto, being first duly sworn, on oath, deposes and says he is the President of LĀNAʻI RESORTS, LLC dba PŪLAMA LĀNAʻI and, as such, is authorized to make this verification on behalf of said entity; that he has read the foregoing Petition and knows the contents thereof; and that the same are true to the best of his knowledge and belief.

/

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/


/

DATED: Honolulu, Hawai'i 10 / 18, 2021.



Kurt Matsumoto
President
PŪLAMA LANA'I

Subscribed and sworn before me
This 18th day of October, 2021.


Print Name: Noreel R. Wadahara
Notary Public, State of Hawaii



My commission expires: August 9, 2023


NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Verification of Petition
for Land Use Commission District Boundary Amendment

Doc. Date: 10/18/2021 or ☐ Undated at time of
notarization

No. of Pages: 2 Jurisdiction: First Circuit
(in which notarial act is performed)

10/18/2021


Signature of Notary Date of Notarization and
Certification Statement

Noreel R. Wadahara (Official Stamp or Seal)
Printed Name of Notary Date of notary commission expiration: August 9, 2023



CADES SCHUTTE
A Limited Liability Law Partnership

CALVERT G. CHIPCHASE	7757
CHRISTOPHER T. GOODIN	8562
STACEY F. GRAY	11125
MOLLY A. OLDS	11330

Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4212
Telephone: (808) 521-9200
Fax: (808) 521-9210
Email: cchipchase@cades.com
cgoodin@cades.com
sgray@cades.com
molds@cades.com

Attorneys for Petitioner
PŪLAMA LĀNAʻI

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

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Use District for approximately 56.436
acres of land, consisting of a portion of
Tax Map Key No. (2) 4-9-002:061 (por.)
and (2) 4-9-014:001 (por.) at Lānaʻi City,
Island of Lānaʻi, County of Maui, State
of Hawaiʻi.

DOCKET NO. A21-810

**AFFIDAVIT OF CHRISTOPHER T.
GOODIN ATTESTING TO
SERVICE OF A LAND USE
DISTRICT BOUNDARY
AMENDMENT PETITION**

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

1. I am counsel for LĀNA'I RESORTS, LLC dba Pūlama Lāna'i, a limited liability company ("***Petitioner***"), and am duly authorized to make this affidavit on behalf of Petitioner. I do so upon personal information and belief.

2. This affidavit is made to comply with Section 15-15-48, Hawai'i Administrative Rules ("**HAR**") for the Land Use Commission of the State of Hawai'i ("**Commission**").

3. On October 18, 2021, Petitioner filed a Land Use District Boundary Amendment Petition (“*Petition*”) with the Commission.

4. On October 18, 2021, the same day that the Petition was filed with the Commission and pursuant to HAR Section 15-15-48(a), Petitioner served by mail and electronic mail a copy of the Petition on the State of Hawai‘i Office of Planning and Sustainable Development, the Planning Department of the County of Maui, the Maui Planning Commission and the Lāna‘i Planning Commission.

5. On September 20, 2021, the Department of Hawaiian Homelands (“*DHHL*”) withdrew its Petition to intervene in this proceeding. Nevertheless, on October 18, 2021, the same day that the Petition was filed with the Commission and

pursuant to HAR Section 15-15-48(b), Petitioner served by mail and electronic mail a copy of the Petition on the DHHL.

6. On October 18, 2021, and pursuant to HAR § 15-15-48(a)(4), Petitioner mailed copies of the Petition to the following entities, other than the Petitioner, that appear to have a recorded interest in the Tax Map Key parcels, portions of which comprise the Petition Area:

Lānaʻi Sustainability Research, LLC
1311 Fraser Avenue
Lānaʻi City, Hawaiʻi 96763
(Lease in portion of Tax Map Key No. (2) 4-9-002:061)

Department of Land and Natural Resources,
Division of Forestry and Wildlife
1151 Punchbowl Street # 325
Honolulu, Hawaiʻi 96813
(Exemption in portion of Tax Map Key No. (2) 4-9-014:001)

7. Neither of these interests relate to the Petition Area. First, the Exemption in favor of Lānaʻi Sustainability Research, LLC for a portion of Tax Map Key No. (2) 4-9-002:061 is for a lease that is not located on the Petition Area or within the boundaries of the proposed project. Lānaʻi Sustainability Research, LLC is a wholly owned subsidiary of Petitioner and, therefore, is not entitled to separate notice.

8. Second, the DLNR's exemption is currently incorrectly listed on the County of Maui Real Property Tax website for Tax Map Key No. (2) 4-9-014:001. The DLNR leases a Quonset hut that is on a portion of Tax Map Key No. (2) 4-9-

014:009. The County of Maui real property tax records have been updated to reflect the actual location of the Quonset hut as on Tax Map Key No. (2) 4-9-014:009.


9. Nevertheless, a copy of the Petition was served by mail on Lānaʻi Sustainability Research, LLC and the DLNR.

Further, Affiant sayeth naught.

DATED: Honolulu, Hawaiʻi, October 18, 2021.


CHRISTOPHER T. GOODIN

Subscribed and sworn to before me this
18th day of October, 2021.


Noreel R. Wadahara
Notary Public, State of Hawaii
My commission expires: August 9, 2023



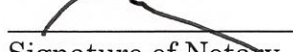
NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Affidavit of
Christoper T. Goodin Atteesting to Service of a Land
Use District Boundary Amendment Petition

Doc. Date: 10/18/2021 or ☐ Undated at time of
notarization.

No. of Pages: 4 Jurisdiction: First
Circuit

(in which notarial act is performed)


Signature of Notary
10/18/2021
Date of Notarization and
Certification Statement

Noreel R. Wadahara (Official Stamp or Seal)
Printed Name of Notary Date of Notary Commission Expiration: August 9, 2023



CADES SCHUTTE
A Limited Liability Law Partnership

CALVERT G. CHIPCHASE 7757
CHRISTOPHER T. GOODIN 8562
STACEY F. GRAY 11125
MOLLY A. OLDS 11330

Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4212
Telephone: (808) 521-9200
Fax: (808) 521-9210
Email: cchipchase@cades.com
cgoodin@cades.com
sgray@cades.com
molds@cades.com

Attorneys for Petitioner
PŪLAMA LĀNAʻI

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

To Amend The Agriculture Land Use
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of Hawaiʻi.

DOCKET NO. A21-810

**AFFIDAVIT OF CHRISTOPHER T.
GOODIN ATTESTING TO MAILING
OF THE NOTIFICATION OF
PETITION FILING**

EXHIBITS 1 - 5

**AFFIDAVIT OF CHRISTOPHER T. GOODIN ATTESTING TO MAILING
OF THE NOTIFICATION OF PETITION FILING**

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU)

SS.

CHRISTOPHER T. GOODIN, being first duly sworn on oath, deposes and says:

1. I am counsel for LĀNA'I RESORTS, LLC dba Pūlama Lāna'i, a limited liability company ("*Petitioner*"), and am duly authorized to make this affidavit on behalf of Petitioner. I do so upon personal information and belief.

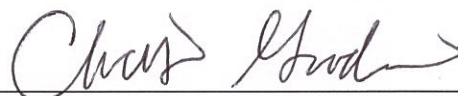
2. This affidavit is made to comply with Sections 15-15-50(c)(23) and 15-15-50(d)(10), Hawai'i Administrative Rules ("*HAR*") for the Land Use Commission of the State of Hawai'i ("*Commission*").

3. On October 18, 2021, the same day that the Petition for Land Use District Boundary Amendment for the Hōkūao 201H Housing Project ("*Petition*") was filed with the Commission and pursuant to HAR Section 15-15-50(d), Petitioner mailed copies of the Notification of Petition Filing to persons included on the Statewide and County of Maui mailing lists provided to Petitioner by the Commission. A copy of the Notification of Petition Filing is attached as Exhibit "1." Copies of the Statewide and County of Maui mailing lists are attached as Exhibits "2" and "3," respectively.

4. On October 18, 2021, the same day that the Petition was filed with the Commission, Petitioner sent by electronic mail a copy of the Notification of Petition Filing to persons included on the Statewide and County of Maui e-mailing lists provided to Petitioner by the Commission, copies of which are attached as Exhibits "4" and "5," respectively.

Further, Affiant sayeth naught.

DATED: Honolulu, Hawai'i, October 18, 2021.



CHRISTOPHER T. GOODIN

Subscribed and sworn to before me this
18th day of October, 2021.



Noreel R. Wadahara

Notary Public, State of Hawaii
My commission expires: August 9, 2023




NOTARY CERTIFICATION STATEMENT

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No. of Pages: 15 Jurisdiction: First
Circuit

(in which notarial act is performed)


Signature of Notary

10/18/2021
Date of Notarization and
Certification Statement

Noreel R. Wadahara

(Official Stamp or Seal)

Printed Name of Notary Date of Notary Commission Expiration: August 9, 2023



October 18, 2021

Exhibit 1

Notification of Petition Filing

This is to advise you that a petition to amend the State Land Use District Boundaries with the following general information has been submitted to the State of Hawai'i Land Use Commission ("Commission"):

Docket No.: A21-810
Petitioner/ Address: LĀNA'I RESORTS, LLC dba Pūlama Lāna'i
733 Bishop Street, Suite 1500, Honolulu, Hawai'i 96813
Landowner: LĀNA'I RESORTS, LLC dba Pūlama Lāna'i

Tax Map Key Nos.: (2) 4-9-002:061 (por.) and (2) 4-9-014:001 (por.)

Location: Lāna'i City, Island of Lāna'i,
County of Maui, State of Hawai'i

**Requested
Reclassification:** Agricultural to Urban

Acreage: 56.436 acres

Proposed Uses: The Hōkūao 201H Housing Project ("Hōkūao"), an affordable housing project under Chapter 201H, Hawai'i Revised Statutes. Hōkūao will consist of 150 single-family homes for rent. Seventy-six of the units will be available exclusively for rent to households within the HUD low-income guidelines, as adjusted for Lāna'i. The remaining units will be offered for rent at market rates. Hōkūao will also include a one-acre park, pedestrian and bicycle path with three small pocket parks along the edge of the project, a 1,500 square-foot community center for use by the Lāna'i community and a 60 stall parking area.

You may review detailed information regarding the petition and maps on file on the Commission's website at www.luc.hawaii.gov or at the Commission office from 8:00 a.m. to 4:00 p.m. (except legal holidays), Monday through Friday, subject to the requirements for entrance to State facilities outlined in the governor's emergency proclamation order. The Commission office is located at 235 South Beretania Street, Room 406, Honolulu, Hawai'i 96813.

A hearing on this petition is scheduled for November 10, 2021, via ZOOM Virtual Video Conferencing Technology. Interested parties should look to the LUC Meeting Notice Agenda for November 10, 2021, posted on the LUC website for a final determination of location. If you are interested in participating in the hearing by presenting testimony, orally or in writing, please contact the Commission by phone at (808) 587-3822 or write to the Commission at P.O. Box 2359, Honolulu, Hawai'i 96804-2359 or dbedt.luc.web@hawaii.gov. It is suggested that such notification be submitted to the Commission by October 21, 2021. For persons requesting special accommodations due to disabilities, please contact the Commission at (808) 587-3822 or notify the Commission in writing at P.O. Box 2359, Honolulu, Hawai'i, 96804-2359, at least 10 days before the scheduled meeting.

Petitions to intervene were due fifteen (15) days after the publication of the Notice of Intent to File a Lan Use District Boundary Amendment
Petition, pursuant to section 15-15-97(e), Hawai'i Administrative Rules

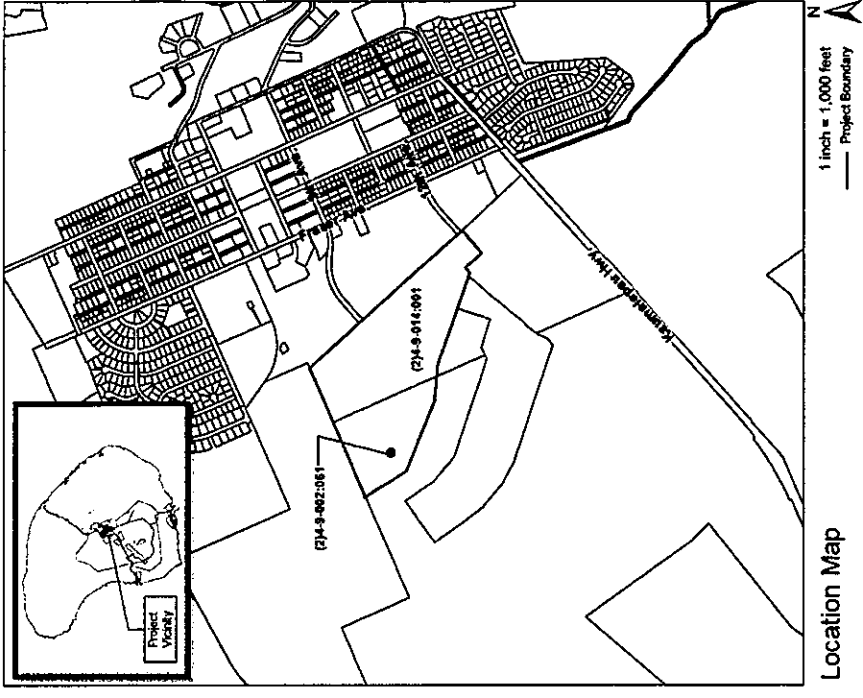


Exhibit 2

Ryan Sakuda
Director of Government Relations
General Contractors Association of
Hawaii
1065 Ahua Street,

Director of Planning
County of Maui
2200 Main Street, Suite 315
Wailuku, HI 96793

Associated Press
500 Ala Moana Boulevard, Suite 7-
590
Honolulu, HI 96813

Michael J. Belles, Esq.
Belles Graham Proudfoot Wilson &
Chun
4334 Rice Street, Suite 202
Lihue, HI 96766

Mr. James Garrigan
P O Box 3143
Kailua-Kona, HI 96745

Patrick Borge, Sr.
536 Haawina Street
Paia, HI 96779-9609

James M Stone Jr
142A Palapu Street
Kailua, HI 96734

Mr. Charles Trembath
4152 Palaumahu
Lihue, HI 96766

Derek Simon, Esq.
Carlsmith Ball LLP
1001 Bishop St., Suite 2100
Honolulu, HI 96813

Hawaii Operating Engineers
2181 Lauwilwili Street Ste 102
Kapolei, HI 96707

Franklin Mukai, Esq.
McCorriston Miller Mukai
MacKinnon
P. O. Box 2800
Honolulu, HI 96803-2800

Gene Zarro
22 Ulunui Place
Pukalani, HI 96768

Mr. Kenneth Okamura
641 Polipoli Road
Kula, HI 96790

Sanoe Laea
84121 Kiapā Place
Wai'anae, HI 96792

Roy A. Vitousek III
Cades Schutte LLP
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740

DOT Highways / Maui District
Office
Engineer Program Manager
650 Palapala Drive
Kahului, HI 96732

STATEWIDE MAILING LIST
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Est 119

Ashford & Wriston Library
P. O. Box 131
Honolulu, HI 96810

Alden Alayvilla
PO Box 33
Kalaheo, HI 96741

Dawn T. Hegger-Nordblom
Hawaii Army National Guard
NEPA Coordinator
P.O. Box 1057
Kihei, HI 96753

James S. Greenwell
Lanihau Properties LLC
P.O. Box 9032
Kailua-Kona, HI 96745

Building Industry Association of
Hawaii
94-487 Akoki Street
Waipahu, HI 96797

Mr. Greg Apa, President
Leeward Land LLC
87 2020 Farrington Hwy
Waianae, HI 96792-3749

Dwight Vicente
2608 Ainaloa Dr.
Hilo, HI 96720

Governor's Rep. East-Hawaii
75 Aupuni Street,
Hilo, HI 96720

City Desk Clerk-Public Hearings
Honolulu Star Advertiser
500 Ala Moana Boulevard, Unit 210
Honolulu, HI 96813-4914

Castle & Cooke Hawaii
Dole Office Building Suite 510
680 Iwilei Road
Honolulu, HI 96817

Karen Piltz
Chun Kerr Dodd Beaman & Wong
999 Bishop Street Suite 2100
Honolulu, HI 96813

Elaine Wender
2180 W, Vineyard St # 305
Wailuku, HI 96793

Mr. Albert K. Fukushima
1841 Palamoi Street
Pearl City, HI 96782

Chairman - Planning Commission
County of Kauai
4444 Rice Street, Suite 473
Lihue, HI 96766

Mr. Richard Poirier
95-584 Naholoholo
Mililani, HI 96789

Walter Mensching RSS Ltd.
1658 Liholiho Street, Suite 306
Honolulu, HI 96822

Ms. Eleanor Mirikitani
c/o Waikoloa Land Co.
150 Waikoloa Beach Drive
Waikoloa, HI 96738

Honglong Li
1001 Bishop Street, Suite 2400
American Savings Bank Tower
Honolulu, HI 96813

Mr. Steve Kelly
James Campbell Company, LLC
1001 Kamokila Boulevard, Suite 200
Kapolei, HI 96707

U.S. Fish and Wildlife Service
300 Ala Moana Blvd., Rm. 3-122
Honolulu, HI 96850

Mr. Ka'aina S. Hull, Director
Planning Department - Kauai
4444 Rice Street, Suite 473
Lihue, HI 96766

Isaac Hall, Esq.
2087 Wells Street
Wailuku, HI 96793

Emi L.M. Kaimulua, Esq.
Watanabe Ing LLP
999 Bishop Street, 23rd Floor
Honolulu, HI 96813

Ms. K. Chun
P. O. Box 3705
Honolulu, HI 96811

Papakipuka
ATTN: Donna Camvel
46-522 Haiku Plantations Drive
Kaneohe, HI 96744

Irene Anzai
Rush Moore LLP
737 Bishop Street, Suite 2400
Honolulu, HI 96813

United States Marine Corps
Commander, Marine Forces Pacific
Attn: G4. Box 64118
Camp H.M. Smith, HI 96861-4118

Department of the Army
Directorate of Public Works
Attn: Planning Division
Schofield Barracks, HI 96857-5013

J. Gillmar
P. O. Box 2902
Honolulu, HI 96802

CBRE, Inc
The Hallstrom Group Team
1003 Bishop Street Ste 1800
Honolulu, HI 96813

DOT-Highways Division,
Kauai District Office
1720 Haleukana Street
Lihue, HI 96766

Outdoor Circle- Bob Loy
1314 S. King St. Suite 306
Honolulu, HI 96814

The Pele Defense Fund
P. O. Box 4969
Hilo, HI 96720

U.S. Pacific Command
Commander in Chief
Box 64028
Camp H.M. Smith, HI 96861-4028

DOT Highways / Hawaii District
Office
Engineer Program Manager
50 Makaala Street
Hilo, HI 96720

Brenda Luana Machado Lee
P. O. Box 133
Captain Cook, Kona, HI 96704

Mr. John M. White
Hawaii Land Company
P. O. Box 10
Honolulu, HI 96810

Jean McManus
47-314 Lulani St.
Kaneohe, HI 96744

Major General Arthur J. Logan
Adjutant General-State of Hawaii
Department of Defense
3949 Diamond Hear Road
Honolulu, HI 96816

National Resources Conservation
Svc.
Pacific Islands Area (PIA) State
Office
Attn: PIA Soil Scientist

Beverly Pauole-Moore
Volunteer Governor's Rep., Molokai
P. O. Box 88.
Kaunakakai, HI 96748

Navy Region Hawaii
Commander
850 Ticonderoga Street, Suite 110
Pearl Harbor, HI 96860-5101

Law Offices of Kyong-Su Im LLC
1608 Laukahi St.
Honolulu, HI 96821

Julie Ann Miyashiro
3247 Catherine St.
Honolulu, HI 96815

Hawaii Thousand Friends
335 Hahani Street
PO Box#342132
Kailua, HI 96734

Claudia Rohr
369 Nene St.
Hilo, HI 96720

Steven Lee Montgomery, Ph.D.
94-610 Palai Street
Waipahu, HI 96797-4535

Honolulu Star Advertiser
Mr. Gordon Pang
500 Ala Moana Blvd # 7-500
Honolulu, HI 96813

Department of the Navy
Commander in Chief, U.S. Pacific
Fleet
Commander in Chief
250 Makalapa Drive

Lawrence Ing, Esq.
Ing, Horikawa & Jorgensen
2145 Wells Street, Suite 204
Wailuku, HI 96793-2222

Bill Mills, Chairman
The Mills Group
1100 Alakea Street, Suite 2200
Honolulu, HI 96813

Randall Sakumoto, Esq.
McCorriston Miller
Mukai MacKinnon LLP
P. O. Box 2800
Honolulu, HI 96803-2800

Stanford S. Carr, President
Stanford Carr Development LLC
1100 Alakea Street, 27th Floor
Honolulu, HI 96813

Native Hawaiian Legal Corporation
1164 Bishop Street, #1205
Honolulu, HI 96813

KITV News 4
Attn.: Assignment Desk
801 S. King Street
Honolulu, HI 96813

West Hawaii Today
Attn: Tom Hasslinger
P. O. Box 789
Kailua-Kona, HI 96745-0789

John White
Executive Director
The Pacific Resource Partnership
1100 Alakea St. 4th Floor
Honolulu, HI 96813

Dain P. Kane
Maui County Council
200 South High Street
Wailuku, HI 96793

Dickson C. H. Lee, Esq.
Takushi Wong Lee & Yee
841 Bishop Street, Suite 925
Honolulu, HI 96813

Sierra Club, Kauai Group
P. O. Box 3412
Lihue, HI 96766

Matsubara, Kotake & Tabata
ATTN: Benjamin M. Matsubara,
Esq.
888 Mililani Street, Suite 308
Honolulu, HI 96813

William W.L. Yuen, Esq.
1001 Bishop Street, Suite 1800
Alston, Hunt, Floyd and Ing
Honolulu, HI 96813-7984

Nathan Natori, Esq.
1003 Bishop Street, Suite #1360
Honolulu, HI 96813

County of Hawaii, Planning
Department
ATTN: Duane Kanuha
101 Pauahi Street, Suite 3
Hilo, HI 96720

Burt Lau, Esq.
999 Bishop St., Ste. 2600
Honolulu, HI 96813

Leticia "Letty" Castillo
Volunteer Governor's Rep Lanai
P. O. Box 630806.
Lanai City HI 96763

Wilson Okamoto & Associates
Attn: Earl Matsukawa
1907 S. Beretania Street
Honolulu, HI 96826

Crockett & Nakamura
38 S. Market Street
Wailuku, HI 96793

Sue White
1118 Maunawili Road
Kailua, HI 96734

Mr. Steven Strauss
P. O. Box 11517
Hilo, HI 96720

Ke'ala Nichols-Administrative
Assistant
Public Policy-Office of Hawaiian
Affairs
737 Iwilei Rd. Suite 200

Mr. Bruce A. Coppa
Communications Pacific
600 Queen St., Unit 2808
Honolulu, HI 96813

Land Use Research Foundation of
Hawaii
1100 Alakea Street, Suite 408
Honolulu, HI 96813

Tai Duong
Maitai Salon
3611 S Harvard Ave
Tulsa, OK 74135

Life of the Land
P.O. Box 37158
Honolulu, HI 96837

Wesley R. Segawa & Associates
736 South St. #206
Honolulu, HI 96813

Mr. Gregory Kugle
Damon Key Bocken Leong &
Kupchak
1003 Bishop Street, #1600
Honolulu, HI 96813

Ms. Donna Ann Kamehaiku Ono
He'e'ia Historical Society
46-522 Haiku Plantations Drive
Kaneohe, HI 96744

Rick Sakimoto
2905 Manoa Rd,
Honolulu, HI 96822

DLNR-Land Division,
Coastal Lands Program
PO Box 621
Honolulu, HI 96809-0621

Russell Tsuji
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, HI 96813

Senator Donovan M. Dela Cruz
Hawaii Capitol Room 202
415 South Beretania Street
Honolulu, HI 96813

The Honorable David Ige
Governor, State of Hawaii
State Capitol
Honolulu, HI 96813

Mr. Gordon Matsuoka
DAGS - Public Works Division
P. O. Box 119
Honolulu, HI 96810

Ms. Sara Collins
DLNR - Historical Preservation
Division
601 Kamokila Blvd., Room 555
Kapolei, HI 96707
DAGS- Automotive Management
Division
Parking Control Office-Attn: Brian
Saito
PO Box 119

Department of the Corporation
Counsel
City and County of Honolulu
530 S. King Street, Rm. 110
Honolulu, HI 96813

Brian Yee, Esq.
Deputy Attorney General
Hale Auhau
425 Queen Street
Honolulu, Hawaii 96813

Land Management Division
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 131
Honolulu, HI 96813

Deputy Director- DLNR
P.O. Box 621
Honolulu, HI 96809

Derek Chow, Deputy Director
DOT Harbors Division
79 S. Nimitz Highway
Honolulu, HI 96813-4898

Laura McIntyre, AICP
DOH-Environmental Planning Office
Mgr, Rm. 312
919 Ala Moana Boulevard
Honolulu, HI 96814

Mr. Ronald F. Tsuzuki
Highways Division, Planning Branch
869 Punchbowl Street
Honolulu, HI 96813

Councilman Ikaika Anderson
530 S. King St. Rm 202
Honolulu, HI 96813

Director
Office of Planning
P. O. Box 2359
Honolulu, HI 96804-2359

Deputy Director
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813

Representative Ryan I. Yamane
Hawaii State Capitol Room 420
415 South Beretania Street
Honolulu, HI 96813

Dept. of Hawaiian Home Lands
P. O. Box 1879
Honolulu, HI 96805

DOT Highways / Oahu District
Office
Engineer Program Manager
727 Kakoi Street
Honolulu, HI 96819

Department of Transportation
Harbors Division
79 South Nimitz Highway
Honolulu, HI 96813

Commission on Resource
Management
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 227
Honolulu, HI 96813
Mr. Eugene Takahashi
C&C DPP
650 South King Street
Honolulu, HI 96813

Director
DBEDT
P. O. Box 2359
Honolulu, HI 96804-2359

Exhibit 3

Bettye Adams
167 S. Franklin Street
Juneau, AK 99801

Herbert Matsubayashi
Maui District Health Office
54 High Street
Wailuku, HI 96793

MAUI MAILING LIST
Last Updated: 08/12/21
Est 45

Randy D. Ragon
713-A Front St.
Lahaina, HI 96767

Director – Department of Water
Supply
County of Maui
200 High Street
Wailuku, HI 96793-2155

Mary Evanson
P.O. Box 694
Makawao, HI 96768

Judy Dando
85 East Kanamele Loop
Wailuku, HI 96793

Lanai Public & School Library
P.O. Box 630550
Lanai City, HI 96763

Joel Katz
1320 Hiahia Place
Wailuku, HI 96793

Paul R. Mancini, Esq.
Mancini, Welch & Geiger
305 E. Wakea Avenue, Suite 200
Kahului, HI 96732

Ms. Carolyn Mosman, President
Kula Community Association
P.O. Box 417
Kula, HI 96790

Maui Civil Defense Agency
200 South High Street
Wailuku, HI 96793

Chairman
Maui County Planning Commission
250 South High Street
Wailuku, HI 96793

Fairfax Reilly
P.O. Box 630111
Lanai City, HI 96763

English Mountain Estates
R.M. Hughes, Vice President
P.O. Box 1203
Lahaina, HI 96767

Mr. Brian McCafferty
P. O. Box 792048
Paia, HI 96779-2048

Mr. Ron McComber
P.O. Box 630646
Lanai City, HI 96763

Darlene Valencia
142 Ikea Place
Makawao, HI 96768

Molokai Legal Aid Society
P.O. Box 427
Kaunakakai, HI 96748

C.K. Spellman
224 Kanui Circle
Lahaina, HI 96761

Patricia Nishiyama
320 Kaeo Place
Lahaina, HI 96761

Johan and Erin Crinion
P.O. Box 187
Lahaina, HI, 96767

Nanea Kalani
The Maui News
100 Mahalani St.
Wailuku, HI 96793

Operating Engineers
Local Union #3
2145 Wells Street, Suite 405
Wailuku, HI 96793

Bud Pikrone, General Manager
Wailea Community Association
555 Kaukahi Street, #214
Wailea, HI 96753

Marcial Basbas
P.O. Box 3021
Wailuku, HI 96793

Mr. Brian Perry
The Maui News
100 Mahalani Street
Wailuku, HI 96793-0550

Bill Medeiros, GIS Coordinator
2145 Kaohu Street, Room 104
Wailuku, HI 96793

Real Property Tax Div – Cnty of
Maui
Service Center, Suite A-16
70 Kaahumanu Avenue
Kahului, HI 96732

Bruce Curtis
P.O. Box 10385
Lahaina, HI, 96761

Susan Halas
1939A Vineyard St.
Wailuku, HI 96793

Representative Tina Wildberger
11th District
State Capitol, Room 327
Honolulu, HI 96813

David M. Johnston
P. O. Box 388
Puunene, HI 96784

Dustin Caserta
104 Ikaika Place
Lahaina, HI 96761

Kula Community Assn.
attn:Ron Montgomery/Richard
Mayer
P.O. Box 417
Kula, HI 96790

Haleakala Ranch Company
529 Kealaloa Avenue
Makawao, HI 96768

USDA Natural Resources
Conservation Service
77 Hookele Street, Suite 202
Kahului, HI 96732-3516

Edwin Tanji
The Maui News
P. O. Box 550
Wailuku, HI 96793

Maui District Land Office-DLNR
130 Mahalani Street
Wailuku, HI 96793

Mr. Warren Watanabe, President
Maui County Farm Bureau
P. O Box 148
Kula, HI 96790

Mr. Norman Stubbs
#1 Uapoko Place
Haiku, HI 96708

Claire Apana
260 Hale Nani Drive
Wailuku, HI 96793

Dept. of Planning, County of Maui
ATTN: Michele Chouteau McLean
One Main Plaza
2200 Main Street, Suite 315
Wailuku, HI 96793

State of Hawaii – Dept. of Education
ATTN: Gaylyn Nakatsuka/Robert
Purdie
Facilities Development Branch
3633 Waiālae Avenue

Albert Perez, Executive Director
Maui Tomorrow Foundation, Inc.
55 North Church Street, Suite A4
Wailuku, HI 96793

Mike Moran
Kihei Community Association
(KCA)
167 Ahaaina Way
Kihei, HI 96753

Exhibit 4

Statewide List:

abircher@lanihau.net; adrianne.sato@cbre.com <adrianne.sato@cbre.com>; agomes@staradvertiser.com <agomes@staradvertiser.com>; ahofschneider@civilbeat.com <ahofschneider@civilbeat.com>; allison.au-iniba@hawaiiantel.com <allison.au-iniba@hawaiiantel.com>; alsalave@ksbe.edu <alsalave@ksbe.edu>; andrewk@gentryhawaii.com <andrewk@gentryhawaii.com>; anitam@oha.org <anitam@oha.org>; annehugginswalton@gmail.com <annehugginswalton@gmail.com>; Araki-Regan, Lynn <Lynn.Araki-Regan@hawaii.gov>; bdavis@chpmaui.com <bdavis@chpmaui.com>; bdixon@ychawaii.com; BIANCA@KAHEA.ORG <BIANCA@KAHEA.ORG>; bkudo@awlaw.com <bkudo@awlaw.com>; blau@ksglaw.com <blau@ksglaw.com>; blovell@civilbeat.org; bmatsubara@m-klawyers.com; brandon.soo@honolulu.gov; bruce@townscapeinc.com <bruce@townscapeinc.com>; bryan.c.yee@hawaii.gov <bryan.c.yee@hawaii.gov>; bsalgado@hawaiiinewsnow.com <bsalgado@hawaiiinewsnow.com>; bvoss@legalthawaii.com <bvoss@legalthawaii.com>; carl.y.miura@hawaii.gov <carl.y.miura@hawaii.gov>; Case, Suzanne D <suzanne.case@hawaii.gov>; cdelaunay@prp-hawaii.com <cdelaunay@prp-hawaii.com>; Choy, Andrew H <andrew.h.choy@hawaii.gov>; chris@eha.design; chuck.kellley323@gmail.com; cindy13850@gmail.com <cindy13850@gmail.com>; cmkido@awlaw.com <cmkido@awlaw.com>; cmsakoda@gmail.com <cmsakoda@gmail.com>; cokcouncil@kauai.gov <cokcouncil@kauai.gov>; com (Mmcdermott@culturalsurveys.com) <mmcdermott@culturalsurveys.com>; cordylincolor@gmail.com <cordylincolor@gmail.com>; craig.k.hirai@hawaii.gov <craig.k.hirai@hawaii.gov>; crogers@bchdesign.com <crogers@bchdesign.com>; ctabata@m-klawyers.com <ctabata@m-klawyers.com>; cthstab@gmail.com <cthstab@gmail.com>; cyjohnas@ksbe.edu <cyjohnas@ksbe.edu>; danielle.m.bass@hawaii.gov <danielle.m.bass@hawaii.gov>; darrah1118@gmail.com; DBEDT HCDA Contact <dbedt.hcda.contact@hawaii.gov>; dbedt.director@hawaii.gov <dbedt.director@hawaii.gov>; DBM2DBM@AOL.COM <DBM2DBM@AOL.COM>; DHHL.Planning <[dhhl.planning@hawaii.gov](mailto:dhdl.planning@hawaii.gov)>; dianeerickso@gmail.com <dianeerickso@gmail.com>; dlnr.cwrn@hawaii.gov <dlnr.cwrn@hawaii.gov>; dockline3@yahoo.ca <dockline3@yahoo.ca>; DOT HWY-P_esign <DOT.HWY-P_esign@hawaii.gov>; ds@avalonhi.com <ds@avalonhi.com>; dsimon@carlsmith.com <dsimon@carlsmith.com>; duane.kanuha@hawaiicounty.gov <duane.kanuha@hawaiicounty.gov>; dws@hawaiidws.org <dws@hawaiidws.org>; dyasui@abhi.com <dyasui@abhi.com>; Earl. J. Yamamoto@hawaii.gov <Earl.J.Yamamoto@hawaii.gov>; emirikitani@waikoloaland.com; Esther09@hawaiiantel.net <Esther09@hawaiiantel.net>; execdir@hawaiiconstructionalliance.org <execdir@hawaiiconstructionalliance.org>; faith.caplan@hartcrowser.com <faith.caplan@hartcrowser.com>; fkraintz@honolulu.gov <fkraintz@honolulu.gov>; Fujimoto, Jeffrey Y <jeffrey.y.fujimoto@hawaii.gov>; g.decosta@honolulu.gov; ghiraga@munekiyohiraga.com <ghiraga@munekiyohiraga.com>; gino@HBCTC.org <gino@HBCTC.org>; governmentrelations@ksbe.edu <governmentrelations@ksbe.edu>; gpknopp@gkenvllc.com <gpknopp@gkenvllc.com>; hphw@hawaiiantel.net <hphw@hawaiiantel.net>; hsk@landtecinc.com <hsk@landtecinc.com>; htf3000@gmail.com <htf3000@gmail.com>; iaea_s@yahoo.com; inakagawa@carlsmith.com; info@hawaiilecet.org; iramos@cades.com <iramos@cades.com>; jamesstonejr8@gmail.com <jamesstonejr8@gmail.com>; janice.n.takahashi@hawaii.gov <janice.n.takahashi@hawaii.gov>; jason.bradshaw@ilwulocal142.org <jason.bradshaw@ilwulocal142.org>; jbaptist@prp-hawaii.com <jbaptist@prp-hawaii.com>; jdk@stratlaw.com <jdk@stratlaw.com>; Jeffrey.Hallstrom@cbre.com <Jeffrey.Hallstrom@cbre.com>; jennie.ym.kobayashi@hawaii.gov <jennie.ym.kobayashi@hawaii.gov>;

jennifera808@gmail.com; jimmarquez@att.net <jimmarquez@att.net>; jkimura@hawaiiilecet.org
<jkimura@hawaiiilecet.org>; Jks75@icloud.com <Jks75@icloud.com>; jlim@carlsmith.com
<jlim@carlsmith.com>; jmagin@bizjournals.com <jmagin@bizjournals.com>; jngbi@hawaii.rr.com
<jngbi@hawaii.rr.com>; joannk@jamescampbell.com <joannk@jamescampbell.com>; john.
rapacz@mauicounty.gov <john.rapacz@mauicounty.gov>; jon@windblown.us; jordan.hart@co.maui.
hi.us <jordan.hart@co.maui.hi.us>; joy@joygoldunlimited.com <joy@joygoldunlimited.com>;
junshinbusiness729@gmail.com <junshinbusiness729@gmail.com>; jveles@moriharagroup.com
<jveles@moriharagroup.com>; kaishik@nhlchi.org <kaishik@nhlchi.org>; kameaaloha40@gmail.com
<kameaaloha40@gmail.com>; kamilla.chan@honolulu.gov <kamilla.chan@honolulu.gov>;
karlynn@munekiyohiraga.com <karlynn@munekiyohiraga.com>; kauaifarmplanning@gmail.com;
kdruidas@gmail.com <kdruidas@gmail.com>; ken.tatsuguchi@hawaii.gov
<ken.tatsuguchi@hawaii.gov>; kgarson@carlsmith.com <kgarson@carlsmith.com>; khester@kauai.gov
<khester@kauai.gov>; Kirstin.punu@aes.com; kmeleanak@gmail.com <kmeleanak@gmail.com>;
kmorse@dmlhawaii.com <kmorse@dmlhawaii.com>; kpiltz@chunkerr.com; krk@hawaiilawyer.com
<krk@hawaiilawyer.com>; kwager@earthjustice.org <kwager@earthjustice.org>; laluzmaui@gmail.com
<laluzmaui@gmail.com>; lcwshum@gmail.com <lcwshum@gmail.com>; legacyland@hawaii.gov
<legacyland@hawaii.gov>; leilanip@pacificrimland.com <leilanip@pacificrimland.com>; libalia@gmail.com
<libalia@gmail.com>; lincolnmichele@yahoo.com <lincolnmichele@yahoo.com>;
livit.callentine@gmail.com; lkodama@castlecooke.com <lkodama@castlecooke.com>;
lley@earthjustice.org <lley@earthjustice.org>; llum@wik.com <llum@wik.com>; lromas@princeville.com
<lromas@princeville.com>; lucy@hawaii.edu <lucy@hawaii.edu>; makakilovsc@gmail.com
<makakilovsc@gmail.com>; maria.l.tome@hawaii.gov <maria.l.tome@hawaii.gov>;
marigold_zoll@yahoo.com; matgeneric@gmail.com <matgeneric@gmail.com>; Matsui, Dean M
<dean.m.matsui@hawaii.gov>; Matsunaga, Stewart T <stewart.t.matsunaga@hawaii.gov>;
mattc@jamescampbell.com <mattc@jamescampbell.com>; mching@abhi.com <mching@abhi.com>;
Melody MacKenzie <melodykmackenzie@gmail.com>; mhubbard@kauai.gov <mhubbard@kauai.gov>;
mike@kiheiice.com <mike@kiheiice.com>; miswartm@ksbe.edu <miswartm@ksbe.edu>;
mpoffice@earthjustice.org <mpoffice@earthjustice.org>; mspearing@culturalsurveys.com
<mspearing@culturalsurveys.com>; nathan.alexander@cbre.com; nclauer@gmail.com;
ne@hawaiilawyer.com; Noelle Wright <LeewardBaseYard@g70.design>; nonie@toledoassociates.com;
oeqchawaii@doh.hawaii.gov <oeqchawaii@doh.hawaii.gov>; Okuda, Sara T
<sara.t.okuda@hawaii.gov>; pane@hoeisf.com <pane@hoeisf.com>; papakipuka@gmail.com
<papakipuka@gmail.com>; patlee@hawaii.rr.com; pennlawcenter@gmail.com
<pennlawcenter@gmail.com>; peter.k.albinio.jr@hawaii.gov <peter.k.albinio.jr@hawaii.gov>;
peteryoung@hookuleana.com <peteryoung@hookuleana.com>; pifwo_admin@fws.gov
<pifwo_admin@fws.gov>; pkoffice@hindu.org; pmigliorato@prp-hawaii.com <pmigliorato@prp-hawaii.com>;
pokipalal@knights.k12.hi.us <pokipalal@knights.k12.hi.us>; poshiro@abhi.com
<poshiro@abhi.com>; ptummons@gmail.com <ptummons@gmail.com>; publicmatt.hawaii@gmail.com
<publicmatt.hawaii@gmail.com>; punab4@gmail.com <punab4@gmail.com>; r.crall@capitol.hawaii.gov
<r.crall@capitol.hawaii.gov>; RachelleAchiu@rachiui@gmail.com; rachelyra@gmail.com
<rachelyra@gmail.com>; Randall.S.Nishiyama@hawaii.gov <Randall.S.Nishiyama@hawaii.gov>;
rbiffle@castlecooke.com <rbiffle@castlecooke.com>; Representative David A. Tarnas
<reptarnas@capitol.hawaii.gov>; rezentesc@aol.com <rezentesc@aol.com>; rkobayashi@local368.org;
<rkobayashi@local368.org>; robyn_loudermilk@notes.k12.hi.us <robyn_loudermilk@notes.k12.hi.us>;
ronald.gose@hawaiiantel.com; rsii-mab@hawaii.rr.com;
rsmith@lanihau.net <rsmith@lanihau.net>; rspacer@yahoo.com <rspacer@yahoo.com>;
ryan@gcahawaii.org; savekaiwaridge@hotmail.com <savekaiwaridge@hotmail.com>;
sbodon@thegardenisland.com; Schafer, Monique M <monique.m.schafer@hawaii.gov>;

scombs@princeville. com <scombs@princeville.com>; sellamar@prp-hawaii.com;
shanes@jamescampbell. com <shanes@jamescampbell.com>; shannon. alivado@hawaiianelectric. com
<shannon.alivado@hawaiianelectric.com>; shaoyu. l. lee@hawaii. gov <shaoyu.l.lee@hawaii.gov>;
shibatam@hawaii.edu; skchawaii@gmail. com <skchawaii@gmail.com>; slim@carlsmith. com
<slim@carlsmith.com>; souki@hawaii. edu <souki@hawaii.edu>; sruiz@ulupono.com; stanaka@awlaw.
com <stanaka@awlaw.com>; STARADVERTISER-Cwilson <cwilson@staradvertiser.com>; steve.
trimble81@yahoo. com <steve.trimble81@yahoo.com>; stifel@m4law. com <stifel@m4law.com>;
stpoffice@hawaiiOIMT.onmicrosoft.com; syerton@civilbeat.org; tanya.dreizin@sierraclub.org;
tdean@pbrhawaii.com; tillie.q@gmail.com; tim. birch@nsmg. com <tim.birch@nsmg.com>;
tim.irons@dentons.com; tlane@wik. com <tlane@wik.com>; Torres, Natasha P
<Natasha.P.Torres@hawaii.gov>; tschnell@pbrhawaii. com <tschnell@pbrhawaii.com>; Tsuji, Russell Y
<Russell.Y.Tsuji@hawaii.gov>; ttdghmd81@gmail.com; twitten@pbrhawaii. com
<twitten@pbrhawaii.com>; voters@lww-hawaii.com; vshigekuni@pbrhawaii. com
<vshigekuni@pbrhawaii.com>; wgreig@oe3. org <wgreig@oe3.org>; Williams, Heath
<heath.williams@hawaii.gov>; wmatsubara@nanhawaii. com <wmatsubara@nanhawaii.com>;
wyamamoto@lurf. org <wyamamoto@lurf.org>; zuria@oha. org <zuria@oha.org>

Exhibit 5

Maui List:

alankaufmandvm@gmail.com; avis.teshima-wong@co.maui.hi.us; Belmonte, Leah M
<leah.m.belmonte@hawaii.gov>; BruceRTravis@yahoo.com; Clark_st.john@yahoo.com;
county.council@mauicounty.us; debra@debragreene.com; dickmayer@earthlink.net;
eva.blumenstein@mauicounty.gov; gille.petersen@co.maui.hi.us; gratefulmegan@gmail.com;
Hawaiian feva@hotmail.com; hvstatements@gmail.com; jacky.takakura@mauicounty.gov;
JOEL@JOELKATZMAUI.COM; kkaohu3@gmail.com; Machida, Seiko J <seiko.i.machida@hawaii.gov>;
maggie.kramp@hi.nacdn.net; marti.buckner@mauicounty.gov; MichaelWilliams@PueoFarm.com;
michelledrewyer@gmail.com; mitch.tamayori@k12.hi.us; mmmmahalo2000@aol.com;
natalieaharcrow@gmail.com; pdenise@lacostarealtyhawaii.com; planning@mauicounty.gov;
Representative Tina Wildberger <repwildberger@capitol.hawaii.gov>; rkayelny@gmail.com;
robin.s.knox@gmail.com; rowena.dagdag-andaya@mauicounty.gov; rw@worldspot.com; Shishido,
Robin K <robin.k.shishido@hawaii.gov>; skaye@runbox.com; sterlikim@yahoo.com; tpagan@ssfm.com;
waiokila@gmail.com

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNA'I,
To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 56.436 acres
of land, consisting of a portion of Tax Map
Key No. (2) 4-9-002:061 (por.) and (2) 4-9-
014:001 (por.) at Lāna'i City, Island of
Lāna'i, County of Maui, State of Hawai'i.

DOCKET NO. A21-810

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certify that on this date, a copy of the foregoing document was duly served on the following persons at their last known address by depositing a copy in the U.S. mail, postage prepaid:

County of Maui Corporation Counsel

MOANA LUTEY
Corporation Counsel
MICHAEL HOPPER
Deputy Corporation Counsel
200 S. High St
Kalana O Maui Bldg, 3rd Fl
Wailuku, HI 96793
Email: michael.hopper@co.maui.hi.us

County of Maui Planning Department

MICHELE McLEAN
Director
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793
Email: michele.mclean@co.maui.us

State Office of Planning and Sustainable Development

MARY ALICE EVANS
Director
Office of Planning
P.O. Box 2359
Honolulu, HI 96804-2359
Email: maryalice.evans@hawaii.gov

Office of the Attorney General

ALISON KATO
Deputy Attorney General
425 Queen Street
Honolulu, HI 96813
Email: alison.s.kato@hawaii.gov

Maui Planning Commission

CHRISTIAN TACKETT
Chairperson
Planning Department
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793
Email: michele.mclean@co.maui.us

Lānaʻi Planning Commission

SHELLY PREZA
Chairperson
Planning Department
2200 Main Street Suite 315
Wailuku, HI 96793
Email: michele.mclean@hawaii.gov

Department of Hawaiian Homelands

CRAIGY. IHA
RYAN KP. KANAKA'OLE
ALYSSA-MARIE KAU
Deputy Attorneys General
425 Queen Street
Honolulu, HI 96813
Email: craig.y.ihahawaii.gov
ryan.kp.kanakaolehawaii.gov
alyssamarie.kauhawaii.gov

*Department of Land and Natural Resources,
Forestry and Wildlife Division*

SUZANNE D. CASE
Chairperson
ROBERT K. MASUDA
First Deputy
DLNR Main Office
1151 Punchbowl Street
Honolulu, HI 96813

Lānaʻi Sustainability Research, LLC

HARRILYNN KAMEENUI
1311 FRASER AVENUE
LĀNAʻI CITY, HI 96763

DATED: Honolulu, Hawai'i, October 18, 2021.

CADES SCHUTTE
A Limited Liability Law Partnership

A handwritten signature in cursive script, appearing to read "Calvert G. Chipchase", written in black ink above a horizontal line.

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
STACEY F. GRAY
MOLLY A. OLDS
Attorneys for Petitioner
PŪLAMA LĀNA'I