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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

To Amend The Agriculture and Rural
Land Use District Boundaries Into the
Urban Land Use District for
approximately 170 acres of land,
consisting of a portion of Tax Map Key
No. (2) 4-9-0018:003 (por.), (2) 4-9-
002:061 (por.), and (2)4-9-002:001(por) at
Lānaʻi City, Island of Lānaʻi, County of
Maui, State of Hawaiʻi.

DOCKET NO. A26-812

**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 1-16

PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

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

In the Matter of the Petition of
PŪLAMA LĀNA‘I

DOCKET NO. A26-812

**PETITION FOR LAND USE
DISTRICT BOUNDARY
AMENDMENT**

PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

Petitioner LĀNA‘I RESORTS, LLC dba PŪLAMA LĀNA‘I, a Hawai‘i limited liability company (“*Pūlama Lāna‘i*” or “*Petitioner*”), petitions the Land Use Commission of the State of Hawai‘i (the “*Commission*”) to amend the land use district boundaries of approximately 170.225 acres of land, comprised of portions of Tax Map Key Nos. (2) 4-9-018:003, (2) 4-9-002:061, and (2) 4-9-002:001, situated at Lāna‘i City, County of Maui, State of Hawai‘i (the “*Petition Area*”).

Specifically, Pūlama Lāna‘i petitions the Commission to amend the land use district boundaries of approximately 95.844 acres of the Petition Area from the State Land Use Agricultural District (“*Agricultural District*”) and approximately 74.381 acres of the Petition area from the State Land Use Rural District (“*Rural District*”) to the State Land Use Urban District (“*Urban District*”) to facilitate alignment with the underlying Community Plan designations and proposed County Zoning and Project District updates to the area (“*Project*”). A map of the Petition Area is attached hereto as Exhibit 1.

I. INTRODUCTION

The purpose of this Petition for a District Boundary Amendment is to align the land uses with the Community Plan, existing uses, and proposed and planned zoning and project district maps. The Petition Area includes land that currently is partially undeveloped, prior golf course land, pastureland, tennis courts, and stables.

The pasture land and stables currently provide services for the Sensei Lāna‘i, a Four Seasons Resort and Four Seasons, Lāna‘i, (together, “*Resorts*”). Lāna‘i

residents are able to visit the stables. There are organized community events at the stables for residents. Granting the petition will align the LUC designation with the underlying Community Plan, existing uses, and proposed and planned zoning and project district maps and will facilitate opportunities for future development within the Kō‘ele Project District. Granting the Petition will also facilitate the continued uses for the Ranch Experience, new venue for outdoor events, additional amenities for Resort guests, and new room type options.

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 Lāna‘i 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 Petition pursuant to HRS § 205-4, as amended, and all other statutes and rules applicable to the Commission. *See* HRS § 205-4.

Pūlama Lāna‘i 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.

LĀNA‘I RESORTS, LLC dba Pūlama Lāna‘i is the title holder and a land and asset management limited liability company organized in the State of Hawai‘i. Pūlama Lāna‘i’s principal place of business is located at 733 Bishop Street, Suite 1500 Honolulu, Hawai‘i 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
1000 Bishop Street, Suite 1200
Honolulu, Hawaiʻi 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 Lānaʻi is the fee owner of the Petition Area. Copies of the deeds are attached as Exhibit 2 to this petition.

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 to the Maui County Planning Department, the Maui Planning Commission, the Lānaʻi Planning Commission, the State of Hawaiʻi Office of Planning 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 was filed with this Petition. In accordance with HAR § 15-15-48(b), a copy of this Petition is required to be served on any intervenor upon receipt of a notice of intent to intervene pursuant to HAR § 15-15-52(b). An affidavit attesting to compliance with this Section was 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).¹ The notification of petition filing is included as Exhibit 3.

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 Lāna‘i City, ahupua‘as of Kamoku, Paoma‘i, and Mahana, Island of Lāna‘i, County of Maui, State of Hawai‘i, and consists of five areas comprising approximately 170.225 acres. The Petition Area is comprised of portions of three Tax Map Key Numbers (“*TMKs*”). Attached to this Petition as Exhibit 1 is a TMK map with the approximate proposed Petition Area shown in red. A description of the Petition Area and increments in metes and bounds prepared by a registered professional land surveyor is attached to the Petition as Exhibit 4. The table below summarizes the petition area by TMK, acreage, current designation, and the requested designation.

¹ 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.

TMK	Acreeage	Current Designation	Requested Designation	Exhibit #
(2) 4-9-018:003 (por)	81.207	Agricultural	Urban	4a
(2) 4-9-018:003 (por)	2.073	Rural	Urban	4b
(2) 4-9-002:061 (por)	14.637	Agricultural	Urban	4c
(2) 4-9-002:061 (por)	60.764	Rural	Urban	4d
(2) 4-9-002:001 (por)	11.544	Rural	Urban	4d
Total Acres	170.225			

The majority of the Petition Area is within the boundaries of the Kō‘ele Project District on the Island of Lāna‘i established by Maui County Council Ordinance Nos. 1580 and 1581 in 1986 and further amended by Maui County Council Ordinance Nos. 2139 and 2140 in 1992. In addition, Maui County Council Ordinance No. 2852 in 2000 adopted a Zoning Map, which included the addition of the stables and tennis courts in the Kō‘ele Project District. The Kō‘ele Project District area was permitted for residential, multifamily, hotel, open space, public, park and golf course. The purpose and intent of the Kō‘ele Project District is to provide for a flexible and creative approach to development which considers physical, environmental, social, and economic factors in a comprehensive manner. The district contemplated a low density, primarily residential and recreational development with hotel facilities in an upland rural setting. The district is complementary and supportive of services offered in Lāna‘i City and provides housing and recreational opportunities for island residents.²

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.

The Maui County Real Property Tax website shows one utility easement granted in favor of Maui Electric Company, Limited (“**MECO**”) within the Petition Area on a

² Maui County Code Chapter 19.71.010 Purpose and Intent

portion of TMK (2) 4-9-002:001 (“**MECO easement**”). The map on file with Land Court indicates a small portion of an unpaved roadway that contains an easement for the purpose of an underground electrical line and for accessing antennas further inland, not within the Petition Area. Included in Exhibit 5 is a copy of this easement from Land Court. The MECO easement will be impacted by this Petition and a new easement is in the process of being negotiated between Pūlama Lāna‘i and MECO.

The Maui County Real Property Tax website shows five other easements and four leases within the TMKs; however, all of the leases and easements are either not within the Petition Area or no longer valid. All easements and leases contained in the Maui County Real Property Tax website are included in the table below with supporting notations.

Table 1-Easements and Leases from Maui County Real Property Tax Website

Easements					
Land Ct No.	TMK	Year	Valid?	Parties	Within Petition Area?
T-11987148	(2) 4-9-002:061	Oct. 27, 2022	Yes	Lāna‘i Resorts, LLC and Maui Electric Company, Limited & Hawaiian Telcom, Inc.	No
T-10453247	(2) 4-9-002:061	2018	Yes	Lāna‘i Resorts, LLC and Maui Electric Company Limited	No
T-11903092	(2) 4-9-002:061	Aug. 4, 2022	Yes	Lāna‘i Resorts, LLC and Maui Electric Company, Limited; Hawaiian Telcom, Inc.	No
T-12212175	(2) 4-9-002:061	June 9, 2023	Yes	Lāna‘i Resorts, LLC and Maui Electric Company, Limited; Hawaiian Telcom, Inc.	No
T-11351365	(2) 4-9-002:061	Jan. 29, 2021	Yes	Lāna‘i Resorts, LLC and Maui Electric Company, Limited	No

T-8954233	(2) 4-9-002:001	Mar. 20, 2014	Yes	Lāna‘i Resorts, LLC and Maui Electric Company, Limited	Yes
Leases					
Land Ct No.	TMK	Year	Valid?	Parties	Within Petition Area?
2881510	(2) 4-9-018-003	Dec. 31, 2002	No T-8656108 Cancelled Lease	Castle & Cooke Resorts and BSE Trust	No
T-3802724	(2) 4-9-002-001	Sept. 30, 2008	No	Castle & Cooke, Inc. and Lāna‘i Sustainability Research, LLC	No
T-11560358	(2) 4-9-002-001	June 6, 2019	Yes	Lāna‘i Resorts, LLC and Cellco Partnership, dba Verizon Wireless	No
2165943	(2) 4-9-002-001	Jul. 15, 1994	No T-12163164 Cancelled Lease	Dole Food Company, Inc and State of Hawaii (BLNR)	No

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 Lāna‘i seeks the reclassification of the Petition Area from the Agricultural and Rural Districts to the Urban District in order to conform with the Community Plan and the proposed underlying zoning and Project District. The Petition Area is composed of both developed and undeveloped land, including a portion of a former golf course, pasture land, tennis courts, stables, and a property formerly used by Pūlama Lāna‘i for its operations. 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 . . . [s]ufficient 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 conditions, and other adverse environmental effects.” *Id.* § 15-15-18(3). The Boundary Amendment sought in this Petition conforms to these standards. As shown on Exhibit 1, most of the Petition Area is an extension of similar resort and recreational uses. As explained more fully in Section VI, the Petition Area is in close proximity to available public services resources, which make it an appropriate area for urban growth.

Located on a portion of TMK (2) 4-9-018:003 are 81.207- and 2.073-acre areas, which are currently part of the former Golf Course. The Golf Course closed in 2017 when the Sensei Lāna‘i, a Four Seasons Resort underwent renovations to become a wellness retreat.

On TMK (2) 4-9-002:061, two areas are currently being used by Lāna‘i Ranch. The 14.637-acre area is pastureland used for the animals that are part of Lāna‘i Ranch, which is an amenity for Resort guests and the community. The 60.764-acre area is part of Lāna‘i Ranch, which includes additional pastureland, a barn with stables, paddocks for the animals, and a riding arena. In addition, on the same TMK, there are tennis courts, which were formerly used for Resort Guests. Guests of the Resorts and Lāna‘i residents can reserve a Ranch Experience and enjoy Lāna‘i Ranch. The existing designation does not allow for commercial events, such as weddings and dinner functions, without a Maui County Special Use Permit.

On TMK (2) 4-9-002:001, an 11.544-acre portion is primarily not in use. It was formerly used for Pūlama Lāna‘i operations, and the two structures on the parcel are now vacant. The close proximity to Lāna‘i City, the Sensei Lāna‘i, a Four Seasons Resort and public services make it an appropriate area for urban 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 types of uses will be similar to the uses currently occurring, but the Urban designation will allow for alignment with the Community Plan, proposed underlying zoning, and Project District designations for the properties. In particular, the proposed Urban designation will allow for commercial uses, such as weddings and outdoor dinners, and new room type options for Resort guests that are currently not possible on agriculture and rural designated land.

The 81.207 and the 2.073-acre areas are currently part of the former Golf Course, which closed in 2017. The future plan for this area is for use as a park, which may include a sculpture garden.

The current use of the 14.637-acre area is pastureland and part of the Lānaʻi Ranch, which is an amenity for Resort guests and the organized events for the community. The planned use is the same as the existing use, but there may be upgrades to the existing facility and it may be used for special events such as outdoor dinners or weddings. The 60.764-acre area is also part of Lānaʻi Ranch, which includes additional pastureland, a barn with stables, paddocks for the animals, and a riding arena. In addition, there are tennis courts that were formerly used for Resort guests. The Lānaʻi Ranch facilities may include renovations or new similar facilities to enhance the overall Ranch Experience. Renovations may include new or updated stables, a riding arena, parking area, outdoor venue for special events (e.g. weddings, dinners, etc.). The tennis courts may eventually be updated to accommodate pickle ball courts, a tennis pro shop and restrooms. Such upgrades would support the tennis and pickle ball activities for guests of the Resort.

The undeveloped 11.544-acre area is part of the hotel expansion and may include up to nine villas as an additional room option for guests at Sensei Lānaʻi, a Four Seasons Resort, approximately five spa hales, which are individual spa units that are

amenities for the Resort guests, and four Resort buildings (i.e., flex building, employee office and maintenance buildings). The new villas are important for Sensei, a Four Seasons Resort to remain competitive in the market. Other wellness retreats include these types of room options for their guests. The spa hales are unique to Sensei, a Four Seasons Resort. There are currently ten spa hales on the property, and they are at capacity. Feedback received from guests includes offering additional types of rooms and ensuring that they are able to receive all wellness treatments desired during visits. This area is adjacent to the existing Sensei Lāna‘i, a Four Seasons Resort and continues the existing resort use in the area.

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 land use realignment proposed by this Petition will not impact housing needs.

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 and Rural to Urban is necessary to implement the Lāna‘i Community Plan, to align with underlying zoning, the Kō‘ele Project District, and provide for additional planned uses of the Petition Area that are currently not allowable under the existing LUC designations. Other similarly designated land in the area is not appropriate for consideration because of the nature of the Petition needing to align specific parcels with their intended uses.

E. All Increments of the Project to be Developed 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.

The Petition serves to align of the Community Plan, current uses and proposed underlying zoning, and the Project District. The establishment of the Kō‘ele Project District in 1986 and the 1992 amendment permitted residential, multi-family, hotel, open space, park, and golf course uses. In 2000, stables and tennis courts were added as a permitted use.

Permitted uses within the State Agriucultural district are set forth in HRS chapter 205 and consider the soil classification by the Land Study Bureau’s. As discussed below in Section VII.B, the soil ratings for the Project Area are C, D, and E. Permissible uses are include cultivating crops, farming, aquaculture, wind farms, biofuel production, solar energy facilities, agricultural services such as processing facilities, meteorological monitoring, agricultural parks, agricultural tourism (on a working farm), open area recreational facilities, geothermal resources exploration, farmers market, hydroelectric facilities, and composting. HRS § 205-2(d).

In the Rural district, the following uses are permissible: all agricultural related activities and uses permitted under section 15-15-25, low density residential, golf courses, public, quasi-public and public utility facilities, and an allowable variance from the minimum lot size. HAR § 15-15-27.

The Community Plan states that the 170.225-acre Petition Area is designated Project District. The Maui County zoning states that the 81.207- and 2.073-acre areas and approximately 14.5 acres of the 60.764-acre area in the Petition Area is in the Project District. The remaining 42.264-acre area of the 60.764-acre area is in the Petition area and the 14.637-acre area of the Petition Area is in the Maui County Agriculture zone. The 11.544-acre area in the Petition Area is in the Maui County Interim zone.

Maui County Bill No. 24 (2024), Change in Zoning (Conditional Zoning), and Maui County Bill No. 25 (2024), Project District Amendment for Properties in Lāna‘i Project District 2 (Kō‘ele) has been referred to the Housing and Land Use Committee

as of the date of this filing. Action is pending on these applications. Upon approval of this application and Maui County Bill Nos. 24 and 25 (2024), the entire Petition Area will be in the Maui County Project District zone.

The Kō‘ele Project District was established in 1986 with Ordinance 1580 and the, purpose and intent:

“is to provide for a flexible and creative approach to development which considers physical, environmental, social, and economic factors in a comprehensive manner. . . . [T]o establish a low-density ~~primarily~~ residential and recreational development with hotel facilities in an upland setting [and] . . . it is to be complementary and supportive of services offered in Lanai City and will provide housing and recreational opportunities to island residents. Uses include, but are not limited to, single-family residential, multifamily residential, hotel, open space, park resort commercial, and golf course~~and public.~~”

Maui County Code (“*MCC*”) § 19.71.010 and Bill No. 25 (2024), proposed edits.

The 60.764- and the 14.637-acre areas, which are currently part of Lāna‘i Ranch, are a resort commercial use and more appropriate for Urban designation. The area is already used as part of the Resort activities and support (i.e., pastures for animals); however, limited in special event activities due to the Agricultural zoning and Agriculture designation permitted uses.

The 81.207- and 2.073-acre areas, which are already part of the Project District and utilized for Resort activities are planned to be a park for Resort activities and Rural or Agricultural designation do not allow for such uses. These areas were formerly used as a Golf Course.

The 11.544-acre area is planned to be part of the Sensei Lāna‘i, a Four Seasons Resort. Rural designation would not allow for hotel use. The Urban designation is the appropriate designation and is the last step in aligning the approved land uses.

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.

There is no planned subdivision or sale of lots in the Petition Area.

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 Uses

The lands in the area were once used for farming and ranch operations, however, they have not been cultivated for many decades. The 81.207- and 2.073-acre areas located on portions of TMK (2) 4-9-018:003 were formerly part of the golf course, which closed in 2017. The land is currently used as walking trails for Resort guests and Lānaʻi Adventure Park guests.

The 14.637-acre area is pastureland used for the animals that are part of Lānaʻi Ranch, which is an amenity for Resort guests. Guests can reserve a Ranch Experience involving horse and pony rides, and other ranch animal experiences. The Ranch Experience is also available to Lānai residents to reserve and special organized community events. The 60.764 acre area includes, pastureland, paddocks, riding arena, stables, and part of Lānaʻi Ranch as well. In addition, there are tennis courts that are not currently used.

The 11.544 acre area adjacent to Sensei Lānaʻi, a Four Seasons Resort, contains two structures that were formerly used for Pūlama Lānaʻi operations and the property is no longer in use. These structures are discussed further below in Section XV below.

2. Soil Classification

The soil classification information includes data for the entire Project District; therefore, it is inclusive of the Petition Area and the surrounding areas. The Project District is located at the base of Lānaʻihale, where slopes range from 0 to 30 percent

and elevation ranges from 1,600 to 2,000 feet above mean sea level (msl). Ex. 6 (Final Environmental Assessment (“*FEA*”)) § II.A.4.a.

The Petition Area is located within the Moloka‘i-Lahaina and Kahanui-Kalae-Kanepu‘u soil associations. Soils within these associations are characterized as deep, gently sloping to moderately steep and are well drained soils. *Id.* The table below lists the specific soil classifications found within the Project District.

Table 2 – Soil Classifications

Abbreviation	Name	Description
KcB	Kalae silty clay	2 to 7 percent slopes
KcC	Kalae silty clay	7 to 15 percent slopes
KrB	Kō‘ele silty clay loam	3 to 7 percent slopes
KrC	Kō‘ele silty clay loam	7 to 15 percent slopes
KRL	Kō‘ele-Badland complex	
LaB	Lahaina silty clay	3 to 7 percent slopes
LaC	Lahaina silty clay	7 to 15 percent slopes
WoB	Waihuna clay	3 to 7 percent slopes

The Land Study Bureau soil classifications for the Petition Area area discussed in Section VII.B below.

3. Flood and Drainage

The Petition Area is located mauka (northeast) of Lāna‘i City, and the rainfall in the region is seasonal. The annual average rainfall measures at approximately 35.04 inches, with the rainfall typically peaking in January and reaching its lowest point in June.³ The Petition Area is in the X flood zone area according to the State of Hawai‘i Department of Land and Natural Resources, Flood Hazard Assessment Tool for the area.⁴ This means the area is determined to be outside the 500-year flood plain

³ Western Regional Climate Center database based on rainfall data from 1949-2005. <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?hilan2> visited Dec. 12, 2024.

⁴ State of Hawai‘i, Department of Land and Natural Resources Flood Hazard Assessment Tool. <https://fhat.hawaii.gov/> visited Dec. 22, 2024.

and that it is a moderate to low risk for flooding according to the Flood Insurance Rate Maps.⁵

Runoff from the majority of the Petition Area is conveyed by the Kaiholena/Iwiolo/Pali-amano Gulch west towards the shoreline and the Pacific Ocean. See FEA § II.D.4.a. Runoff from the northern portion of the 81.207-acre parcel flows into the Nalo Gulch and is conveyed towards the shoreline of the island and the Pacific Ocean. FEA Appendix J.

A portion of the former Experience at Kō‘ele Golf Course is in the Petition area (81.207- and 2.073-acre are), and the golf course was designed to handle a majority of the drainage for the Kō‘ele Project District. The 60.764- and 14.637-acre area consists primarily of pasture land which can accommodate drainage. The 11.544-acre area will be developed with on-site drainage; currently it is undeveloped land. FEA § II.D.4.a; Appendix J.

The Petition Area is located outside of the Tsunami Evacuation Zone as well as the projected 3.2-foot sea level rise exposure area (“*SLR-XA*”).

4. Topography

The topography is relatively moderate within the Petition Area. The Petition Area is located at the base of Lāna‘ihale, where slopes range from 0 to 30 percent and elevation ranges from 1,600 to 2,000 feet above mean sea level (“*msl*”). Additional information regarding the Petition Area’s topography is provided in the FEA § II.A.4.

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 consists of five portions of three TMKs, the furthest of which is within a half mile of Lāna‘i City. Lāna‘i City contains the majority of Lāna‘i’s shops,

⁵ Maui County, *Flood Hazard Zones* <https://www.mauicounty.gov/2177/Flood-Hazard-Zones> last visited Dec. 22, 2024.

markets, education, and entertainment venues. The Petition Area is in close proximity to the workforce located in the City and Sensei Lāna‘i, a Four Seasons Resort, which it would be primarily supporting.

The 60.764-acre area (Exhibit 7, green outline) is bordered on two sides by Keōmoku Highway, with Sensei Lāna‘i, a Four Seasons Resort located across Keōmoku Highway to the east. The land directly to the northeast is proposed to be redesignated from Rural to Urban (11.544-acre area), directly to the south is Urban (Lāna‘i City), and directly to the west is designated Agricultural and part of this application to be designated Urban (14.637-acre area).

The 14.637-acre area (Exhibit 7, pink outline) is immediately west of the 60.764-acre area. Land to the south is Urban and is the northern edge of Lāna‘i City. The area to the east is currently designated Rural and proposed to be designated Urban (60.764-acre area) and the land to the west and north is uncultivated land designated Agricultural.

The 11.544-acre area (Exhibit 7, blue outline) is directly northwest of Sensei Lāna‘i, a Four Seasons Resort and the Keōmoku Highway runs along the southwest boarder of the area. On the other side of Keōmoku Highway is the proposed 60.764-acre area that is currently Rural and proposed to be Urban. Land to the north and east are designated Rural.

The 81.207-acre area (Exhibit 7, aqua outline) has Rural designation directly to the west (2.073-acre area) with Agricultural designated land to the north and east. Land to the south is designated Urban, part of the Sensei Lāna‘i, a Four Seasons Resort area.

The 2.073-acre area (Exhibit 7, orange outline) has (a) land to the east designated as Agricultural (81.207-acre area), proposed to be Urban, (b) land to the south designated as Urban, part of the Sensei Lāna‘i, a Four Seasons Resort area, and (c) land to the north and west designated as Rural.

State Land Use Districts



Exhibit 7: *Petition Area with Current State Land Use District Designations*

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 Petition Area is located approximately between 0.5 and 1 mile from Lānaʻi High and Elementary School, which is the only public school that serves the educational needs of the island of Lānaʻi. The Project is not anticipated to generate an increase in enrollment. FEA § II.C.5.

B. Parks

Public parks and recreational facilities are administered and maintained by the Maui County Department of Parks and Recreation (“**DPR**”). DPR parks and facilities in Lāna‘i City include: the Lāna‘i Gym and Tennis Courts, the Lāna‘i Little League Field, Fraser Avenue Park, and Kaumālapa‘u Highway/Fraser Avenue park. FEA § III.I.1.

There are also a number of privately-owned and maintained recreational facilities that are available for public use: Dole Park, Waialua Park, Hulopo‘e Beach Park, Olopuā Woods park and Waialuna Park are all privately owned but open to the public. FEA § III.I.1.

The Petition Area will create an additional 83.28 acres of park space on Lāna‘i. The current use of this land is a closed golf course that has been out of operation since 2017. While Lānai has ample park and recreational spaces, this additional area will provide additional park space for guests to enjoy as part of their stay at the Resorts.

C. Solid Waste Disposal

Residential solid waste pickup on Lāna‘i is provided by the Maui County Department of Environmental Management (“**DEM**”), while commercial service and private residential development is provided by a private disposal service. The DEM’s Lāna‘i Landfill is the primary disposal site for Lāna‘i. The Project is not anticipated to have a significant impact on solid waste disposal services, nor on the Lāna‘i Landfill. FEA § II.C.3. The generation of additional waste would be from the expansion of approximately five spa hales, up to nine villas, and four support buildings, which would collectively generate a small amount waste that would be part of the Resort’s collection and disposal service. A small amount of solid waste may be generated if the comfort station within the old golf course is refurbished. Minimal waste would be generated from the renovations and upgrades of the stables and tennis courts in the resort commercial area.

D. Drainage

The Project at full buildout may cause a negligible increase in 100-year, 24-hour

peak flow and runoff volume, but this is not anticipated to have any adverse impacts to the unimproved pasture land downstream. It is expected that any potential future improvements will include measures to mitigate increases in runoff as well as provide stormwater quality treatment in accordance with Maui County standards. Regarding the area that drains into the Nalo Gulch and eventually to the ocean, the Project results in no change to storm runoff values. FEA § II.D.4.

E. Wastewater

Lāna‘i’s municipal wastewater collection system is situated in and around Lāna‘i City. Wastewater generated in the Petition Area is collected by 8-inch and 6-inch pipes and conveyed southwest towards the Lāna‘i City Wastewater Treatment Plant. New wastewater flow would be generated in the new hotel area (e.g., addition of the spa hales, villas, other amenities, etc.), resort commercial area (e.g., upgraded barn/stable, tennis courts and related amenities, special events, etc.), and park area (e.g., comfort stations). The estimated wastewater demand was included in the preliminary engineering report by R.M. Towill Corporation for the changes to the entire Kō‘ele Project District in the FEA at Appendix J (FEA § II.D.3). The estimated wastewater demand for the Petition Area is as follows; hotel demand of 25,514 gpd, resort commercial demand of 11,100 gpd, and park demand of 1,500 gpd. The Lāna‘i City Wastewater Treatment Plant has capacity to treat the estimated additional wastewater generated as a result of this Project. FEA § II.D.3.

F. Water

1. Existing System

R.M. Towill Corporation prepared a Preliminary Engineering Report (“*PER*”) that included a summary of estimated water demand for the proposed Kō‘ele Project District Amendment (Appendix J to the FEA), which included the Petition Area.

The water system for Lāna‘i is owned and operated by the Lāna‘i Water Company and is divided into nine aquifer systems for the island. The Petition Area falls within the Leeward Aquifer. FEA § II.D.2. The Sustainable Yield of the Leeward Aquifer is

3.0 million gallons per day (“**MGD**”) and the total Sustainable Yield for the island of Lāna‘i is 6.0 MGD. FEA § II.D.2.

Water transmission mains generally consist of 8-inch and 12-inch pipes. The primary supply of drinking water for Lāna‘i City is from the 750,000 gallon Kō‘ele Tank and 2.0 million gallon (“**MG**”) Lāna‘i City Tank. The Kō‘ele Tank is supplied with water from Wells 3 and 8 and the Lāna‘i City Tank is supplied by Wells 6 and 7. FEA § II.D.2. Well 7 came online in September 2024, providing increased resiliency to the Lāna‘i City Water system.

2. Demand

Lāna‘i Water Company monitors water use and reports it in the Periodic Water Reports (“**PWR**”) to the County of Maui, Department of Water Supply, and the State of Hawai‘i Commission on Water Resource Management (“**CWRM**”). The PWR is updated monthly and contains data sets of the gallons of water pumped, water use on the island, and water well levels. The CWRM publishes a twelve month moving average monthly pumpage chart relative to the island’s 6.0 million gallons per day (“**MGD**”) Sustainable Yield. CWRM established a management guideline trigger of 4.3 MGD to initiate proceedings to designate Lāna‘i as a groundwater management area. FEA § II.D.2. The daily water demand on Lāna‘i is 1.630 MGD as of December 2024.⁶

The Petition Area that will be used as park, formerly the Experience at Kō‘ele Golf Course, is currently and will continue to be irrigated with R-1 water. If the comfort stations are refurbished, the demand is estimated at 1,500 gallons per day (“**gpd**”) (0.0015 MGD). The expansion of the hotel is expected to have a demand of 35,155 gpd and the resort commercial uses (tennis courts, stables, pastures, and associated uses) are expected to have a demand of at 22,760 gpd (0.02276 MGD) for a total estimated water demand, for the Petition Area of 59,415 gpd (0.059415 MGD).

⁶ Lāna‘i Water Company Periodic Water Report 13, December 5, 2024, <https://lanaiwatercompany.com/wp-content/uploads/2024/12/PWR-13.pdf>.

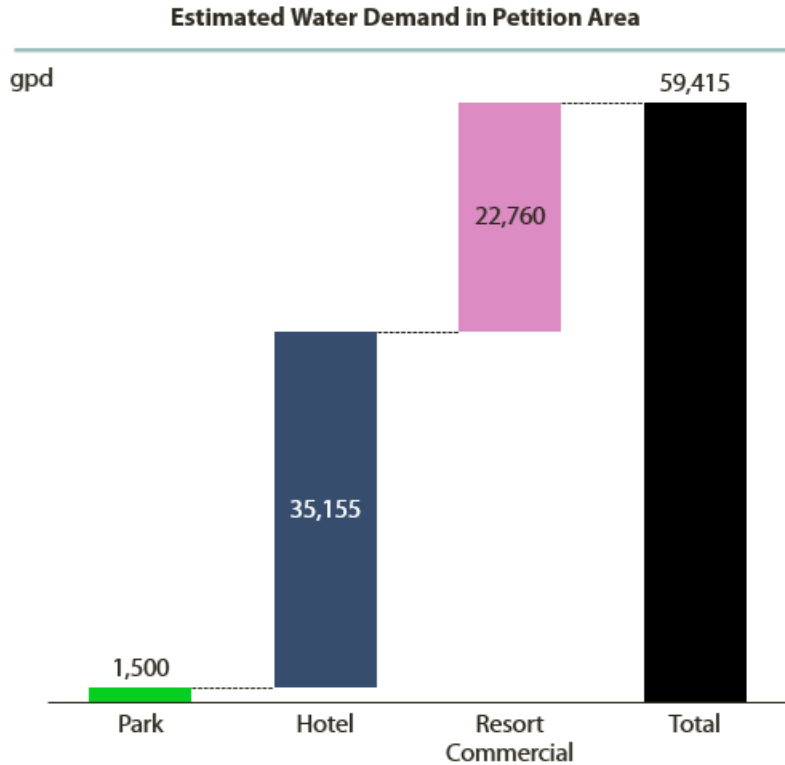


Figure 1: Estimated Water Demand for the Petition Area

3. Water Availability

Water availability in Lāna‘i is analyzed in the context of the 6.0 MGD Sustainable Yield for the island as a whole. The current pumpage on island is 1.63 MGD, the estimated water demand in the Petition Area is 59,415 gpd (0.059415 MGD), and the estimated water demand for other projects is 0.386 MGD. Other projects on Lāna‘i include the Miki Basin Industrial Park (DBA Docket No. A19-809), Hōkuao Project (DBA Docket No. A-21-810) and DHHL water reservation. Adding the current daily demand of 1.630 MGD with the demand from the Project, 0.059 MGD and the other projects 0.386 MGD yields a total forecasted demand of 2.08 MGD, well below the Sustainable Yield of 6.0 and the Commission on Water Resource Management trigger of 4.3 MGD. The Figure below provides context of the forecasted water demand. The Lāna‘i Water Company has confirmed with the Petitioner that it

has adequate reserve to supply the Petition Area with the estimated demand. Exhibit 8.

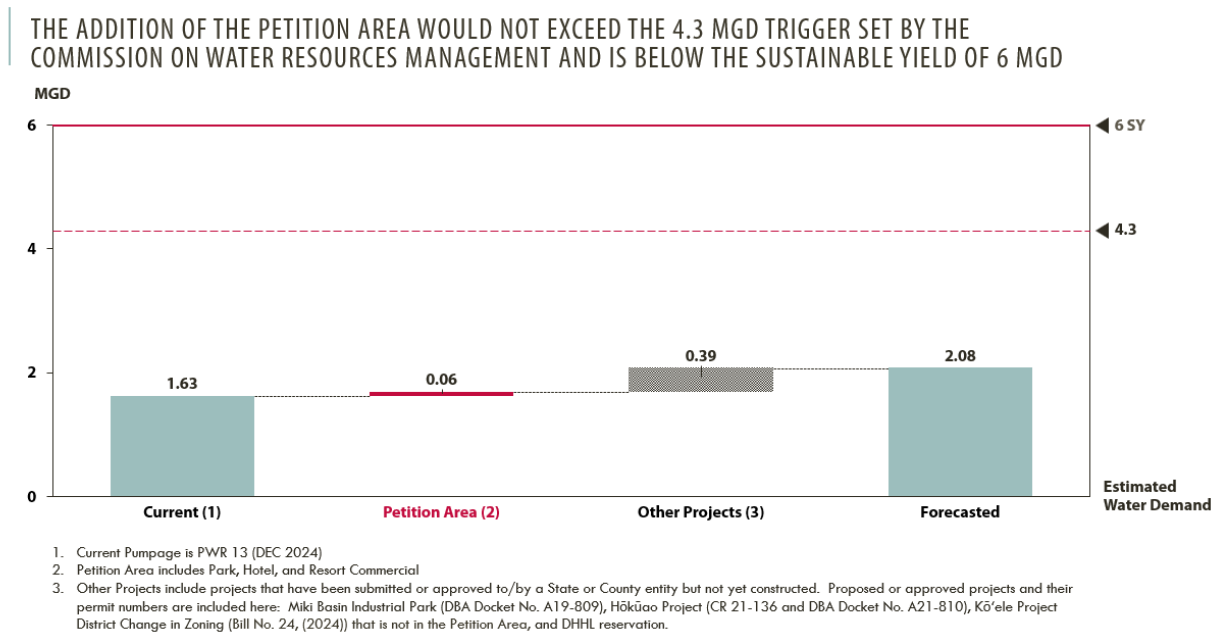


Figure 2: Estimated Water Demand for Lāna‘i, Including the Petition Area

G. Transportation Services

1. Roadways

Within Lāna‘i City, the roadways are generally oriented with a rectangular grid network and serve low volumes of traffic. The roadways are generally narrow and are shared by both vehicular and pedestrian traffic due to the rural nature of the area. The primary street for ingress/egress for the Petition Area is Keōmoku Highway. It generally runs north/south and extends from the northern coast to Lāna‘i City. A Traffic Assessment (“TA”) was conducted by Austin, Tsutsumi & Associates as part of the Environmental Review process for the Kō‘ele Project District amendments. FEA at Appendix I; I-1. The traffic study for the entire Kō‘ele Project District included in the FEA is for a broader area but inclusive of those parcels under this Petition. The additional units as part of the resort expansion will not impact traffic significantly since the Sensei Lānai, a Four Seasons Resort, provides airport pickup and drop off for Resort guests. The roadways would be temporarily impacted by construction activities; however, when possible, construction access roads will be

utilized to minimize impact to Keōmoku Highway. otherwise roadways would not be impacted by the Project.

2. Transit Systems

There are currently no public transit systems serving the island of Lāna‘i.

H. Public Utilities

Electrical, telephone, and cable television services to the Kō‘ele area are provided by Hawaiian Electric Company (“**HECO**”), Hawaiian Telcom, and Spectrum, respectively. Overhead lines run along the road rights-of-way. Majority of the new construction associated with the Petition would utilize these services.

I. Police and Fire Protection

The Maui Police Department (“**MPD**”) serves as the primary law enforcement agency for the island of Lāna‘i, including the Petition Area. The MPD Police Station is located in Lāna‘i City on 855 Fraser Avenue less than a mile to a mile and a half 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* FEA § II.C.1.

The Lāna‘i Fire Station provides the fire protection services for the island. Located at 1345 Fraser Avenue in Lāna‘i City, the fire station is approximately two to two and a half miles from the Petition Area. The Project is not anticipated to have a significant impact on fire protection services. *See* FEA § II.C.1.

J. Civil Defense

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

The Petition Area is at a high elevation and outside the flood and tsunami evacuation zones. *See* FEA § II.A.5. Currently, residents of Lāna‘i City typically

shelter in place during storm warnings or emergencies due to Lāna‘i City’s high elevation. The closest emergency shelter to the Petition Area is located at Lāna‘i High and Elementary School. There is sufficient capacity at the school to provide shelter for existing and future employees at the Project.

Pūlama Lāna‘i 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

Lānai Community Hospital provides hospital services to the island. Lāna‘i Community Hospital is affiliated with Maui Health System and the facilities are open to everyone regardless of health coverage. Also in Lānai City is the Lānai Health Center and Straub Clinic, which provide outpatient medical care for the island’s residents.

Lānai 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 Lānai Community Hospital. *See* FEA § 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

Short-term impacts from fugitive dust are expected to occur during the construction of new structures, such as the resort expansion. To a lesser extent, exhaust emissions from stationary and mobile construction equipment, from the disruption to traffic, and from workers’ vehicles, may also affect air quality during

potential future construction activities. Best Management Practices (“*BMPs*”) will be employed at the site to address dust generated as part of construction.

Noise within Lānai City’s regional vicinity is primarily derived from: 1) the natural environment (e.g., wind, rain, etc.); 2) traffic from neighboring roadways; 3) community sounds related to people, animals/pets, etc.; and 4) nearby aircraft in flight to or from the Lānai Airport. There are unavoidable noise impacts associated with the operation of heavy construction machinery, paving equipment and material transport vehicles during construction activities that may take place. Proper mitigating measures to minimize construction-related noise impacts and comply with all federal and state noise control regulations will be employed.

Increased noise impacts due to construction activity would be short-term and limited to daytime hours. Sound attenuating construction equipment will be used where practicable and necessary to mitigate noise impacts caused by construction. All State of Hawai‘i Department of Health (“*DOH*”) noise regulations found in HAR Chapter 11-46, Community Noise Control, would be met. If construction noise limits are expected to exceed allowable limits, a permit must be obtained from the DOH.

Pūlama Lānai 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 BMPs.

B. Agricultural Resources

The State Department of Agriculture has established three categories of Agricultural Lands of Importance to the State of Hawai‘i (“*ALISH*”), based primarily, though not exclusively, on soil characteristics of the underlying land. The three classes of ALISH land are “Prime”, “Unique”, and “Other Important” agricultural land, with the remaining non-classified lands termed “Unclassified”. The Petition Area is located on lands designated as Unclassified, Other, and Unique. FEA § II.A.3.a.

The University of Hawai‘i (“*UH*”) Land Study Bureau (“*LSB*”) developed the Overall Productivity rating, which classified soils according to five levels, with “A” representing the class of highest productivity and “E” representing the lowest. The

lands underlying the Petition Area are designated as “C”, “D”, and “E”, representing lands that have lower potential for agricultural uses. FEA § II.A.3.a.

The 1972 Land Capability Grouping by the U.S. Department of Agriculture, Natural Resources Conservation Service rate soils according to eight levels, ranging from the highest classification level “I” to the lowest “VIII.” The Project District area generally falls within the Class II and Class III levels. These ratings ignore the lack of irrigation water for the Project District area. FEA § II.A.4.a

The Project will result in the loss of approximately 95.8 acres of historically cultivated agricultural land and golf course. There are approximately 18,000 acres of former plantation lands on Lāna‘i that remain available for agricultural use. The 95.8 acres of Agricultural District land in the Petition Area make up a 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. FEA § II.A.3.

For more information on the agricultural resources, Plasch Econ Pacific and Munekiyo Hiraga prepared an Impacts on Agriculture report regarding the proposed Kō‘ele Project District Amendment, which is Appendix B to the FEA.

C. Recreational Resources

The Project seeks to increase the amount of park space on Lāna‘i, providing opportunities for enhancement of existing and providing additional recreational resources on Lāna‘i. There are a number of existing parks available for public use discussed above in Section VI.B. In addition to those public parks, beaches on Lāna‘i include Kaiolohia (Shipwreck Beach), Dole Park (nearest to Petition Area), Hulopo‘e Beach, Lopa Beach, Polihua Beach, and Sharks Bay.

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

Other privately operated recreational facilities on Lāna‘i include an 18-hole championship golf course and a 9-hole golf course. The Challenge at Mānele adjoins

Four Seasons Resort, Lāna‘i. The 9-hole Cavendish Golf Course is the other privately operated facility located near the Petition Area and provides recreational opportunities for Lāna‘i residents at no cost.

D. Cultural Resources

A cultural-historical study was prepared by Kepā Maly and focused on native traditions and historic accounts that described the ahupua‘a (native land division) of Kamoku, focusing on the ‘ili (land area within an ahupua‘a) of Kō‘ele, where the Petition Area is located. FEA at Appendix F. The study provides the Hawaiian cultural context of Lāna‘i’s history—the landscape, traditions of settlement and residency, patterns of land use, valued fisheries, and traditional-customary practices—as documented in archival records and by island elders and other kama‘aina. The narratives also incorporate traditions of neighboring ahupua‘a to provide readers with a larger view of native life and history in this region of Lāna‘i. The study includes documentation on valued beliefs and practices, and serves as a foundation for development of respectful management practices at Kō‘ele, and offer rich details for sharing the history of place with those who live in or visit the area.

The ahupua‘a of Kamoku, comprising 8,291 acres of land, is one of thirteen native land divisions on the island, and is situated on the kona (leeward) side of the island. There is a rich history and ample physical evidence of native Hawaiian residency in the ahupua‘a of Kamoku, but by the late 1840s, when King Kamehameha III granted fee-simple property rights to his people, only four native Hawaiians recorded claims for personal property rights in the ahupua‘a. FEA § II.A.9.

In 1975, Maly accompanied Kenneth Emory on a week-long trip around Lāna‘i. In 2001, formal recorded interviews with elder kama‘āina of Lāna‘i began and visits to wahi pana (storied places) continued. No new interviews were conducted as part of the present study. Rich oral historical memories have been recorded with elders, born as early as the 1890s. Through the interviews, we learn facets of that knowledge and customary practices still exist in the community. Although there are cultural resources in the Kō‘ele Project District, there are no cultural resources in the Petition

Area and it is unlikely that the Project will have an impact on cultural resources. FEA § II.A.9.

E. Historic Resources

The impacts to archaeological resources were assessed for the Petition Area as part of the Kō‘ele Project District Amendment FEA by Honua Consulting Services LLC. FEA at Appendix E. This assessment included a literature review, field inspection, and cultural resources inventory for the Project District. The purpose of the assessment was to determine the land use history of the area and to identify any potential artifacts, surface architecture, or cultural deposits present on the ground surface on two of the parcels (1 and 2 which are not part of the Petition Area), and to provide an inventory of the cultural resources present in the proposed Kō‘ele Project District. FEA § II.A.8.

The State Historic Preservation Department (“*SHPD*”) reviewed the report and had no objections to the Project. SHPD requested to review future ground-disturbing activities within the Project District. The SHPD letter was received after the FEA was published but is included here as Exhibit 9. There are no historic resources in the Petition Area. Pūlama Lāna‘i will comply with all state and federal laws when ground disturbing work commences including HRS chapter 6E.

F. Scenic Resources

The Petition Area is located immediately above Lāna‘i City. Most of the area’s topography consists of flat to gently sloping open pasture, former golf course, patchy forest, and scrub lands. The surrounding area has been extensively developed previously with a hotel (Sensei Lāna‘i, a Four Seasons Resort), golf courses, Tennis Courts, Horse Stables, residential and related uses. Adjoining is Lāna‘i City and the variety of residential, commercial, industrial, and public uses.

The Petition Area is not part of a scenic corridor, and scenic vistas and view planes will not be affected. The Project does not involve significant alteration to the existing topographic character of the area. FEA § II.A.12.

Any new construction will adhere to the county building codes and regulations regarding height limitations and setbacks.

G. Flora and Fauna

A flora and fauna study of 68.3-acres (encompassing the 11.544-acre parcel and a portion of the 60.764-acre parcel) of the Petition Area was conducted by Robert Hobdy in April 2019. FEA § II.A.7; Appendix D. After Mr. Hobdy completed the study, Pūlama Lāna‘i noticed an omission in the subdivision designations and added the 14.637-acre parcel to its application for Change in Zoning. On April 6, 2021, Mr. Hobdy acknowledged the addition of the 14.637-acre parcel and attested that the results of the flora and fauna technical study do not change based on the updated map. The parcels that are former golf course were not included in the flora and fauna study. No state or federally listed threatened or endangered species or rare native Hawaiian plant species were observed in the study. The area is not designated as critical habitat for any species.

1. Flora

A complete inventory of all plant species was made with special attention focused on native plant species. The vegetation consists mostly of open pasture lands with scattered windbreak trees and some shrubland. The vegetation throughout the study area is dominated by non-native pasture and weed species, none of which are of any conservation interest or concern. A total of 62 plant species were recorded during the survey. Five species were common throughout the study area: Christmas berry (*Schinus terebinthifolius*), lantana (*Lantana camara*), Cook pine (*Araucaria columnaris*), fireweed (*Senecio madagascariensis*) and sand mallow (*Sidastrum micranthum*). Several pasture grasses were evenly distributed but none of these were individually common. Just one native plant species was observed, the indigenous hala tree (*Pandanus tectorius*), and this tree had been planted alongside an old ranch residence. Development of this area would not have a negative impact on the botanical resources in this part of Lāna‘i. FEA at Appendix D.

2. Fauna

A fauna survey was conducted in conjunction with the flora survey. In addition, an evening survey was conducted in two locations to observe crepuscular activities and callas, and to determine any occurrence of the Endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) in the study area.

Two non-native mammal species were observed in the study area, axis deer (*Axis axis*) and horses (*Equus caballus*). Several axis deer were seen, and abundant deer signs were found throughout the area in the form of tracks, droppings, and antler rubbings. A special effort was made to look for evidence indicating the presence of the Hawaiian hoary bad by conducting evening surveys at two locations using a bat detecting devise (Batbox III D). No bats were detected. Other non-native mammals likely to frequent the study area include rats (*Rattus spp.*), mice (*Mus domesticus*), feral cats (*Felis catus*) and occasionally domestic dogs (*Canis familiaris*).

Twelve species of birds were observed. Most common were the common myna (*Acridotheres tristis*) and the zebra dove (*Geopelia striata*). Two indigenous, native birds were recorded during the survey, the kōlea, or Pacific golden-plover (*Pluvialis fulva*) which is uncommonly documented, and the ‘akekeke or ruddy turnstone (*Arenaria interpres*) which is rare. Both are migratory species that over-winter in Hawai‘i and fly to the arctic where they live during the summer months. Both species come to Hawai‘i in large numbers, and neither species is Threatened or Endangered.

The Endangered ‘ua‘u or Hawaiian petrel (*Pterodroma sandwichensis*) and the Threatened ‘a‘o or Newell’s shearwater (*Puffinus newelli*), while not in the study area, likely fly over it during dusk to access their burrows high in the mountains and again at dawn to head out to sea. All outdoor lighting will be shielded so that the light is not visible from above to protect fledglings from becoming disoriented.

Just one non-native lizard, the common garden skink (*Lampropholis delicata*) was observed in ground leaf litter. One non-native mollusk, the giant African snail (*Achatina fulica*) was rarely observed.

The globe skimmer dragonfly was the only indigenous insect documented in the study area. It is widespread and common in Hawai‘i in a variety of habitats. It is also

known throughout the tropics and subtropics nearly worldwide. It carries no federal protections and is not a special conservation concern.

The fauna species identified within the study area are mostly non-native organisms that have been purposefully or accidentally introduced to Hawai‘i since western contact. Taking into consideration the lighting recommendations, the Project is not expected to have negative impacts on the native fauna in this part of Lāna‘i. FEA at Appendix D.

H. Groundwater

Groundwater from the Leeward aquifer, in the Central aquifer sector, will be utilized from the Lāna‘i City grid. More discussion on the water use estimates for the Project are in Section VI.F. Since the publication of the Environmental Assessment, Well 7 was brought online in Q3 of 2024, providing additional resilience to the Lāna‘i Water Company’s distribution system. Pūlama Lāna‘i will conform to the requirements of the county relating to the installation, inspection, and maintenance of water systems associated with the Project. No new groundwater wells are planned as part of the Project at this time. The Petition Area will be serviced by the Lāna‘i Water Company, which regularly monitors water quality parameters to ensure adherence to all state and federal standards. *See* Ex. 8 (letter from Lāna‘i Water Company).

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 Hawai‘i 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 1,600 and 2,000 feet above sea level, located approximately 4 miles inland from the northern shoreline towards the center of the island. The Petition Area falls outside the Sea Level Rise Exposure Area as shows on the Hawai‘i Sea Level Rise Viewer. See Hawai‘i Sea Level Rise Viewer, *available at* <https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/> (last visited Dec. 16, 2024). Accordingly, no mitigation measures are necessary. See FEA § II.A.5.

B. Infrastructure Adaptions - HAR § 15-15-50(c)(24)(B)

The Project will be designed to meet all applicable federal, state, and county building code requirements. Buildings will follow county requirements for low-flow fixtures and fittings. Landscaping around the Resort expansion will be similar in nature to existing landscaping at the Resort. R-1 water to the maximum extent possible will be utilized to irrigate landscaping in the Resort expansion. R-1 effluent will also be utilized to irrigate the areas proposed for Park use (81.207- and 2.073-acre area). The Project will be serviced by the Lāna‘i Water Company and wastewater will be sent to the County’s Lāna‘i City Wastewater Treatment Plant. Specialized mitigation considerations for roadways, sewer, and water infrastructure are not planned due to the location of the Petition Area near the center of the island.

C. Overall Carbon Footprint and Mitigation - HAR § 15-15-50(c)(24)(C)

1. Greenhouse Gas Equivalencies Calculation Methodology

The DOH oversees the Hawai‘i Greenhouse Gas (“**GHG**”) Program.⁷ The State of Hawai‘i is committed to reducing its contribution to global climate change and has taken efforts to measure and reduce statewide GHG emissions. In 2007, the state

⁷ *Hawaii Greenhouse Gas Emissions Report for 2020 and 2021, Final Report (dated May 2024)*, Greenhouse Gasses Program, Clean Air Branch, State of Hawai‘i, Department of Health *available at* https://health.hawaii.gov/cab/files/2024/05/2020-and-2021-Inventory_Final-Report_5-29-24.pdf (last accessed Dec. 16, 2024).

passed Act 234, to establish the state’s policy framework and requirements to address GHG emissions by achieving emission levels at or below Hawaii’s 1990 GHG emissions by January 1, 2020 (excluding emissions from airplanes). In 2008, the state developed statewide GHG emission inventories for 1990 and 2007. To help meet emissions targets, Hawaii Administrative Rules (“**HAR**”) Chapter 11-60.1 was amended in 2014 to establish a facility-level GHG emissions cap for large existing stationary sources with potential for GHG emissions at or above 100,000 tons of CO₂E per year. In recent years, Act 238, established a goal for the level of statewide GHG emissions to be at least 50 percent below 2005 levels by the year 2030, and that the measurements include emissions from airplanes. Act 15 of 2018, established a statewide carbon net-negative goal by 2045. The GHG Emissions Report tracks progress towards achieving the states GHG reduction goals.

The Report includes anthropogenic GHG emissions and sinks for the state from the following sectors: energy; industrial processes and product use; agriculture, forestry, and other land use; and waste. Emissions were estimated directly from the United States Environmental Protection Agency’s (“**EPA**”) Greenhouse Gas Reporting Program (“**GHGRP**”) and calculated for stationary combustion using the IPCC (2006) Tier 2 methodology.

The emission inventory reports for Hawai‘i showing statewide carbon dioxide equivalents (“**CO₂E**”) are provided by several sources, including the EPA’s GHGRP⁸ and EPA’s State Inventory Tool (“**SIT**”).⁹ The most recent 2022 report dated April 2025 was prepared by ICF and University of Hawai‘i Economic Research Organization (“**UHERO**”). GHG emissions for Lāna‘i were aggregated and included

⁸ *Greenhouse Gas Reporting Program (GHGRP)*, United States Environmental Protection Agency available at <https://www.epa.gov/ghgreporting/find-and-use-ghgrp-data> (last accessed Dec. 16, 2024).

⁹ *State Inventory Tool (SIT)*, United States Environmental Protection Agency available at <https://www.epa.gov/statelocalenergy/state-inventory-and-projection-tool> (last accessed Dec. 17, 2024).

as part of Maui County’s results for County-based emissions. A review of the EPA emitters and point source data from the EPA Facilities Level Information on GHG Tool (“*FLIGHT*”) shows there are no facilities on Lāna‘i that are currently listed. See Exhibit 10.

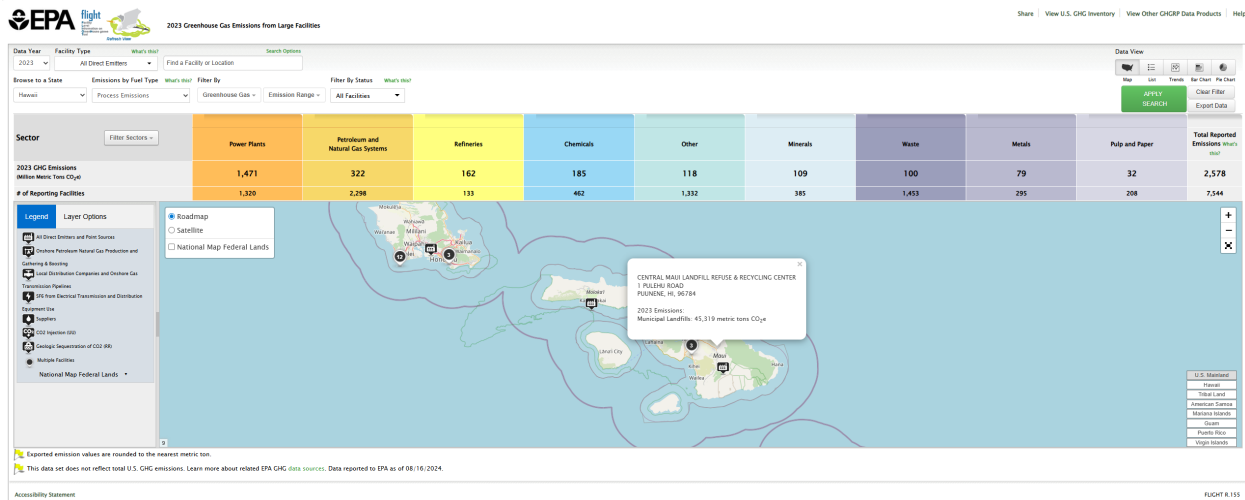


Figure 3 - EPA Point Source Data Tool

2. Carbon Dioxide Equivalents Calculations

The EPA GHG Equivalencies Calculator was utilized to determine estimated CO₂E for the Project due to the lack of disaggregated nature of the data from Lāna‘i.¹⁰ Pūlama Lāna‘i used this tool to calculate estimated carbon footprints in previous District Boundary Amendment Petitions, which were approved in November 2021 (See Docket No. A21-810) and March 2023 (See Docket No. A19-809). The estimated GHG emissions for each component of the Project is calculated below.

To support the current application, CO₂E estimates were developed for each proposed new building within the Hotel Expansion Area (approximately 11.544 acres) and the Resort Commercial Area. While detailed architectural plans are not yet available, an illustrative site representation of the Hotel Expansion Area is included

¹⁰ *Greenhouse Gas Equivalencies Calculator*, United States Environmental Protection Agency available at <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator> (last accessed August 17, 2025).

in Exhibit 11. For the Resort Commercial Area, conceptual programming includes a potential Tennis Pro Shop and associated restroom facilities; estimated building size was assumed for the purpose of this GHG analysis.

Emissions estimates were calculated using industry benchmarks and empirical data sourced from the ULI Greenprint Performance Report, published by the ULI Randall Lewis Center for Sustainability in Real Estate.¹¹ This report provides peer-reviewed, aggregated emissions data across a broad range of real estate asset types. Its application ensures the analysis reflects representative; real-world GHG performance metrics aligned with current best practices in sustainable building operations and development.



Exhibit 11.

The table below summarizes the estimated GHG emissions, measured in MT CO₂E, for the proposed new buildings within each project area. The total estimated emissions from the new building components are approximately 262.5 MT CO₂E.

¹¹ *State of Green ULI Greenprint Performance Report*, Vol. 15, 2024, page 21.

Project Area	Building Name	Area (SQFT)	Area (m ²)	# of units	Total Area (m ²)	ULI Building Type*	ULI Whole Building Carbon Emissions (kg/m ²)*	Carbon Emissions (kg)	EPA Calculator (MT CO ₂ E)**
Hotel Expansion	Villa (1-BD)	1,500	139	6	834	Residential Single Family	6.6	5,504	20.2
	Villa (2-BD)	3,000	279	2	558	Residential Single Family	6.6	3,683	13.5
	Villa (4-BD)	4,400	409	1	409	Residential Single Family	6.6	2,699	9.9
	Villas Total								43.6
	Flex Building	3,000	279	1	279	Mixed Use	28.6	7,979	29.3
	Spa Hale	1,500	139	5	695	Health Care	45.1	31,345	115
	Employee Office Building	3,600	334	1	334	Corporate Office	33.7	11,256	41.3
	Maintenance Building 1	4,600	427	1	427	Industrial Park	3.3	1,409	5.2
	Maintenance Building 2	2,400	223	1	223	Industrial Park	3.3	736	2.7
	Total Hotel Expansion								237.1
Resort Commercial	Tennis Pro/Restroom	5,000	465	1	465	Retail	14.9	6,929	25.4
Total MT CO₂E								262.5	

In addition to the vertical development proposed in the Hotel Expansion area and minor structure in the Resort Commercial area, the project includes substantial new landscaping in the Hotel Expansion area. Based on the existing built-to-landscaped area ratio at Sensei Lāna‘i, a Four Seasons Resort, the carbon sequestration potential of the proposed landscaping was estimated at approximately 124 MT CO₂E. Supporting calculations are provided in the following section.

Description	Value	Unit of measure	Calculation	Notes/Source
Landscaping (70% of Resort Area)	352,000	SQFT	a	Existing Resort ~70% landscaped
	32,702	m ²	b = a*43,560	Conversion of units
Space occupied by Tree	16	m ²	c	Plant 12 feet apart
# of Trees Estimated in Landscaped area	2,044	Trees	d=b/c	
Weighted average carbon sequestered by a medium growth coniferous or deciduous tree, planted in an urban setting and allowed to grow for 10 years	36.4	lbs Carbon/Tree	e	Greenhouse Gas Equivalencies Calculator - Calculations and References US EPA (seedling references)
Conversion	0.000453597	MT per lb	f = 1/2204.6	1 MT per 2,204.6 lbs
Ratio of Carbon Dioxide to Carbon	3.666666667		g = 44/12	Carbon Dioxide is 44g/mole, there is one Carbon 12g/mole
Calculation	0.060540083	MT CO ₂ per Tree	h = e*f*g	
Total Carbon sequestered by Trees	124	MT CO₂ E	i=h*d	

3. Total GHG Calculation for the Project

Accounting for this sequestration, the net GHG emissions associated with the proposed project are estimated at 138.5 MT CO₂E. For informational context, this is approximately equivalent to the annual emissions of 32 gasoline-powered passenger vehicles or the carbon sequestration capacity of approximately 2,300 tree seedlings grown over a ten-year period.

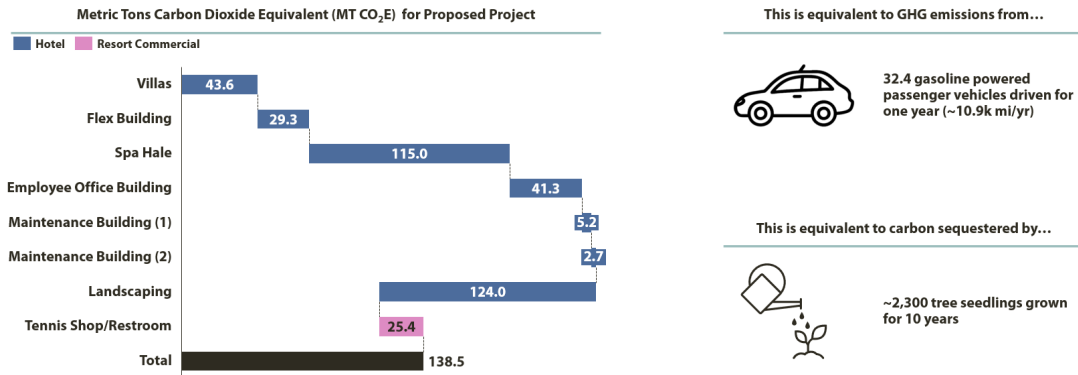


Exhibit 12.

IX. ADHERENCE TO SUSTAINABILITY PRINCIPLES AND PRIORITY GUIDELINES IN HRS § 226-108 AND HAWAI‘I 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)

Sidewalks are provided along portions of Fraser Avenue, Lāna‘i Avenue, Kaumālapa‘u Highway, Ilima Avenue, 5th Street, 7th Street, 8th Street, and Keōmoku Highway within Lāna‘i City. In the Petition Area, where necessary, designated walkways within the Resort expansion, park and Lāna‘i Ranch area will be constructed. There is an existing sidewalk that allows for Resort guests to walk into Lāna‘i City along Keōmoku Highway.

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**”). Lāna‘i is a rural island, with Lāna‘i City being its most urbanized area. Although Lāna‘i does not have

a public transportation system, the Petition Area will be in close proximity to the workforce and the existing urban area.

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

The Project incorporates green infrastructure principles with an emphasis on maintaining vegetative cover and promoting natural hydrological processes. Over 90% of the project area will remain in a vegetated or pasture state, minimizing impervious surfaces and supporting groundwater recharge through infiltration. The retention of the former golf course area as a park will also preserve large open, vegetated spaces conducive to stormwater percolation. In addition, the park area (83.28-acre area) will use R-1 water for irrigation purposes. These measures contribute to improved site sustainability and alignment with State water conservation goals.

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

The Resort expansion component (11.544-acre area) of the Project will incorporate landscaping treatments consistent with those currently featured at Sensei Lāna‘i, a Four Seasons Resort. The landscape design will enhance environmental performance by reducing impervious surfaces and mitigating the urban heat island effect through strategic placement of vegetation and shade trees. Gardens and planted areas will promote evapotranspiration, contribute to localized cooling, and increase permeable surface area for stormwater infiltration.

The portions of the Project associated with Lāna‘i Ranch operations and tennis courts (75.401-acre area) will largely remain in their current natural or semi-natural state, with over 95% of the land area remaining vegetated and used as pasture for the animals. Similarly, the area formerly used as a golf course and proposed to be converted into a park (83.28-acre area) will be maintained in a vegetated condition.

The Project’s overall landscape strategy—featuring large contiguous green areas and minimal building footprints—will support radiant energy absorption and evapotranspiration, contributing to sustainable site design, carbon sequestration, and overall ecological health.

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

While the Petition Area itself is not well-suited for urban agricultural uses due to its planned resort, associated resort, and park functions, the Petitioner remains committed to supporting urban agriculture on Lāna‘i. To this end, the Petitioner currently operates and maintains community gardens in Lāna‘i City, which are made available to residents for small-scale cultivation and gardening.

These community gardens offer accessible agricultural opportunities within the urban core, promoting local food production, sustainability, and community engagement. The Petitioner will continue to support and maintain these facilities to ensure that urban agriculture remains an available and meaningful resource for the residents of Lāna‘i City, consistent with the intent of HAR § 15-15-50(c)(25)(F).

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. No portion of the project will utilize government funding. Supporting documentation is attached to this Petition. Exhibit 13.

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 economic impacts from the Project District amendment were studied by Plasch Econ Pacific LLC. The report is attached as Appendix H to the FEA. The

economic study was conducted in 2021 and looked at the entire Project District development, which is inclusive of the Petition Area.

The Project District it will create an average of approximately 70 construction jobs and indirect jobs generated by construction activity over a period of 10 years. The cumulative State tax revenues are estimated at \$8.6 million from construction activities. At full development of the Project District, approximately \$14.7 million per year in State tax revenues will be generated by Resort operations, of which approximately \$12.9 million would be available to fund various services and programs throughout Hawai‘i. Approximately \$2.4 million per year of county tax revenues will be generated, nearly all of which would be available to fund various services and programs throughout the county.

The majority of the new tax revenues will come from the resort expansion (11.544-acre area) as the Lāna‘i Ranch (75.401-acre area) will have minimal renovations and the park (83.28-acre area) will be vacant land.

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 employment opportunities and enhancing the social stability and well-being for the people of Lānaʻi:

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 Hawaii'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)(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.

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.
- (b)(7) Expand existing markets and penetrate new markets for Hawaii's products and services.

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

- (b)(1) Support and assist in the promotion of Hawaii's visitor attractions and facilities.
- (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 that are sensitive to neighboring communities and activities.
- (b)(5)(A) Develop the industry in a manner that will continue to provide new job opportunities and steady employment for Hawaii's people.

(b)(5)(C) Offer career opportunities to ultimately increase the percentage of Hawaii's people who hold management and leadership positions in the visitor industry.

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

HRS § 226-10, Objective and policies for the economy—potential grown and innovative activities

Planning for the State's economy with regard to potential grown and innovative activities shall be directed towards achievement of the objective of development and expansion of potential growth and innovative activities that serve to increase and diversify Hawaii's economic base.

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

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

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

(b)(1) Exercise an overall conservation ethic in the use of Hawaii'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)(6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.

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)(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii'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 Hawaii's land, air, and water resources.

(a)(2) Greater public awareness and appreciation of Hawaii's environmental resources.

(b)(2) Promote the proper management of Hawaii's land and water resources.

(b)(3) Promote effective measures to achieve desired quality in Hawaii's surface, ground, and coastal waters.

(b)(6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.

(b)(7) Encourage urban developments in close proximity to existing services and facilities.

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

(b)(1) Accommodate the needs of Hawaii'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.

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.

(b)(1) Encourage the adequate development of sewerage facilities that complement planned growth.

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

(b)(1) Foster and preserve Hawaii's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.

(b)(3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.

(b)(4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, or geological, or biological values while ensuring that their inherent values are preserved.

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

- (a) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawaii's people.
- (b)(1) Foster increased knowledge and understanding of Hawaii's ethnic and cultural heritages and the history of Hawaii.
- (b)(4) Encourage the essence of the aloha spirit in people's daily activities to promote harmonious relationships among Hawaii'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)(ii) Encourage investments which rely on economic linkages within the local economy.
- (a)(1)(A)(iv) Encourage investments which reinvest in the local economy.
- (b)(1) Promote visitor satisfaction by fostering an environment which enhances the aloha spirit and minimizes inconveniences to Hawaii's residents and visitors.
- (b)(2) Encourage the development and maintenance of well-designed, adequately serviced hotels and resort destination areas which are sensitive to neighboring communities and activities and which provide for adequate shoreline setback and beach access.
- (b)(4) Encourage visitor industry practices and activities which respect, preserve, and enhance Hawaii's significant natural, scenic, historic and cultural resources.
- (b)(5) Develop and maintain career opportunities in the visitor industry for Hawaii's people, with emphasis on managerial positions.
- (b)(5) Support and coordinate tourism promotion abroad to enhance Hawaii's share of existing and potential visitor markets.
- (b)(7) Maintain and encourage a more favorable resort investment climate consistent with the objectives of this chapter.
- (e)(1) Maintain and improve water conservation programs to reduce the overall water consumption rate.
- (e)(2) Encourage the improvement of irrigation technology and promote the use of nonpotable water for agricultural and landscaping purposes.

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

- (a)(2) Manage a growth rate for Hawaii's economy that will parallel future employment needs for Hawaii's people.
- (a)(4) Encourage major state and federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.

(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)(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 § 226-108, Sustainability

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

(2) Encouraging planning that respects and promotes living within the natural resources and limits of the State.

(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.

HRS § 226-109, Climate change adaptation priority guidelines

(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.

(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 State Functional Plans listed in this Section:

1. Employment State Functional Plan

The Project will result in the creation of construction and construction-related short-term employment during the development period as well as long-term employment opportunities in the resort industry and possibly a small number of employees in the retail or museum industries. This will provide local residents with opportunities to compete in the workforce. *See* FEA Exhibit H.

2. Tourism State Functional Plan

The Project will present opportunities for enhancement of resort-related uses within the Petition Area. These enhancements will elevate the offerings of tourism on Lānaʻi. *See* FEA § I.B.

3. Historic Preservation State Functional Plan

There are no historic resources in the Petition Area. The Petitioner conducted an Archaeological Literature Review and Field Inspection Report (“*LRFI*”) and a Cultural and Historic Resources Survey. FEA at Appendix E and F respectively. All ground disturbing work will be compliant with the guidelines developed in the LRFI and with HRS chapter 6E. It is recommended that monitors trained in identifying subsurface features be onsite if ground disturbing work is undertaken for any future development activities. FEA § II.A.8. The Project will not have a negative impact on historic or cultural resources. FEA § II.A.9.

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 within the County of Maui’s Special

Management Area (“*SMA*”). 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 sediment 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 was adopted in 2012. The updates to the community plans in 2010 are 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:

- Preserve and provide ongoing care for important scenic vistas, view planes, landscapes, and open-space resources.

- Improve the connection between urban environments and the natural landscape and incorporate natural features of the land into urban design.
- Educate the construction and landscape industries and property owners about the use of best management practices to prevent erosion and nonpoint source pollution.
- Promote, encourage, and require the correct use of traditional place names, particularly in government documents, signage, and the tourism industry.
- Foster a spirit of pono and protect, perpetuate, and reinvigorate multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.
- Encourage Maui County's economy to be diverse, sustainable, and supportive of community values.
- Support the development of repositories for culture, history, genealogy, oral history, film, and interactive learning.
- Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures to perpetuate a traditional sense of place.
- Support economic decisions that create long-term benefits.
- Support efforts to improve conditions that foster economic vitality in our historic small towns.
- Support the renovation and enhancement of existing visitor facilities.
- Promote water conservation, beach conservation, and open-space conservation in areas providing services for visitors.
- Recognize the important contributions that the visitor industry makes to the county's economy and support a healthy and vibrant visitor industry.
- Maintain, enhance, expand, and provide new active and passive recreational facilities in ways that preserve the natural beauty of their locations.
- Ensure that adequate supplies of water are available prior to approval of subdivision or construction documents.

- Promote the reclamation of gray water and enable the use of reclaimed, gray, and brackish water for activities that do not require potable water.
- Promote land use patterns that can be provided with infrastructure and public facilities in a cost-effective manner.
- Direct urban and rural growth to designated areas.
- Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.

B. Conformity to the Lānaʻi Community Plan (2016)

The Project conforms to the 2016 Lānaʻi Community Plan and the recently approved Community Plan Amendment (Maui County Ordinance 5702, ratified April 2025). The community plan highlighted key issues to the Lānaʻi community. The Project addresses a number of these issues by growing the economy, providing job creation, and improving the community’s resiliency. Separately, the Project conforms to the following policies identified in the plan:

- Require developments to mitigate their impacts on historic, cultural, natural, and scenic resources.
- Project Lānaʻi City’s historically significant buildings, plantation era design, and plantation cultural resources.
- Support the use of recycled water for irrigation and prohibit the use of potable water for golf course irrigation.
- Promote the conservation of potable water by residents, hotels, and golf courses.
- Encourage a water conservation ethic that supports wastewater reclamation, utilization or alternative resources, conservation, and reuse technologies.
- Wastewater treatment to the R-1 water standard will continue to be used regardless of the addition of water resources from desalination.

- Limit new residential, commercial, or industrial development to existing communities and proposed expansion areas as shown on the Lāna‘i Community Plan.
- Ensure all lands are zoned and zoning standards are consistent with Community Plan policies and land use designations.
- Ensure the boundaries of community plan land use designations are aligned with the boundaries of the applicable State land use districts.
- Relationship With Major Landowner: The relationship between the islands previous major landowner and the community was historically difficult. Recent discussion with others and progress seen in community meetings, the involvement of Pūlama Lāna‘i has been helpful in improving relations between the residents and the major landowner.

Further, the Project implements the Lāna‘i Community Plan by conforming with and being contained within the Kō‘ele Project District. The FEA provides further analysis of how the Project, as part of the Project District conforms with the policies of the Lāna‘i Community Plan. *See* FEA § III.E.

C. Conformity to County Zoning Designations

The 81.207- and 2.073-acre areas in the Petition area are zoned Project District. Additionally, 14.5 acres of the 60.764-acre area in the Petition are zoned Project District. The Applicant is seeking a Change in Zoning (“*CIZ*”) (Bill 24 (2024)) from the Maui County Council for the remaining 46.264-acre area of the 60.764-acre area, which is currently zoned Agriculture. Included in the *CIZ* application is the 14.637-acre, which is currently zoned Agriculture and the 11.544-acre area, which is currently zoned Interim.

Bill 25 (2024), Project District Amendment is currently pending Maui County Council approval and it establishes the allowable uses in the Petition Area to conform to the permitted uses in the Project District. The Project Area will focus on hotel, park, and resort commercial uses, all of which would be allowed under the Kō‘ele Project District zoning.

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

The Petition Area will be characterized by “city-like” concentrations of people, structures, streets, urban level of services and other related land uses, especially in the 11-544-acre area which will be developed as an extension of the existing Resort. The remainder of the Petition Area will support the urban Resort uses, which are an extension of the similar uses in the adjacent Lāna‘i Ranch lands that provide pasturelands and equestrian facilities to resort guests. *See* FEA —§ III.A.

The Petition Area is adjacent to Lāna‘i City, which is the primary business center of Lāna‘i 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 Sensei Lāna‘i, a Four Seasons Resort and the proximity to other urban uses.

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 Petition Area is adjacent to the northern boundary of Lāna‘i City. The town center contains markets, shops, restaurants, banks, medical care, the only public school, a cultural center, and more. 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 housing and future developments in other areas, which will not be affected by the planned uses of the Petition Area. See FEA.

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 the planned uses in the Petition Area. The Petition Area is located between 1,600 and 2,000 feet above sea level, is not subject to tsunami inundation, and is not within the tsunami evacuation zone identified by the National Oceanic and Atmospheric Administration. Located in Flood Zone X, the Petition Area has little chance of flooding. See FEA § II.A.4-5.

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.

Reclassification of the Petition Area to the Urban District would be an extension of existing adjacent urban use. The Petition Area is contiguous with other existing urban areas and is an appropriate location for the hotel, park and resort commercial uses proposed.

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 those 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 the 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.

Reclassification of the Petition Area will not contribute toward scattered spot urban development. Rather, the urban use of the Petition Area will be an extension of the existing urban use and a realignment with the underlying zoning, project district, and community plan. As explained in Section VI, the Petition Area will provide 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 Petition Area is situated on gently to moderately sloping lands, with some of the wooded areas in the park on more of a slope. The approximate range of ground slopes and elevations in the Petition Area range from 0 percent (0% grade) to 30 percent (30% grade). Most of the petition Area has slopes of less than 10 %. See FEA § II.A.4.a.

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.

As part of the Environmental Assessment process, an LRFI and a Cultural and Historical Resources Survey were prepared. While cultural resources and traditional practices exist within the greater Project District, no cultural resources or traditional practices were identified within the Petition Area. Therefore, the Project will not have an impact on cultural resources or traditional practices.

Consequently, no customary or traditional native Hawaiian rights will be impacted by the reclassification, and no action is necessary to protect native Hawaiian rights in the Petition Area. *See* Ex. 6 (FEA at Appendices E and F).

Mason Architects (“*Mason*”) and Honua Consulting (“*Honua*”) completed a Reconnaissance Level Survey and Criterion “e” Evaluation for the Kō‘ele Structures C and D. *See* Exhibit 14 (Mason RLS) and Exhibit 15 (Honua criterion e report).

The Mason evaluation of significance and integrity for the two structures, Structure C (Forbes House) and Structure D (Ranch Office & Store), according to HAR § 13-284-6 Criteria “a” through “d.” Mason assessed the following for Structure C and D:

Evaluation of Significance (Structure C):

- Does not meet HAR § 13-284-6 Criterion “a.” Structure C is important for its associations with early sugar and ranching operations on Lāna‘i since this building was originally constructed in Keōmoku by Maunalei Sugar Company around the turn of the nineteenth century. After this venture failed, Structure C was reportedly moved to Kō‘ele around 1904 by Lanai Ranch. Structure C served as a ranch office and later as housing for various ranch employees. When the ranch closed in the 1950s, it housed several Lāna‘i community members. In the 1970s, the structure served as an office for the President of Lanai Company. In the late 1980s, it was moved to its

current location where former Lanai Ranch paniolo, John Richardson, lived. While Structure C is important for these associations, **it has been moved twice**, and after the second move in the late 1980s, it was substantially altered. These alterations have affected Structure C's ability to reflect its historical period. Additionally, the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" explains that location is a key component of integrity. Per the Bulletin, moving a historic property from its original location destroys its relationship with its surroundings and its associations with historic events.

- Does not meet HAR § 13-284-6 Criterion "b." While the inhabitants of Structure C may have been important to the Lānaʻi community, Mason was unable to find information that definitively identified the precise length of their relationship to the building and whether Structure C is an important representation of their accomplishments. Further, Structure C has been altered and does not retain sufficient integrity to convey its important associations.
- Does not meet HAR § 13-284-6 Criterion "c." While Structure C embodies a distinctive method of construction (single wall), which is an important typology in Hawaiʻi, it has been altered through the introduction of non-original building features and multiple additions. These changes are inconsistent with the original materials, architectural details, and design employed by Maunalei Sugar Company.
- Does not meet HAR § 13-284-6 Criterion "d" since it is not known for having "yielded, or [being] likely to yield, information important in prehistory or history."

Integrity Assessment (Structure C):

- Does not retain integrity of Location, Design, Setting, Workmanship, Feeling, and Association.
- Partially retains integrity of Materials.

Evaluation of Significance (Structure D):

- Does not meet HAR § 13-284-6 criterion “a.” Structure D is important for its associations with early sugar and ranching operations on Lānaʻi since it was originally constructed in Keōmoku by Maunalei Sugar Company around the turn of the nineteenth century. After this venture failed, Structure D was reportedly moved to Kōʻele around 1904 by Lanai Ranch. Structure D served as the ranch store, post office, and office. After the ranch closed in the early 1950s, it housed several Lānaʻi community members, including two former employees of the Territorial Division of Fish and Game. In the 1970s, it housed an office for Lanai Company. In the late 1980s, it was moved to its current location where former Lanai Ranch paniolo, Ernest Richardson, lived. While Structure D is important for these associations, **it has been moved twice**, and after the second move in the late 1980s, it was **substantially altered**. These alterations have affected Structure D’s ability to reflect its historical period. Additionally, the National Register Bulletin “How to Apply the National Register Criteria for Evaluation” explains that location is a key component of integrity. Per the Bulletin, moving a historic property from its original location destroys its relationship with its surroundings and its associations with historic events.
- Does not meet HAR § 13-284-6 Criterion “b.” While the inhabitants of Structure D may have been important to the Lānaʻi community, Mason was unable to find information that definitively identified the precise length of their relationship to the building and whether Structure D is an important representation of their accomplishments. Further, Structure D has been altered and does not retain sufficient integrity to convey its important associations.
- Does not meet HAR § 13-284-6 Criterion “c.” While Structure D embodies a distinctive method of construction (single wall), which is an important typology in Hawaiʻi, it has been altered through the introduction of non-original building features and multiple additions. These changes are

inconsistent with the original materials, architectural details, and design employed by Maunalei Sugar Company.

- Does not meet HAR § 13-284-6 Criterion “d” since it is not known for having “yielded, or [being] likely to yield, information important in prehistory or history.”

Integrity Assessment (Structure D):

- Does not retain integrity of Location, Design, Setting, Workmanship, Feeling, and Association.
- Partially retains integrity of Materials.

Honua also conducted an evaluation of Structures C (Forbes House) and D (Ranch Office & Store) under Significance Criterion “e” of HAR §13-284-6. This criterion applies to properties that are significant to Native Hawaiian or other ethnic groups in Hawai‘i due to associations with cultural practices, traditional beliefs, significant events, or oral histories. To meet this criterion, the association must be demonstrably important to the group’s cultural identity and history. A site may also qualify if cultural practices were historically conducted there or are actively practiced at the location today. In some cases, a group of sites may collectively satisfy Criterion “e” through their shared contribution to cultural tradition and identity.

Structures C and D are historically associated with the operations of Lāna‘i Ranch and the broader development of the Kō‘ele area. The Forbes House (Structure C) originally served as housing for the ranch bookkeeper and later accommodated various ranch-related personnel and families. The Ranch Office & Store (Structure D) functioned as an administrative and commercial center for the ranch prior to its conversion to residential use. These buildings played key roles in the daily functioning and social organization of the ranching era on Lāna‘i.

Over time, both structures have undergone changes in use and physical relocation. The Structure C has served as a residence for a range of island workers beyond its original ranching context, and Structure D currently supports Pūlama Lāna‘i operations. Community testimony submitted during the Community Plan Amendment process, particularly to the county's Housing and Land Use Committee,

expressed a strong desire to retain these structures in their current locations. Testifiers emphasized their historical value, association with ranching families, and importance in preserving the cultural landscape of Kō‘ele. Concerns were raised that relocating the buildings to a former agricultural site would sever contextual ties and diminish their historical significance. One testifier, citing independent historical research, advocated for a preservation approach that maintains the buildings near their original sites to support interpretation and education regarding Lāna‘i’s ranching history.

While there is certainly tremendous nostalgia and fondness for the structures, as Mason noted, the structures no longer retain sufficient integrity to be eligible for the state or national register. That nostalgia clearly transferred with the structures across its two relocations. Despite the requests to preserve the structures, none of the testimony provided and any of the history research provides, sufficient evidence to justify the conclusion that the structures have “important value to the native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts—these associations being important to the group’s history and cultural identity,” and therefore **do not meet the requirements of significance under criterion “e.”** The history and associations are not specific to native Hawaiians or another ethnic group, and there are no associations with cultural practices.

Honua conducted a Ka Pa‘akai analysis (*see* Exhibit 16 (Honua Kapaakai)). 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 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 at 1084.

Each part of the three-part test was considered in the Honua report as follows:

1. *The identification of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area.*
 - There is a wide range of archaeological sites in the Kō‘ele region. The LRFI identified a truncated firepit remnant, two sections of a plantation-era pineapple road, and a ditch remnant. Also identified were a historic semi-circular rock wall planter, a historic to modern scatter of rounded basalt cobble imu stones, and a low plantation-era mortar and cobble foundation.
2. *The extent to which those resources—including traditional and customary Native Hawaiian rights—will be affected or impaired by the proposed action.*
 - As the proposed action involves no construction activities, there is no potential to adversely impact the archaeological sites in the project area. Future construction activities would be evaluated under HRS chapter 6E for potential impacts. Additionally, based on the ethnographic data, interviewees did not reference any contemporary cultural practices that could be associated with the identified archaeological sites.

Despite the lack of official historic significance, some community

members have expressed concern over the potential loss of the Forbes House and Ranch Office & Store. Testimonies provided to the Maui County Council's Housing & Land Use Committee reflect:

- A sense of nostalgia and emotional attachment to the buildings, as they represent a time when Kō'ele was a working ranch.
- A belief that removing or relocating them again would erase Kō'ele's historical character.
- Concerns that modern development is prioritizing commercial interests over historical preservation.

While these perspectives are understandable, historical significance is determined by objective criteria. The Mason survey's findings clarify that while the ranch itself is historically significant, these two structures are not critical to preserving that history. Additionally, there are no cultural practices associated with these sites, so there is no potential impact on traditional or customary practices.

3. *The feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist.*

- The third test is largely moot, due to the lack of identified traditional or customary practices. Nonetheless, the project proponent has offered to relocate the historic buildings within the area.

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.

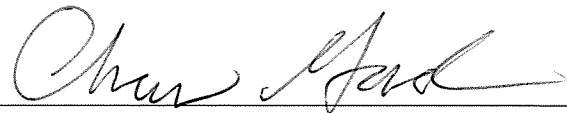
Written comments received during the environmental review process and Petitioner's responses are attached to this Petition as Exhibit 6 (FEA §§ VIII, IX). Petitioner acknowledges the comments made by community members and various agencies and, if the Petition is granted, will incorporate the recommendations stated in Petitioner's response letters.

XVII. CONCLUSION

Reclassification of the Petition Area as Urban will align with the underlying zoning, project district, and community plan designations. This DBA is the last step in correcting land use discrepancies, some of which have existed for decades.

DATED: Honolulu, Hawai'i, April 15, 2026.

CADES SCHUTTE
A Limited Liability Law Partnership



CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
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 and Rural
Land Use District Boundaries Into the
Urban Land Use District for
approximately 170 acres of land,
consisting of a portion of Tax Map Key
No. (2) 4-9-0018:003 (por.), (2) 4-9-
002:061 (por.), and (2)4-9-002:001 at
Lānaʻi City, Island of Lānaʻi, County of
Maui, State of Hawaiʻi.

DOCKET NO.

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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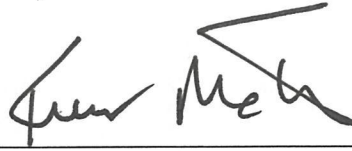
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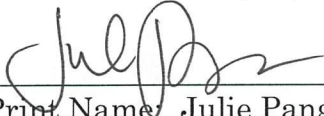
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DATED: Honolulu, Hawai'i, April 14, 2026.



Kurt Matsumoto
President
PŪLAMA LANAI

Subscribed and sworn before me
this 14th day of April, 2026.



Print Name: Julie Pang
Notary Public, State of Hawaii



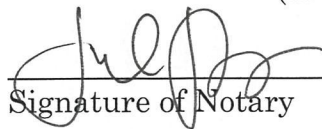
My commission expires: April 3, 2027
Jurisdiction in which notarial act is performed:
First Circuit, State of Hawai'i

NOTARY CERTIFICATION STATEMENT

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

Doc. Date: April 14, 2026 or Undated at time of
notarization

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

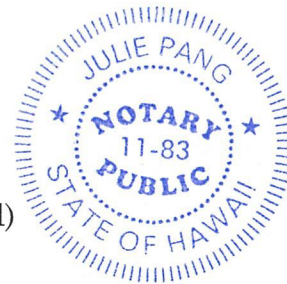


Signature of Notary

April 14, 2026

Date of Notarization and
Certification Statement

Julie Pang
Printed Name of Notary



(Official Stamp or Seal)

4. 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 this date, 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:

Maui Electric Company, Limited,
Attention: Corporate Secretary
P.O. BOX 2750
Honolulu, Hawaii 96840

Further, Affiant sayeth naught.

DATED: Honolulu, Hawai'i, April 15, 2026.

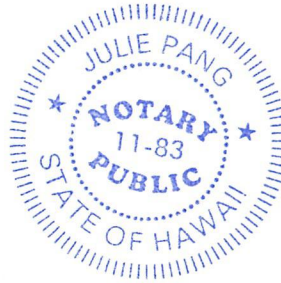


CHRISTOPHER T. GOODIN

Subscribed and sworn to before me this
15th day of April, 2026.



Julie Pang
Notary Public, State of Hawaii



My commission expires: April 3, 2027
Jurisdiction in which notarial act is performed:
First Circuit, State of Hawaii


NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Affidavit Attesting to
Service of Petition

Doc. Date: April 15, 2026 or Undated at time of notarization.

No. of Pages: 3

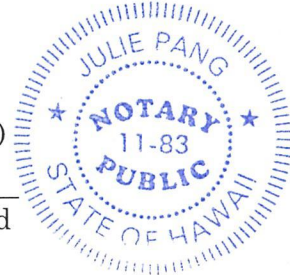
Jurisdiction: First Circuit
(in which notarial act is performed)



Signature of Notary

April 15, 2026

Date of Notarization and
Certification Statement



Julie Pang

Printed Name of Notary

(Official Stamp or Seal)

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 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, April 15, 2026.

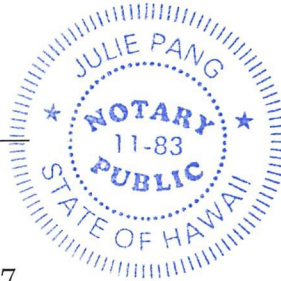


CHRISTOPHER T. GOODIN

Subscribed and sworn to before me this
15th day of April, 2026.



Julie Pang
Notary Public, State of Hawaii



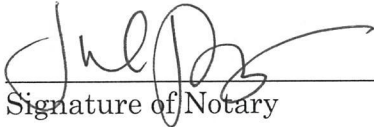
My commission expires: April 3, 2027
Jurisdiction in which notarial act is performed:
First Circuit, State of Hawaii

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Affidavit Attesting to
Mailing of the Notification of Filing; Exhibits 1-5

Doc. Date: April 15, 2026 or Undated at time of notarization.

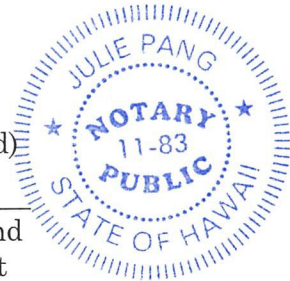
No. of Pages: 3 (w/o exhibits) Jurisdiction: First Circuit
(in which notarial act is performed)



Signature of Notary

April 15, 2026

Date of Notarization and
Certification Statement



Julie Pang

Printed Name of Notary

(Official Stamp or Seal)

EXHIBIT 1

April 15, 2026

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**") pursuant to section 15-15-50(d) of the Hawaii Administrative Rules:

Docket No.: A26-812

Petitioner/ LĀNA'I RESORTS, LLC dba Pūlama Lāna'i

Address: 733 Bishop Street, Suite 1500, Honolulu, Hawai'i 96813

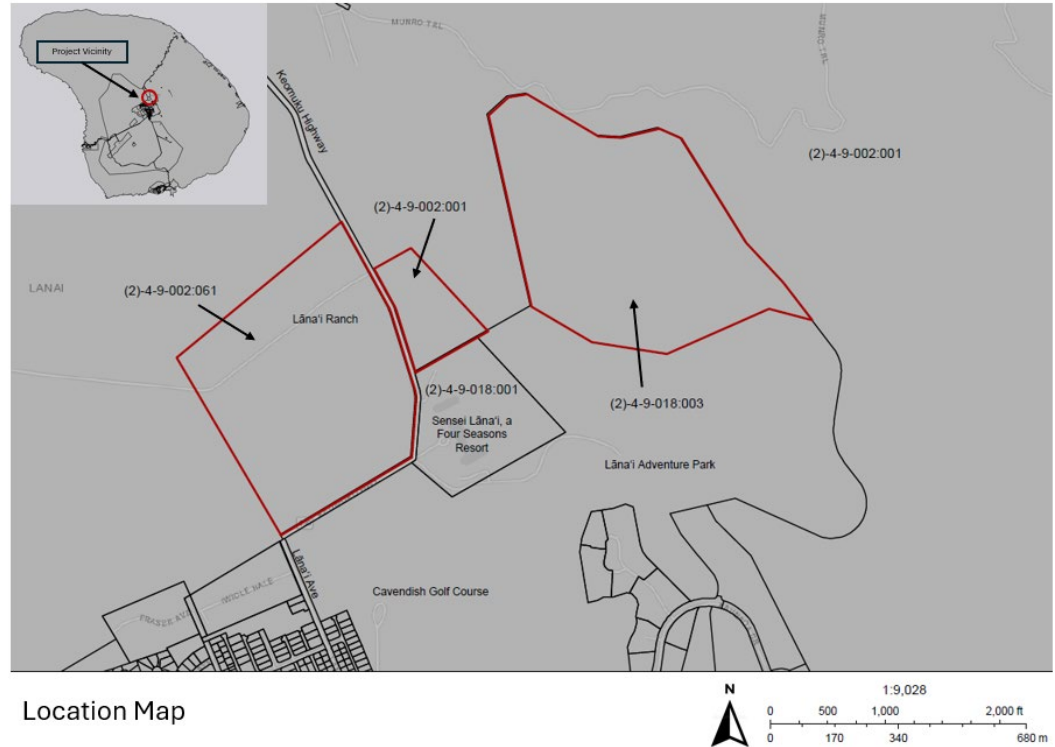
Landowner: LĀNA'I RESORTS, LLC dba Pūlama Lāna'i

Tax Map Key No.: (2) 4-9-018:003 (por)
(2) 4-9-002:061 (por)
(2) 4-9-002:001 (por)

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

**Requested
Reclassification:** Agricultural to Urban
Rural to Urban

Total Acreage: 170.225 acres



Proposed Uses: The Petition seeks to amend approximately 95.844 acres from the State Agricultural District and approximately 74.381 acres from the State Rural District to the State Urban District. The requested reclassification is intended to align the State Land Use District designation with the applicable Community Plan, existing resort-related and ranch uses, and proposed County zoning and Kō'ele Project District updates, and to facilitate continued and future development consistent with the planned use of the 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. The Commission office is located at 235 South Beretania Street, Room 406, Honolulu, Hawai'i 96813.

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. 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 are due thirty (30) days after the publication of this Notice of Petition Filing for Land Use District Boundary Amendment Petition, pursuant to section 15-15-52(b), Hawai'i Administrative Rules.

EXHIBIT 2

STATEWIDE Distribution List - MAIL

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3	Belles Graham LLP		Michael Belles	3135 Akahi Street, Suite A	Lihue, HI 96766-1191
4	Capitol Consultants of Hawaii LLP		Bruce A. Coppa	600 Queen Street, Unit 2808	Honolulu, HI 96813
5	Carlsmith Ball LLP		Derek Simon	1001 Bishop Street, Suite 2100	Honolulu, HI 96813
6	Castle & Cooke Hawaii	Dole Office Building		680 Iwilei Road, Suite 510	Honolulu, HI 96817
7	Damon Key Bocken Leong & Kupchak		Gregory Kugle	1003 Bishop Street, #1600	Honolulu, HI 96813
8	Director of Government Relations	General Contractors Assoc. of Hawaii	ATTN: Ryan Sakuda	1065 Ahua Street	Honolulu, HI 96819
9	Governor's Rep. East-Hawaii			75 Aupuni Street	Hilo, HI 96720
10	Haleakala Ranch Company		J. Scott Meidell	529 Kealaloa Avenue	Makawao, HI 96768
12	Hawaii Operating Engineers			2181 Lauwilwili Street Ste 102	Kapolei, HI 96707
13	He'e'ia Historical Society		Donna Ann Kamehaiku Ono	46-522 Haiku Plantations Drive	Kaneohe, HI 96744
14	Honolulu Star Advertiser	City Desk Clerk-Public Hearings		500 Ala Moana Boulevard, Unit 210	Honolulu, HI 96813
15	Honolulu Star Advertiser		Gordon Pang	500 Ala Moana Boulevard, # 2-200	Honolulu, HI 96813
17	ILWU Local 142 Maui Division		Stephen West	896 Laura Main St.,	Wailuku, HI 96768
18	James Campbell Company, LLC		Steve Kelly	1001 Kamokila Boulevard, Suite 200	Kapolei, HI 96707
19	Land Use Research Foundation of Hawaii		David Arakawa	1100 Alakea Street, Ste. 408	Honolulu, HI 96813
20	Law Offices of Kyong-Su Im LLLC			1608 Laukahi Street	Honolulu, HI 96821
21	Leeward Land LLC		Greg Apa, President	87 2020 Farrington Hwy	Waianae, HI 96792-3749
22	Maitai Salon		Tai Duong	3611 S Harvard Ave	Tulsa, OK 74135
23	Matsubara, Kotake & Tabata		ATTN: Benjamin M. Matsubara, Esq.	888 Mililani Street, Suite 308	Honolulu, HI 96813
24	National Resources Conservation Svc.	Pacific Islands Area (PIA) State Office	Attn: PIA Soil Scientist	P. O. Box 50004	Honolulu, HI 96850-0050
25	Navy Region Hawaii	Commander		850 Ticonderoga Street, Suite 110	Pearl Harbor, HI 96860-5101
26	Papakipuka		ATTN: Donna Camvel	46-522 Haiku Plantations Drive	Kaneohe, HI 96744
27	Rush Moore LLP		Irene Anzai	745 Fort Street, Suite 800	Honolulu, HI 96813
28	Sierra Club, Kauai Group			P. O. Box 3412	Lihue, HI 96766
29	Stanford Carr Development LLC		Stanford S. Carr, President	1100 Alakea Street, 27th Floor	Honolulu, HI 96813
30	The Pele Defense Fund			P. O. Box 4969	Hilo, HI 96720
31	United States Marine Corps	Commander, Marine Forces Pacific		Attn: G4. Box 64118	Camp H.M. Smith, HI 96861-4118
32	Volunteer Governor's Rep Lanai		Leticia "Letty" Castillo	P. O. Box 630806	Lanai City HI 96763
33	Volunteer Governor's Rep., Molokai		Beverly Pauole-Moore	P. O. Box 88	Kaunakakai, HI 96748
34	Waikoloa Land Co.		Eleanor Mirikitani	150 Waikoloa Beach Drive	Waikoloa, HI 96738
35	Wesley R. Segawa & Associates			736 South St. #206	Honolulu, HI 96813
36	West Hawaii Today		ATTN: Tom Hasslinger	P. O. Box 789	Kailua-Kona, HI 96745-0789
37	WRSA		ATTN: Wesley Segawa	101 Silva Street Suite 201	Hilo, HI 96720
38			Carol Evanson	P.O. Box 694	Makawao, HI 96768
39			Claudia Rohr	369 Nene Street	Hilo, HI 96720
40			Crockett & Nakamura	38 S. Market Street	Wailuku, HI 96793
41			Dwight Vicente	2608 Ainaloa Dr.	Hilo, HI 96720
42			Gene Zarro	22 Ulunui Place	Pukalani, HI 96768
43			Janine Little Brave	PO Box 633	Pahoa, HI 96778
44			Nathan Natori, Esq.	1003 Bishop Street, Suite #1360	Honolulu, HI 96813
45			Scott Carter	P.O. Box 384031	Waikoloa, HI 96738

46			Steven Lee Montgomery, Ph.D.	94-610 Palai Street	Waipahu, HI 96797-4535
47			Sue White	1118 Maunawili Road	Kailua, HI 96734
48			Thomas Fratinardo	36-2743 Liloa Road	Laupahoehoe, HI 96764
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50	County of Kauai	Chairman - Planning Commission		4444 Rice Street, Suite 473	Lihue, HI 96766
51	County of Kauai	Department of Transportation	Highways Division	1720 Haleukana Street	Lihue, HI 96766
52	Hawaii District Office	Department of Transportation Highways	Engineer Program Manager	50 Makaala Street	Hilo, HI 96720
53	City and County of Honolulu	Department of the Corporation Counsel		530 S. King Street, Room. 110	Honolulu, HI 96813
54	City and County of Honolulu	Department of Planning & Permitting	Deputy Director; Second Deputy	650 South King Street	Honolulu, HI 96813
55	DAGS - Automotive Management Division	Parking Control Office	ATTN: Brian Saito	P.O. Box 119	Honolulu, HI 96819-0119
56	DAGS - Public Works Division		Gordon Matsuoka	P.O. Box 119	Honolulu, HI 96819-0119
57	Department of Health	Environmental Planning Office	Laura McIntyre, AICP	919 Ala Moana Boulevard, Rm. 312	Honolulu, HI 96814
58	Department of Land and Natural Resources		Russell Tsuji	1151 Punchbowl Street, Room 220	Honolulu, HI 96813
59	Department of Land and Natural Resources	Land Management Division		1151 Punchbowl Street, Room 131	Honolulu, HI 96813
60	Department of Land and Natural Resources	Deputy Director		P.O. Box 621	Honolulu, HI 96809
61	Department of Land and Natural Resources	Historical Preservation Division	Sara Collins	601 Kamokila Blvd., Room 555	Kapolei, HI 96707
62	Department of Land and Natural Resources	Land Division	Coastal Lands Program	P.O. Box 621	Honolulu, HI 96809-0621
63	Department of Transportation	Harbors Division	Dreana Lee Kalili, Deputy Director	79 South Nimitz Highway	Honolulu, HI 96813-4898
64	Department of Transportation	Highways Division, Planning Branch	Ronald F. Tsuzuki	869 Punchbowl Street	Honolulu, HI 96813
65	Department of Transportation	Deputy Director		869 Punchbowl Street	Honolulu, HI 96813
66	Department of Transportation	Highways Division, Oahu District Office	Engineer Program Manager	727 Kakoi Street	Honolulu, HI 96819
67	Office of Hawaiian Affairs	Public Policy	Ke'ala Nichols - Administrative Assistant	737 Iwilei Rd. Suite 200	Honolulu, HI 96817
68	Senator Donovan M. Dela Cruz	17th District	Hawaii State Capitol	415 S. Beretania Street, Room 208	Honolulu, HI 96813
69	The Honorable Josh Green, M.D.	Governor, State of Hawaii		Hawaii State Capitol	Honolulu, HI 96813
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71	Deputy Attorney General		Miranda Steed, Esq. and John Dubiel, Esq.	425 Queen Street	Honolulu, HI 96813
72	DBEDT		Director	P. O. Box 2359	Honolulu, HI 96804-2359
73	DBEDT	Office of Planning and Sustainable Development	Director	P. O. Box 2359	Honolulu, HI 96804-2359

EXHIBIT 3

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2	County of Maui	Corporation Counsel	ATTN: Michael Hopper	200 S. High Street, 3rd Floor	Wailuku, HI 96793
3	County of Maui	Planning Commission	Chairman	250 South High Street	Wailuku, HI 96793
4	Department of Land and Natural Resources	Maui District Land Office		130 Mahalani Street	Wailuku, HI 96793
5	ILWU Local 142 Maui Division		Stephen West	896 Laura Main St.,	Wailuku, HI 96768
6	Kula Community Association		ATTN: Ron Montgomery/Richard Mayer	P.O. Box 417	Kula, HI 96790
7	Kula Community Association		Karolyn Mosman, President	P.O. Box 417	Kula, HI 96790
8	Lanai Public & School Library			P.O. Box 630550	Lanai City, HI 96763
9	Maui Civil Defense Agency			200 South High Street	Wailuku, HI 96793
10	Maui County Farm Bureau		Warren Watanabe, President	P.O. Box 148	Kula, HI 96790
11	Maui District Health Office		Herbert Matsubayashi	54 High Street	Wailuku, HI 96793
12	Operating Engineers	Local Union #3		2145 Wells Street, Suite 405	Wailuku, HI 96793
13	USDA Natural Resources	Conservation Service		77 Hookele Street, Suite 202	Kahului, HI 96732-3516
14			Claire Apana	260 Hale Nani Drive	Wailuku, HI 96793
15			Darlene Valencia	142 Ikea Place	Makawao, HI 96768
16			Molokai Legal Aid Society	P.O. Box 427	Kaunakakai, HI 96748
17			Susan Halas	1939A Vineyard Street	Wailuku, HI 96793
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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNA'I,

To Amend The Agriculture and Rural
Land Use District Boundaries Into the
Urban Land Use District for
approximately 170 acres of land,
consisting of a portion of Tax Map Key
No. (2) 4-9-0018:003 (por.), (2) 4-9-
002:061 (por.), and (2)4-9-002:001(por) at
Lāna'i City, Island of Lāna'i, County of
Maui, State of Hawai'i.

DOCKET NO. A26-812

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:

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DATED: Honolulu, Hawai'i, April 15, 2026.

CADES SCHUTTE
A Limited Liability Law Partnership

A handwritten signature in black ink, appearing to read 'Calvert G. Chipchase', written over a horizontal line.

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
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