



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

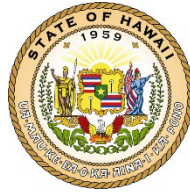
In the Matter of the Petition of ) DOCKET NO. A25-811  
HO'ONANI DEVELOPMENT LLC )  
To Amend the Agricultural Land Use District ) FINDINGS OF FACT, CONCLUSIONS OF  
Boundary into the Urban Land Use District ) LAW, AND DECISION AND ORDER  
for Approximately 166.512 acres of land ) CERTIFICATE OF SERVICE  
situated at Pu'unēnē, Wailuku, Island and ) DETERMINING THAT (1) THE LAND USE  
County of Maui, State of Hawai'i, Tax Map ) COMMISSION AGREES TO BE THE  
Key: (2) 3-8-006- 004-0005 ) ACCEPTING AUTHORITY FOR  
 ) ENVIRONMENTAL IMPACT STATEMENT  
 ) PURSUANT TO HAWAI'I REVISED  
 ) STATUTES CHAPTER 343; AND (2) AN EIS  
 ) IS LIKELY TO BE REQUIRED; AND (3) TO  
 ) PREPARE AN ENVIRONMENTAL IMPACT  
 ) STATEMENT PREPARATION NOTICE TO  
 ) THE ENVIRONMENTAL REVIEW  
 ) PROGRAM; AND CERTIFICATE OF  
 ) SERVICE

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER**  
**DETERMINING (1) THAT THE LAND USE COMMISSION AGREES TO BE THE**  
**ACCEPTING AUTHORITY PURSUANT TO HAWAI'I REVISED STATUTES**  
**CHAPTER 343 AND (2) TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT**  
**PREPERATION NOTICE TO THE ENVIRONMENTAL REVIEW PROGRAM**

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawai'i.

11/25/2025

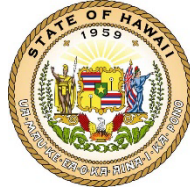
BY   
DANIEL E. ORODENKER  
Executive Officer



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OF THE STATE OF HAWAI'I

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**PROGRAM**

The 2025 Motion to Designate The Land Use Commission As The Accepting Authority  
For The Environmental Impact Statement ("EIS") Under Hawai'i Revised Statutes ("HRS")  
Chapter 343 And For Authority To Prepare An Environmental Impact Statement Preparation

Notice (“EISPN”) (“Motion”) was filed on August 28, 2025, pursuant to Hawai‘i Administrative Rules (“HAR”) §15-15-70, for an order to (1) Designate the Land Use Commission as the Accepting Authority for the Environmental Impact Statement Under HRS Chapter 343; and (2) to Determine, Through Its Judgment and Expertise That an EIS is Likely to be Required; and (3) to Authorize Petitioner to Prepare an Environmental Impact Statement Preparation Notice to Submit to the Environmental Review Program.

The State of Hawai‘i Land Use Commission (“LUC” or “Commission”), having heard and examined the testimony, exhibits, evidence, and argument of counsel and the parties present during the November 19, 2025, hearing for Ho‘onani Development LLC. (“Petitioner”) Motion, along with the pleadings and files herein, hereby makes the following Finding of Facts, Conclusions of Law and Decision and Order.

## **FINDINGS OF FACT**

### **Previous Procedural Matters**

1. To the extent that any of the following Findings of Fact shall be determined to be Conclusions of Law, they shall be deemed as such.
2. On August 20, 2025, Petitioner filed their Petition for Land Use District Boundary Amendment (“2025 DBA Petition”), including, Exhibits 1-4, Verification, and Certificate of Service for the Ho‘onani Village Mixed-Use Development Project (“Project”).
3. On August 26, 2025, Land Use Commission Staff sent a letter to Petitioner deeming the 2025 DBA Petition incomplete.

4. On August 28, 2025, the LUC received the Petitioners Motion to Designate the Land Use Commission as Accepting Authority for the Environmental Impact Statement Under HRS Chapter 343 and for Authority to Prepare an Environmental Impact Statement Preparation Notice; Memorandum in Support of Motion; and Certificate of Service (“EIS Motion”).
5. On September 8, 2025, The LUC Received the State of Hawai‘i Office of Planning and Sustainable Development’s (“OPSD”) Response to the Petitioners EIS Motion.
6. On September 10, 2025, the LUC Received the County of Maui Planning Department’s Formal Withdrawal of Environmental Statement Preparation Notice.
7. On September 15, 2025, the LUC received Notice of Intent to Intervene from Pacific Resource Partnership (“PRP”).
8. On September 16, 2025, the LUC received PRP’s Amended Certificate of Service.
9. On October 17, 2025, the LUC received the Petitioners Filing Fee.
10. On November 10, 2025, the LUC Emailed and Mailed the November 19, 2025, Agenda to the Parties, Statewide agenda subscribers, and Maui County mailing list.
11. On November 14, 2025, the LUC received the Petitioners Presentation Filing for the November 19, 2025, Hearing. The Presentation and the LUC Staff Report was posted to the LUC website and made publicly available that same day. Additionally, the LUC received public testimony from the potential intervener taking a position of no opposition, the filing was stamped on November 14, 2025, but posted to the LUC website and made publicly available on November 20, 2025.

12. On November 18, 2025, the Land Use Commission received one written public testimony, which was posted to the LUC website and made publicly available that same day.
13. On November 19, 2025, 8:58 A.M, the County of Maui Department of Planning emailed their response to the Petitioners Motion, and Land Use Commission Staff processed the document after the hearing.
14. On November 19, 2025, the Commission held its hybrid meeting in Kahului, Maui at the Maui Arts & Cultural Center, Haynes Meeting Room 1 Cameron Way, Kahului, HI 96732, open to the public, to consider the Petitioner's Motion for an order to (1) Designate the Land Use Commission as the Accepting Authority for the Environmental Impact Statement Under HRS Chapter 343; and (2) to Determine, Through Its Judgment and Expertise That an EIS is Likely to be Required; and (3) to Authorize Petitioner to Prepare an Environmental Impact Statement Preparation Notice to Submit to the Environmental Review Program.
15. Individuals representing the Parties present at the hearing in person include the following: Jeff Ueoka for Petitioner Ho'onani Development LLC.; Kate Blystone and Mimi Desjardins, Esq. Corporation Counsel for the County of Maui Planning Department; Mary Alice Evans, Rachel Beasley, and Alison Kato, Esq., Deputy Attorney General for the OPSD.
16. At the November 19, 2025, hearing there was one member of the public online that wished to provide verbal public testimony prior to the Parties presentations.
17. The Commission began the evidentiary portion of the hearing. During the evidentiary portion of the hearing, presentations were made by the Petitioner, the County of Maui

Department of Planning and the OPSD. The evidentiary portion of the hearing was closed on November 19, 2025.

18. Following the close of the evidentiary portion of the hearing, the Commission provided a second round of public testimony and received public testimony from one individual online.

19. After the Petitioner, DPP, and OPSD were given the opportunity to provide final comments, the LUC entered deliberation on this matter. Following discussion, a motion was made to (1) Designate the Land Use Commission as the Accepting Authority for the Environmental Impact Statement Under HRS Chapter 343; and (2) to Determine, Through Its Judgment and Expertise That an EIS is Likely to be Required; and (3) to Authorize Petitioner to Prepare an Environmental Impact Statement Preparation Notice to Submit to the Environmental Review Program, and to authorize the Chairperson to sign the Findings of Fact, Conclusions of Law and Decision and Order.

#### **OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT POSITION**

20. The OPSD filed their Response to Petitioners Motion with the LUC on September 8, 2025, and stated no objection.

21. During the LUC's November 19, 2025, hearing, OPSD presented no objection to the Petitioners Motion, identifying that it is appropriate that the Land Use Commission be the Accepting Authority and an Environmental Impact Statement is likely required.

#### **COUNTY OF MAUI PLANNING DEPARTMENT POSITION**

22. The County of Maui Planning Department filed their Formal Withdrawal Notice of the Environmental Impact Statement Preparation Notice, with the LUC on September 10, 2025.
23. On November 19, 2025, at 8:58 A.M, the County of Maui Department of Planning emailed their response to the Petitioners Motion, and Land Use Commission Staff processed the document after the hearing.
24. During the LUC November 19, 2025, hearing, the County of Maui Planning Department presented their written position statement, in no opposition, but based on community concern, suggested the Commission consider conditioning the acceptance of being the accepting authority on submittal of a preliminary noise report before entertaining the Motion to be the accepting authority, or conditioning the acceptance of being the accepting authority on including a full and complete noise study.

## **ENVIRONMENTAL CONSIDERATIONS**

25. The proposed project may require the use of State or County lands and/or funds, and will include the development of a wastewater treatment unit, which will require the completion of an Environmental Impact Statement in compliance with HRS Chapter 343. *See* Petitioners 2025 Motion at pg. 2.

## **CONCLUSIONS OF LAW**

1. To the extent that any of the following Conclusions of Law shall be determined to be Findings of Fact, they shall be deemed as such.
2. HAR §11-200.1-14(d)(2) and Hawai‘i Revised Statute (“HRS”) §343-5(e) Applicability and requirements. Allows an approving agency to determine, through its judgment and



experience, that an EIS is warranted and direct an applicant to go directly to preparing an EISPN rather than an Environmental Assessment.

3. The LUC, through its judgment and experience, determined that an EIS would be required here given the likely significant impacts to the environment from the Project.

### **DECISION AND ORDER**

The LUC, having duly considered the written and oral arguments presented by the Petitioner, HASEKO (EWA) INC., the DPP, the OPSD, and members of the public, and a motion having been made and seconded at the meeting on November 19, 2025, held at Maui Arts & Cultural Center, Haynes Meeting Room 1 Cameron Way, Kahului, HI 96732, and the motion having received the affirmative votes required by HAR § 15-15-13, and there being good cause for the motion,

HEREBY FINDS AND CONCLUDES that, pursuant to HRS Chapter 205 and the Commission Rules under HAR chapter 15-15, upon consideration of the decision-making criteria set forth in HRS § 205-17, and based upon the preponderance of the evidence and good cause shown, the Petitioner's 2025 Motion for an order to (1) Designate the Land Use Commission as the Accepting Authority for the Environmental Impact Statement to be prepared by Petitioner Under HRS Chapter 343; and (2) to Determine, Through Its Judgment and Expertise That an EIS is Likely to be Required; and (3) to Authorize Petitioner to Prepare an Environmental Impact Statement Preparation Notice to Submit to the Environmental Review Program.

The motion received 7 affirmative votes, 0 nays, and 2 excused, therefore, the motion passed.


ADOPTION OF DECISION AND ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing DECISION AND ORDER on 11/25/2025. This DECISION AND ORDER may be executed in counterparts. This DECISION AND ORDER shall take effect upon the date this DECISION AND ORDER is certified by this Commission.

Done at Honolulu, Hawai‘i, this day of 11/25/2025, per motion on November 19, 2025.

APPROVED AS TO FORM

LAND USE COMMISSION

  
\_\_\_\_\_  
JOHN DUBIEL  
Deputy Attorney General

STATE OF HAWAI‘I

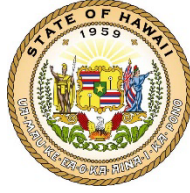
By   
\_\_\_\_\_  
BRIAN LEE  
Chairperson and Commissioner

Filed and effective on:

11/25/2025

Certified by:

  
\_\_\_\_\_  
DANIEL E. ORODENKER  
Executive Officer



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER GRANTING THE MOTION TO (1) DESIGNATE THE LAND USE COMMISSION AS THE ACCEPTING AUTHORITY FOR THE ENVIRONMENTAL IMPACT STATEMENT UNDER HRS CHAPTER 343; AND (2) TO DETERMINE, THROUGH ITS JUDGMENT AND EXPERTISE THAT AN EIS IS LIKELY TO BE REQUIRED; AND (3) TO AUTHORIZE PETITIONER TO PREPARE AN

ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE TO SUBMIT TO  
THE ENVIRONMENTAL REVIEW PROGRAM, AND TO AUTHORIZE THE  
CHAIRPERSON TO SIGN THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
DECISION AND ORDER, received on August 28, 2025, was served upon the following, by  
either hand delivery or depositing the same in the U.S. Postal Service by regular or certified mail  
on the date appearing below, as follows:

HAND        LEO ASUNCION, Land Use Division Administrator  
DEL.:       MARY ALICE EVANS, Director  
              Office of Planning and Sustainable Development  
              P. O. Box 2359  
              Honolulu, Hawai'i 96804-2359

HAND        ALISON KATO, Esq.  
DEL.:       Deputy Attorney General  
              425 Queen Street  
              Honolulu, Hawai'i 96813

CERT.       MIMI DESJARDINS, ESQ.  
MAIL:       Corporation Counsel  
              200 S. High Street, 3rd Floor,  
              Wailuku, HI 96793

CERT.       KATE BLYSTONE, Director  
MAIL:       Planning Department  
              One Main Plaza, 2200 Main Street, Suite 315,  
              Wailuku, HI 96793

CERT.       JEFFREY UEOKA ESQ.  
DEL.:       Wells Street Law, LLC  
              2145 Wells Street, Suite 406  
              Wailuku, Hawaii 96793

Dated 11/25/2025  
Honolulu, Hawai'i.

  
\_\_\_\_\_  
DANIEL E. ORODENKER  
Executive Officer