

- on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;*
- b) Providing an adequate water source at the site prior to start-up of construction activities;*
  - c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;*
  - d) Minimizing airborne, visible fugitive dust from shoulders and access roads;*
  - e) Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and*
  - f) Controlling airborne, visible fugitive dust from debris being hauled away from the project site.*

**Response:** As the proposed project does not involve any construction activities, there is no anticipated potential for the proposed Kō'ele Project District Amendment to generate fugitive dust.

MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Director

JORDAN E. HART  
Deputy Director



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

**TRANSMITTAL**

September 1, 2021

STATE AGENCIES	
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
OTHER	
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

COUNTY AGENCIES	
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
FEDERAL AGENCIES	
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

<b>PROJECT NAME:</b>	<b>KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT</b>
<b>APPLICANT:</b>	<b>LANAI RESORTS, LLC, dba PULAMA LANAI</b>
<b>PROJECT ADDRESS:</b>	<b>KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII</b>
<b>PROJECT DESCRIPTION:</b>	<p>Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.</p> <p>Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.</p>

<b>TMKs:</b>	(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.
<b>APPLICATION NO.:</b>	CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as “housekeeping” with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

<b>X</b>	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
<b>Address:</b>	<a href="https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I">https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II">https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table">https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table</a>

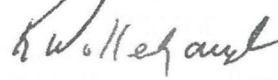
**TRANSMITTAL REQUEST:**

<input checked="" type="checkbox"/> Requesting your comment and recommendation on the proposed project.
---

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has “no comment.” If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Agency Transmittal – Koele Project District Amendments, CPA 2021/0001, CIZ 2021/0001,  
PH1 2021/0001, EA 2021/0002  
September 1, 2021  
Page 3

Sincerely,



KURT F. WOLLENHAUPT  
Staff Planner

Agency: OPSD

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: Rodney Funakoshi

Print: Rodney Funakoshi

Email Address: rodney.y.funakoshi@hawaii.gov

Date: 10/13/21

Copy to: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)  
Project File

KFW:th

K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL +  
MH Comments.docx

January 6, 2022

Rodney Funakoshi  
State of Hawai'i  
Office of Planning and Sustainable Development  
P.O. Box 2359  
Honolulu, Hawai'i 96804-2359

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Mr. Funakoshi:

Thank you for your letter dated October 13, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that the Office of Planning and Sustainable Development has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:lh

cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\OP&SD Response Ltr.docx



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF FACILITIES AND OPERATIONS

October 15, 2021

Kurt Wollenhaupt, Staff Planner  
County of Maui  
Department of Planning  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793

Re: Koele Project District Amendment and Draft Environmental Assessment  
Lanai City, Island of Lanai, Maui, Multiple TMKs (CPA 2021/0001,  
CIZ 2021/0001 PH1 2021/0001, and EA 2021/0002)

Thank you for your letter dated September 1, 2021. The Hawaii State Department of Education has the following comments on the applications for a Community Plan Amendment, Change in Zoning, Project District Phase I, and a Draft Environmental Assessment to amend the Koele Project District located at Lanai City, Island of Lanai. The proposed amendment will revise the Koele Project District boundaries, land use designations, and decrease the amount of acreage for residential use.

Based upon the information provided in the application package, the proposed Project will not impact Lanai High and Elementary School.

Thank you for the opportunity to comment. Should you have questions, please contact Robyn Loudermilk, School Lands and Facilities Specialist of the Facilities Development Branch, Planning Section, at (808) 784-5093 or by email at [robyn.loudermilk@k12.hi.us](mailto:robyn.loudermilk@k12.hi.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Ikeda".

Roy Ikeda  
Interim Public Works Manager  
Planning Section

RI:rl

c: Facilities Development Branch

MICHAEL P. VICTORINO  
 Mayor  
 MICHELE CHOUTEAU MCLEAN, AICP  
 Director  
 JORDAN E. HART  
 Deputy Director



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

**TRANSMITTAL**

**September 1, 2021**

STATE AGENCIES	
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
OTHER	
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

COUNTY AGENCIES	
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
FEDERAL AGENCIES	
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

<b>PROJECT NAME:</b>	<b>KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT</b>
<b>APPLICANT:</b>	<b>LANAI RESORTS, LLC, dba PULAMA LANAI</b>
<b>PROJECT ADDRESS:</b>	<b>KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII</b>
<b>PROJECT DESCRIPTION:</b>	<p>Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.</p> <p>Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.</p>

TMKs:	(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.
APPLICATION NO.:	CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as “housekeeping” with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

X	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
Address:	<a href="https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I">https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II">https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table">https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table</a>

**TRANSMITTAL REQUEST:**

<input checked="" type="checkbox"/> Requesting your comment and recommendation on the proposed project.
---

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has “no comment.” If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Agency Transmittal – Koele Project District Amendments, CPA 2021/0001, CIZ 2021/0001,  
PH1 2021/0001, EA 2021/0002  
September 1, 2021  
Page 3

Sincerely,



KURT F. WOLLENHAUPT  
Staff Planner

Agency: \_\_\_\_\_

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: \_\_\_\_\_

Print: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date: \_\_\_\_\_

Copy to: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)  
Project File

KFW:th  
K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL +  
MH Comments.docx

January 6, 2022

Roy Ikeda, Interim Public Works Manager  
State of Hawai'i  
Department of Education  
Planning Section  
Office of Facilities and Operations  
P.O. Box 2360  
Honolulu, Hawai'i 96804

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Mr. Ikeda:

Thank you for your letter dated October 15, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that the Department of Education has determined that the proposed action will not impact Lāna'i High and Elementary School.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

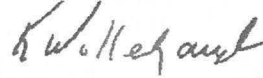
BKE:lh

cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DOE Response Ltr.docx

Agency Transmittal – Koele Project District Amendments, CPA 2021/0001, CIZ 2021/0001,  
PH1 2021/0001, EA 2021/0002  
September 1, 2021  
Page 3

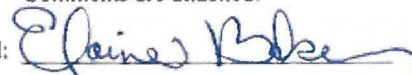
Sincerely,



KURT F. WOLLENHAUPT  
Staff Planner

Agency: SOLID WASTE

- We have no objections.  
 We have no comments.  
 Comments are attached.

Signed: 

Print: ELAINE BAKER

Email Address: ELAINE.BAKER@COMAULT.HI.US

Date: 10/7/21

Copy to: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)  
Project File

KFW:th  
K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL +  
MH Comments.docx

January 6, 2022

Elaine Baker  
County of Maui  
Department of Environmental Management  
Solid Waste Division  
2200 Main Street, Suite 225  
Wailuku, Hawai'i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Ms. Baker:

Thank you for your letter dated October 7, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that the Department of Environmental Management, Solid Waste Division has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:lh

cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DWS Response Ltr.doc

MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Director

JORDAN E. HART  
Deputy Director



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

**TRANSMITTAL**

**September 1, 2021**

STATE AGENCIES	
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
OTHER	
X	Hawaiian Telecom
X	Hawaiian Electric - Maui

COUNTY AGENCIES	
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
FEDERAL AGENCIES	
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

<b>PROJECT NAME:</b>	<b>KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT</b>
<b>APPLICANT:</b>	<b>LANAI RESORTS, LLC, dba PULAMA LANAI</b>
<b>PROJECT ADDRESS:</b>	<b>KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII</b>
<b>PROJECT DESCRIPTION:</b>	<p>Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.</p> <p>Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.</p>

<b>TMKs:</b>	(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.
<b>APPLICATION NO.:</b>	CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as “housekeeping” with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

<b>X</b>	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
<b>Address:</b>	<a href="https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I">https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II">https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table">https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table</a>

**TRANSMITTAL REQUEST:**

<input checked="" type="checkbox"/> Requesting your comment and recommendation on the proposed project.
---

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has “no comment.” If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Sincerely,



KURT F. WOLLENHAUPT  
Staff Planner

Agency: Fire Prevention Bureau

- We have no objections.  
 We have no comments.  
 Comments are attached.

Signed: \_\_\_\_\_

Print: Oliver Vaas

Email Address: oliver.vaas@mauicounty.gov

Date: 9.17.2021

Copy to: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)  
Project File

KFW:th

K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL +  
MH Comments.docx

**County of Maui Department of Fire and Public Safety**

Thank you for the opportunity to review your project.

At this point our only comment is to conform to Land Use requirements in accordance with Maui County ordinance 14.05.090 for fire protection should zoning change be approved.

Please feel free to contact us should you have additional concerns in regards to fire protection requirements.

Plans Review - Fire Prevention Bureau

[Fire.Prevention@mauicounty.gov](mailto:Fire.Prevention@mauicounty.gov)



Karlynn K. Fukuda  
PRESIDENT  
Mark Alexander Roy AICP, LEED AP  
VICE PRESIDENT  
Tessa Munekiyo Ng AICP  
VICE PRESIDENT  
Michael T. Munekiyo AICP  
SENIOR ADVISOR

January 6, 2022

Oliver Vaas  
County of Maui  
Department of Fire and Public Safety  
Fire Prevention Bureau  
313 Manea Place  
Wailuku, Hawai'i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Mr. Vaas:

Thank you for your letter dated September 17, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.<sup>1</sup>

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

<sup>1</sup> In accordance with Hawai'i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai'i Revised Statutes."

Oliver Vaas  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn  
Enclosure

cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)  
Keiki-Pua Dancil, Pūlama Lāna'i (w/enclosure)  
Olivia Simpson, Pūlama Lāna'i (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Fire Response Ltr.doc

## Exhibit "A" – Responses to Draft Environmental Assessment Comments

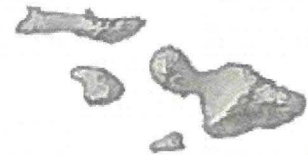
### Fire Prevention Bureau

#### Comment 1:

*Thank you for the opportunity to review your project. At this point our only comment is to conform to Land Use requirements in accordance with Maui County ordinance 14.05.090 for fire protection should zoning change be approved.*

**Response:** We acknowledge your comment that the fire protection requirements found in Maui County Code, Section 14.05.090 will be required should the proposed Change of Zoning for lands within the Kō'ele Project District be granted. We note that the currently proposed action does not involve any development activities and add that your comment would pertain to future development which may be proposed at a later time for the Kō'ele Project District.

MICHAEL P. VICTORINO  
 Mayor  
 MICHELE CHOUTEAU MCLEAN, AICP  
 Director  
 JORDAN E. HART  
 Deputy Director



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

**TRANSMITTAL**

September 1, 2021

STATE AGENCIES	
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
OTHER	
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

COUNTY AGENCIES	
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
FEDERAL AGENCIES	
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

<b>PROJECT NAME:</b>	<b>KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT</b>
<b>APPLICANT:</b>	<b>LANAI RESORTS, LLC, dba PULAMA LANAI</b>
<b>PROJECT ADDRESS:</b>	<b>KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII</b>
<b>PROJECT DESCRIPTION:</b>	<p>Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.</p> <p>Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.</p>

<b>TMKs:</b>	(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.
<b>APPLICATION NO.:</b>	CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as “housekeeping” with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

<b>X</b>	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
<b>Address:</b>	<a href="https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I">https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II">https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table">https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table</a>

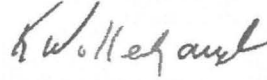
**TRANSMITTAL REQUEST:**

<b>X</b>   Requesting your comment and recommendation on the proposed project.
--

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has “no comment.” If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Agency Transmittal – Koele Project District Amendments, CPA 2021/0001, CIZ 2021/0001,  
PH1 2021/0001, EA 2021/0002  
September 1, 2021  
Page 3

Sincerely,



KURT F. WOLLENHAUPT  
Staff Planner

Agency: \_\_\_\_\_

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: \_\_\_\_\_

Print: CLYDE ALMEIDA

Email Address: CLYDE.ALMEIDA@CO.MUNI.HI.V

Date: 9/7/2021

Copy to: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)  
Project File

KFW:th  
K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL +  
MH Comments.docx

January 6, 2022

Buddy Almeida, Housing Administrator  
County of Maui  
Department of Housing and Human Concerns  
2200 Main Street, Suite 546  
Wailuku, Hawai'i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Mr. Almeida:

Thank you for your letter dated September 7, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that the Department of Department of Housing and Human Concerns has no objections or comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:lh

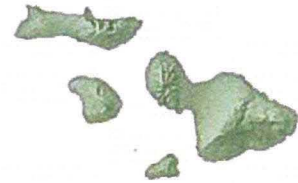
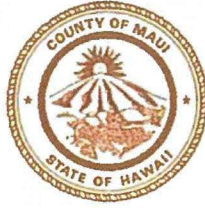
cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DHHC Response Ltr.docx

MICHAEL P. VICTORINO  
Mayor

KARLA H. PETERS  
Director


MARCI M. SATO  
Deputy Director



## DEPARTMENT OF PARKS AND RECREATION

700 Hali'a Nakoia Street, Unit 2, Wailuku, Hawai'i 96793  
Main Line (808) 270-7230 / Facsimile (808) 270-7942

### MEMORANDUM

TO: Michele Chouteau McLean, Director  
Department of Planning  


FROM: Karla H. Peters, Director

DATE: September 22, 2021

SUBJECT: KOELE PROJECT DISTRICT PHASE I AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT, CPA 2021/0001, PH1 2021/0001, EA 2021/0002

Thank you for the opportunity to review and provide comments on the subject Project District Phase I Amendments and Draft Environmental Assessment (EA). We have no comments at this time and look forward to future project reviews.

Should you have any questions or concerns, please feel free to call me or Sam Marvel, Chief of Parks Planning and Development, at Ext. 6173.

c: Sam Marvel, Chief of Planning and Development  
Kurt F. Wollenhaupt, Staff Planner

KHP:SM:kb

**REF-168**

January 6, 2022

Karla Peters, Director  
County of Maui  
Department of Parks and Recreation  
700 Hali'a Nakoa Street, Unit 2  
Wailuku, Hawai'i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Ms. Peters:

Thank you for your letter dated September 22, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that the Department of Parks and Recreation has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:lh

cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pūlama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DPR Response Ltr.docx

21434



MICHAEL P. VICTORINO  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

**POLICE DEPARTMENT**  
COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411

September 28, 2021



CHIEF OF POLICE  
DEAN M. RICKARD  
DEPUTY CHIEF OF POLICE

**RECEIVED**

SEP 29 2021

COUNTY OF MAUI  
DEPARTMENT OF PLANNING

MEMORANDUM

**TO :** KURT WOLLENHAUPT, STAFF PLANNER  
DEPARTMENT OF PLANNING

**FROM :** DEAN M. RICKARD, ACTING CHIEF OF POLICE

**SUBJECT :** PERMIT NO.: CPA 2021/0001, CIZ 221/0001,  
PH1 2021/0001, and EA 2021/0002

**TMK :** (2) 4-9-001:021, (2) 4-9-001:024,  
(2) 4-9-001:025 (POR), (2) 4-9-001:027,  
(2) 4-9-001:030, (2) 4-9-002:001 (POR),  
(2) 4-9-002:061, (2) 4-9-018:001,  
(2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR),  
(2) 4-9-018:004, (2) 4-9-018:005,  
(2) 4-9-020:020 (POR), (2) 4-9-021:009

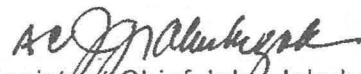
**Project :** KOELE PROJECT DISTRICT AMENDMENT  
AND DRAFT ENVIRONMENTAL  
ASSESSMENT

**Applicant :** LANAI RESORTS, LLC dba PULAMA LANAI

No comments or recommendations to offer at this time.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

  
Assistant Chief John Jakubczak  
For: DEAN M. RICKARD  
Acting Chief of Police

**REF-170**

January 6, 2022

John Pelletier, Chief  
County of Maui  
Police Department  
55 Mahalani Street  
Wailuku, Hawai'i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Chief Pelletier:

Thank you for your Department's letter dated September 28, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that the Police Department has no comments or recommendations to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:lh

cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Police Response Ltr.docx

MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Director

JORDAN E. HART  
Deputy Director



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

September 29, 2021

Mr. Bryan Esmeralda, AICP  
Senior Associate  
Munekiyo Hiraga  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Esmeralda:

**SUBJECT: REQUEST FOR COMMENTS FROM THE LANAI PLANNING COMMISSION REGARDING THE DRAFT ENVIRONMENTAL ASSESSMENT (DEA) PREPARED IN SUPPORT OF THE COMMUNITY PLAN AMENDMENT, CHANGE IN ZONING, PROJECT DISTRICT PHASE I DEVELOPMENT AMENDMENT, AND DISTRICT BOUNDARY AMENDMENT FOR THE KOELE PROJECT DISTRICT LOCATED AT KOELE, LANAI CITY, LANAI, HAWAII; TMK(S): (2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR.), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR.), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR.), (2) 4-9-018:003 (POR.), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR.), (2) 4-9-021:009 (CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002)**

The Lanai Planning Commission (LPC) received for its review the proposed Koele Project District Amendment (Project) Request for Comments on the Draft Environmental Assessment (DEA) transmitted by the County of Maui Department of Planning (Department). The LPC discussed this matter in a regularly scheduled meeting held on September 15, 2021, and this letter reflects comments to be addressed in the proposed Final Environmental Assessment (FEA) by Lanai Resorts, doing business as Pulama Lanai (Applicant). The purpose of this project is to update the Koele Project District boundaries and districts to accurately reflect current land uses in a changed environment. The Applicant is requested to present the FEA in a red-letter version clearly showing responses to the questions asked by the LPC as well as additions, changes, and deletions to the current DEA. For those sections especially Appendix A-1, the proposed Lanai Project District 2 (Koele) amendment, which already incorporates red-lining, another color should be used to indicate additional modifications.

For the purpose of page identification, the numbering system for reference to the DEA will be that of the Table of Contents in the DEA. For instance questions in the text of the DEA will be identified by page number located at the bottom of each page. Otherwise questions involving Appendices will be first identified by Appendix Letter and specific page number of that appendix as applicable. Some questions are of a general nature that may not have a specific page number reference.

The LPC offers the following comments for detailed review by the Applicant.

1. (Pages 26 – 27) What specific mitigation measures will the Applicant provide to limit the impact on the Hawaiian petrel and other migratory birds from outdoor lighting hazards? What are the cumulative impacts on said fauna from light pollution? Are these cumulative impacts projected to increase under build out of the amended project district? Are there additional measures in addition to downward shielding (which is required) that may be employed to reduce impacts to critical species? Please also specifically address how much additional lighting, if any, is planned for the increased Park and Open Space subdistrict areas in the Project and how such lighting will be mitigated to prevent impacts and/or harm to species.
2. (Page v) Clarify the meaning of the acronym LPC.
3. (Page 4) Further explain the role of density reduction in regards to the Project. Is the planned residential density of Koele considered a problem at the moment? Explain the rationale for eliminating single-family residential which the community generally supports. Explain the rationale behind the argument that reducing density in an area of very low density is your recommended Project action.
4. (Pages 6 – 7) Provide aerial photograph overlays on existing and proposed Koele Project District land use maps.
5. (Page 6) The map entitled *Koele Project District Amendment Existing Koele Project District* proposes the deletion from the Project of 1.0 acre of Open Space. What is this area currently used for? What could it be used for in its existing subdistrict designation? Why is it being removed in the proposed amendment?
6. (Page 4) Regarding the new sub-district of Resort Commercial, what are the proposed uses for the existing 14.5 acre subdistrict currently designated Stables and Tennis Court which will be in the new subdistrict of Resort Commercial? What are the proposed uses for the entire 57.2 acre area to be designated Resort Commercial? Further describe the potential build out of this 57.2 acre Resort Commercial subdistrict.
7. (Page 4) The area past the tennis courts is, according to a Commissioner, a common public meeting place for dog walkers and sunset watchers. Will the public continue to be able to access that area in the future under the Project amendment allowable uses?

8. (Page 4) The proposed Project will have subdistricts of Park and Open Space. Clarify the difference between these subdistricts, intended uses for these areas, and whether or not these areas will be maintained versus being left in a natural state.
9. (Page 4) There is reported to be a toad and lizard overpopulation problem. What is the invasive species management plan, especially for large Open Space subdistricts?
10. (Page 4) Regarding the additional land proposed to be designated Hotel, what impact will this have on existing homes adjacent to these lands? What does this Hotel expansion area mean in the context of development potential? Further describe the potential build out of the Hotel subdistrict as it is proposed to be expanded in size.
11. (Page 4) Regarding the expansion of lands proposed to be designated Resort Commercial, what impact will this have on residents living at Iwiolo Hale?
12. (Page 43) The DEA projects that traffic will operate similar to or better than projections within the Original TIAR. Provide additional analysis on traffic impacts from build out of the new Resort Commercial subdistrict.
13. (Appendix A-1, Page 7) Why is the entire section on irrigation proposed for deletion?
14. (Appendix A-1, Page 3) Should historic structures be included as principal uses in the Hotel subdistrict?
15. (Page 17) Explain the meaning of the paragraph starting with "Error! Reference source not found." Does this reference missing data or is this a typographical error?
16. (Page 45) Referring to "Table 6. Water Demand Summary," assuming this is potable demand, it is unclear what causes the "Park" subdistrict to go from usage of 19,550 GPD to 1,500 GPD. Explain this decrease in demand and clarify what the projected water source is for the Park and Open Space subdistricts. Further, it is unclear what previous golf course irrigation numbers were over time for Cavendish and the Experience of Koele, and whether that use was all effluent and what the amount of and source for Cavendish will be under the amended Project.
17. (Page 44) Clarify the use of treated effluent for irrigation and how the use of recycled water will be implemented in the amended Project.
18. (Page 46) The statement in the DEA reads as follows: "Overall, the proposed Koele Project District will cause a reduction in wastewater flow, compared to the existing Koele Project District, as a result of a reduction in developable land."

This statement, according to a Commissioner, does not appear to be factually accurate. Should this paragraph say that there will be a reduction in “proposed” wastewater flow due to reduced land development?

19. (Page 46) Do the DEA wastewater calculation discussions include projections from current building at Koele (Malanai Estates, etc.), the planned Hokuao affordable housing development, the DHHL residential project, etc.? Explain how these projects may affect wastewater projections and what additional capacity may be required.
20. (Page 75) The statement in the DEA reads as follows: *“For example, the former designated golf course lands are being repurposed for a sculpture garden.”* Does this include all of the formerly designated golf course lands, aside from the Adventure Center? If the sculpture garden only takes up portions of these golf course lands, what are the other potential uses for this area? Provide irrigation source and amount for these repurposed lands.
21. (Section VIII, Page 116) Please note language used in Peter Young’s letter to Russell Tsuji, Land Administrator that states: *“Thank you for your comments on the Draft Environmental Assessment on the Miki Basin Industrial Park.”* Please explain whether the heading or the entire submission was included in error and revise accordingly.
22. (Section VIII, Page 114) In the November 21, 2019, letter from the State of Hawaii Commission on Water Resource Management, a question was asked regarding whether there was a consistency analysis of the proposed Project amendment with the Lanai Water Use and Development Plan (LWUDP). The language as stated in the letter is: *“The Draft Environmental Assessment should discuss the consistency of the proposed project district amendment with the LWUDP and note any amendments to the LWUDP that should be made if the proposed amendment is approved.”* Please point out where in the DEA the discussion on the consistency with the LWUDP plan, and any amendments that might be required, occurs, and if such discussions are not included, indicate when it will be provided.
23. (Appendix J, Page 14) The Preliminary Engineering Report provided by R. M. Towill states in Section 3.2.2 Water Demand Criteria: *“The existing PD “full build out” unit counts for Hotel, Multi-Family Residential and Single Family Residential, and unit water demands are based on Castle & Cooke Resort’s 2006 water supply and demand assessment as well as Pulama Lanai’s limited program.”* One Commissioner stated that such figures from 2006 are irrelevant. Tables in the Preliminary Engineering Report using these numbers from 2006 should be, in the opinion of the Commissioner, removed or the Applicant should provide a detailed explanation why they are relying on 15-year old numbers. Address the accuracy and relevance of Castle & Cooke Resort’s 2006 water supply demand assessment in light of the Project amendment water demand analysis and/or provide updated accurate information.

24. (Appendix A-1, Page 1) Under the proposed revisions to Maui County Code (MCC), Chapter 19.71 Lanai Project District 2 (Koele), Section 19.71.020 Residential PD-L/2 it is proposed that short-term rental homes (STRH) shall be a principal use. With a capacity of 15 permitted short-term rental homes on the Island of Lanai, which passed 2<sup>nd</sup> reading by the Maui County Council on September 17, 2021, what is the intent of permitting such homes in the Koele Project District? Does the County of Maui even allow short-term rental homes to be permitted in project districts? How will single-family homes in the Koele Project District be used if the capacity for STRH permits is reached and then such homes don't qualify for a STRH permit?
25. (Appendix A-1, Page 6) Under the proposed revisions to MCC, Chapter 19.71 Lanai Project District 2 (Koele), Section 19.71.050 Park PD-L/2 it states: *"C. Non-potable water shall be used for irrigation to the extent available. Notwithstanding anything to the contrary under Chapter 20.30 of this title, high level aquifer groundwater may be used for irrigation in areas where sufficient non-potable water is not available. Areas within Park districts that have continually and lawfully used high level aquifer groundwater for maintenance and irrigation shall be permitted to continue such use, subject to the provisions of Section 19.500.10 of this title."* MCC, Chapter 20.30.020 requires reclaimed water be used for irrigation for landscaping, not limited to golf courses. Identify which areas within which Park subdistricts have continually used potable water for irrigation, define continually by identifying the time frame referenced, and provide water amounts supplied on a daily average. Furthermore, define who gets to decide availability.
26. (Appendix B, Page 10-11) The Agricultural Impact Report states on pages 10 and 11: *"There is a plan for a 100-acre agricultural park on the Island of Lanai. In 1992, the Land Use Commission required C&C's Lanai Resorts to set aside 100 acres for the development and operation of an agricultural park by the State Department of Agriculture and County of Maui for the residents of Lanai. This was a condition for approving the Manele Golf Course. However, there has not been any progress on developing the park due to a lack of interest."* Explain the source of this comment and justify the comment that no progress is solely due to lack of interest.
27. (Appendix B, Page ES-3) The Agricultural Impact Report states on page ES-3 *"In addition, two (2) historic buildings will be relocated to the 55-acre portion of the Stables. These historic properties will to be converted to a museum and a retail shop. Also, a third building may be constructed, resulting in a total of about 30,000 SF of commercial space (about 2 acres) with parking and landscaping."* Confirm if the two historic buildings referenced are the former ranch/Richardson houses.

Furthermore, 30,000 square feet is equivalent to five lots on Ilima Ave (almost the entire block). The LPC voted several years ago to limit big box buildings to a square footage much less than 30,000 square feet. What is planned for this square footage?

28. (Appendix B, Page 13) The Agricultural Impact Report states on page 13: *"Tax revenues derived from County property taxes and State taxes (excise, personal income, cooperate income, and transient accommodations tax)." The word should likely be "corporate." Please revise. Further what is the source of anticipated transient accommodation tax revenue? Is this the Hotel only? Are there other sources?*
29. (Appendix H, Page ES-2) The Socio-Economic Impact Report states on page ES-2: *"The revised plan for the Resort features 96 hotel rooms (no change from 2019), 57 resort sf homes (an increase of 39 homes from 2019), 33 resort mf homes (no change from 2019, the addition of 20 staff mf homes, continued operation of the 9-hole community golf course, and 30,000 square feet of new commercial space. Depending on future market conditions, the hotel rooms could be increased to a number to be determined."*

However, see Section VIII, "Parties Consulted" at Pages 102 and 104 from Peter Young. Comments are *"Maximum Units Allowed for Single Family is reduced from 535 units to 20-units [.]"* and *"Presently, 18 single-family units have been built and the permissible total is 20-units, so only 2 units may be added."*

Clarify inconsistent SF/MF projections included in the DEA by consultants, since the DEA is silent on numbers. There is a conflict in saying that this is 'only housekeeping, no construction' and then on the other hand insisting *"the analysis contained in this Environmental Assessment (EA) is based upon full build-out of the proposed amended Koele Project District."* (From Section II, Description of the Existing Environment, Potential Impacts, and Mitigation Measures, Page 11).

30. (Appendix A-1, Pages 9-10) In the proposed changes to Lanai Project District 2 (Koele), it appears that grazing is permitted only in the "Open Space" subdistrict. What will happen to the existing pastures? Would this Project amendment prohibit grazing in the Resort Commercial subdistrict?
31. (Appendix A-1, Page 13) Explain the proposed deletion to Lanai Project District 2 (Koele), MCC, Section 19.71.100 that states: *"In accordance with section 19.45.050, the applicant shall enter into the following bilateral agreements: ... A bilateral agreement requiring the applicant to develop and coordinate an affordable housing program for residents of Lanai; provided, that development other than hotel development within the project district may proceed before the agreement has been executed."*
32. (Appendix A-1, Page 4) In the proposed changes to Lanai Project District 2 (Koele), MCC, Section 19.71.050 Park PD-L/2 A.1.a., noncommercial parks and

Mr. Bryan Esmeralda  
September 29, 2021  
Page 7

playgrounds are proposed to be deleted as a principal use. Explain this proposed deletion. Will commercial parks and playgrounds be a principal use in the proposed revised Open Space subdistrict?

33. Provide the Maui County Planning Department and include in the FEA a section that states in detail a status report of all conditions attached to the Koele Project District entitlement process, including but not necessarily limited to Ordinance 2140 from the County of Maui and Land Use Commission Docket A90-662 for the District Boundary Amendment. Include the full documents along with the status report. Write out each condition and provide a full report on how and when each condition was satisfied, or, if fulfillment of any condition is still outstanding provide a detailed report on current status and, as applicable, efforts being made to fulfill that condition. A statement such as 'This condition has been satisfied' is not adequate nor sufficient in demonstrating how a condition was completed satisfactorily.

Thank you for the opportunity to comment on the DEA for the Koele Project District Amendments. Should you require further clarification, please contact the Planning Department at [planning@mauicounty.gov](mailto:planning@mauicounty.gov) or at (808) 270-8205.

Sincerely,



MICHELE MCLEAN, AICP  
Planning Director

xc: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
John S. Rapacz, Planning Program Administrator (PDF)  
Richelle Thomson, Corporation Counsel (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karlynn Fukuda, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Pulama Lanai (PDF)  
Leilani Ramoran, Secretary to Boards/Commissions, Lanai Planning Commission (PDF)  
Project File

MCM:KFW:lp

K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\LPC Comment Letter on Koele Amendment.docx

REF-178<sup>159</sup>



**MUNEKIYO HIRAGA**

Planning. Project Management. Sustainable Solutions.

Karlynn K. Fukuda  
PRESIDENT

Mark Alexander Roy AICP, LEED AP  
VICE PRESIDENT

Tessa Munekiyo Ng AICP  
VICE PRESIDENT

Michael T. Munekiyo AICP  
SENIOR ADVISOR

January 6, 2022

Michele Chouteau McLean, AICP, Director  
Department of Planning  
County of Maui  
**Attention: Kurt Wollenhaupt, Planner**  
2200 Main Street, Suite 315  
Wailuku, Hawai'i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Ms. McLean:

Thank you for your letter dated September 29, 2021 providing the Lāna'i Planning Commission's comments on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in the letter.<sup>1</sup>

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

---

<sup>1</sup> In accordance with Hawai'i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai'i Revised Statutes."

Michele Chouteau McLean, AICP, Director  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn

Enclosure

cc: Keiki-Pua Dancil, Pūlama Lāna'i (w/enclosure)  
Olivia Simpson, Pūlama Lāna'i (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)  
Robert Hobdy (w/enclosure)  
Kevin Mendes, RM Towill Corporation (w/enclosure)  
Matt Nakamoto, Austin Tsutsumi & Associates (w/enclosure)  
Bruce Plasch, Plasch Econ Pacific (w/ enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\LPC Response Ltr.doc

## Exhibit “A” – Responses to Draft Environmental Assessment Comments

### Lāna‘i Planning Commission

#### Comment 1:

*(Pages 26 - 27) What specific mitigation measures will the Applicant provide to limit the impact on the Hawaiian petrel and other migratory birds from outdoor lighting hazards? What are the cumulative impacts on said fauna from light pollution? Are these cumulative impacts projected to increase under build out of the amended project district? Are there additional measures in addition to downward shielding (which is required) that may be employed to reduce impacts to critical species? Please also specifically address how much additional lighting, if any, is planned for the increased Park and Open Space subdistrict areas in the Project and how such lighting will be mitigated to prevent impacts and/or harm to species.*

**Response:** As the proposed action does not involve any development activities, there will be no anticipated impacts on migratory birds. Any future development within the Kō‘ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. A flora and fauna study is included in a PH2 application. PH2 applications are reviewed and acted upon by the Lāna‘i Planning Commission.

Further, the proposed full build out of the Kō‘ele Project District seeks to lower the already low density of the existing full build out of the Kō‘ele Project District.

Removing Residential and Multi-Family acres reduces the number of residences and street lighting, therefore reducing what would have been additional lighting in the area.

As required, any future outdoor lights will be shielded and downward facing to avoid impacting migratory birds. The Open Space subdistrict, specifically, is envisioned to stay in its current undeveloped state.

It should also be noted that the Pūlama Lāna‘i Conservation Department has made significant strides with the conservation of ‘ūa‘u over the years. The Applicant provided information on the conservation efforts, which noted on average a greater than 30% year over year increase in activity, over 200% increase in reproductive success, and identified over 500 burrows on island. These results are the efforts of installing predatory proof fencing as well as trapping.

**Comment 2:**

*(Page v) Clarify the meaning of the acronym LPC.*

**Response:** “LPC” in this instance refers to the “Lāna‘i Planning Commission”. We will make this revision in the Final Environmental Assessment (EA).

**Comment 3:**

*(Page 4) Further explain the role of density reduction in regards to the Project. Is the planned residential density of Koele (sic) considered a problem at the moment? Explain the rationale for eliminating single-family residential which the community generally supports. Explain the rationale behind the argument that reducing density in an area of very low density is your recommended Project action.*

**Response:** As per Maui County Code (MCC) 19.71.010, the intent of the Kō‘ele Project District was “to establish a low-density primarily residential and recreational development with hotel facilities in an upland rural setting.”

The Applicant provided the following response to this comment:

*“The proposed number of acres designated as Residential is reduced by 77% and the proposed number of acres designated as Multi-Family is reduced by 28%. The proposed changes further realizes the intent of the origination of the Project District. Removing Residential and Multi-Family acres in the Kō‘ele Project district is a decision to shift from developing residences for the second home market to investing more resources on primary residences and workforce needs now and into the future.*

*Also, the change in Residential and Multi-Family subdesignation is either Park or Open Space, meaning less forecasted impacts of traffic and wastewater/water resources.*

*There are other planned residential projects on Lāna‘i, such as the Hōkūao project and the Maui County’s Affordable Housing project, that will provide additional single family residential opportunities. These planned projects are in close proximity to the existing residential developments on Lāna‘i.”*

**Comment 4:**

*(Pages 6 - 7) Provide aerial photograph overlays on existing and proposed Koele (sic) Project District land use maps.*

**Response:** Please see **Exhibit “A-1”**. It should be noted due to inaccuracies of overlapping outdated Google Earth imagery with the existing and proposed

Kō'ele Project District land use maps, some of the lines may not be exactly on the boundaries. The aerial photograph map overlays are provided for illustrative purposes and should be treated as such.

**Comment 5:**

*(Page 6) The map entitled Koele (sic) Project District Amendment Existing Koele (sic) Project District proposes the deletion from the Project of 1.0 acre of Open Space. What is this area currently used for? What could it be used for in its existing subdistrict designation? Why is it being removed in the proposed amendment?*

**Response:** The map entitled Kō'ele Project District Amendment Existing Kō'ele Project District contains 12.0 acres of Open Space. This area will remain in Open Space and there will be an additional 573% increase to 80.8 acres of Open Space subdistrict designation.

The comment references a 1.0-acre area of Open Space. We think that the comment may have been in reference to a 1.0-acre area of Public designation, rather than Open Space. The existing Kō'ele Project District includes 1.0 acre of Public subdistrict designation. As noted in MCC 19.71.070(A)(1)(a), the Principal Uses within Public PD-L/2 is 'Utility installations and substations' and MCC 19.71.070(A)(1)(b), Accessory uses and substructures. While the proposed Kō'ele Project District removes this area from the Kō'ele Project District, and places it in the Residential, R-1 zoning, any existing utility installation and substation in the area will not be impacted by the proposed Kō'ele Project District amendment.

There is critical water utility infrastructure in the 1.0 acre of Public subdistrict designation and the assets will continue to be used as such into the future.

**Comment 6:**

*(Page 4) Regarding the new sub-district of Resort Commercial, what are the proposed uses for the existing 14.5 acre subdistrict currently designated Stables and Tennis Court which will be in the new subdistrict of Resort Commercial? What are the proposed uses for the entire 57.2 acre area to be designated Resort Commercial? Further describe the potential build out of this 57.2 acre Resort Commercial subdistrict.*

**Response:** The Applicant provided the following information in response to the comment.

*"The Resort Commercial subdistrict designation is being proposed to allow for existing uses (e.g., stables and tennis courts and support areas such as pastures for animals), which currently support the Resorts (e.g., Four Seasons Lāna'i and Sensei Lāna'i, A Four Seasons Resort) and allows for other potential future development to also support the Resorts. The area*

*will primarily support any upgrades or expansion of tennis courts and stable experiences.*

*Upgrades to the existing stables, parking lots, and tennis courts may occur. Regarding the stables, there could be additional barns and accessory uses such as an indoor or covered riding area or upgraded barn. The upgraded stables / barn could also be rented out by non-resort guests, such as, residents for special events such as a wedding.*

*Regarding the tennis courts, there could be new and upgraded tennis courts and potential supporting structures such as a tennis pro-shop and restrooms.*

*Potential future uses within the Resort Commercial subdistrict described above would provide other amenities and services to support the Tennis Courts, Stables and Resort activities as defined by the proposed MCC 19.71.070(A)(1). Principal Uses.*

*The Resort Commercial area is also planned to serve as an event venue for the Resorts. Roughly four (4) events, with approximately 50 guests and two (2) events with approximately 150 guests are currently anticipated to occur per year. These events would be attended by Resort guests primarily.”*

Any future development within the Kō‘ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna‘i Planning Commission.

**Comment 7:**

*(Page 4) The area past the tennis courts is, according to a Commissioner, a common public meeting place for dog walkers and sunset watchers. Will the public continue to be able to access that area in the future under the Project amendment allowable uses?*

**Response:** Yes, per the Applicant, this area will continue to be accessible.

**Comment 8:**

*(Page 4) The proposed Project will have subdistricts of Park and Open Space. Clarify the difference between these subdistricts, intended uses for these areas, and whether or not these areas will be maintained versus being left in a natural state.*

**Response:** Areas designated Park are intended to be used for a variety of outdoor recreational uses and also includes the existing adventure center and

future sculpture garden. The areas designated Open Space allow for limited recreational uses and will largely be left in its natural, undeveloped state.

**Comment 9:**

*(Page 4) There is reported to be a toad and lizard overpopulation problem. What is the invasive species management plan, especially for large Open Space subdistricts?*

**Response:** The Applicant provided the information below in response to this comment.

*“Pūlama Lāna‘i’s Conservation Department has three primary areas of focus: (1) Monitoring and protecting native plants and animals, especially endangered or rare species, (2) Controlling and managing invasive plants and animals, with priority on those having direct negative impacts on native plant or animal species, and (3) Preventing new pest or invasive species from becoming established on Lāna‘i. The Conservation Department efforts are focused in native-dominated habitat, locations of endangered and rare species, and locations of incipient invasive species. While toads and lizards are non-native and can be undesirable, they do not rise to a level of conservation concern.”*

**Comment 10:**

*(Page 4) Regarding the additional land proposed to be designated Hotel, what impact will this have on existing homes adjacent to these lands? What does this Hotel expansion area mean in the context of development potential? Further describe the potential build out of the Hotel subdistrict as it is proposed to be expanded in size.*

**Response:** Any future development within the Kō‘ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna‘i Planning Commission.

The Kō‘ele Ranch Homes, which are currently located in the proposed Hotel subdistrict, were originally located at the Maunalei Sugar Company camp at Keōmuku, and were relocated to Kō‘ele sometime between 1902-1917. They were moved to their current location in the late 1980s during the construction of the Resort. Appendix E, the Archeological Literature Review and Field Investigation Report in the Draft EA, recommends that if construction activities are proposed, prior to start of construction, these structures be assessed by a qualified architectural historian in coordination with the State Historic Preservation Division (SHPD). The Applicant will work with an architectural historian to preserve and move the homes, when it is necessary.

The Applicant has repositioned Sensei Lānaʻi, a Four Seasons Resort as a wellness resort, as such the current spa hales are integral support structures to the success of the change.

The potential future development in the Hotel subdistrict contemplates further enhancing these amenities by adding six (6) to eight (8) spa hales, similar to the ten already constructed spa hales in the current Hotel subdistrict.

In addition, approximately twelve two-bedroom villas are contemplated to be added as an alternative room type to the hotel rooms already constructed at the Resort to support the wellness theme. These additions will look more residential in appearance than the existing main hotel.

Similar to the existing accessory uses at the Resort (e.g., yoga pavilion, movement center, etc.), other potential accessory uses in the Hotel subdistrict may include Pickleball courts or the relocation of the Tennis courts.

Any potential future development in the Hotel subdistrict will be designed to be at the same scale of the existing Sensei Lānaʻi, a Four Seasons Resort and will be in accordance with the uses described in MCC 19.71.040.

**Comment 11:**

*(Page 4) Regarding the expansion of lands proposed to be designated Resort Commercial, what impact will this have on residents living at Iwiolo Hale?*

**Response:** See response to Comment 6 for additional information on the uses in the Resort Commercial area.

Any future development within the Kōʻele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

The Applicant has noted that any future development within the Resort Commercial district will include amenities intended to support the guest experiences by enhancing the uses that are already located in the area (i.e., tennis and stable experiences). The proposed allowable uses within this district are not anticipated to be a nuisance upon surrounding residential developments, such as Iwiolo Hale. The light and noise impact are anticipated to be negligible with the implementation of mitigation measures, as may be identified.

**Comment 12:**

*(Page 43) The DEA projects that traffic will operate similar to or better than projections within the Original TIAR. Provide additional analysis on traffic impacts from build out of the new Resort Commercial subdistrict.*

**Response:** As stated on page 6 of Appendix I, Traffic Assessment of the Draft EA, the Resort Commercial area is anticipated to generally be used by hotel guests. As such, trips generated by the Resort Commercial area are expected to remain within the Resort Commercial and Hotel district and not impact traffic in Lānaʻi City.

See response to Comment #6 for more additional information on proposed uses, and as described, Resort guests will be the primary user of the area.

The Resort Commercial area is also planned to serve as an event venue for Sensei Lānaʻi, a Four Seasons Resort and Four Seasons, Lānaʻi. Roughly four (4) events with approximately 50 guests and two (2) events with approximately 150 guests are currently anticipated to occur per year. Because events are not expected to typically occur, traffic generated by the events are not included in the trip generation estimates for the Proposed Kōʻele Project District. Also as noted above, majority if not all of the attendees to the events will be hotel guests.

**Comment 13:**

*(Appendix A-1, Page 7) Why is the entire section on irrigation proposed for deletion?*

**Response:** The Irrigation section was revised in Ordinance No. 2515 and was relating to the irrigation of the Kōʻele Golf Course. The Kōʻele golf course closed in 2016; as such, the irrigation section is no longer applicable. It is noted that the Applicant is proposing to continue to primarily use the reclaimed water source for irrigation purposes on the lands that are proposed to be changed from Golf Course to Park, to the extent that it is available.

**Comment 14:**

*(Appendix A-1, Page 3) Should historic structures be included as principal uses in the Hotel subdistrict?*

**Response:** Per the Applicant, the existing church, located with the Hotel subdistrict will remain in place.

The Kōʻele Ranch Homes, which are currently located in the proposed Hotel subdistrict, were originally located at the Maunalei Sugar Company camp at Keōmuku, and were relocated to Kōʻele sometime between 1902-1917. They were moved to their current location in the late 1980s during the construction of

the Resort. Appendix E, the Archeological Literature Review and Field Investigation Report in the Draft EA, recommends that if construction activities are proposed, prior to start of construction, these structures be assessed by a qualified architectural historian in coordination with the SHPD.

The Applicant will work with an architectural historian to preserve and move the homes, when it is necessary.

**Comment 15:**

*(Page 17) Explain the meaning of the paragraph starting with "Error! Reference source not found." Does this reference missing data or is this a typographical error?*

**Response:** The "Error! Reference source not found," should have referenced Table 5 in the paragraph below "Error! Reference source not found." The reference was not linked properly. We acknowledge the error and it will be corrected in the Final EA.

**Comment 16:**

*(Page 45) Referring to "Table 6. Water Demand Summary," assuming this is potable demand, it is unclear what causes the "Park" subdistrict to go from usage of 19,550 GPD to 1,500 GPD. Explain this decrease in demand and clarify what the projected water source is for the Park and Open Space subdistricts. Further, it is unclear what previous golf course irrigation numbers were over time for Cavendish and the Experience of Koele, and whether that use was all effluent and what the amount of and source for Cavendish will be under the amended Project.*

**Response:** The Preliminary Engineering and Drainage Report (Appendix J of the Draft EA) noted that there are 11.5 acres of Park in the existing Kō'ele Project District. As such, using 1,700 gallons per day per acre (gpd/acre) as the planning water demand, the existing water demand for Park in the existing Kō'ele Project District was calculated to be 19,550 GPD (11.5 acres multiplied by 1,700 gpd/acre).

There are 234.9 acres of Park in the proposed Kō'ele Project District. As shown on page 3-5 of Appendix J, the proposed Kō'ele Project District water demand criteria for Park Irrigation is 0 gpd/ acre, as irrigation is anticipated to be primarily provided by effluent, not potable water, to the extent available. The effluent water proposed to irrigate the Park subdistrict was previously used for the Experience at Kō'ele Golf Course, which was located in the Golf subdistrict.

As shown on page 3-3 of Appendix J, Preliminary Engineering Report, the former Golf Course subdistrict demand was estimated to be 750 GPD. This was driven by the comfort station, since the irrigation was supplied by effluent (per Ordinance No. 2140 and 2066). The 1,500 GPD estimated for the proposed

Kō'ele PD water demand for Park subdistrict is driven by future comfort stations. The Cavendish Golf Course demand is estimated to be 20,000 GPD of potable water as stated in the Lāna'i WUDP.<sup>2</sup>

The proposed Kō'ele PD water demand criteria for the Open Space designated areas is 0 gpd/ acre, as it is envisioned to stay in its current undeveloped state.

**Comment 17:**

*(Page 44) Clarify the use of treated effluent for irrigation and how the use of recycled water will be implemented in the amended Project.*

**Response:** The Applicant anticipates that with the redesignation of a majority of lands from the Golf Course to the Park subdistrict, the reclaimed water that was required to be used for the golf course irrigation will be available for irrigation use for the redesignated Park lands. The reclaimed water will be used for irrigation of these Park lands and the Hotel lands, to the extent available.

**Comment 18:**

*(Page 46) The statement in the DEA reads as follows: "Overall, the proposed Koele (sic) Project District will cause a reduction in wastewater flow, compared to the existing Koele (sic) Project District, as a result of a reduction in developable land " This statement, according to a Commissioner, does not appear to be factually accurate. Should this paragraph say that there will be a reduction in "proposed" wastewater flow due to reduced land development?*

**Response:** The Applicant agrees with this statement. We will make this revision in the Final EA.

**Comment 19:**

*(Page 46) Do the DEA wastewater calculation discussions include projections from current building at Koele (sic) (Malanai Estates, etc.), the planned Hokuao (sic) affordable housing development, the DHHL residential project, etc.? Explain how these projects may affect wastewater projections and what additional capacity may be required.*

**Response:** The impacts to wastewater flow due to the proposed Kō'ele Project District were determined by the project's civil engineering consultant, by comparing the calculated wastewater flows for both the existing and proposed zoning districts at full build out conditions. Due to the reduction in developable land, the proposed Kō'ele Project District is anticipated to be a reduction in wastewater flows, when compared to the original 1988 Kō'ele Project District plan.

---

<sup>2</sup> WUDP page 4-93 and 4-94.

The proposed wastewater generation calculations includes the build-out of the Malanai housing project, it does not, however, include the Hōkūao and Department of Hawaiian Home Lands projects as these developments are not located within the Kō'ele Project District.

The County of Maui Department of Environmental Management (DEM) operates the waste water reclamation facility (WWRF) on Lāna'i. All building permit applications are reviewed by DEM. During their review, they determine if the WWRF will be able to accommodate the building permit application. On October 7, 2021 DEM sent comments regarding subject application, in their letter they had no comments regarding the proposed action.

**Comment 20:**

*(Page 75) The statement in the DEA reads as follows: "For example, the former designated golf course lands are being repurposed for a sculpture garden." Does this include all of the formerly designated golf course lands, aside from the Adventure Center? If the sculpture garden only takes up portions of these golf course lands, what are the other potential uses for this area? Provide irrigation source and amount for these repurposed lands.*

**Response:** Per the Applicant, the majority of the former Golf Course subdistrict will be repurposed as Park. A proposed sculpture garden will be located on some of the Park subdistrict. A variety of outdoor recreational uses, as further described in the proposed MCC 19.71.050 will be permitted in the Park subdistrict.

As shown on page 3-5 of Appendix J, Preliminary Engineering Report, the proposed Kō'ele PD water demand for Park is 1,500 GPD (comfort station). A majority of the Park area irrigation is anticipated to be primarily provided by effluent (e.g., R-1 water), to the extent available. The effluent water proposed to irrigate the Park subdistrict was previously used as irrigation for the Experience at Kō'ele Golf Course.

**Comment 21:**

*(Section VIII, Page 116) Please note language used in Peter Young's letter to Russell Tsuji, Land Administrator that states: "Thank you /or your comments on the Draft Environmental Assessment on the Miki Basin Industrial Park." Please explain whether the heading or the entire submission was included in error and revise accordingly.*

**Response:** This is an error made by the letter preparer, it should have referenced the Kō'ele Project District Amendment project.

**Comment 22:**

*(Section VIII, Page 114) In the November 21, 2019, letter from the State of Hawaii Commission on Water Resource Management, a question was asked regarding whether there was a consistency analysis of the proposed Project amendment with the Lanai Water Use and Development Plan (LWUDP). The language as stated in the letter is: "The Draft Environmental Assessment should discuss the consistency of the proposed project district amendment with the LWUDP and note any amendments to the LWUDP that should be made if the proposed amendment is approved " Please point out where in the DEA the discussion on the consistency with the LWUDP plan, and any amendments that might be required, occurs, and if such discussions are not included, indicate when it will be provided.*

**Response:** On October 19, 2021, the Maui County Department of Water Supply (DWS) commented on subject application. DWS included a section on the alignment of the proposed Kō'ele amendments with the Lāna'i Island Water Use and Development Plan (WUDP). Here is an excerpt of their comments and the Applicant's response to those comments, which have been included in the Applicant's response to the DWS comment letter in the Final EA:

***Lāna'i Island Water Use and Development Plan (WUDP) Alignment  
Use of R-1***

*The projects proposed use of R-1 recycled wastewater in the parks is in alignment with the Lāna'i Island WUDP:*

*"Efficient use of water..." is "...essential to reduce waste of Lana'i's limited water resources. Lana'i's water and wastewater utilities should implement water recycling and water conservation programs targeting landscape...to substantially reduce water consumption to the extent allowed by the Public Utilities Commission" (Lāna'i Island WUDP, page 30).*

**Lāna'i Island WUDP Conservation Options**

*Specific water conservation resource options measures advocated by the Lāna'i Island WUDP (Page 19) that may be applicable to the proposed project include the following: 1) water-efficient clothes washers; 2) water-efficient dishwashers; 3) improve irrigation scheduling; 4) soil moisture sensors; 5) improve performance of irrigation systems; 6) auto rain shut off; 6) rain barrel catchment; and 7) greywater for irrigation.*

**Lāna'i Island WUDP Potable Water Allocation**

*According to the Lāna'i Island WUDP (page 21), by 2030, 652,305 gpd will be needed for the Kō'ele PD, of which, 335,507 gpd will be potable "fresh" water. Table 6 (Kō'ele Project District (PD) Amendment DEA, page 45) indicates that 292,260 gpd of potable/"fresh" water will be used, which is approximately 13 percent less than predicted by the Lāna'i Island WUDP.*

**Response (to DWS):** We acknowledge your comments that the proposed use of R-1 water is in alignment with the Lānaʻi Water Use and Development Plan (WUDP). We note that the currently proposed action does not involve any construction activities. Nonetheless, the WUDP conservation options noted in your letter will be evaluated for incorporation into any future development which may be proposed within the Kōʻele Project District. We acknowledge your comment that the proposed amended Kōʻele Project District is anticipated to utilize less potable water than predicted by the Lānaʻi WUDP.

The Final EA will be updated to contain an analysis of the proposed amended Kōʻele Project District's conformance with the Lānaʻi Water Use and Development Plan.

**Comment 23:**

*(Appendix J, Page 14) The Preliminary Engineering Report provided by R. M. Towill states in Section 3.2.2 Water Demand Criteria: "The existing PD "full build out" unit counts for Hotel, Multi-Family Residential and Single Family Residential, and unit water demands are based on Castle & Cooke Resort 's 2006 water supply and demand assessment as well as Pulama Lanai 's (sic) limited program." One Commissioner stated that such figures from 2006 are irrelevant. Tables in the Preliminary Engineering Report using these numbers from 2006 should be, in the opinion of the Commissioner, removed or the Applicant should provide a detailed explanation why they are relying on 15-year old numbers. Address the accuracy and relevance of Castle & Cooke Resort's 2006 water supply demand assessment in light of the Project amendment water demand analysis and/or provide updated accurate information.*

**Response:** The project's civil engineering consultant calculated the estimated overall impact of the water demand in the Kōʻele Project District by comparing the calculated water demand of the proposed Kōʻele Project District to the calculated water demand of the existing Kōʻele Project District at estimated full build out conditions.

The analyses used the 2006 unit count as a baseline for establishing what the total water demand for the existing Kōʻele Project District would be at full buildout. The 2006 values<sup>3</sup> were included in the Lānaʻi Water Use and Development Plan (WUDP), which was accepted by CWRM in 2011<sup>4</sup> with input from stakeholders, including the Lānaʻi community.<sup>5</sup> This total water demand

---

<sup>3</sup> The 2006 build out analysis was used as the baseline versus the 2009 buildout analysis, as stated in the WUDP on page 4-31. The excerpt, stated as "An additional proposal was received on July 28, 2009 from Castle & Cooke Resorts. Although some analysis of this proposal is presented in this chapter, the Committee voted not to embark on a full consideration of the proposal at that late date in the process."

<sup>4</sup> <https://files.hawaii.gov/dlnr/cwr/planning/wudpla2011.pdf>

<sup>5</sup> The purpose of the County Water Use and Development Plans (WUDPs) is to inventory all projected water demands within each county and ensure that the future water needs of the county are met. The WUDPs should set forth the "allocation of water to land use in that county" and maintain consistency with

was then compared against the anticipated water demand that would be generated with full buildout of the proposed amended Kō'ele Project District.

These are preliminary engineering estimates. When there is a development project proposed for the Project District, the estimates will be refined to actual designs and plans for such project. The applications for such projects will be prepared and subsequently reviewed by the appropriate Departments/Agencies. These projects will be reviewed by the Lāna'i Planning Commission during the PH2 process.

The Applicant also provides the Maui County Planning Department and subsequently the Lāna'i Planning Commission, quarterly water reports for actual water use within the Kō'ele Project District.

**Comment 24:**

*(Appendix A-1, Page 1) Under the proposed revisions to Maui County Code (MCC), Chapter 19.71 Lanai Project District 2 (Koele), Section 19.71.020 Residential PD-L/2 it is proposed that short-term rental homes (STRH) shall be a principal use. With a capacity of 15 permitted short-term rental homes on the Island of Lanai, which passed 2nd reading by the Maui County Council on September 17, 2021, what is the intent of permitting such homes in the Koele (sic) Project District? Does the County of Maui even allow short-term rental homes to be permitted in project districts? How will single-family homes in the Koele (sic) Project District be used if the capacity for STRH permits is reached and then such homes don't qualify for a STRH permit?*

**Response:** The Applicant will remove STRH as a principal use in the proposed MCC Chapter 19.71.020 Residential PD-L/2.

**Comment 25:**

*(Appendix A-1, Page 6) Under the proposed revisions to MCC, Chapter 19.71 Lanai Project District 2 (Koele), Section 19.71.050 Park PD-L/2 it states: "C. Non-potable water shall be used for irrigation to the extent available. Notwithstanding anything to the contrary under Chapter 20.30 of this title, high level aquifer groundwater may be used for irrigation in areas where sufficient non-potable water is not available. Areas within Park districts that have continually and lawfully used high level aquifer groundwater for maintenance and irrigation shall be permitted to continue such use, subject to the provisions of Section 19.500.10 of this title. "MCC, Chapter 20.30.020 requires reclaimed water be used for irrigation for landscaping, not limited to golf courses. Identify which areas within which Park subdistricts have continually used potable water for irrigation, define continually by identifying the time frame referenced, and provide*

---

county zoning and land use policies. The WUDPs serve to inform future land use planning and provide guidance to the Commission for decision-making on water allocations and water reservation requests.  
<https://dlnr.hawaii.gov/cwrm/planning/hiwaterplan/countyplans/>

water amounts supplied on a daily average. Furthermore, define who gets to decide availability.

**Response:** MCC, Chapter 20.30.020 does not apply to the Kō‘ele Project District as item D of this provision states “this chapter applies only in “Central Maui”, “South Maui”, and, “West Maui” for mandatory irrigation purposes, as defined by the entire geographic areas shown on Figure 6-2 of the Wailuku-Kahului feasibility study dated June 1991, Figure 6-2 of the South Maui water reuse feasibility study dated September 1992, and Figure 6-2 of the West Maui water reuse feasibility study dated May 1992, respectively, and other locations in Maui County for construction, irrigation, and other suitable purposes where reclaimed water fill stations are made available by the County.” The County does not currently have a reclaimed water fill station on Lāna‘i. However, as shown on page 3-5 of Appendix J, Preliminary Engineering Report, the proposed Kō‘ele Project District water demand for Park is 1,500 GPD (to be used for comfort stations). The irrigation of the Park is anticipated to be primarily provided by effluent, non-potable water, to the extent available. The effluent water proposed to irrigate the Park subdistrict was previously used for the Experience at Kō‘ele Golf Course. The availability of the reclaimed water would be determined by the DEM as the source of the water.

**Comment 26:**

*(Appendix B, Page 10-11) The Agricultural Impact Report states on pages 10 and 11: "There is a plan for a 100-acre agricultural park on the Island of Lanai. In 1992, the Land Use Commission required C&C's Lanai Resorts to set aside 100 acres for the development and operation of an agricultural park by the State Department of Agriculture and County of Maui for the residents of Lanai. This was a condition for approving the Manele (sic) Golf Course. However, there has not been any progress on developing the park due to a lack of interest." Explain the source of this comment and justify the comment that no progress is solely due to lack of interest.*

**Response:** The Applicant supports agriculture on island. The Applicant also has several agricultural leases near the airport, some of which are not occupied and available for lease to interested persons.

As part of the condition stated above, in 1994, the Applicant did set aside 100 acres for agricultural use, as evidence by Land Court Document No. 2165943. Dole leased 100 acres of real property to the Department of Land and Natural Resources for 55 years at a nominal lease rate of \$100 per year for use as the Lāna‘i Agricultural Park. This lease was amended by an Amendment of Lease dated August 19, 1994 and filed as Land Court Document No. 2199103.

As stated in a 2017 Pacific Business News article,<sup>6</sup> “The agricultural park has not made any major moves in the past two decades, with the Lanai Chamber saying

<sup>6</sup> <https://www.bizjournals.com/pacific/news/2017/04/03/100-acre-agriculture-park-on-billionaire-larry.html>

that the Department of Agriculture felt that in the 1990s there was not sufficient community support for the project.”

The County of Maui recently has expressed interest in an Ag park on Lāna‘i,<sup>7</sup> however there are no details at this time regarding how the County’s interest and the State’s lease with the Applicant will evolve.

**Comment 27:**

*(Appendix B, Page ES-3) The Agricultural Impact Report states on page ES-3 "In addition, two (2) historic buildings will be relocated to the 55-acre portion of the Stables. These historic properties will to be converted to a museum and a retail shop. Also, a third building may be constructed, resulting in a total of about 30,000 SF of commercial space (about 2 acres) with parking and landscaping." Confirm if the two historic buildings referenced are the former ranch/Richardson houses. Furthermore, 30,000 square feet is equivalent to five lots on Ilima Ave (almost the entire block). The LPC voted several years ago to limit big box buildings to a square footage much less than 30,000 square feet. What is planned for this square footage?*

**Response:** The Applicant confirmed that the referenced historic properties are the Kō‘ele Ranch Homes (SIHP #-1004 Structures C and D), referenced as the former ranch/Richardson houses in Comment 27. The Kō‘ele Ranch Homes which are currently located in the proposed Hotel subdistrict were originally located at the Maunalei Sugar Company camp at Keōmuku, and were relocated to Kō‘ele sometime between 1902-1917. They were moved to their current location in the late 1980’s during the construction of the Four Seasons Resort. Appendix E, the Archeological Literature Review and Field Investigation Report, recommends that if construction activities are proposed, prior to start of construction, these structures be assessed by a qualified architectural historian in coordination with the SHPD. The Applicant will work with an architectural historian to preserve and move the homes, when it is necessary.

There are currently no final design/permit plans for the 30,000 square feet (sf) space available at this time. With three (3) potential structures supporting ongoing activities such as the tennis courts and stables, and allowing for building setbacks and parking requirements, the 30,000 sf space (0.7 acre) would be the approximate area covered by all improvements. For example, if there is a parking lot associated with the improvement, that would be included in the 0.7 acre footprint. For more information on future development in the Resort Commercial subdistrict, see response to Comment 6. Further, it should be noted that majority of the land is to remain undeveloped for support/accessory activities for the stables (e.g., fenced pastures for animals etc.), which is currently the use today.

---

<sup>7</sup> <https://www.mauinews.com/news/local-news/2021/03/proposed-fiscal-year-2022-budget/>

Any future development within the Kō'ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna'i Planning Commission.

**Comment 28:**

*(Appendix B, Page 13) The Agricultural Impact Report states on page 13: "Tax revenues derived from County property taxes and State taxes (excise, personal income, cooperate income, and transient accommodations tax)." The word should likely be "corporate." Please revise. Further what is the source of anticipated transient accommodation tax revenue? Is this the Hotel only? Are there other sources?*

**Response:** We acknowledge the error of "cooperate," it should be "corporate." We will address this error via a letter from the technical author stating the error and correction. This letter will be attached to the study and filed as part of the Final EA.

Furthermore, we confirm that transient accommodation taxes are and will continue to be generated by the Resort.

**Comment 29:**

*(Appendix H, Page ES-2) The Socio-Economic Impact Report states on page ES-2: "The revised plan for the Resort features 96 hotel rooms (no change from 2019), 57 resort sf homes (an increase of 39 homes from 2019), 33 resort mf homes (no change from 2019), the addition of 20 staff mf homes, continued operation of the 9-hole community golf course, and 30,000 square feet of new commercial space. Depending on future market conditions, the hotel rooms could be increased to a number to be determined." However, see Section VIII, "Parties Consulted" at Pages 102 and 104 from Peter Young. Comments are "Maximum Units Allowed for Single Family is reduced from 535 units to 20-units [.]" and "Presently, 18 single-family units have been built and the permissible total is 20-units, so only 2 units may be added " Clarify inconsistent SF/MF projections included in the DEA by consultants, since the DEA is silent on numbers. There is a conflict in saying that this is 'only housekeeping, no construction' and then on the other hand insisting "the analysis contained in this Environmental Assessment (EA) is based upon full build-out of the proposed amended Koele Project District. " (From Section II, Description of the Existing Environment, Potential Impacts, and Mitigation Measures, Page 11).*

**Response:** While the studies included in the Draft EA contemplate full build out of the Kō'ele Project District based on the proposed zoning changes, any future development within the Kō'ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna'i Planning Commission.

The table below summarizes the units that have been constructed as of May 2021, approved existing units at full build-out, and proposed full build-out for Hotel, Multi-Family, and Residential (e.g., single-family). These were included in the Preliminary Engineering Report (Appendix J) that evaluated the water and wastewater impacts.

	Constructed as of May 2021	Existing Project District at Full Build-out	Proposed Project District at Full Build-out
Hotel*	96	250	96 + TBD
Multi-Family*	33	90	53
Residential* (e.g., single-family)	18	255	57

Note\*: Maximum net density for Hotel is limited by Maui County Code 19.17.040(C)(7) at twelve units per acre, for Multi-Family is limited by Maui County Code 19.71.030(B)(4) at six units per acre, and for Residential is limited by Maui County Code 19.71.020(B)(4) at two and one half units per acre.

Regarding the future Hotel subdistrict area noted as “TBD,” see response to Comment #10. As noted earlier, any development in the Hotel subdistrict will require a PH2 and PH3 with detailed studies, including a preliminary engineering report and subject to review and approval of the PH2 by the Lāna‘i Planning Commission.

**Comment 30:**

*(Appendix A-1, Pages 9-10) In the proposed changes to Lanai Project District 2 (Koele), it appears that grazing is permitted only in the "Open Space" subdistrict. What will happen to the existing pastures? Would this Project amendment prohibit grazing in the Resort Commercial subdistrict?*

**Response:** Existing pastures would remain and this Project District amendment will not prohibit pastures for the animals to graze in the Resort Commercial subdistrict.

**Comment 31:**

*(Appendix A-1, Page 13) Explain the proposed deletion to Lanai Project District 2 (Kō‘ele), MCC, Section 19.71.100 that states: "In accordance with section 19.45.050, the applicant shall enter into the following bilateral agreements: ... A bilateral agreement requiring the applicant to develop and coordinate an affordable housing program for residents of Lanai; provided, that development other than hotel development within the project district may proceed before the agreement has been executed. "*

**Response:** Both agreements were executed by Castle & Cooke. That was the requirement in MCC 19.71.100 (A) and (B). Applicant is proposing deletion of this language as it is no longer relevant because the agreements have been executed. See **Exhibit “A-2”** for copies of the executed agreements.

**Comment 32:**

*(Appendix A-1, Page 4) In the proposed changes to Lanai Project District 2 (Koele), MCC, Section 19.71.050 Park PD-L/2 A. 1.a., noncommercial parks and playgrounds are proposed to be deleted as a principal use. Explain this proposed deletion. Will commercial parks and playgrounds be a principal use in the proposed revised Open Space subdistrict?*

**Response:** The intent of the proposed deletion is to allow certain commercial activity to occur within the Park district. For example, the Lāna‘i Adventure Center will be located within the Park subdistrict, this is a commercial park use. Appendix A-1, Page 4 outlines additional principal uses that may have associated commercial activity associated with it, the deletion will allow for such associated commercial activity.

While parks are still allowable in the Open Space subdistrict, playgrounds are not an allowable use.

**Comment 33:**

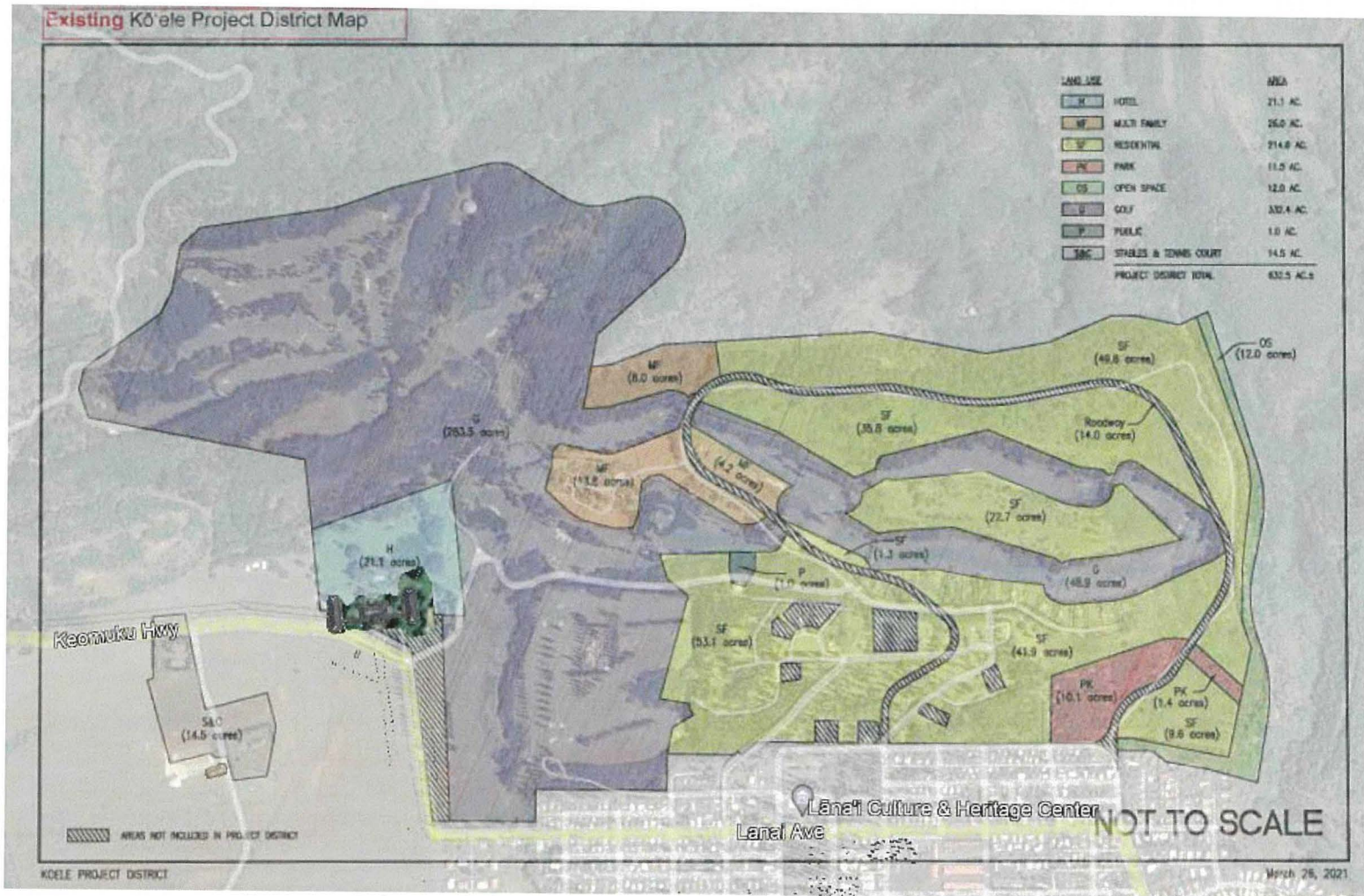
*Provide the Maui County Planning Department and include in the FEA a section that states in detail a status report of all conditions attached to the Kō‘ele (sic) Project District entitlement process, including but not necessarily limited to Ordinance 2140 from the County of Maui and Land Use Commission Docket A90-662 for the District Boundary Amendment. Include the full documents along with the status report. Write out each condition and provide a full report on how and when each condition was satisfied, or, if fulfillment of any condition is still outstanding provide a detailed report on current status and, as applicable, efforts being made to fulfill that condition. A statement such as 'This condition has been satisfied' is not adequate nor sufficient in demonstrating how a condition was completed satisfactorily.*

**Response:** See **Exhibit “A-3”** for the Ordinance 2140 status report and supporting documentation and **Exhibit “A-4”** for the Land Use Commission Docket A-90-662 status report and supporting documentation.

# EXHIBIT "A-1"

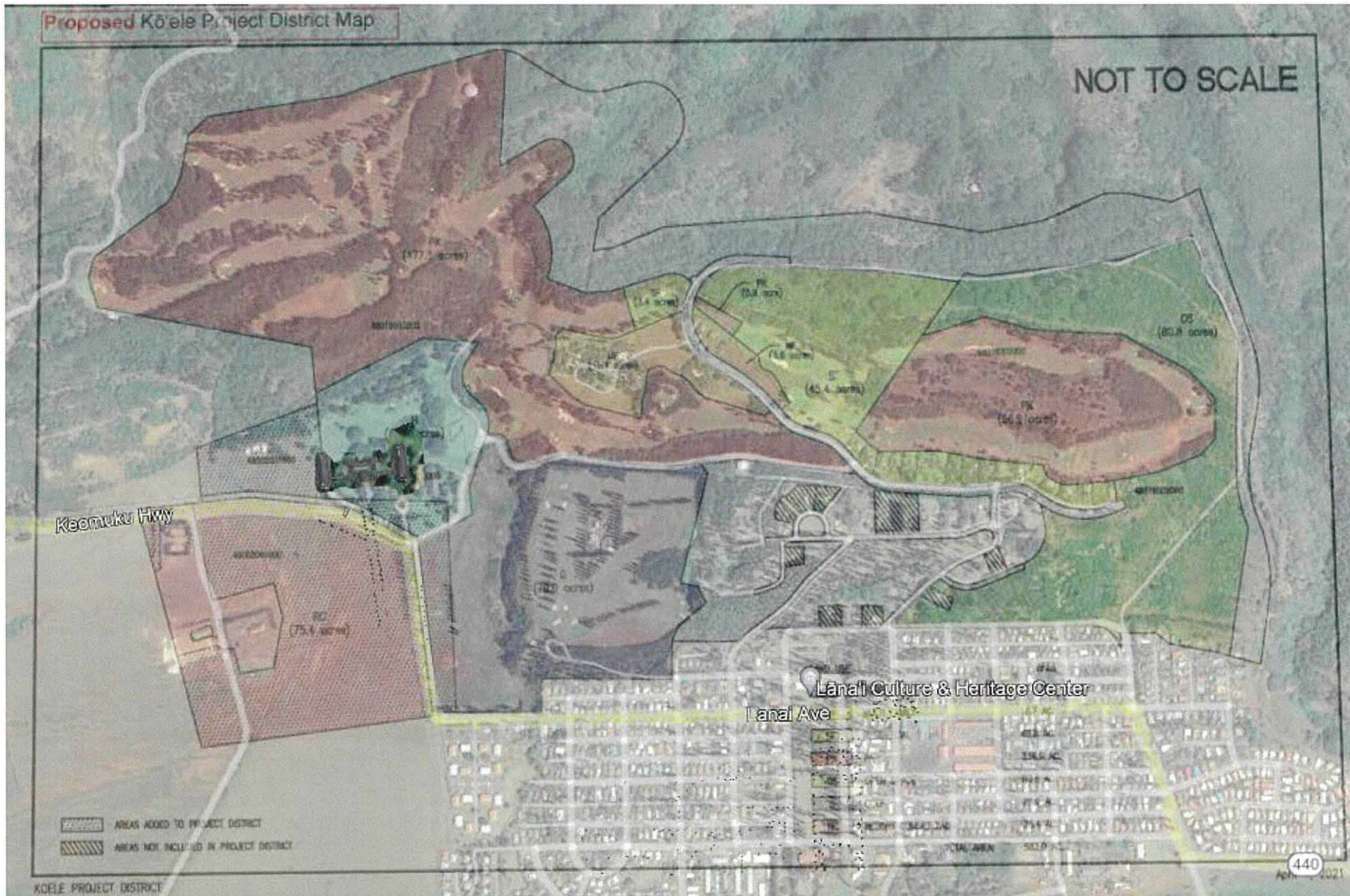
Exhibit "A-1"

Existing Kō'ele Project District Map



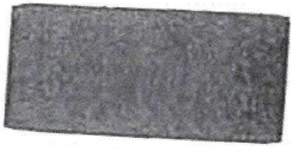
REF-200

Proposed Kō'ele Project District Map



REF-201

# EXHIBIT "A-2"



RECEIVED FOR RECORD  
 STATE OF FLORIDA  
 OFFICE OF  
 BUREAU OF CONVEYANCES

Received for record this MAY - 5 1987  
 day of \_\_\_\_\_, A.D., 19\_\_\_\_  
 at 1:37 o'clock P.M. and  
 recorded in Liber 20640 425  
 on Pages \_\_\_\_\_



COPY

AGREEMENT FOR DEVELOPMENT  
AND COORDINATION OF A JOB TRAINING PROGRAM

THIS AGREEMENT, made this 30<sup>th</sup> day of April, 1987, by LANAI COMPANY, INC., a Hawaii corporation, whose principal place of business is 650 Iwilei Road, Honolulu, Hawaii, and whose mailing address is P.O. Box 2780, Honolulu, Hawaii 96803, hereinafter referred to as "Company", and the COUNTY OF MAUI, whose business and mailing address is 200 High Street, Wailuku, Maui, Hawaii 96793, hereinafter called the "County".

W I T N E S S E T H :

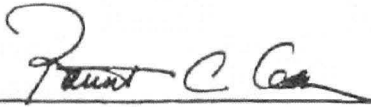
WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", in its passage of the Ordinances relating to standards for the project district at Manele and Koele, Lanai and procedures for project districts required Company to enter into a bilateral agreement with County to develop and coordinate a job training program; and

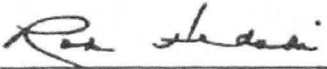
WHEREAS, Company and County have agreed to execute this Agreement pursuant to the provisions of the Maui County Code relating to the project districts at Manele and Koele, Lanai and procedures for project districts.

NOW, THEREFORE, the Company and County hereby agree as follows:

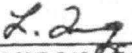
IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first above written.

LANAI COMPANY, INC.

By   
Its VICE PRESIDENT

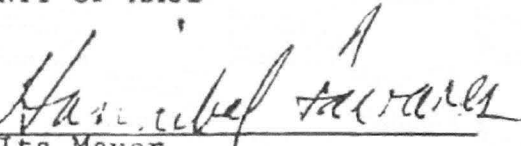
By   
Its

APPROVED AS TO FORM:

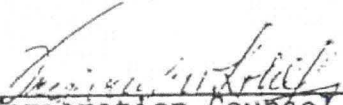
  
Attorney for Declarant

Dated: 4/21/97

COUNTY OF MAUI

By   
Its Mayor

APPROVED AS TO FORM  
AND LEGALITY

  
Corporation Counsel  
FRED W. ROHLFING

STATE OF HAWAII

COUNTY OF MAUI

)  
) SS.  
)

On this 30<sup>th</sup> day of April, 1987, before me appeared HANNIBAL TAVARES, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of the County of Maui by authority of its Council, and the said HANNIBAL TAVARES acknowledged the said instrument to be the free act and deed of the said County of Maui.

*le*

*Freida H. Parnassio*  
Notary Public, in and for said  
County and State.

My commission expires: 10/19/90

Exhibit "A"

JOB TRAINING PROGRAM

The Company shall assume the lead responsibility for the development and coordination of a defined job service and training program for all phases of the hotel operations. The Company shall coordinate with its hotel management company (hotel operational jobs), State and County agencies, labor unions, as well as appropriate public and private agencies required to assist with the structuring, funding and/or direct implementation of the various phases of the overall training program.

The job training and service program shall include, but not be limited to, provisions covering the following:

(a) Priority enrollment for Lanai residents, to the extent legally permissible;

(b) Job counselors, preferably available through established programs;

(c) Identification of a lead person or agency to serve as an ombudsman liaison with the community to interface with the community to ensure that legitimate concerns or suggestions are communicated to the proper sources within the training program;

(d) Development of sources of compensation for participants in the training programs and services to be provided such as transportation and day care centers;

(e) Development of management type training facilities;

(f) Development of in-service upgrade programs provided by the hotel management company so that future hotel employees may upgrade current skill levels and/or acquire new skills required for promotion;

(g) A master job summary schedule which will include a detailed description of each job category with the following information included:

1. Description of job duties;
2. Required qualifications;
3. Number of full and part-time jobs;

6) The hiring of an employment coordinator to facilitate the programs proposed under this condition.

In order to maximize hiring of workers from the Lanai labor pool, the Company will maximize job opportunities for Lanai residents by requiring a 30-day advance publication of an advertisement in the local Company paper and by use of bulletin Boards, etc. of the number and type of jobs which will be offered.

If an independent entity is retained by Company to carry out its programs, the Company shall be responsible to enforce the provisions of the Program and then the County.

RECORDATION REQUESTED BY:

County of Maui  
Planning Department  
200 S High Street  
Wailuku, Maui, HI 96793

AFTER RECORDATION, RETURN TO:

Same as above

RETURN BY: MAIL ( ) PICKUP ( )

Re: Lohai Co., Planning

N/C

87-65098

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

87 MAY 5 P 1: 37

LIBER/P 20640 417  
C. F. NEUMANN REGISTRAR

RECEIVED  
MAY 31 10 13 AM '88  
COUNTY OF MAUI

AGREEMENT FOR DEVELOPMENT  
AND COORDINATION OF AN AFFORDABLE HOUSING PROGRAM

THIS AGREEMENT, made this 30 day of April, 1987, by LANAI COMPANY, INC., a Hawaii corporation, whose principal place of business is 650 Iwilei Road, Honolulu, Hawaii, and whose mailing address is P.O. Box 2780, Honolulu, Hawaii 96803, hereinafter referred to as "Company", and the COUNTY OF MAUI, whose business and mailing address is 200 High Street, Wailuku, Maui, Hawaii 96793, hereinafter called the "County".

W I T N E S S E T H :

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", in its passage of the Ordinances relating to standards for the project district at Manele and Koele, Lanai and procedures for project districts required Company to enter into a bilateral agreement with County to develop and coordinate an affordable housing program; and

WHEREAS, Company and County have agreed to execute this Agreement pursuant to the provisions of the Maui County Code relating to the project districts at Manele and Koele, Lanai and procedures for project districts.

NOW, THEREFORE, the Company and County hereby agree as follows:

1. This Agreement is made pursuant to the provisions of the Maui County Code, relating to the project districts at Manele and Koele, Lanai and procedures for project districts.

2. The Company agrees to develop and coordinate an affordable housing program for the residents of Lanai in accordance with the Affordable Housing Program attached hereto as Exhibit "A".

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the terms and conditions of this Agreement shall bind all Company's successors in interests and assignees and the County of Maui shall have the right to enforce this Agreement by appropriate action at law or suit in equity against all such persons, provided that Company or its successors and assigns may at any time file a petition for amendments to this Agreement, such petition to be processed in the same manner as this original Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first above written.

LANAI COMPANY, INC.

By *Robert C. Cook*  
Its VICE PRESIDENT

By *Rae Hansen*  
Its VICE PRESIDENT

APPROVED AS TO FORM:

*Kang*  
Attorney for Company

Dated: 4/21/87

COUNTY OF MAUI

By *Hannibal Favares*  
Its Mayor

APPROVED AS TO FORM  
AND LEGALITY

*Fred W. Rohlfing*  
Corporation Counsel  
FRED W. ROHLFING

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

On this \_\_\_\_\_ day of APR 23 1987, 1987, before me appeared ROBERT C ODA and RONALD HEDANI, to me personally known, who, being by me duly sworn, did say that they are the VICE PRESIDENT and VICE PRESIDENT, respectively of LANAI COMPANY, INC., a Hawaii corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officers, acknowledged said instrument to be the free act and deed of said corporation.

*Cynthia Kadekawa*  
Notary Public, in and for said  
County and State.

My commission expires: March 22, 1990

STATE OF HAWAII  
COUNTY OF MAUI

} SS.

On this 30<sup>th</sup> day of April, 1987, before me appeared HANNIBAL TAVARES, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of the County of Maui by authority of its Council, and the said HANNIBAL TAVARES acknowledged the said instrument to be the free act and deed of the said County of Maui.

Linda K. Tamashiro  
Notary Public, in and for said  
County and State.

My commission expires: 10/19/90

*ls*



October 30, 2017

Lanai Planning Commission  
c/o Clayton Yoshida  
Maui County Department of Planning  
2200 Main Street #601  
Wailuku, HI 96793  
By Federal Express

Re: Lanai Planning Commission Request for Information on Affordable Housing Status

Dear Mr. Yoshida:

At the October 04, 2017 Lanai Planning Commission (LPC) meeting, Commissioner Roxanne Catiel requested that the affordable housing project that completed the requirement for Kōʻele be provided at the next LPC meeting. This letter summarizes the affordable housing that has been developed on Lānaʻi to satisfy all requirements and conditions set forth in the approval to develop at Koʻele and Manele. This summary mirrors the testimony already provided by the Maui County Department of Housing & Human Resources (DHHR) at the Lānaʻi Planning Commission meeting of July 19, 2017.

The affordable housing requirement for the Kōʻele and Manele hotels begins with the "Agreement for Development and Coordination of an Affordable Housing Program," (Agreement) recorded at the Bureau of Conveyances July 2, 1987. This agreement stated that Castle & Cooke (C&C) should develop a minimum of 150 single family or multi-family dwelling units or a combination of both within or without the Project Districts. C&C, at its option, may also develop vacant lots and duplex dwellings not to exceed 15 units. One-half or more of the units must be completed before the certificate of occupancy for the first hotel is granted. Prior to the completion of the second hotel the balance must be completed. The projects that covered these requirements were units in Lalakoa II, and Lalakoa III.

The agreement noted in the second paragraph above is the one that Deputy Corporation Counsel Richelle Thomson referred to in her statements at the July 19, 2017 LPC meeting, which exempts the Kōʻele hotels from the Workforce Housing Ordinance, as the Agreement contains the affordable housing requirements.

Specific to the Kōʻele Project District zoning, it was specified that 115 acres of land for an affordable housing development, be given to Maui County in the "Unilateral Agreement for Conditional Zoning, dated February 28, 1992. This land was deeded to Maui County and remains in the same vacant land condition as in 1992. Richelle Thompson also spoke to this condition on the evening of July 19<sup>th</sup>, 2017. The Deputy Corporation Counsel further stated, "and from the Planning Department's review of the materials related to those conditions, within the Kōʻele Project District[s], those requirements have been satisfied."

C&C also had the 1996 Lānaʻi City Redevelopment Project, 201G-118, which had additional affordable housing requirements. These requirements had two components, an affordable housing (single family units/lots) and affordable rental housing. For the affordable single family, 97 lots were required. For the affordable rental housing, 105 rental units were required.

Letter to Lānaʻi Planning Commission  
Request for Information on Affordable Housing  
October 30, 2017  
Page Two

Specific to affordable single family housing requirements, 132 houses/lots were sold as compared to the 97 that were required. These units were developed as lots and houses, in Lalakoa III, and Olopua Woods. This results in the current status of 35 affordable housing credits for single family units being available for another project in the future. This is confirmed with the December 29, 2006 letter from Alice Lee, Administrator of the Maui County Department of Housing and Human Concerns (DHHC). Subsequent Administrator JoAnn Ridao, confirmed this credit by e-mail May 13, 2014. These two documents are attached.

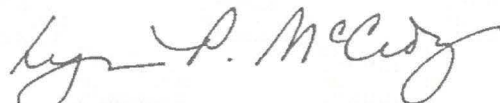
Addressing specifically affordable rental units, there were 163 affordable units constructed, compared to the 105 that were required. This requirement was satisfied by units in Iwiole, Kanepuu Hale (four-plex), Hale Kapuna/Senior Housing, Kānepuʻu (tri-plex), Lānaʻi City Apartments, and The Courts. These developments were confirmed via a December 29, 2006 letter from Alice Lee, Administrator of the Maui County DHHC. C&C did not submit the paperwork for these last two complexes to the County. However, both complexes were constructed, and Pūlama Lānaʻi can submit the documents needed to resolve this final action. This will result in a credit of 58 affordable rental units.

In summary, the housing developments that have been implemented to address affordable housing conditions have resulted in a net credit of 35 single family and 58 affordable rental units for Pūlama Lānaʻi.

An additional source confirming that there were no remaining affordable or otherwise housing requirements for Kōʻele comes in the form of a letter from the Maui County Planning Department to Council Member Riki Hokama in his letter dated June 8, 2016. The letter is in response to Council Member Hokama's request for a complete summary of any open conditions for the Kōʻele and Manele Project Districts. The letter confirmed that there were no housing requirements remaining from either the Kōʻele or Manele Project District developments. This letter was provided to the LPC Commissioners at the July 2017 meeting.

Should you have further questions, I will be attending the Lānaʻi Planning Commission meeting November 15, 2017. Mahalo!

Me ke aloha pumehana  
With warm aloha,



Lynn P. McCrory  
Senior Vice President of Government Affairs

C: Kurt Matsumoto

Enclosures (2)

County of Maui  
Planning Department  
200 S. High Street  
Wailuku, Hi 96793

87-98600

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

37 JUL 2 P 2 1  
20859 - 232

DECLARATION AND SUBSTITUTION OF EXHIBIT 'A' TO LIBER 20640  
THE AGREEMENT FOR DEVELOPMENT AND COORDINATION OF AFFORDABLE HOUSING PROGRAMS  
OF AN AFFORDABLE HOUSING PROGRAM.

THIS DECLARATION, made and entered into this 24<sup>th</sup>  
day of June, 1987 by LANAI COMPANY, INC. a Hawaii  
corporation, whose principal place of business is 650 Iwilei  
Road, Honolulu, Hawaii, and whose mailing address is P.O. Box  
2780, Honolulu, Hawaii 96803, hereinafter referred to as  
"Company", and the COUNTY OF MAUI, whose business and mailing  
address is 200 High Street, Wailuku, Maui, Hawaii 96793,  
hereinafter called the "County".

W I T N E S S E T H :

WHEREAS, the parties hereto enter into that certain  
Agreement for Development and Coordination of an Affordable  
Housing Program as of April 30, 1987 which agreement provided,  
inter alia that "The Company agrees to develop and coordinate  
an affordable housing program to develop and coordinate an  
affordable housing program for the residents of Lanai in  
accordance with the Affordable Housing Program attached hereto  
as Exhibit 'A'", said agreement having been recorded in the  
Bureau of Conveyances, State of Hawaii in Liber 20640 at Page  
417 et. seq., and

WHEREAS through inadvertence an incomplete version of  
said Exhibit A to said agreement was submitted and so recorded  
in said Bureau.

Now therefore for and in consideration of their mutual promises the parties hereby mutually agree and declare that the said Agreement for Development and Coordination of an Affordable Housing Program should be and is hereby amended by the substitution of the attached document entitled "Exhibit 'A' Affordable Housing Program" in lieu of the Exhibit A formerly submitted with said agreement and recorded, as aforesaid.

In witness whereof, the undersigned have executed these presents on the date first above written.

LANAI COMPANY, INC.

By *J. Garcia*  
Its VICE PRESIDENT

By *Rae Hedawi*  
Its ASST. SECRETARY

APPROVED AS TO FORM:

*[Signature]*  
Attorney for Company

Dated: 6/24/87

COUNTY OF MAUI

By *Hannibal Savara*  
Its Mayor

APPROVED AS TO FORM AND LEGALITY

*H. Dodger Betts*  
DEPUTY Corporation Counsel  
County of Maui  
H. DODGER BETTS

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

On this 24th day of June, 1987, before  
me appeared B. GARCIA and RONALD HEDANI,  
to me personally known, who, being by me duly sworn, did say  
that they are the VICE PRESIDENT and ASST. SECRETARY,  
respectively of LANAI COMPANY, INC.

\_\_\_\_\_, a Hawaii corporation, that  
the seal affixed to the foregoing instrument is the corporate  
seal of said corporation and that said instrument was signed  
and sealed in behalf of said corporation by authority of its  
Board of Directors, and the said B. GARCIA  
and RONALD HEDANI, acknowledged said instrument  
to be the free act and deed of said corporation.

*Cynthia Kadiawa* 44  
Notary Public, First Judicial  
Circuit, State of Hawaii.

My commission expires: 3/22/90

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 30 day of June, 1987, before me appeared HANNIBAL TAVARES, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of the County of Maui by authority of its Council, and the said HANNIBAL TAVARES acknowledged the said instrument to be the free act and deed of the said County of Maui.

*Linda K. Tamaduno*  
Notary Public, Second Judicial  
Circuit, State of Hawaii.

My commission expires: 10/19/90

45

Exhibit "A"AFFORDABLE HOUSING PROGRAM

The Company shall develop, coordinate and implement an affordable housing program for the residents of Lanai.

The Company shall cause the development and construction, either alone or in joint venture with another entity, a minimum total of one-hundred fifty (150) single family or multi-family dwelling units or a combination of both, which may be within or outside of any Lanai island project district. As part of this requirement, at its option, the Company may also develop vacant lots and duplex dwellings not to exceed a combined total of fifteen (15) units.

Prior to the issuance of a certificate of occupancy for the first hotel or commercial development within any Lanai project district, the Company shall complete the construction of Phase One of its affordable housing program. Phase One will consist of approximately seventy-five (75) dwellings. The Company shall, to the extent legally permissible, use its best efforts to ensure that Lanai residents receive first notice of the availability of homes in Phase One and are given preference in eligibility to purchase or rent these dwellings.

Prior to the completion of the second hotel development within any Lanai project district, the Company shall complete Phase Two of its affordable housing program. Phase Two will consist of the remaining units required under this agreement. The Company shall, to the extent legally permissible, use its best efforts to ensure that Lanai residents receive first notice of the availability of homes in Phase Two and are given preference in eligibility to purchase or rent these dwellings including any vacant lots.

For each phase the following criteria shall be used for establishing sale prices and rental rates:

1) At least twenty-five percent (25%) of the units shall be sold at prices which are affordable to individuals and families whose income do not exceed the prevailing annual adjusted income limits established for low income families under the Farmers Home Administration's (FmHA's) Section 502 housing program. If the Section 502 program is not in

existence when the units are available for sale, its replacement program or the program's income limits in existence on the date this affordable housing agreement is executed adjusted for any increase in the Honolulu Consumer Price Index shall apply.

2) Approximately twenty-five percent (25%) of the units shall be offered for rent at rates which are affordable to individuals and families whose income does not exceed the prevailing gross annual income limits established for lower income families under the U. S. Department of Housing and Urban Development's Section 8 (Existing) Housing Assistance Payments Program. The term "affordable" shall mean the individual or family (household) not having to pay more than thirty percent (30%) of the household's adjusted monthly income for rent and utilities (computation of adjusted monthly income shall be in the same manner as for the Section 8 housing program). If the Section 8 program is not in existence when the units are available for rent, its replacement program or the program's income limits in existence on the date this affordable housing agreement is executed adjusted for any increase in the Honolulu Consumer Price Index shall apply.

If, after a reasonable period of time has passed, the Company determines and the County agrees that the remaining rental units are not required, the Company may sell the remaining rental units in the same manner as specified in item 1 above.

3) At least twenty-five percent (25%) of the units shall be sold at prices which are affordable to individuals and families whose income do not exceed the prevailing gross annual family income limits established for the County of Maui's home ownership projects.

4) The balance of the units may be sold without restrictions.

The foregoing may be modified only with the prior written approval of the County.

All dwelling units developed under this program and sold to individuals or families shall be owner-occupied.

The Company may develop some of the dwellings in either phase under any and all government sponsored programs in order

to contain the costs of construction or to qualify for favorable financing from governmental or other sources.

To prevent real estate speculation on the dwelling units provided under this program, the Company shall develop and incorporate in its conveyance document resale restrictions giving first it and then the County the right of first refusal to purchase any dwelling units offered for sale by the owner during the first ten (10) years after the sale of the first dwelling unit in each phase. Such restrictions shall include but not be limited to the Company and the County having the right of first refusal to purchase the dwelling units at a price which shall not exceed the sum of:

1. The original cost to the owner;
2. The cost of any improvements added by the owner;
3. Simple interest on the owner's equity in the property at the rate of seven percent (7%) a year.

The Company or the County, as the case may be, may purchase the unit either outright, free and clear of all liens and encumbrances; or by transfer subject to an existing mortgage.

If by outright purchase the Company or the County, as the case may be, shall ensure that all existing mortgages, liens and encumbrances are satisfactorily paid by the owner.

In any purchase by transfer subject to an existing mortgage, the Company or the County, as the case may be, shall agree to assume and to pay the balance on any first mortgage created for the purpose of enabling the owner to obtain funds for the purchase of the unit and any other mortgages which were created with the approval and consent of the Company and County. In such cases, the amount to be paid to the owner by the Company or the County, as the case may be, shall be the difference between the above-mentioned price and the principal balance of all mortgages outstanding and assumed at the time of transfer of title to the Company or the County, as the case may be.

# EXHIBIT "A-3"

**Exhibit "A-3"**  
Ordinance 2140 Status Report

Condition Number	Reference Number	Condition	Status
1	2140_1	<p>The Declarant will establish a loan fund of \$1,000,000.00 to be administered and managed by the Bank of Hawaii, in consultation with Lānaʻi Resort Partners for the purpose of assisting current Lānaʻi City merchants with improvements of their commercial facilities. Loans will be made available to the merchants from the date of the Unilateral Agreement and for a minimum of 10 years thereafter, at an annual rate of 2% per annum below the Bank of Hawaii's prevailing commercial loan rate for similar type loans. Also, the loan qualifications and pay back methods shall not exceed those required by the Bank of Hawaii for their commercial loans. Written notice that the loan fund of \$1,000,000.00 is available for disbursement to qualified Lānaʻi City merchants shall be given by Bank of Hawaii to said merchants, the Mayor of the County of Maui and the Chairperson of the County Council and the Chairperson of the Planning and Economic Development Committee. Written notice of the expiration of the loan fund shall be given to the above-named persons one (1) year prior to such expiration.</p>	<p>The condition requirement beginning in 1992, for a minimum duration of 10 years, expired in 2002, prior to Applicant ownership.</p>

REF-225

Exhibit "A-3"

Response to LPC Comment #33, letter dated September 29, 2021

Page 2 of 5

Condition Number	Reference Number	Condition	Status
2	2140_2	The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, 115 acres of land adjacent to the Lower Waialua Single Family site to the County as shown in Exhibit "A" (shaded area) attached hereto and by reference made a part hereof, for an affordable housing project. The project shall be similar in design quality and density to the recent affordable housing developments on Lānaʻi.	Petitioner has complied with this condition. Petitioner entered into and recorded a Unilateral Agreement and Declaration for Conditional Zoning on February 28, 1992 to establish residential zoning for the Kōʻele Project District. Petitioner agreed to donate to the County of Maui 115 acres of real property for affordable housing, located adjacent to the Lower Waialua Single Family site, in fee simple, at no cost and free and clear of all mortgages and encumbrances. After the County of Maui and Petitioner identified and agreed upon the precise location of the 115 acres of real property, the County of Maui approved the subdivision of land for the 115 acres (as confirmed by letter, dated June 4, 1998, from County of Maui Department of Public Works and Waste Management to Petitioner) and appropriate petitions were filed with the Land Court of the State of Hawaii to record the subdivision. Following the Land Court's approval of the subdivision, the County of Maui accepted conveyance of 115 acres of Land under two Warranty Deeds with Use Restrictions, both file-dated November 13, 1998, and filed as Land Court Document Nos. 2499792 (102.234 acres) and 2499793 (12.766 acres).
3	2140_3	The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, a minimum of one acre of land on Lānaʻi to the County for use as a veteran's cemetery.	Petitioner has complied with this condition. In Resolution 95-57 on May 19, 1995, the County of Maui accepted a dedication of 1 acre of land to be used for a veteran's cemetery and related purposes.

REF-226

Exhibit "A-3"

Response to LPC Comment #33, letter dated September 29, 2021

Page 3 of 5

Condition Number	Reference Number	Condition	Status
4	2140_4	The Declarant shall consummate a land exchange with the County for a new police station upon terms and conditions acceptable to Declarant and the County.	Petitioner agreed to convey to the County of Maui a site for the new police station containing one (1) acre of land. Petitioner subdivided land to create a new one-acre lot (Land Court Lot 1163), and subsequently conveyed Lot 1163 to the County of Maui by Deed filed on October 15, 2002 as Land Court Document No. 2850540. Petitioner also executed in favor of the County of Maui an Agreement to Dedicate Upon Demand affecting Lot 1163 (road widening strip along Ninth Street of the new Lānaʻi police station site), filed on October 15, 2002, as Land Court Document Number 2850541.
5	2140_5	The Declarant shall preserve in perpetuity the tradition of permitting free play on the Cavendish golf course for Lānaʻi residents and shall continue maintaining said golf course. The Declarant shall make the Kōʻele golf course available for play to Lānaʻi residents at a kamaaina rate of 50% of the standard rate, and for Hawaii residents at 60% of the standard rate.	Petitioner has complied with this condition. The Cavendish Golf Course is operating and will continue to operate as free play course to residents of Lānaʻi.  Petitioner's obligation to maintain "free play" on the Cavendish Golf Course is documented in the Unilateral Agreement and Declaration for Conditional Zoning, dated February 28, 1992, by Lanaʻi Resort Partners.
6	2140_6	The Declarant shall irrigate the Kōʻele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.	The Experience at Kōʻele Golf Course closed in 2016.

REF-227

Exhibit "A-3"

Response to LPC Comment #33, letter dated September 29, 2021

Page 4 of 5

Condition Number	Reference Number	Condition	Status
7	2140_7	Declarant shall provide monetary support to E Malama I Na Keiki O Lāna'i (Lāna'i Preschool) to subsidize the cost of its operations for a period of 15 years up to \$250,000.00. Approximately \$47,143.58 has been contributed to the Lāna'i Preschool as of December 31, 1991. The balance of the funds shall be prorated as equally as possible over the balance of the 15 year period from 1992 to 2006, inclusive. In addition, \$25,000.00 shall be distributed over the transition period from 1992 to 1997, inclusive, at \$5,000.00 per year.	The condition requirement beginning in 1992, for a period of 15 years, expired in 2007, prior to Appliant ownership.
8	2140_8	The Declarant shall comply with the environmental health concerns addressed in Exhibit "B" attached hereto and incorporated herein by reference, entitled "Twelve (12) Conditions Applicable to All New Golf Course Development", dated January 1992 (Version 4), issued by the State Department of Health. Copies of all reports that are sent to the Department of Health by Declarant shall also be sent to the County Council, the directors of the Department of Planning and the Department of Public Works.	The Experience at Kō'ele Golf Course closed in 2016.

REF-228

Condition Number	Reference Number	Condition	Status
9	2140_9	<p>Declarant shall a) build a by-pass road, similar in concept to the road as shown in the Lānaʻi Community Plan, Exhibit E, adopted April 5, 1983, in conformance with the standards of the County, as approved by the Director of Public Works, and b) dedicate, in fee simple absolute, free and clear of all mortgage and lien encumbrances, the constructed by-pass road to the County, at no cost to the County, within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Kōʻele Project District is reached; provided, however, that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two years of reaching 50% occupancy) in and around Lānaʻi City is not determined to be operationally substandard under the level of rating criteria of the American Association of State Highway and Transportation Officials.</p>	<p>Condition 9 requires a bypass road to be built within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Kōʻele Project District is reached.</p> <p>This also has a codicil that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two (2) years of reaching fifty percent (50%) occupancy) in and around Lānaʻi City is not determined to be operationally substandard.</p> <p>The total number of units approved for Kōʻele Project District is 255 single family units and 100 multi-family units, for a total of 355 units. The trigger to build a by-pass road is 50% of 355, which is 178 units completed.</p> <p>As of May 2021 when the Applicant submitted the subject application, there were eighteen (18) single-family units and thirty-three (33) multi-family units completed in the Kōʻele Project District. A total of 51 units, which is only 14% (much lower than the 50% trigger).</p>
10	2140_10	<p>Declarant shall defer construction of any single family and multifamily dwellings in that parcel of land located at Kōʻele, Lānaʻi, Hawaii, containing approximately 67.908 acres and identified as Parcel B in Exhibit 1 of this Unilateral Agreement and Declaration for Conditional Zoning, until such time as a social impact study is completed and submitted to the County Council for review.</p>	<p>The Petitioner has complied with this condition. The Social Impact Study was completed and submitted in 1992.</p>

REF-229

## Supporting Documentation for Exhibit "A-3"

### Note:

At the top of the page in a red box, this is the reference number for the condition is listed

Example:

**2140\_1**

Ordinance #\_condition #

Ordinance 2140\_Condition 1



**Parcel Information**

Parcel Number 490020580000  
 Location Address AWALUA AVE  
 LANAI HI 96763  
 Neighborhood Code 4962-5  
 Legal Information  
 Land Area 115 Acres  
 Parcel Note Non taxable

[View Map](#)

**Owner Information**

Owner Names  
 COUNTY OF MAUI Fee Owner

Mailing Address  
[COUNTY OF MAUI](#)

**Assessment Information**

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	AGRICULTURAL	\$803,200	\$0	\$803,200	\$0	\$803,200	\$803,200	\$0

[How to calculate real property taxes](#)

**Sales Information**

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
1/19/1999	\$0	0000000000						
1/9/1999	\$0	0000000000						
10/27/1998	\$0	0000000000	Fee conveyance			11/13/1998	2499792	521026
10/27/1998	\$0	0000000000	Fee conveyance			11/13/1998	2499793	521027

**Recent Sales In Area**

Sale date range:

From: 10/08/2018 To: 10/08/2021

Sales by Neighborhood

1500 Feet

REF-231

## Generate Owner List by Radius

Distance:

Use Address From:

 Owner  Property

Select export file format:

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

- Show All Owners  
 Show Parcel ID on Label

Skip Labels

**No data available for the following modules:** Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

[Last Data Upload: 10/7/2021, 11:36:23 PM](#)

Developed by  
 Schneider  
GEOSPATIAL

Version 2.3.151

REF-232

2140\_3

# Resolution

No. 95-57 Introduced By WAYNE K. NISHIKI Councilmember

## ACCEPTING DEDICATION OF LAND PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, DOLE FOOD COMPANY, INC., a Hawaii corporation (hereinafter "DOLE"), is the owner of certain land situate on the Island of Lanai, which DOLE recently subdivided into a one (1) acre parcel of land identified by its tax map key number (2) 4-9-02:portion of 1, as more particularly described in the legal description attached hereto as Exhibit "A" and made a part hereof, and shown as "Lot 48" on the Land Court Consolidation map attached hereto as Exhibit "B" and made a part hereof (hereinafter "Parcel"); and

WHEREAS, DOLE wishes to make a charitable contribution by conveying the Parcel to the County of Maui for public purposes in that the Parcel shall be used for a veteran's cemetery and related purposes, pursuant to Chapter 13.20 of the Maui County Code, as it may be amended from time to time; and

WHEREAS, pursuant to Maui County Code Section 3.44.015.C., the County Council may accept gifts or donations of real property or any interest in real property by the passage of a resolution, approved by a majority of its members; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby accepts the Parcel, as described in Exhibit "A" and shown in Exhibit "B", attached hereto and made a part hereof, to be dedicated by DOLE to the County of Maui for

Resolution No. 95-57

public purposes in that the Parcel shall be used for a veteran's cemetery and related purposes, pursuant to Chapter 13.20 of the Maui County Code, as it may be amended from time to time; and

2. That it does hereby authorize the Mayor of the County of Maui to execute all necessary documents in connection with the acceptance of said dedication; and

3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui and to Dole Food Company, Inc.

APPROVED AS TO FORM AND LEGALITY:

LILLIAN B. KOLLER  
Deputy Corporation Counsel  
County of Maui  
c:\ms0\dole(syc)

COUNCIL OF THE COUNTY OF MAUI  
WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 19th day of May, 1995 by the following vote:

MEMBERS	ALICE L. LEE Chair	PATRICK S. KAWANO Vice-Chair	JAMES "MO" APANA	ALLI APAAKAWA	SOI P. KAHOOHALAKALA	ROBERT M. MONDEN	THOMAS P. MORROW	DENNIS Y. NAKAMURA	WAYNE K. NISHIKI
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye	Aye

[Empty box for stamp or signature]

COUNTY CLERK

AUG 04 '98 04:02PM CASTL COOKE EXEC 828 5482975

P.12/14

**EXHIBIT A**

THAT certain parcel of land situate on the Island of Lanai, County of Maui, State of Hawaii, more particularly described as Lot 48, area 1.000 acre, as shown on Map 9 of Land Court Consolidation No. 170 and being a portion of the lands described in Transfer Certificate of Title No. 324345.

SUBJECT, HOWEVER, to the following:

1. Subdivision Agreement (Large Lot), dated June 8, 1988, by and between Castle & Cooke, Inc. and County of Maui, filed as Document No. 1558116.
2. Subdivision Agreement (Large Lot), dated December 28, 1988, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633943.
3. Subdivision Agreement (Three Lots or Less), dated April 26, 1989, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633944.
4. Subdivision Agreement (Large Lot), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2025213.
5. Subdivision Agreement (Agricultural Use), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2070238.
6. Hold Harmless Agreement dated May 24, 1994, by and between the County of Maui, Lanai Resort Partners, as Developer, and Dole Food Company, Inc., as Owner, filed in the Bureau of Conveyances as Document No. 94-118691.

**END OF EXHIBIT A**

EXHIBIT " A "

LAND COURT  
STATE OF HAWAII

LAND COURT CONSOLIDATION 170

REVISION OF LOT 47  
AS SHOWN ON MAP B  
AND LOTS 48 AND 49  
OWNED BY LANAI MOBILE

THE STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND COURT

Drawn by: [Name]  
Checked by: [Name]

THIS MAP WAS PREPARED BY [Name] AT THE OFFICE OF THE SURVEYOR, HONOLULU, HAWAII, ON [Date].

Scale: 1" = 100'

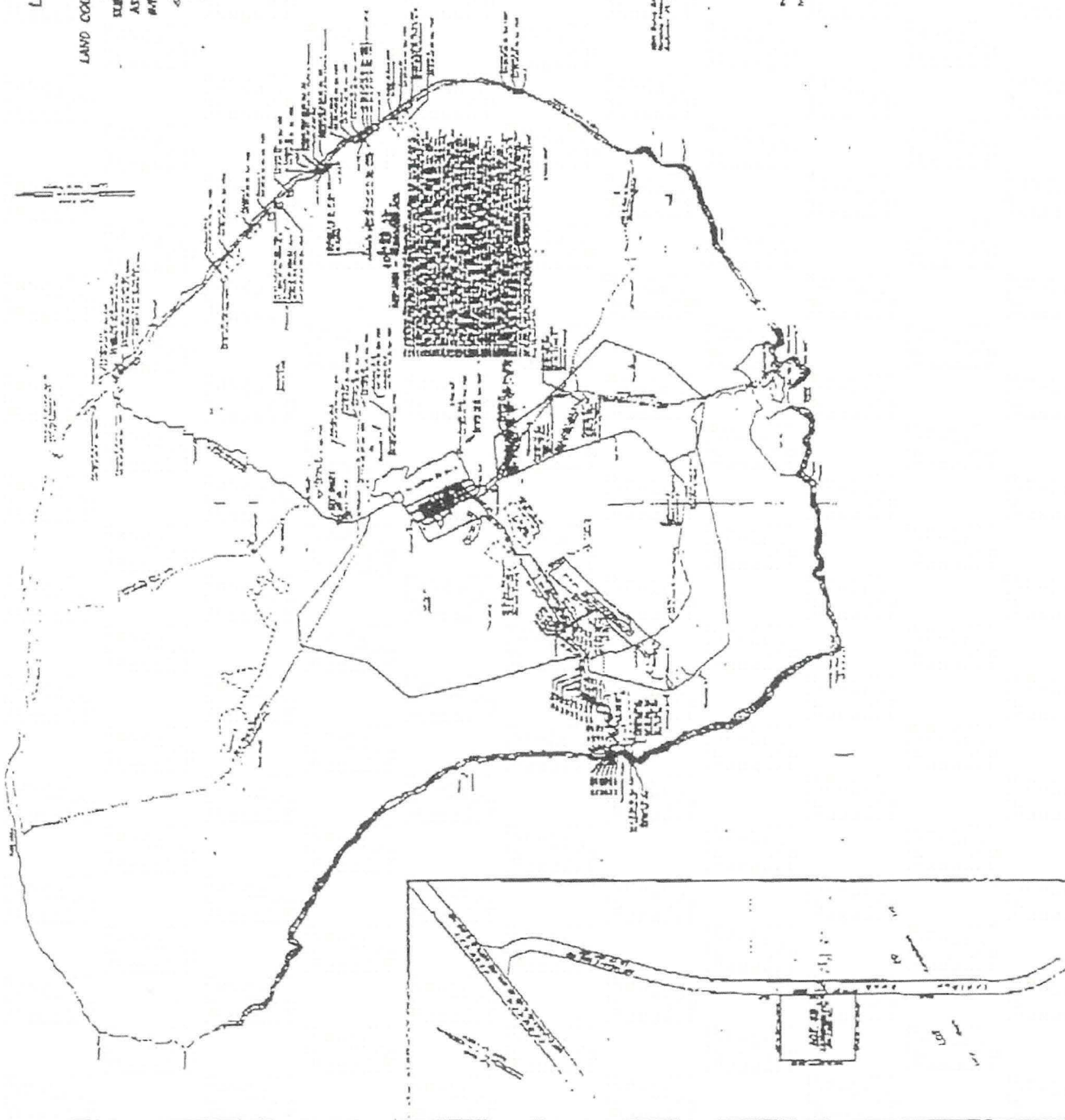


EXHIBIT " B "



**Parcel Information**

Parcel Number 490020510000  
 Location Address LANIOLA RD  
 LANAI HI 96763  
 Neighborhood Code 9911-6  
 Legal Information  
 Land Area 1 Acres  
 Parcel Note Non taxable

[View Map](#)

**Owner Information**

Owner Names  
 COUNTY OF MAUI Fee Owner

Mailing Address  
[COUNTY OF MAUI](#)

**Assessment Information**

[Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	NON-OWNER-OCCUPIED/RESIDENTIAL	\$100	\$0	\$100	\$22,000	\$22,100	\$100	\$22,000

[How to calculate real property taxes](#)

**Improvement Information**

Building Number 10  
 Style Contemporary  
 Year Built 1947  
 Eff Year Built 1975  
 Percent Complete 100%  
 Living Area 1,590  
 Construction Type Frame

Heating/Cooling NONE  
 Exterior Wall FIR/PINE  
 Bedrooms/Full Bath/Half Bath 3/1/0  
 Roof Material Metal shingle  
 Fireplace No  
 Grade 2+  
 Building Value N/A

**Accessory Information**

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
10	GARAGE WOOD/PAVED FLOOR	0x0 1900 / 1	1988	100%	\$23,400

**Sales Information**

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
2/10/1995	\$0	0000000000						
11/14/1994	\$0	0000000000	Fee conveyance			6/7/1995	2241548	457680

REF-237

**Permit Information**

Date	Permit Number	Reason	Permit Amount
4/4/2018	B20180345	Other see notes	\$200,000
4/4/2018	B20180344	Other see notes	\$100,000
4/4/2018	B20180343	Water Tank	\$94,000
4/4/2018	B20180342	Improvement Demolished	\$10,000
4/4/2018	B20180339	Improvement Demolished	\$24,000
12/13/2011	B20111363	Other see notes	\$47,694

[KIVA Permit Site](#)

**Sketches**



**Recent Sales In Area**

Sale date range:

From:  To:

Sales by Neighborhood

Feet

REF-238

## Generate Owner List by Radius

Distance:

Use Address From:

 Owner  Property

Select export file format:

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

 Show All Owners  
 Show Parcel ID on Label

Skip Labels

**No data available for the following modules:** Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Commercial Improvement Information.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: [10/9/2021, 2:29:24 PM](#)

Developed by



Version 2.3.151

REF-239



**Parcel Information**

Parcel Number 490140190000  
 Location Address 855 FRASER AVE  
 LANAI CITY HI 96763  
 Neighborhood Code 4961-3  
 Legal Information LOT 1161 MAP 145 LC APP 862 1.00 AC TOG/ES SUBJ/ES  
 Land Area 1 Acres  
 Parcel Note Non taxable

[View Map](#)

**Owner Information**

Owner Names COUNTY OF MAUI Fee Owner

Mailing Address [COUNTY OF MAUI](#)

**Assessment Information**

[Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	COMMERCIAL	\$653,400	\$0	\$653,400	\$2,659,500	\$3,312,900	\$3,312,900	\$0

[How to calculate real property taxes](#)

**Commercial Improvement Information**

Building Number 1  
 Building Type POLICE STATION  
 Year Built 2003  
 Eff Year Built  
 % Complete 100%  
 Building Square Footage 6,868  
 Value \$2,616,900

Section	Floor #	Area	Perimeter	Occupancy	Wall Height	Exterior Wall	Rank	Building Class
1	01	6868	368	Office Building	10		3.2	Masonry Bearing Walls s1 p7

**Other Features**

Section	Structure	Measure 1	Measure 2	Stops
1	MASONRY UTILITY BLDG	240	1	0
1	PORCH, CEIL- RECESSED	128	1	0

**Accessory Information**

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
1	MASONRY UTILITY SHED	0x0 342 / 1	2003	100%	\$21,657
1	CARPORT OPEN ASPH/CONC FLOOR	0x0 1444 / 1	2003	100%	\$25,891
1	GARAGE HOL-TILE/PAVED FLOOR	0x0 459 / 1	2003	100%	\$16,946

**Sales Information**

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
8/30/2002	\$0		Fee conveyance		Deed	10/15/2002	2850540	625345
5/11/2001	\$0		Mapping		Land Court	5/11/2001		

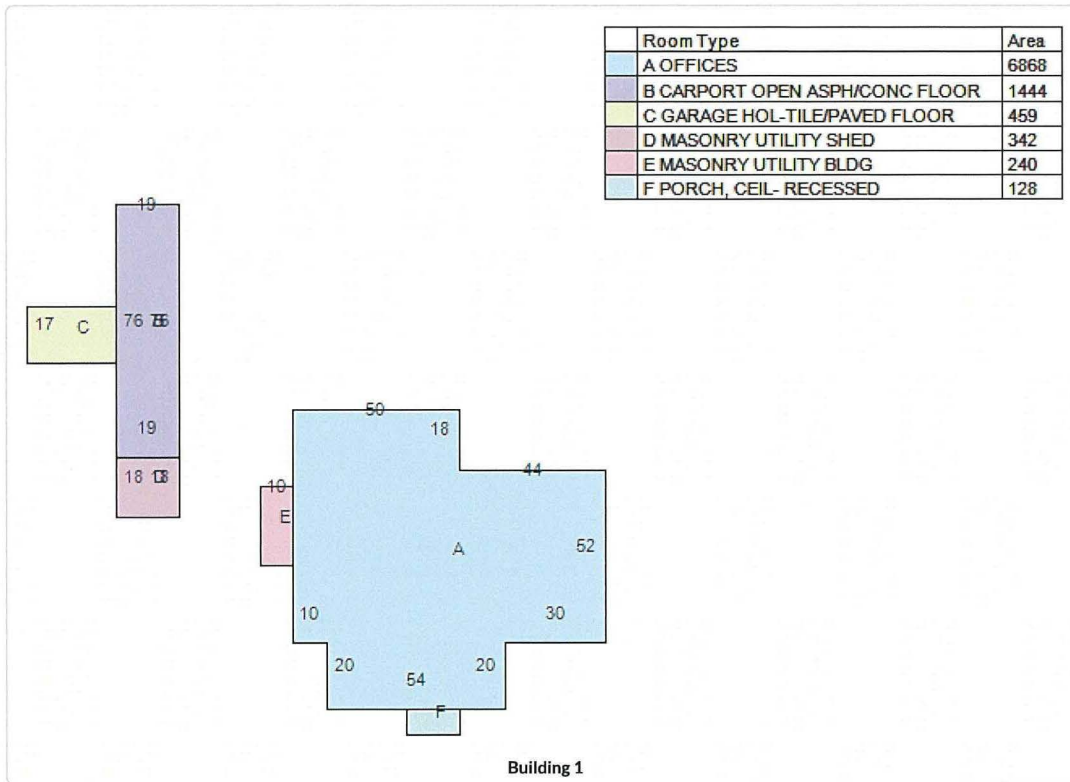
REF-240

### Permit Information

Date	Permit Number	Reason	Permit Amount
8/27/2003	200331718	Garage	\$100,000
8/27/2003	20031717	New commercial bldg	\$3,900,000

[KIVA Permit Site](#)

### Sketches



### Recent Sales In Area

Sale date range:

From: 10/08/2018 To: 10/08/2021

Sales by Neighborhood

1500

Feet



Sales by Distance

REF-241

## Generate Owner List by Radius

Distance:

100

Feet



Use Address From:

Owner  Property

Select export file format:

Address labels (5160)



International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xls, csv or tab download formats.

Download

Show All Owners

Show Parcel ID on Label

Skip Labels

0

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: [10/7/2021, 11:36:23 PM](#)

Developed by



Version 2.3.151

REF-242

R-728

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

APR 08, 1992 / 11:25 AM

Doc No(s) 92-052311

/s/ S. FURUKAWA  
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$0.00

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( X ) Pickup ( ) To:  
Office of the County Clerk  
County of Maui  
200 So. High Street  
Wailuku, Hawaii 96793

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, made this 28<sup>th</sup> day of  
February, 1992, by LANAI RESORT PARTNERS, a  
California general partnership, whose business and mailing  
address is 650 Iwilei Street, Honolulu, Hawaii 96803,  
hereinafter referred to as "Declarant", and who is the  
developer of that certain parcel located at Koale, Lanai,  
Hawaii, comprised of approximately 153.555 acres, and  
identified for real property tax purposes by Tax Map Key Nos.  
4-9-01:02 and 4-9-02:01 (portion), hereinafter referred to as  
the "Parcel".

W I T N E S S E T H:

WHEREAS, the Council of the County of Maui, State of  
Hawaii, hereinafter referred to as "Council", is considering

*Koale*

the establishment of PD-L/2 (Koele) Project District zoning for the Parcel, comprised of approximately 153.555 acres and which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in Land Zoning Map No. 2608, which is on file in the Office of the County Clerk of the County of Maui; and

WHEREAS, the Council recommends through its Planning and Economic Development Committee, Committee Report No. 92-81, that said establishment of zoning be approved for passage on first reading subject to certain conditions pursuant to Section 19.510.050, Maui County Code; and

WHEREAS, Declarant has agreed to execute this instrument pursuant to the conditional zoning provisions of Section 19.510.050, Maui County Code.

NOW, THEREFORE, the Declarant hereby makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.510.050, Maui County Code, relating to conditional zoning.
2. That the Parcel, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions contained herein and that all of such covenants, conditions and restrictions shall be effective as to and shall run with the land as to the Parcel from and after the

recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, as the case may be, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign, as the case may be, of any of them, that the acquisition of any right, title or interest in or with respect to the Parcel by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities, and that upon any transfer of any right, title or interest in or with respect to the Parcel the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform, all of the covenants, conditions and restrictions of this Declaration;

3. This Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the same is released as to the Parcel or any part thereof by the County;

4. The term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine

or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of PD-L/2 (Koele) Project District Zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii, as the case may be;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said

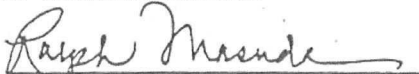
land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

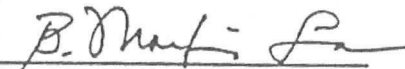
DECLARANT:

LANAI RESORT PARTNERS

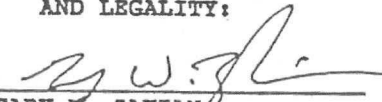
By LANAI COMPANY, INC.  
Its General Partner

By   
RALPH MASUDA  
Its Vice President

APPROVED AS TO FORM:

  
B. MARTIN LUNA  
Attorney for Declarant

APPROVED AS TO FORM  
AND LEGALITY:

  
GARY W. ZAKIAN  
Deputy Corporation Counsel  
County of Maui

STATE OF HAWAII                    )  
  )  
COUNTY OF MAUI                    )    SS.

On this 28<sup>th</sup> day of February, 1992, before me appeared RALPH MASUDA, to me personally known, who, being by me duly sworn, did say that he is the Vice President of LANAI COMPANY, INC., a Hawaii corporation, the general partner of LANAI RESORT PARTNERS, a California general partnership, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation, as general partner of said partnership.

Maui E. Ahwan  
Notary Public, State of Hawaii

My commission expires: 4-24-95

037/4389H

DESCRIPTION

Parcel A

Being a portion of Lot 9 as shown on Map 1  
of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 2,695.51 feet South and 4,644.04 feet East, thence running by azimuths measured clockwise from True South:

1. Along Lot 2 as shown on Map 1 of Land Court Consolidation 170, on a curve to the left with a radius of 320.00 feet, the chord azimuth and distance being:  
122° 11' 22" 219.83 feet;
2. 102° 06' 732.28 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
3. 67° 00' 1,049.60 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
4. 123° 30' 930.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
5. 167° 14' 55" 1,698.62 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
6. 227° 55' 235.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
7. 261° 10' 165.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
8. 300° 30' 720.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

-1-

EXHIBIT "1"

REF-249

- |     |              |  |
|-----|--------------|--|
| 9.  | 273° 10'     | 200.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 10. | 256° 40'     | 340.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 11. | 293° 50'     | 210.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 12. | 328° 00'     | 1,065.08 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 13. | 316° 50'     | 471.99 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 14. | 322° 16' 44" | 736.97 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170 to the point of beginning and containing an Area of 85.647 Acres. |

680 Ala Moana Boulevard  
Suite 200  
Honolulu, Hawaii 96813

December 27, 1989



BELT COLLINS & ASSOCIATES

*Robert W. Cunningham*  
Registered Professional Surveyor  
Certificate Number 4188

*Partial parcel - 1/2  
63.526  
4.232  
6.7*

DESCRIPTION

Parcel B

Being a portion of Lot 9 as shown on Map 1  
of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 4,124.97 feet South and 3,218.41 feet East, thence running by azimuths measured clockwise from True South:

- |    |          |   |
|----|----------|---|
| 1. | 257° 10' | 330.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;                    |
| 2. | 330° 00' | 155.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 3. | 314° 55' | 430.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 4. | 332° 55' | 1,800.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170; |
| 5. | 346° 55' | 905.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 6. | 326° 20' | 487.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 7. | 313° 25' | 530.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 8. | 336° 35' | 180.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 9. | 347° 50' | 350.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |

- |     |          |   |
|-----|----------|---|
| 10. | 311° 45' | 240.34 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 11. | 48° 49'  | 823.54 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 12. | 147° 00' | 1,334.75 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 13. | 162° 00' | 1,200.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 14. | 170° 40' | 1,480.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 15. | 136° 30' | 585.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 16. | 152° 30' | 585.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170 to the point of beginning and containing an Area of 67.908 Acres. |

680 Ala Moana Boulevard  
First Floor  
Honolulu, Hawaii 96813

January 10, 1992



BELT COLLINS & ASSOCIATES

*Robert W. Cunningham*  
Registered Professional Surveyor  
Certificate Number 4188

EXHIBIT "2" (KOELE)

Conditions

Pursuant to Section 19.510.050 of the Maui County Code, the zoning established for the parcels of land shall be subject to the following conditions:

\*1. The Declarant will establish a loan fund of \$1,000,000.00 to be administered and managed by the Bank of Hawaii, in consultation with Lanai Resort Partners for the purpose of assisting current Lanai City merchants with improvements of their commercial facilities. Loans will be made available to the merchants from the date of the Unilateral Agreement and for a minimum of 10 years thereafter, at an annual rate of 2% per annum below the Bank of Hawaii's prevailing commercial loan rate for similar type loans. Also, the loan qualifications and pay back methods shall not exceed those required by the Bank of Hawaii for their commercial loans. Written notice that the loan fund of \$1,000,000.00 is available for disbursement to qualified Lanai City merchants shall be given by Bank of Hawaii to said merchants, the Mayor of the County of Maui and the Chairperson of the County Council and the Chairperson of the Planning and Economic Development Committee. Written notice of the expiration of the loan fund shall be given to the above-named persons one (1) year prior to such expiration.

\*2. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, 115 acres of land adjacent to the Lower Waialua Single Family site to the County as shown in Exhibit "A" (shaded area) attached hereto and by reference made a part hereof, for an affordable housing project. The project shall be similar in design quality and density to the recent affordable housing developments on Lanai.

\*3. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, a minimum of one acre of land on Lanai to the County for use as a veteran's cemetery.

\*4. The Declarant shall consummate a land exchange with the County for a new police station upon terms and conditions acceptable to Declarant and the County.

5. The Declarant shall preserve in perpetuity the tradition of permitting free play on the Cavendish golf course

for Lanai residents and shall continue maintaining said golf course. The Declarant shall make the Koele golf course available for play to Lanai residents at a kamaaina rate of 50% of the standard rate, and for Hawaii residents at 60% of the standard rate.

6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.

7. Declarant shall provide monetary support to E Malama I Na Keiki O Lanai (Lanai Preschool) to subsidize the cost of its operations for a period of 15 years up to \$250,000.00. Approximately \$47,143.58 has been contributed to the Lanai Preschool as of December 31, 1991. The balance of the funds shall be prorated as equally as possible over the balance of the 15 year period from 1992 to 2006, inclusive. In addition, \$25,000.00 shall be distributed over the transition period from 1992 to 1997, inclusive, at \$5,000.00 per year.

8. The Declarant shall comply with the environmental health concerns addressed in Exhibit "B" attached hereto and incorporated herein by reference, entitled "Twelve (12) Conditions Applicable to All New Golf Course Development", dated January 1992 (Version 4), issued by the State Department of Health. Copies of all reports that are sent to the Department of Health by Declarant shall also be sent to the County Council, the directors of the Department of Planning and the Department of Public Works.

9. Declarant shall a) build a by-pass road, similar in concept to the road as shown in the Lanai Community Plan, Exhibit E, adopted April 5, 1983, in conformance with the standards of the County, as approved by the Director of Public Works, and b) dedicate, in fee simple absolute, free and clear of all mortgage and lien encumbrances, the constructed by-pass road to the County, at no cost to the County, within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Koele Project District is reached; provided, however, that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two years of reaching 50% occupancy) in and around Lanai City is not determined to be operationally substandard under the level of rating criteria of the American Association of State Highway and Transportation Officials.

10. Declarant shall defer construction of any single family and multifamily dwellings in that parcel of land located at Koele, Lanai, Hawaii, containing approximately 67.908 acres and identified as Parcel B in Exhibit 1 of this Unilateral Agreement and Declaration for Conditional Zoning, until such time as a social impact study is completed and submitted to the County Council for review.

\*Asterisked conditions are contained in the Unilateral Agreement for the Manele rezoning application as well. Fulfillment of these conditions shall satisfy the requirements in both the Manele rezoning application and this Koele rezoning application.

4389/2H

- LAND USE
- [H] HOTEL
  - [R] RESIDENTIAL
  - [P] PARK
  - [O] OPEN SPACE
  - [C] PUBLIC
  - [K] COMMERCIAL

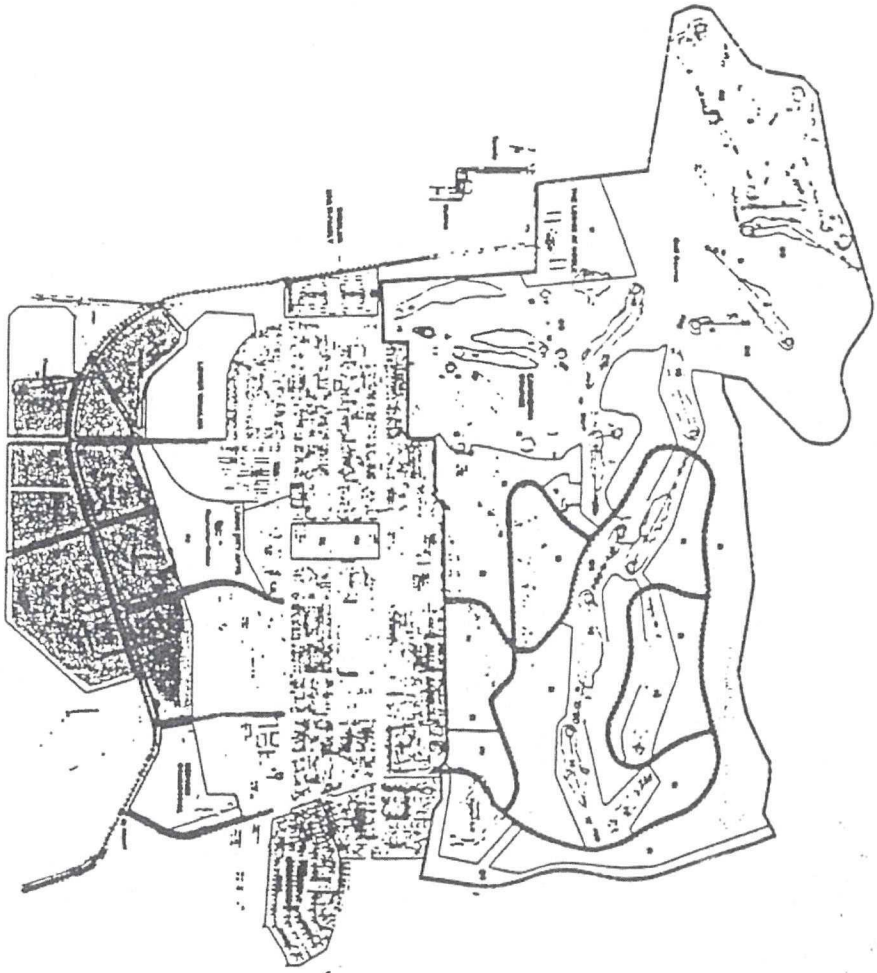


EXHIBIT "A"

LANAI CITY AND  
 KOELE PROJECT DISTRICT  
 LAND USE PLAN  
 Prepared by Lane Co.  
 Prepared by: Rex Cabert & Associates  
 February 8, 1961

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY  
 in this Document when received.



STATE OF HAWAII  
DEPARTMENT OF HEALTH

January, 1992 (Version 4)

TWELVE (12) CONDITIONS APPLICABLE TO ALL NEW GOLF COURSE DEVELOPMENT

The following conditions are recommended for all new golf course development in Hawaii to assure that environmental quality is preserved and enhanced as it relates to human health and the protection of sensitive ecosystems. Additional conditions may be imposed based on site-specific considerations.

1. Baseline groundwater/vadose zone and/or, if appropriate, coastal water quality shall be established. Once the sampling plan has been determined and approved by the State Department of Health, the owner/developer shall establish the baseline groundwater/vadose zone water quality, and, if appropriate, nearshore water quality, and report the findings to the State Department of Health. Analyses shall be done by a laboratory approved by the Department of Health.
2. The owner/developer and all subsequent owners shall establish a groundwater monitoring plan and system which shall be presented to the State Department of Health for its approval. The groundwater monitoring plan and system shall minimally describe the following components:
  - a. A monitoring system tailored to fit site conditions and circumstances. The system shall include, and not be limited to, the use of monitoring wells, lysimeters, and vadose zone monitoring technologies. If monitoring wells are used, the monitoring wells shall generally extend 10 to 15 feet below the water table.
  - b. A routine groundwater monitoring schedule of at least once every six (6) months, or more frequently, if required by the State Department of Health in the event that the monitoring data indicates a need for more frequent monitoring.
  - c. A list of compounds which shall be tested for as agreed to by the State Department of Health. This list shall include, but not be limited to the following: total dissolved solids; chlorides; PH; nitrogen; phosphorus; and other compounds associated with fertilizers, biocides, or effluent irrigation.

EXHIBIT "B"

REF-257

3. If the data from the monitoring system indicate increased levels of a contaminate that poses, or may pose, a threat to public health and the environment, the State Department of Health shall require the owner to take immediate action to stop the source of contamination. Subsequently, the owner shall mitigate any adverse effects caused by the contamination.
4. Owner/developer shall provide sewage disposal for the clubhouse and other facilities by connecting to the public sewer system or by means of a treatment individual wastewater system approved by the Department of Health in conformance with Administrative Rules, Title 11, Chapter 62, Wastewater Treatment Systems. The use of wastewater for irrigation will be generally encouraged, with appropriate controls (see Condition 5).
5. If a wastewater treatment works with effluent reuse becomes the choice of wastewater disposal, then the owner/developer, and all subsequent owners, shall develop and adhere to a Wastewater Reuse Plan which shall incorporate the provisions of the Department of Health's Guidelines for the Use of Reclaimed Water which includes:
  - a. An Irrigation Plan encompassing buffer distances, pipe and appurtenance placement, and labeling.
  - b. An Engineering Report encompassing treatment options and treatment levels.
  - c. Hydro-geologic and hydrologic surveys to determine application rates, sizing and storage needs.
  - d. A monitoring plan.
  - e. A management plan.
  - f. Public and employee education plans.
6. Underground storage tanks (USTs) used to store petroleum products for fueling golf carts, maintenance vehicles, and emergency power generators that pose potential risk to groundwater shall be discouraged. Use of electric golf carts and above-ground storage tanks for emergency power generators shall be encouraged.

Should the owner/developer/operator plan to install USTs that contain or other regulated substances, the owner/developer/operator must comply with the federal UST technical and financial responsibility requirements set forth in Title 40 of the Code of Federal Regulations Part 280. These federal rules require, among other things, owners and operators of USTs to meet specific requirements in release detection and response, and subsequent corrective action. Also, the owner/developer/operator must comply with all State UST rules and regulations pursuant to the Hawaii Revised Statutes, Chapter 342-L, Underground Storage Tanks.

RECORDER'S MEMO:

Legibility of Writing, I  
In this document when recd.

or printing UNSATISFACTORY

7. Buildings designed to house the fertilizer and biocides shall be bermed to a height sufficient to contain a catastrophic leak of all fluid containers. It is also recommended that the floor of this room be made waterproof so that all leaks can be contained within the structure for cleanup.
8. A golf course maintenance plan and program will be established based on "Best Management Practices (BMP)" in regards to utilization of fertilizers and biocides as well as the irrigation schedule. BMP's will be reviewed by the State Department of Health prior to implementation.
9. Every effort shall be made to minimize the amount of noise from golf course maintenance activities. Essential maintenance activities (e.g., mowing of greens and fairways) shall be conducted at times that do not disturb nearby residents.
10. Solid waste shall be managed in a manner that does not create a nuisance. Whenever possible, composting of green wastes for subsequent use as a soil conditioner or mulching material is encouraged. The composting and reuse should be confined to the golf course property to eliminate the necessity for offsite transport of the raw or processed material.  
In addition, during construction, the developer should utilize locally-produced compost and soil amendments whenever available.
11. Fugitive dust shall be controlled during construction in accordance with Hawaii Administrative Rules, Title 11, Chapter 60, Air Pollution Control. Pesticides and other agricultural chemicals should be applied in a manner that precludes the offsite drift of spray material. The State Department of Agriculture should be consulted in this regard.
12. To avoid soil runoff during construction, the developer should consult with the U.S. Department of Agriculture, Soil Conservation Service to assure that best management practices are utilized. If the total project area is five (5) acres or more and the development activities include clearing, grading, and excavation, a National Pollutant Discharge Elimination System (NPDES) stormwater permit application shall be submitted to the Department of Health in accordance with the Federal Clean Water Act requirements.

If there are any questions regarding the twelve (12) conditions mentioned here, please contact the Environmental Planning Office at 586-4337. We appreciate your cooperation in preserving and protecting environmental quality in Hawaii.

REORDER'S MEMO  
REPRODUCTION OF THIS DOCUMENT WHEN RECEIVED  
COPYING, TYPING, OR PRINTING  
UNDESIRABLE

ALAN M. ARAKAWA  
Mayor  
WILLIAM R. SPENCE  
Director  
MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 8, 2016

2016 JUN 9 11  
COUNTY OF MAUI  
DEPT OF PLANNING

COUNTY OF MAUI  
DEPT OF PLANNING - CURRENT

JUN 13 2016

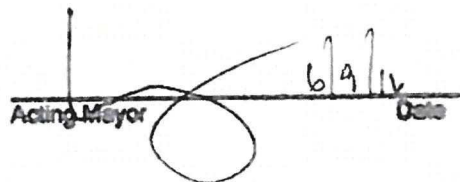
RECEIVED

Honorable Alan Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Riki Hokama  
Council Member  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
Acting Mayor Date

Dear Council Member Hokama:

**SUBJECT: UPDATE REGARDING LĀNA'I PROJECT DISTRICTS  
(RFC 2016/0004)**

The Department of Planning (Department) is in receipt of a request for an update on zoning conditions pertaining to the project districts on Lāna'i. The Department provides the following report.

**EXECUTIVE SUMMARY:** In looking over the reports for the Manele and Koele Project Districts on Lāna'i including State Land Use Commission District Boundary Amendments, Community Plan Amendments, Changes In Zoning, and Special Management Area Major Permits, the Department finds satisfactory compliance reporting when it is required in the permit conditions. Some discretionary permits such as Community Plan Amendments and Changes in Zoning do not have compliance reporting requirements. It appears that Pulama Lāna'i in is compliance with permit conditions; however, there are certain conditions that are driven by performance milestones, such as the number of dwelling units being occupied or prior to ground disturbing activities.

Permits reviewed with past conditions still to be completed include the following conditions. There is an associated location map for reference with each item.

- 1. **Decision & Order from the State Land Use Commission LUC Docket No. A89-649 (Manele Golf Course);** Condition 1 states "Petitioner shall make available to the State at no cost, on a fee simple basis, twenty-five (25) acres of land with no restrictions. Of these twenty-five (25) acres, ten (10) acres shall be in the vicinity of Lāna'i City and fifteen (15) acres may be located at another site

Honorable Alan Arakawa, Mayor  
For Transmittal to  
Honorable Council Member Riki Hokama  
June 8, 2016  
Page 2

both agreeable to the Office of State Planning. Development on these sites shall be at a density comparable to existing developments in Lānaʻi City. Prior to development on the land, the State shall gain approval of Petitioner as to the conformity and harmony of the exterior design of the proposed improvements, with neighboring sites and development of Lānaʻi by Petitioner pursuant to its master plan. Should Petitioner withhold approval, the State may submit the matter to binding arbitration. If the land or so much thereof is not utilized within a ten-year period, the unutilized portion shall revert back to the Petitioner.”

NOTE: While there is an Agreement to Convey these properties dated June 28, 1994, the State of Hawaiʻi has not accepted the dedications due to lack of appropriations; however, it is the Department’s understanding that the State is still interested in accepting them. Department of Hawaiian Home Lands (DHHL) has requested the lands from Department of Land and Natural Resources (DLNR); however transfer has not been made.

2. **A Bill for an Ordinance Pertaining to the PD-L/1 Project District Situated at Manele, Lanai, Hawaii, Ordinance 2743 with a December 22, 1998 effective date;** This ordinance rezoned Puʻupehe Peninsula as open space for public use with no dwellings permitted except for cultural or archaeological structures. Further, approximately twenty-five (25) acres of Multi-Family were to be relocated east of Manele Road, and 6.6 acres adjacent to the existing hotel were to be redesignated from Single Family to Hotel without increasing the number of hotel units currently permitted. Condition 4 states: “That a conceptual archaeological preservation interpretation plan, including buffer zones and setbacks, shall be reviewed by the Maui County Cultural Resources Commission and the Lānaʻi Archaeology Committee, before the Phase 2 Project District approval.”

NOTE: As work in this project area is still pending; such an archaeological resource management plan for the Puʻupehe Peninsula would be needed at the time that ground disturbing activity is to be commenced.

3. **Manele Golf Course Project District Phase II Development Approval (92/PH2-01), Special Management Area Use Permit (95/SM1-15) approved December 21, 1995, and Maui County Planning Letter dated January 2, 2014, granting a 5-Year Extension (“Extension Letter”) relating to the development of approximately 164 single-family residences and approximately fifty-four (54) multi-family units.**

Honorable Alan Arakawa, Mayor  
For Transmittal to  
Honorable Council Member Riki Hokama  
June 8, 2016  
Page 3

NOTE: Regarding Condition 10 that an archaeological data recovery plan for site 1509 shall be approved by Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) prior to any ground disturbing activating occurring in the vicinity of Site 1509, it is the Department's understanding that no ground disturbing work has occurred, hence the archaeological preservation plan has yet to be completed.

4. **Ordinance 2140 Effective August 13, 1992, establishing zoning in the Koele Project District and Unilateral Agreement and Declaration for Conditional Zoning for Koele Project District dated February 28, 1992, filed as Document No. 92-052311.**

NOTE: Condition 9 requires a bypass road once fifty percent (50%) of the total number of single family and multi-family units specified in the Koele Project District is reached. This also has a codicil that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two (2) years of reaching fifty percent (50%) occupancy) in and around Lāna'i City is not determined to be operationally substandard. The total number of units approved for Koele Project District is 255 single family units and 100 multi-family units, for a total of 355 units. To date, there are thirty-three (33) units completed at Koele. Fifty percent (50%) of Koele dwelling units have not been constructed and occupied; hence fulfillment of this condition is pending a milestone in development.

5. **Decision & Order Land Use Commission Dated August 28, 1991, Docket No. A90-662 (Koele).** By letter dated April 14, 1997, the Petitioner/Owner agreed that at the time 100 residential units (combined for Manele and Koele) are sold, or at the request of the District Engineer, the Seller shall (1) plan, design and construct the channelized intersection of Kaunalapau Highway and Manele Road; (2) dedicate any right-of-way needed for all Manele Road to resolve encroachments and to provide right-of-way for safety improvements and lookouts; and (3) dedicate right-of-way for a proposed realignment of Manele Road at mile post 9.72."

NOTE: The Owner has indicated that 143 units are sold to date. Records indicate that a meeting was held on February 11, 2004, with Maui State Highways Division, R.T. Tanaka, and Cooke, to review project status. Two (2) subdivision maps were approved by the County, but one for the upper five (5) miles was not completed. There is no request from the District Engineer to do this work. In reviewing the Maui State Highways Divisions' Traffic Study records from 1993 to 2014, the peak one hour vehicle count is 154 nearby the corner of

Honorable Alan Arakawa, Mayor  
For Transmittal to  
Honorable Council Member Riki Hokama  
June 8, 2016  
Page 4

Kaunalapau & Manele Roads and at peak count of 141 at Hulopoe and Manele Roads. The United States Department of Transportation (US-DOT) Federal Highway Administration Policy for rural roads would have a count of 470 vehicles in a one hour period which would require changes to the roadway system. Realignment and improvements of Manele Road appear to not be needed nor have been requested by the District Engineer.

6. **Manele Golf Course Project District Phase II Development Approval (92/PH2-03), Special Management Area Use Permit (92/SM1-23) and Planned Development Step 1 Approval.** Archaeological preserve/archaeological site references from Conditions 20.

NOTE: Regarding Condition 20, certain archaeological sites including 1510, 1565, 1569-71, 1573, 1574A, and 1575-1578 need to have a final protection and preservation plan completed and reviewed for compliance by State Historic Preservation Division of the State of Hawai'i. While the record appears to indicate that the Department of Planning in the past has been satisfied with the Owner pursuing preservation plan work, completion of plans is encouraged as soon as possible.

Thank you for the opportunity to respond. Should you have any questions, please transmit them to the Department via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE  
Planning Director

ATTACHMENTS – LOCATION MAPS

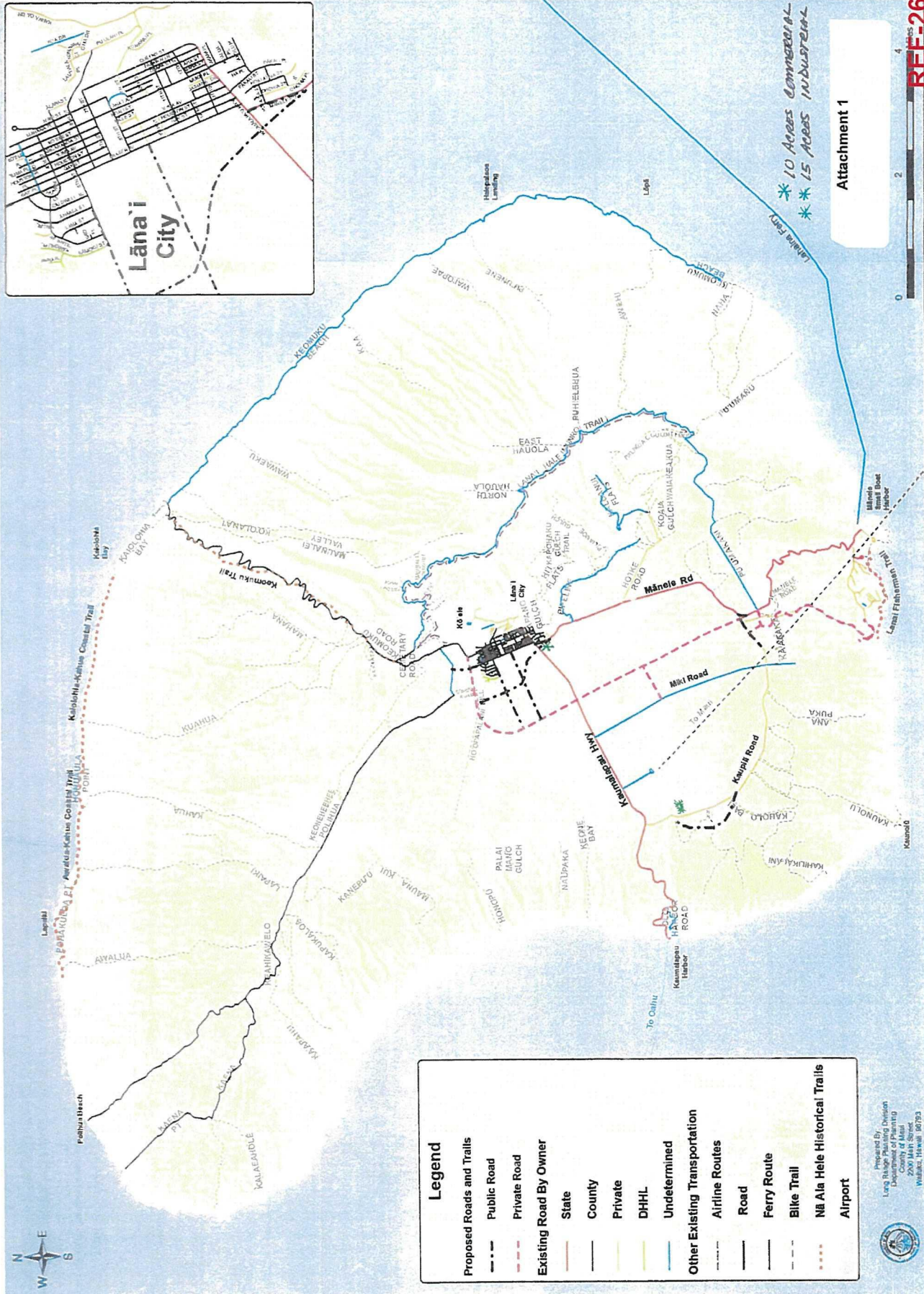
xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)

WRS:KFW:lk

Project File  
General File

K:\WP\_DOCS\PLANNING\RFC\2016\0004\_LanaiProject\Lanai\_Past Conditions Final Response.doc

Map 7.2 Transportation: Existing and Proposed



Attachment 1

REF-264

245

**Legend**

**Proposed Roads and Trails**

- Public Road
- Private Road

**Existing Road By Owner**

- State
- County
- Private
- DHHL
- Undetermined

**Other Existing Transportation**

- Airline Routes
- Road
- Ferry Route
- Bike Trail
- Na Ala Hele Historical Trails
- Airport

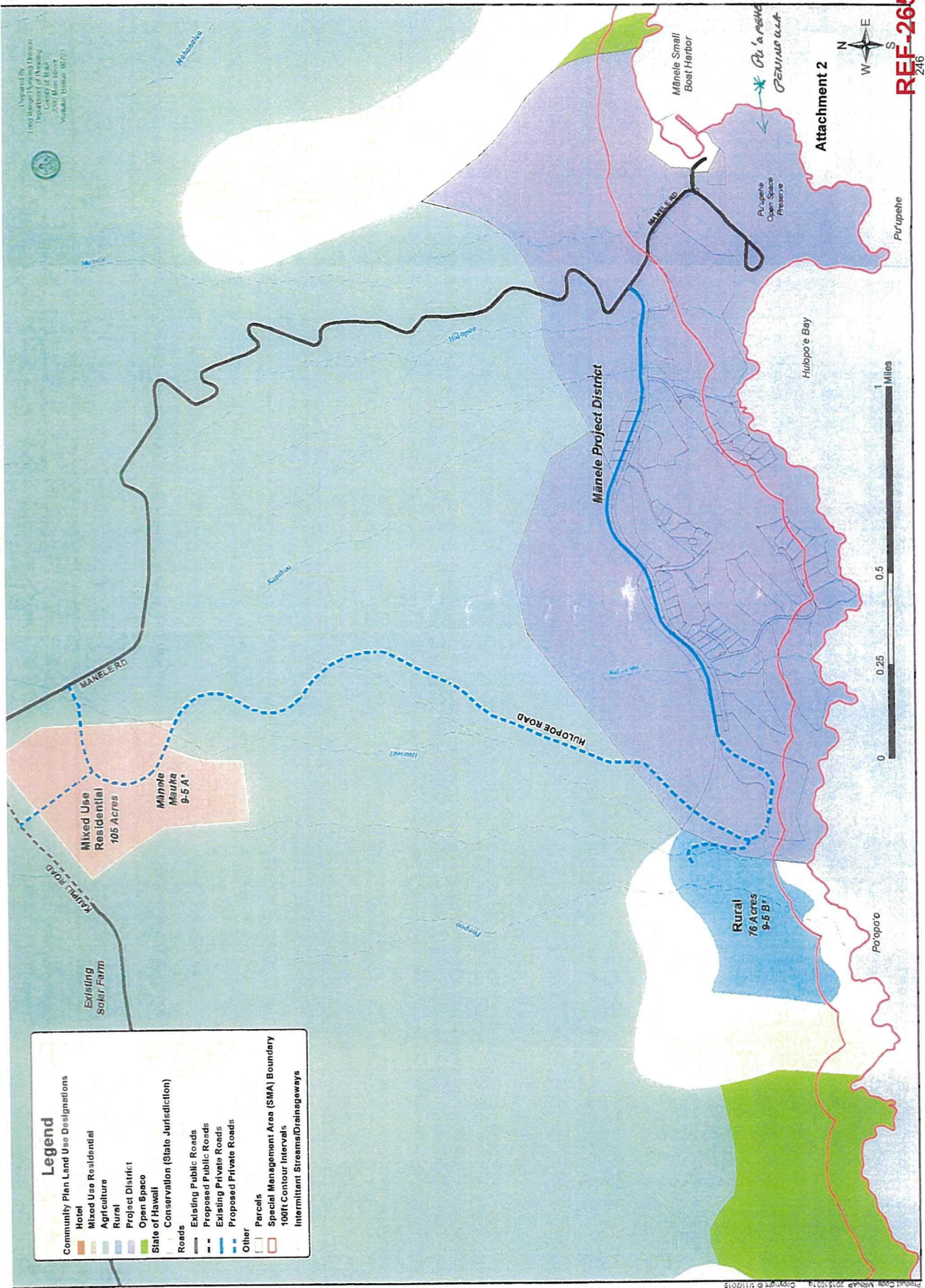
Prepared By: Design  
 Long Beach  
 Department of Planning  
 County of Maui  
 1000 S. Main Street  
 Wailuku, Hawaii 96793



Lana'i Community Plan Update

Map 9.5 Manele Land Use Detail

REF-265  
246

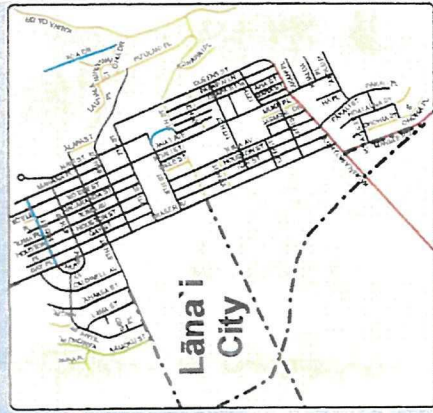
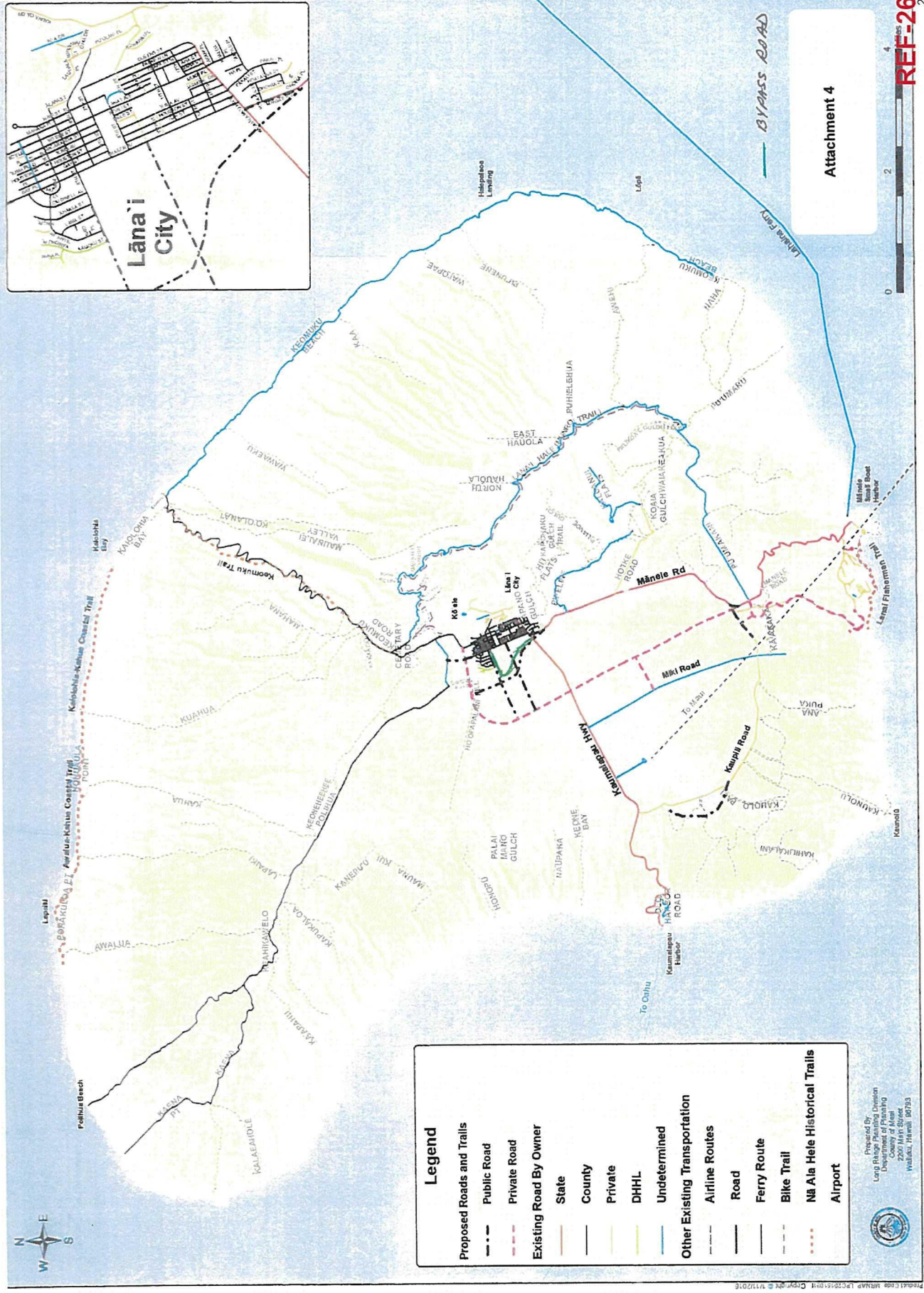


Prepared by  
Lana'i Planning Commission  
Lana'i Community Planning  
2010 Maui County  
Waipahoehoe, Hawaii 96793





Map 7.2 Transportation: Existing and Proposed



**Legend**

- Proposed Roads and Trails**
  - Public Road
  - Private Road
- Existing Road By Owner**
  - State
  - County
  - Private
- Other Existing Transportation**
  - DHHL
  - Undetermined
  - Airline Routes
  - Road
  - Ferry Route
  - Bike Trail
  - Na Ala Hele Historical Trails
  - Airport

Prepared By: *Deane*  
 Lucas P. Deane  
 Department of Planning  
 County of Maui  
 2500 Main Street  
 Wailuku, Hawaii 96793



Attachment 4

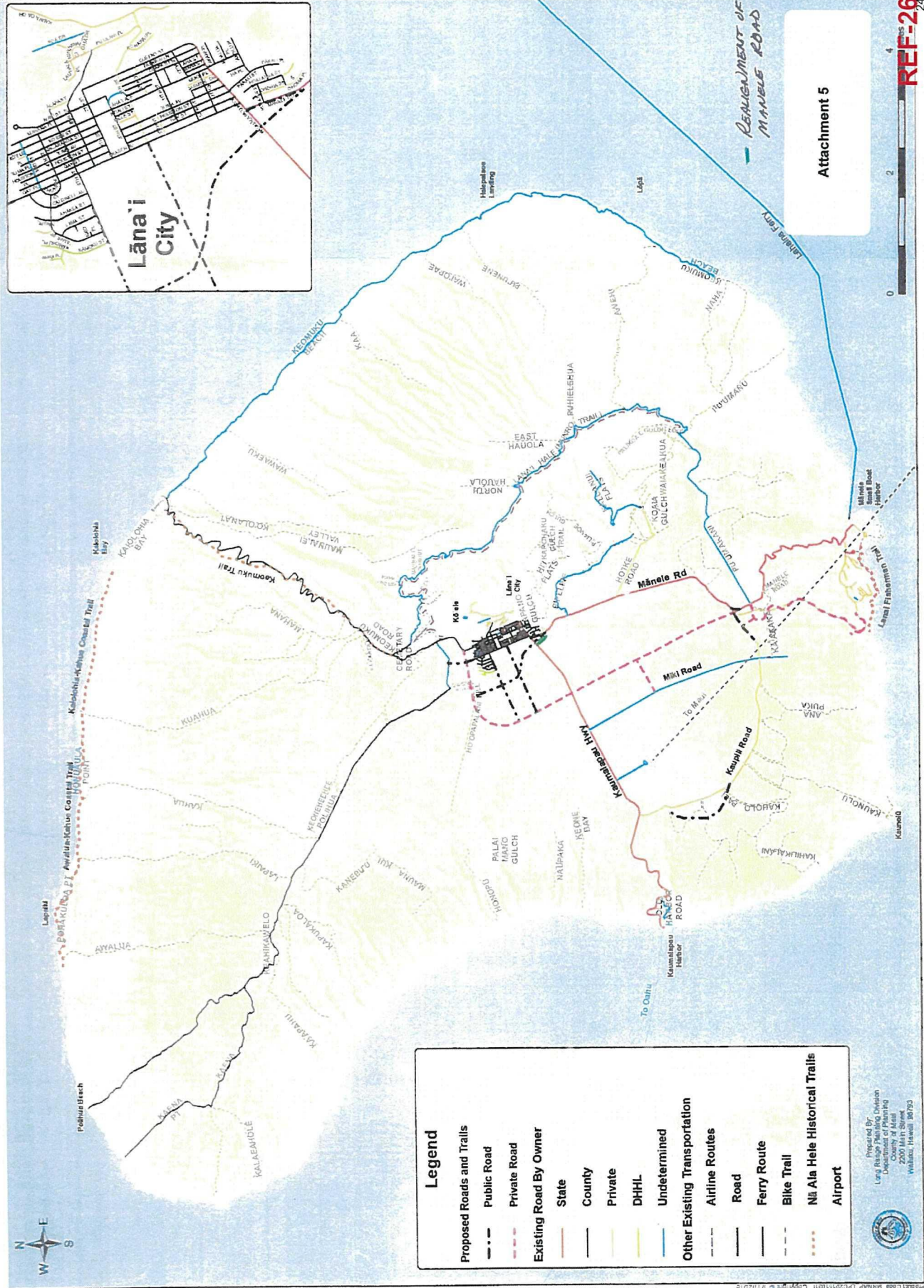


REF-267

Lāna'i Community Plan Update

Map 7.2 Transportation: Existing and Proposed

REF-268  
249



Attachment 5

**Legend**

- Proposed Roads and Trails**
  - Public Road
  - Private Road
- Existing Road By Owner**
  - State
  - County
  - Private
  - DHHIL
  - Undetermined
- Other Existing Transportation**
  - Airline Routes
  - Road
  - Ferry Route
  - Bike Trail
  - Nā Ala Hele Historical Trails
  - Airport

Prepared by:  
Lana'i Planning Division  
Department of Planning  
County of Maui  
100 Waiāhole Avenue  
Waiāhole, Hawaii 96753





- SITES 1570, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578

**KO'ELE RESORT HOUSING**  
**SOCIAL IMPACT**  
**ASSESSMENT**

May 1992

**VOLUME 1: MAIN REPORT**

Prepared for:

Castle & Cooke Properties, Inc.  
Maui County Council  
The Community of Lana'i

Community Resources, Inc. Staff Contributing to This Report:

John M. Knox, Ph.D. (Principal Author)  
Paula Yanagisako (Community Interviews)  
John Kirkpatrick, Ph.D. (Quantitative Estimates)  
Lin F. Wong (Interviews Elsewhere in Hawai'i, Mainland, Caribbean)  
Paul Kiikoro (General Research Assistance)

**KO'ELE RESORT HOUSING  
SOCIAL IMPACT  
ASSESSMENT**

May 1992

**VOLUME 2: APPENDICES**

Prepared for:

**Castle & Cooke Properties, Inc.  
Maui County Council  
The Community of Lana'i**

# EXHIBIT "A-4"

Exhibit "A-4"

Docket A-90-662 Status Report<sup>1</sup>

Condition No.	Reference No.	Condition	Status
1	A90-662_1	"Petitioner shall donate an adequate amount of land to the County of Maui for affordable residential projects to the satisfaction of the Department of Housing and Human Concerns of the County of Maui."	<p>Petitioner has complied with this condition. Petitioner entered into and recorded a Unilateral Agreement and Declaration for Conditional Zoning on February 28, 1992 to establish residential zoning for the Kō'ele Project District. Petitioner agreed to donate to the County of Maui 115 acres of real property for affordable housing, located adjacent to the Lower Waiialua Single Family site, in fee simple, at no cost and free and clear of all mortgages and encumbrances.</p> <p>After the County of Maui and Petitioner identified and agreed upon the precise location of the 115 acres of real property, the County of Maui approved the subdivision of land for the 115 acres (as confirmed by letter, dated June 4, 1998, from County of Maui Department of Public Works and Waste Management to Petitioner) and appropriate petitions were filed with the Land Court of the State of Hawaii to record the subdivision. Following the Land Court's approval of the subdivision, the County of Maui accepted conveyance of 115 acres of Land under two Warranty Deeds with Use Restrictions, both file-dated November 13, 1998, and filed as Land Court Document Nos. 2499792 (102.234 acres) and 2499793 (12.766 acres).</p>

<sup>1</sup> This report is provided annually to the Maui County Department of Planning and filed online at <https://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/completed-dba-maui-county/completed-dba-maui-1990s/completed-dba-maui-1990-to-1993/a90-662-lanai-resort-partners/>

Condition No.	Reference No.	Condition	Status
2	A90-662_2	"Petitioner shall implement a groundwater monitoring program and other measures to prevent groundwater contamination from the development on the Property, in consultation with, and to the satisfaction of, the State Department of Health (DOH)."	<p>Petitioner has complied with this condition. This condition has been implemented and completed to the satisfaction of the DOH, as confirmed by letter, dated February 27, 1995, from DOH regarding "Kō'ele Golf Course Groundwater Monitoring Plan" and by the submission to DOH of the "Monitoring System Construction Report- Kō'ele Golf Course", dated March 1995, by Belt Collins.</p> <p>In a January 13, 2016 letter from the Department of Health (DOH), they have simplified the ground water monitoring requirements whereby the areas for recycled water use are redefined for unrestricted, conditional or restricted in the "Reuse Guidelines, Volume II: Recycled Water Projects, January, 2016." For unrestricted areas there are no requirements to submit monitoring reports to the DOH. The Kō'ele Golf Course on Lāna'ī is in the unrestricted area. Notice of this change was sent on June 6, 2016 to Mr. Riley K. Hakoda, along with the DOH confirming letter that the Kō'ele Golf Course is in the unrestricted area, and would not require any further ground water monitoring.</p>
3	A90-662_3	'Petitioner shall have the project-generated wastewater collected and transported to the Lāna'ī City Wastewater Treatment Facility, and shall also participate in the funding of any expansion or improvements to this treatment facility required by the project-generated wastewater, to the satisfaction of the County of Maui, Department of Public Works, and the State Department of Health."	<p>Petitioner has complied with this condition. Petitioner funded the expansion of the Lāna'ī City Wastewater Treatment Facility (operated by the County of Maui) to accommodate the needs of the Kō'ele residential development (as well as the Kō'ele Golf Course). Wastewater from the present Kō'ele residential development is (and future residential development on the subject Property will be) transported to this facility via a pump station and pipeline installed as part of the Kō'ele residential subdivision.</p>



Condition No.	Reference No.	Condition	Status
4	A90-662_4	"Petitioner shall fund the design and construction of all necessary water facility improvements, including source development, to provide adequate quantities of potable water to service the subject project."	Petitioner has complied with this condition. All necessary water facility improvements, including a new well, pumps, controls and a storage tank, have been completed.
5	A90-662_5	"Petitioner shall submit a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, to the County of Maui, Department of Public Works, for review and approval. This plan shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. The approval of the plan shall be deemed compliance of this condition."	<p>Petitioner has complied with this condition. Petitioner's consultant, Belt Collins &amp; Associates (Hawaii Ltd.), completed and transmitted to the County of Maui-Land Use and Codes Administration, the following reports: (1) Drainage and Soil Erosion Control Study for the Mass Grading for the Villas at Kō'ele, dated March, 1993, (2) Drainage and Soils Erosion Control Study for Kō'ele Residential-Phase I, Package A, dated December 15, 1993, and (3) Drainage and Soils Erosion Control Study for Kō'ele Residential Subdivision-Phase I, Package B, dated December 15, 1993.</p> <p>The preliminary subdivision approval for the Kō'ele Project District required Petitioner to comply with all "regulations within Chapter 19.71" of the Maui County Code, as stated in a letter, dated July 28, 1993, from George N. Kaya, Director of County of Maui Department of Public Works and Waste Management, to Robert W. Cunningham. As evidenced by the County's final subdivision approval, to the extent that Petitioner has commenced or completed construction, Petitioner has satisfied the County's requirements to the satisfaction of the County's Department of Public Works and Waste Management. The subdivision approval is confirmed by letter, dated July 10, 1997, from Charles Jencks, Director of County of Maui Department of Public Works and Waste Management, to E. K. Chong.</p> <p>A drainage master plan for the Kō'ele Project District was completed by Petitioner's consultant, R. M. Towill Corporation, in 2007 and submitted to the County of Maui.</p>

Condition No.	Reference No.	Condition	Status
6	A90-662_6	<p>"Petitioner shall participate in the funding and construction of any transportation improvements necessitated by the proposed project, identified by and to the satisfaction of the County of Maui, Department of Public Works and State Department of Transportation."</p>	<p>To the extent that residential construction has commenced or has been completed, Petitioner has complied with this condition to the satisfaction of both the State of Hawaii and the County of Maui.</p> <p>In its preliminary subdivision approval, the County of Maui stated very specific requirements with respect to roadway and transportation improvements, as indicated in Conditions 6 through 16 and 18, stated in a letter, dated July 28, 1993, from George N. Kaya, Director of County of Maui Department of Public Works and Waste Management, to Robert W. Cunningham, regarding the County of Maui's Preliminary Subdivision Approval. Petitioner complied with these requirements to the satisfaction of the County's Department of Public Works and Waste Management, as confirmed by letter, dated July 10, 1997 from Charles Jencks, Director of County of Maui Department of Public Works and Waste Management, to E. K. Chong, regarding County of Maui's Final Subdivision Approval.</p> <p>Petitioner has also satisfied the requirements of the DOT, as confirmed by letter, dated August 3, 1994, from DOT to Land Use Codes Administration, County of Maui stating that Petitioner has satisfied the requirements of the DOT in connection with the Kō'ele Residential Project District.</p> <p>The DOT and the Petitioner have further agreed on the extent of road improvements necessitated by the combined Kō'ele and Mānele residential projects. By letter agreement, dated April 14, 1997, Petitioner and DOT agreed that at the time that 100 residential units (combined for Mānele Residential and Kō'ele Residential) are sold or at the request of the District Engineer, Petitioner shall (1) "plan, design and construct the channelized intersection at Kaumālapa'u Highway and Mānele Road" and (2) "dedicate any right-of-way needed for all of Mānele Road to resolve encroachments and dedicate right-of-way to provide safety improvements and scenic lookouts" and (3) "dedicate right of way for a proposed realignment of Mānele Road at mile post 9.72." By letter dated July 13, 2000, District Engineer Robert Siarot deferred the intersection improvements</p>

Condition No.	Reference No.	Condition	Status
7	A90-662_7	"Petitioner shall immediately stop work and contact the State Department of Natural Resources, Historic Preservation Division should any previously unidentified archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development."	until traffic improvements are warranted. DOT-Highways reserved the right to require the improvements when deemed necessary. Review of the 1993 to 2014 State traffic counts for the intersection showed that the volume was at 31% of the maximum capacity for Federal Highway Administration Policy for Highway Capacity of Rural Two-Lane Roads, at peak volumes. Petitioner has complied with condition. There have been no findings of previously unidentified archaeological resources to date.

8	A90-662_8	<p>"Petitioner shall provide its' pro rata share for police, fire, park and solid waste disposal as may be required by the proposed project and to the satisfaction of the County of Maui."</p>	<p>Compliance: Petitioner has complied with this condition as follows:          Pro rata share for police: Petitioner agreed to convey to the County of Maui a site for the new police station containing one (1) acre of land. Petitioner subdivided land to create a new one-acre lot (Land Court Lot 1163), and subsequently conveyed Lot 1163 to the County of Maui by Deed filed on October 15, 2002 as Land Court Document No. 2850540. Petitioner also executed in favor of the County of Maui an Agreement to Dedicate Upon Demand affecting Lot 1163 (road widening strip along Ninth Street of the new Lāna'i police station site), filed on October 15, 2002, as Land Court Document Number 2850541.</p> <p>Pro rata share for fire: Petitioner and the County of Maui entered into an Indenture of Lease, dated February 22, 1988, demising a 13,650 square foot parcel, identified for real property tax purposes as Tax Map Key (2) 4-9-014:012, on which the County constructed a fire station. The lease rent is \$1.00 per year and the original term ended in 2021. On June 24, 2021, the lease was amended and extended such that it ends upon the conveyance in fee simple of the Leased Premises pursuant to Maui County Resolution No. 18-208.</p> <p>Pro rata share for park: In coordination with the County of Maui, Petitioner designated a five-acre Kō'ele park site to be owned and maintained by Petitioner for public use, as evidenced by the Amended and Restated Petition for Re-subdivision, file dated March 6, 2001 (Land Court Document 141134), and letter, dated July 21, 2000, addressed to County of Maui Department of Public Works from Belt Collins Hawaii Ltd. This letter transmitted a corrected final map to show that the Kō'ele Park Site is to be owned and maintained by Petitioner as a park for public use.</p> <p>Petitioner and Maui County had planned for Petitioner's dedication of a 4.7 acre park assessed in connection with Kō'ele and Mānele subdivisions. This would provide park credits for a total of 409 residential units in Kō'ele and Mānele. Petitioner also paid to Maui County the aggregate sum of \$700,451.85 as a deposit/security (corresponding to 193 units of park credits), based upon the understanding that when the park was completed, the park fees paid would be returned to Petitioner, leaving a balance of 216 park unit credits to be applied to</p>
---	-----------	---	---

		<p>future development. Petitioner has developed 171 units of the 409 planned, and has received final subdivision approval for an additional 22 units.</p> <p>Petitioner is in discussions with Maui County Parks Department regarding a potential restructuring of the foregoing plans involving County application of a portion of the park fees previously paid as payment in lieu of dedication of park land, and dedication of a park with less acreage. The park would satisfy the park dedication requirements for the remaining 216 units (of the 409 total planned) to be subdivided in the future. Discussions are ongoing.</p> <p>Petitioner donated a 1.024-acre parcel of land for a park located on Fraser Avenue to the County of Maui by Deed filed on September 7, 2000 as Land Court Document No. 2649278.</p> <p>Petitioner donated approximately 2.8 acres of land to the County of Maui for a park located on Kaumālapa‘u Highway and Fraser Avenue by Warranty Deed filed on August 19, 2003 as Land Court Document No. 2978954.</p> <p>Pro rata share for solid waste disposal: By and through a License Agreement dated December 31, 1968, Castle &amp; Cooke, Inc. granted the County of Maui a non-exclusive license to use 10 acres of land "for purposes of a Sanitary Landfill Refuse Disposal operation." For purposes of expanding the landfill site to 35 acres, the State Land Use Commission approved a Special Use Permit on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The current area of the landfill site, as re-subdivided and used by the County (to date without the payment of license fees), is 35.677 acres; being Lot 2 as shown on Map 1 of Land Court consolidation 189 of Castle &amp; Cooke, Inc. Petitioner has also worked with the County of Maui to identify a new landfill site and the County's adopted Lāna'i Community Plan designates the Kaumālapa‘u Quarry as a future County landfill site. This new landfill site is in addition to the expansion of the existing Lāna'i Sanitary Landfill approved by the Commission on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The County of Maui received approval from the Commission for a fifteen</p>
--	--	--

Condition No.	Reference No.	Condition	Status
9	A90-662_9	"Petitioner shall provide its' pro rata share for school facilities as may be required by the proposed project and to the satisfaction of the State Department of Education."	<p>(15) year extension of the current landfill location on November 15, 2015 (LUC Docket No. SP94-386/County of Maui-Lāna'ī Sanitary Landfill). Petitioner is working with the County of Maui to determine whether there are acceptable alternatives to another landfill on Lāna'ī.</p> <p>Compliance: Petitioner has complied with this condition. In the context of Petitioner's Kō'ele Project District Phase 2 Application (which encompasses the Property as part of a larger 153.555-acre Phase II project) to the County of Maui, the State Department of Education ("DOE") stated that the entire Phase II project will have an enrollment impact of 13 students in grades K through 12, as evidenced by letter, dated October 15, 1992, from Charles T. Toguchi, DOE Superintendent, to Brian Miskae, Maui County Planning Director. In that letter, the DOE concluded:</p> <p>"Lāna'ī High and Elementary School should be able to accommodate the students generated from this development. Since the enrollment impact is less than 15 students, the Department of Education will not request that the County require the developer to make a pro rata share contribution for the construction of school facilities."</p> <p>Notwithstanding this conclusion by the DOE, Petitioner has made substantial contributions to Lāna'ī public schools and the DOE. Since 1996, Castle &amp; Cooke as Petitioner contributed either directly or through the Lāna'ī Community Benefit fund-over \$209,000 to Lāna'ī High School; over \$120,000 to Lāna'ī Elementary School (Reading Recovery Program) and \$100,000 to the Maui Chamber of Commerce Tech Ready program. Prior to 1996 contributions were made by Dole Food Company, Inc.. Moreover, Petitioner has donated \$250,000 to E Mālama I Na Keiki O Lāna'ī (Lāna'ī Preschool).</p> <p>Pūlama Lāna'ī has continued these contributions for the Lāna'ī High and Elementary School (LHES) with \$400,000 in 2013, \$550,000 in 2014, \$300,000 in 2015, \$234,000 in 2016, \$246,000 in 2017 and \$210,000 for various other supporting programs.</p>

Condition No.	Reference No.	Condition	Status
10	A90-662_10	"Petitioner shall fund and install the necessary number of emergency siren units within the Property as required for service to the Property to the satisfaction of the State Department of Defense."	<p>In 2018, Pūlama Lānaʻi contributed \$246,000 to UH Maui and funded private college counseling. In 2019, Pūlama Lānaʻi supported LHES with various contributions totaling \$275,000 and continued to provide private college counseling.</p> <p>In 2020, Pūlama Lānaʻi supported LHES and UH Foundation with various contributions totaling \$355,000 and continued to provide private college counseling.</p> <p>Petitioner has complied with this condition. Petitioner has worked with the Hawaii Department of Civil Defense to identify and place an appropriate emergency siren as confirmed by letter, dated August 23, 1994, from Petitioner to Hawaii Department of Civil Defense regarding equipment and site placement and by letter, dated December 8, 1994, from Hawaii Department of Civil Defense to Petitioner regarding recommendations for civil defense sirens. Petitioner worked with the State to relocate and upgrade the emergency siren in light of the State's assessment of needs, as evidenced by the Right of Entry Agreement between Petitioner and the State of Hawaii Department of Civil Defense dated June 24, 2003.</p>

Exhibit "A-4"

Response to LPC Comment #33, letter dated September 29, 2021

Page 10 of 11

Condition No.	Reference No.	Condition	Status
11	A90-662_11	"Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property. Failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification."	<p>Petitioner will develop the property in substantial compliance with the representations made to the Commission. Land use approvals for the development of the Property have been obtained from the County of Maui. Petitioner is further required to apply for project district development approvals for the proposed development. The Maui County Planning Commission approved Phase II of the Project District Development on December 29, 1992. The County of Maui granted approval for Kō'ele Project District Phase III, Supplemental Application for Phase 1 and 2 Villas at Kō'ele, 39 Multi-Family Units; 19 Single Family Units (package A); Reservoir (package B); and other related improvements, TMK: (2) 4-9-001 :021, 024, 025, 027, 030, (2) 4-9-001 (por 1); (2)4-9-019:001,002, Kō'ele, Lāna'i (95/PH3-001). Petitioner received final subdivision approvals for Phase I on October 11, 1994.</p> <p>In early 2020, Pūlama Lāna'i received a Phase III Project District Approval for a twenty (20) Multi-Family Unit Project (Malanai Estates) located on TMK (2) 4-9-021:001, 003, 005, 006, and 011. Construction commenced on the project, however progress was delayed due to COVID-19 travel restrictions. Construction has continued to progress in 2021.</p>
12	A90-662_12	"Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property prior to development of the Property."	<p>Petitioner has complied with this condition. No alteration of ownership or development interest in the Property occurred "prior to development of the Property." As noted above, Petitioner has subsequently undertaken reorganizations in which Lāna'i Company, Inc. became the successor entity to Lāna'i Resort Partners, Castle &amp; Cooke Resorts, LLC became the successor entity to Lāna'i Company, Inc., and Pūlama Lāna'i, most recently, became the successor to Castle &amp; Cooke Resorts, LLC. Petitioner has given the Commission appropriate notice of such changes.</p>

Condition No.	Reference No.	Condition	Status
13	A90-662_13	"Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the Maui County Planning Department in connection with the status of the development of the Property and Petitioner's progress in complying with the conditions imposed."	Petitioner has complied with this condition. Reports have been published annually on the Land Use Commission website: <a href="http://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/completed-dba-maui-county/completed-dba-maui-1990s/completed-dba-maui-1990-to-1993/a90-662-lanai-resort-partners/">http://luc.hawaii.gov/completed-dockets/decision-and-orders-for-boundary-amendments/completed-dba-maui-county/completed-dba-maui-1990s/completed-dba-maui-1990-to-1993/a90-662-lanai-resort-partners/</a> .
14	A90-662_14	The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner."	Status: To date, none of the conditions have been fully or partially released, although Land Use Petitioner does intend to request such a release in the future.
15	A90-662_15	"Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to title 15, Chapter 15, Section 92, Hawaii Administrative Rules."	Petitioner has complied with this condition. Petitioner recorded the Certificate and Authorization dated October 25, 1991 (covering the conditions imposed by the Commission) in the Bureau of Conveyances of the State of Hawaii as Document No. 91-147908 on October 28, 1991.

## Supporting Documentation for Exhibit "A-4"

### Note:

At the top of the page in a red box, this is the reference number for the condition is listed

Example:

**A90-662\_1**

Docket No. \_condition #

Docket No. A90-662\_Condition 1



**Parcel Information**

Parcel Number 490020580000  
 Location Address AWALUA AVE  
 LANAI HI 96763  
 Neighborhood Code 4962-5  
 Legal Information  
 Land Area 115 Acres  
 Parcel Note Non taxable

[View Map](#)

**Owner Information**

Owner Names  
 COUNTY OF MAUI Fee Owner

Mailing Address  
[COUNTY OF MAUI](#)

**Assessment Information**

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	AGRICULTURAL	\$803,200	\$0	\$803,200	\$0	\$803,200	\$803,200	\$0

[How to calculate real property taxes](#)

**Sales Information**

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
1/19/1999	\$0	0000000000				11/13/1998	2499792	521026
1/9/1999	\$0	0000000000				11/13/1998	2499793	521027
10/27/1998	\$0	0000000000	Fee conveyance					
10/27/1998	\$0	0000000000	Fee conveyance					

**Recent Sales In Area**

Sale date range:

From:  To:

**REF-285**

### Generate Owner List by Radius

Distance:

100 Feet 

Use Address From:

Owner  Property

Select export file format:

Address labels (5160) 

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

[Download](#)

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.  
[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: 10/7/2021, 11:36:23 PM

Version 2.3.151

Developed by



DAVID Y. IGE  
GOVERNOR OF HAWAII



A90-662\_2

VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to  
File:

R-108 GWM reports

May 26, 2016

Ms. Lynn P. McCrory  
Senior Vice President of Government Affairs  
Pulama Lanai  
733 Bishop Street, Suite 2000  
Honolulu, Hawaii 96813

Dear Ms. McCrory:

Subject: Discontinuance of Groundwater Monitoring and Report Submittals  
Koele Golf Course, Lanai  
TMK: (2) 2-4-009:182  
File No. R-108

The Department of Health (Department) acknowledges receipt of your letter dated April 27, 2016, stating your intention to discontinue submission of quarterly groundwater monitoring reports for the subject facility.

The Reuse Guidelines, revised in January 2016, no longer require ground water monitoring for projects in unrestricted areas, as designated in Appendix A1 of Volume 2: Recycled Water Projects.

Therefore, since the subject facility is located in an unrestricted area, the Department concurs with the discontinuance of the groundwater monitoring and report submittals for the Koele Golf Course.

Should you have any questions, please contact April Matsumura at 586-4294.

Sincerely,

SINA PRUDER, P.E., CHIEF  
Wastewater Branch

AM:lmj

c: Mr. Bob Whittier, SDWB (via e-mail)  
Mr. Scott A. Derrickson, State of Hawaii, Land Use Commission, (via email: [scott.a.derrickson@hawaii.gov](mailto:scott.a.derrickson@hawaii.gov))  
Mr. Leo Asuncion, Director of Office of Planning

REF-287<sup>269</sup>

LINDA CROCKETT LINGLE  
Mayor

CHARLES JENCKS  
Director

DAVID C. GOODE  
Deputy Director

AARON SHINMOTO, P.E.  
Chief Staff Engineer



COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND WASTE MANAGEMENT

LAND USE AND CODES ADMINISTRATION

250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

July 10, 1997

RALPH NAGAMINE, L.S., P.E.  
Land Use and Codes Administration

EASSIE MILLER, P.E.  
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.  
Engineering Division

Solid Waste Division

BRIAN HASHIRO, P.E.  
Highways Divisions

Mr. E.K. Chong, Land Manager  
CASTLE & COOKE LAND COMPANY  
650 Iwilei Road  
Honolulu, Hawaii 96817

SUBJECT: KOELE RESIDENTIAL SUBDIVISION - PHASE I  
TMK: (2) 4-9-002:001  
(2) 4-9-018:002  
LUCA FILE NO. 6.66

Dear Mr. Chong:

All of the improvements within the jurisdiction of the Department of Water Supply and Department of Public Works and Waste Management for Package A of the subject subdivision has been satisfactorily completed. Therefore, we hereby release the developer of the obligations of the "Agreement For Subdivision Approval" and "Subdivision Bond" (Bond No. 14-05-63) in the amount of \$4,165,033.00.

If you have any questions regarding this letter, please call Howard Hanzawa of our Land Use and Codes Administration at 243-7373.

Very truly yours,

CHARLES JENCKS  
Director of Public Works and Waste Management

Attachments: Agreement For Subdivision Approval (Original)  
Subdivision Bond (Original)

ey  
xc: Dept. of Water Supply, SD 93-39 w/o attachments  
Richard Albrecht, Lanai Company w/o attachments  
Cary Kondo, Belt Collins Hawaii w/o attachments  
S:\LUCA\ALL\SUBD\LUCA SUBD\REG018#06-1.LTR



**CASTLE & COOKE**  
LANAI

'07 JUL 26 P1:28

RUSH

COUL. PUB. WORKS

**TRANSMITTAL MEMORANDUM**

DEPT. OF PUBLIC WORKS

	INFO	ACTION	SEC. ME.	COMMENTS	COPY	FILE
DIRECTOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEPUTY DIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PERS.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DSA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENGR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HWY.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECTY.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**To:** County of Maui  
Department of Public Works  
200 South High Street  
Wailuku, Hawaii 96793  
Attention: Milton Arakawa, Director

**Date:** July 26, 2007

**Via:** Hand Delivered

**From:** Ralph Masuda

**Re:** Koele Drainage Master Plan - Lanai

Return to \_\_\_\_\_ Due \_\_\_\_\_  
By: \_\_\_\_\_

COPY	DATE	DESCRIPTION
1	CD 7/19/06	Koele Drainage Master Plan - Final

TRANSMITTED FOR:

- For your information
- For your review, signature and return
- For your review and forwarding
- For your approval
- For review and comment
- For necessary action
- Per your request
- Per our conversation
- For your use
- For distribution
- For your files
- SEE COMMENTS BELOW

COMMENTS:

Please note a hard copy of the Koele Drainage Master Plan prepared by R.M. Towill Corporation was submitted to your office on July 23, 2007.

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 8, 2016

2016 JUN 13 9:41

OFFICE OF THE MAYOR

COUNTY OF MAUI  
DEPT OF PLANNING - CURRENT

JUN 13 2016

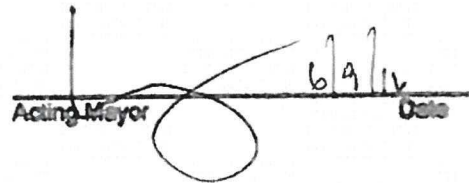
RECEIVED

Honorable Alan Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Riki Hokama  
Council Member  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
Acting Mayor

Dear Council Member Hokama:

**SUBJECT: UPDATE REGARDING LĀNA'I PROJECT DISTRICTS  
(RFC 2016/0004)**

The Department of Planning (Department) is in receipt of a request for an update on zoning conditions pertaining to the project districts on Lāna'i. The Department provides the following report.

**EXECUTIVE SUMMARY:** In looking over the reports for the Manele and Koele Project Districts on Lāna'i including State Land Use Commission District Boundary Amendments, Community Plan Amendments, Changes In Zoning, and Special Management Area Major Permits, the Department finds satisfactory compliance reporting when it is required in the permit conditions. Some discretionary permits such as Community Plan Amendments and Changes in Zoning do not have compliance reporting requirements. It appears that Pulama Lāna'i is in compliance with permit conditions; however, there are certain conditions that are driven by performance milestones, such as the number of dwelling units being occupied or prior to ground disturbing activities.

Permits reviewed with past conditions still to be completed include the following conditions. There is an associated location map for reference with each item.

- Decision & Order from the State Land Use Commission LUC Docket No. A89-649 (Manele Golf Course);** Condition 1 states "Petitioner shall make available to the State at no cost, on a fee simple basis, twenty-five (25) acres of land with no restrictions. Of these twenty-five (25) acres, ten (10) acres shall be in the vicinity of Lāna'i City and fifteen (15) acres may be located at another site

Honorable Alan Arakawa, Mayor  
For Transmittal to  
Honorable Council Member Riki Hokama  
June 8, 2016  
Page 2

both agreeable to the Office of State Planning. Development on these sites shall be at a density comparable to existing developments in Lānaʻi City. Prior to development on the land, the State shall gain approval of Petitioner as to the conformity and harmony of the exterior design of the proposed improvements, with neighboring sites and development of Lānaʻi by Petitioner pursuant to its master plan. Should Petitioner withhold approval, the State may submit the matter to binding arbitration. If the land or so much thereof is not utilized within a ten-year period, the unutilized portion shall revert back to the Petitioner."

NOTE: While there is an Agreement to Convey these properties dated June 28, 1994, the State of Hawaiʻi has not accepted the dedications due to lack of appropriations; however, it is the Department's understanding that the State is still interested in accepting them. Department of Hawaiian Home Lands (DHHL) has requested the lands from Department of Land and Natural Resources (DLNR); however transfer has not been made.

2. **A Bill for an Ordinance Pertaining to the PD-L/1 Project District Situated at Manele, Lanai, Hawaii, Ordinance 2743 with a December 22, 1998 effective date;** This ordinance rezoned Pu'upehe Peninsula as open space for public use with no dwellings permitted except for cultural or archaeological structures. Further, approximately twenty-five (25) acres of Multi-Family were to be relocated east of Manele Road, and 6.6 acres adjacent to the existing hotel were to be redesignated from Single Family to Hotel without increasing the number of hotel units currently permitted. Condition 4 states: "That a conceptual archaeological preservation interpretation plan, including buffer zones and setbacks, shall be reviewed by the Maui County Cultural Resources Commission and the Lānaʻi Archaeology Committee, before the Phase 2 Project District approval."

NOTE: As work in this project area is still pending; such an archaeological resource management plan for the Pu'upehe Peninsula would be needed at the time that ground disturbing activity is to be commenced.

3. **Manele Golf Course Project District Phase II Development Approval (92/PH2-01), Special Management Area Use Permit (95/SM1-15) approved December 21, 1995, and Maui County Planning Letter dated January 2, 2014, granting a 5-Year Extension ("Extension Letter") relating to the development of approximately 164 single-family residences and approximately fifty-four (54) multi-family units.**

Honorable Alan Arakawa, Mayor  
For Transmittal to  
Honorable Council Member Riki Hokama  
June 8, 2016  
Page 3

NOTE: Regarding Condition 10 that an archaeological data recovery plan for site 1509 shall be approved by Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) prior to any ground disturbing activating occurring in the vicinity of Site 1509, it is the Department's understanding that no ground disturbing work has occurred, hence the archaeological preservation plan has yet to be completed.

4. **Ordinance 2140 Effective August 13, 1992, establishing zoning in the Koele Project District and Unilateral Agreement and Declaration for Conditional Zoning for Koele Project District dated February 28, 1992, filed as Document No. 92-052311.**

NOTE: Condition 9 requires a bypass road once fifty percent (50%) of the total number of single family and multi-family units specified in the Koele Project District is reached. This also has a codicil that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two (2) years of reaching fifty percent (50%) occupancy) in and around Lāna'i City is not determined to be operationally substandard. The total number of units approved for Koele Project District is 255 single family units and 100 multi-family units, for a total of 355 units. To date, there are thirty-three (33) units completed at Koele. Fifty percent (50%) of Koele dwelling units have not been constructed and occupied; hence fulfillment of this condition is pending a milestone in development.

5. **Decision & Order Land Use Commission Dated August 28, 1991, Docket No. A90-662 (Koele).** By letter dated April 14, 1997, the Petitioner/Owner agreed that at the time 100 residential units (combined for Manele and Koele) are sold, or at the request of the District Engineer, the Seller shall (1) plan, design and construct the channelized intersection of Kaunalapau Highway and Manele Road; (2) dedicate any right-of-way needed for all Manele Road to resolve encroachments and to provide right-of-way for safety improvements and lookouts; and (3) dedicate right-of-way for a proposed realignment of Manele Road at mile post 9.72."

NOTE: The Owner has indicated that 143 units are sold to date. Records indicate that a meeting was held on February 11, 2004, with Maui State Highways Division, R.T. Tanaka, and Cooke, to review project status. Two (2) subdivision maps were approved by the County, but one for the upper five (5) miles was not completed. There is no request from the District Engineer to do this work. In reviewing the Maui State Highways Divisions' Traffic Study records from 1993 to 2014, the peak one hour vehicle count is 154 nearby the corner of

Honorable Alan Arakawa, Mayor  
For Transmittal to  
Honorable Council Member Riki Hokama  
June 8, 2016  
Page 4

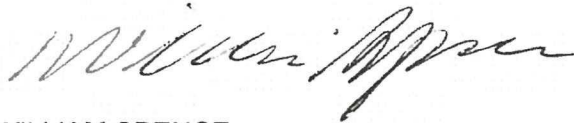
Kaumalapau & Manele Roads and at peak count of 141 at Hulopoe and Manele Roads. The United States Department of Transportation (US-DOT) Federal Highway Administration Policy for rural roads would have a count of 470 vehicles in a one hour period which would require changes to the roadway system. Realignment and improvements of Manele Road appear to not be needed nor have been requested by the District Engineer.

6. **Manele Golf Course Project District Phase II Development Approval (92/PH2-03), Special Management Area Use Permit (92/SM1-23) and Planned Development Step 1 Approval.** Archaeological preserve/archaeological site references from Conditions 20.

NOTE: Regarding Condition 20, certain archaeological sites including 1510, 1565, 1569-71, 1573, 1574A, and 1575-1578 need to have a final protection and preservation plan completed and reviewed for compliance by State Historic Preservation Division of the State of Hawai'i. While the record appears to indicate that the Department of Planning in the past has been satisfied with the Owner pursuing preservation plan work, completion of plans is encouraged as soon as possible.

Thank you for the opportunity to respond. Should you have any questions, please transmit them to the Department via transmittal through the Office of the Mayor.

Sincerely,



WILLIAM SPENCE  
Planning Director

ATTACHMENTS – LOCATION MAPS

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)

WRS:KFW:lk

Project File  
General File

K:\WP\_DOCS\PLANNING\RF\2016\0004\_LanaiProject\Lanai\_Past Conditions Final Response.doc

Lāna'i Community Plan Update

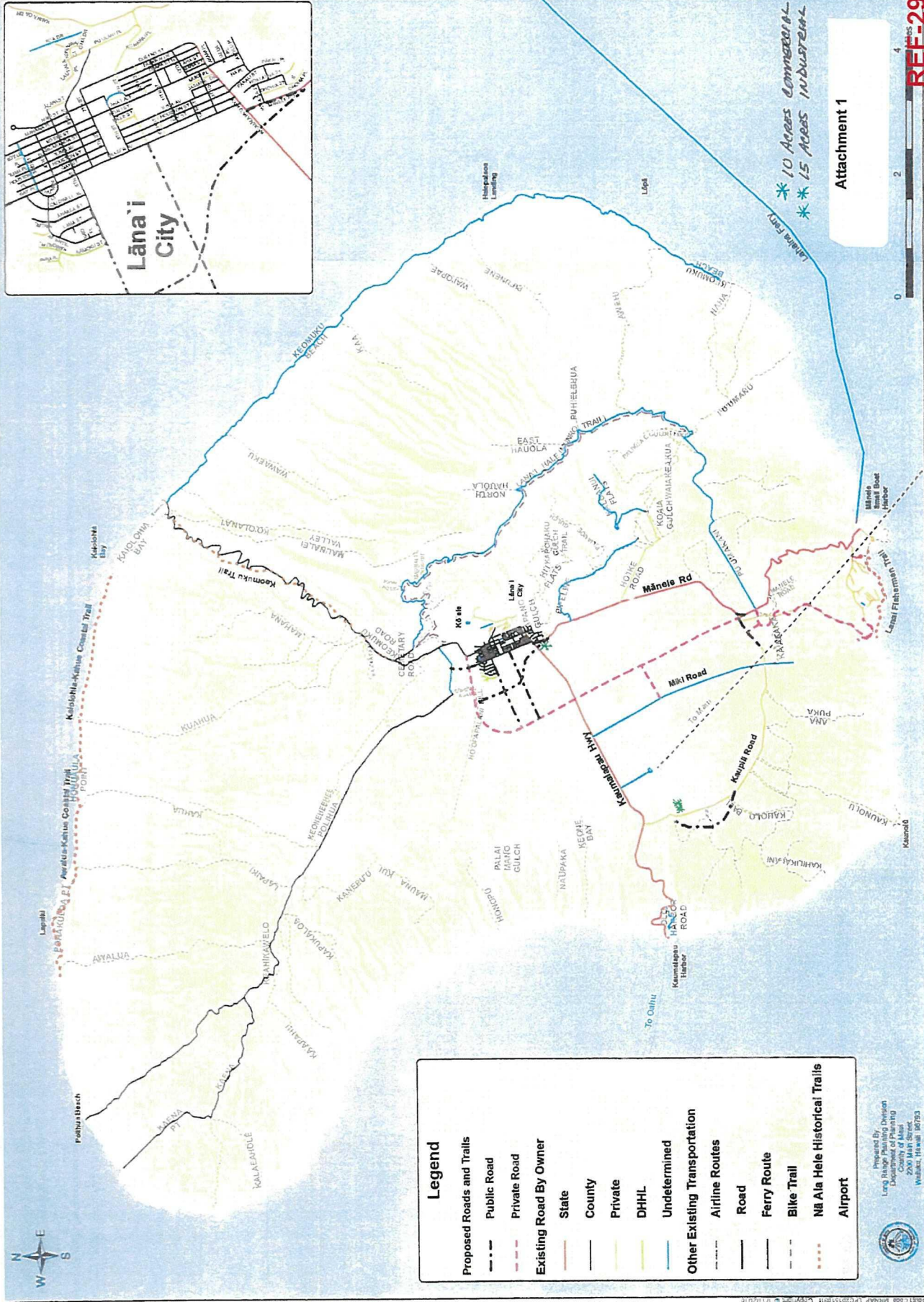
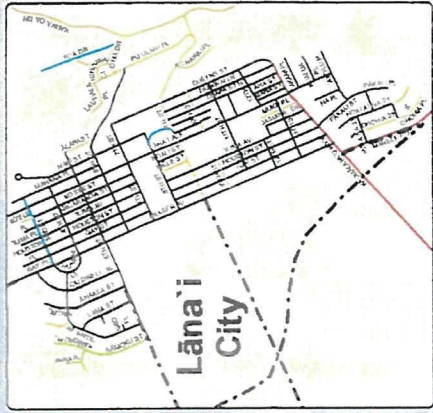
Map 7.2 Transportation: Existing and Proposed

REF-294  
2/15

Attachment 1



10 Acres Commercial  
15 Acres Industrial



**Legend**

- Proposed Roads and Trails**
  - Public Road
  - Private Road
  - Existing Road By Owner
- Other Existing Transportation**
  - Airline Routes
  - Road
  - Ferry Route
  - Bike Trail
  - NA Ala Hele Historical Trails
  - Airport
- State**
- County**
- Private**
- DHHL**
- Undetermined**

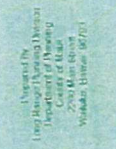
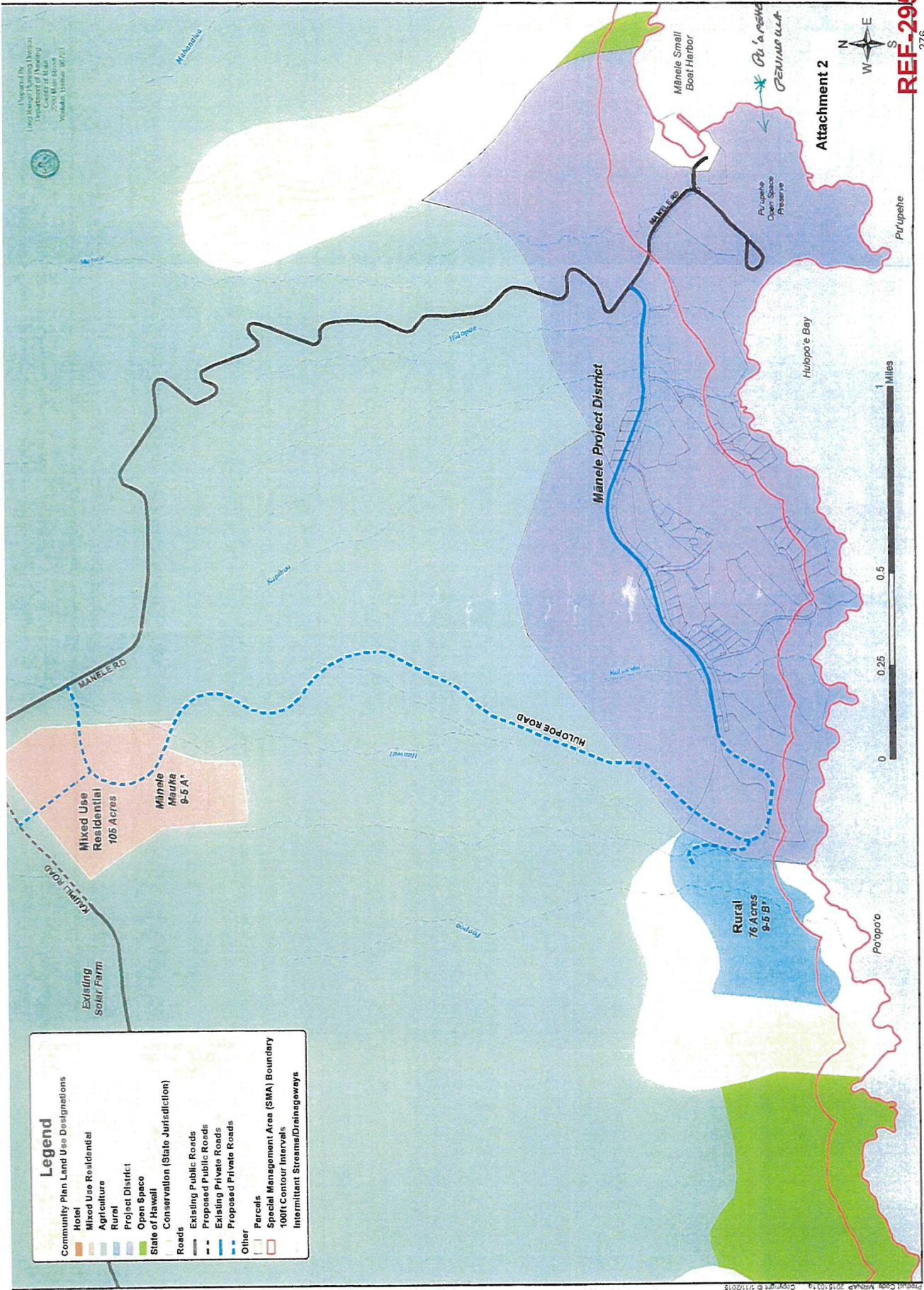
Prepared by:  
Lana'i Planning Division  
Department of Planning  
County of Maui  
200 South Māhele Street  
Waipahoehoe, Hawaii 96793



Lana'i Community Plan Update

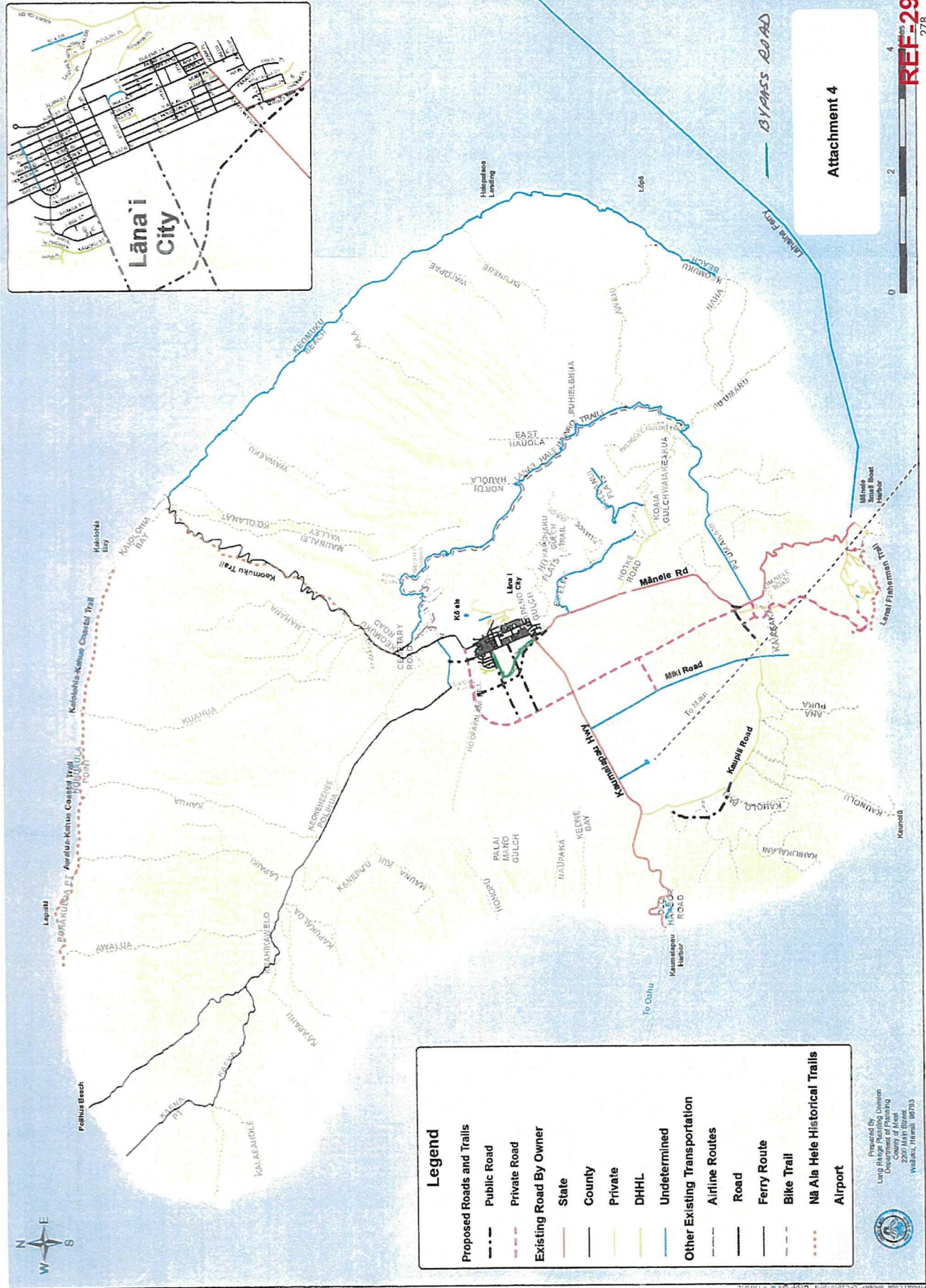
Map 9.5 Mānele Land Use Detail

REF-295  
2/16





Map 7.2 Transportation: Existing and Proposed



Attachment 4



REF-297

**Legend**

**Proposed Roads and Trails**

- Public Road
- Private Road

**Existing Road By Owner**

- State
- County
- Private
- DHHL
- Undetermined

**Other Existing Transportation**

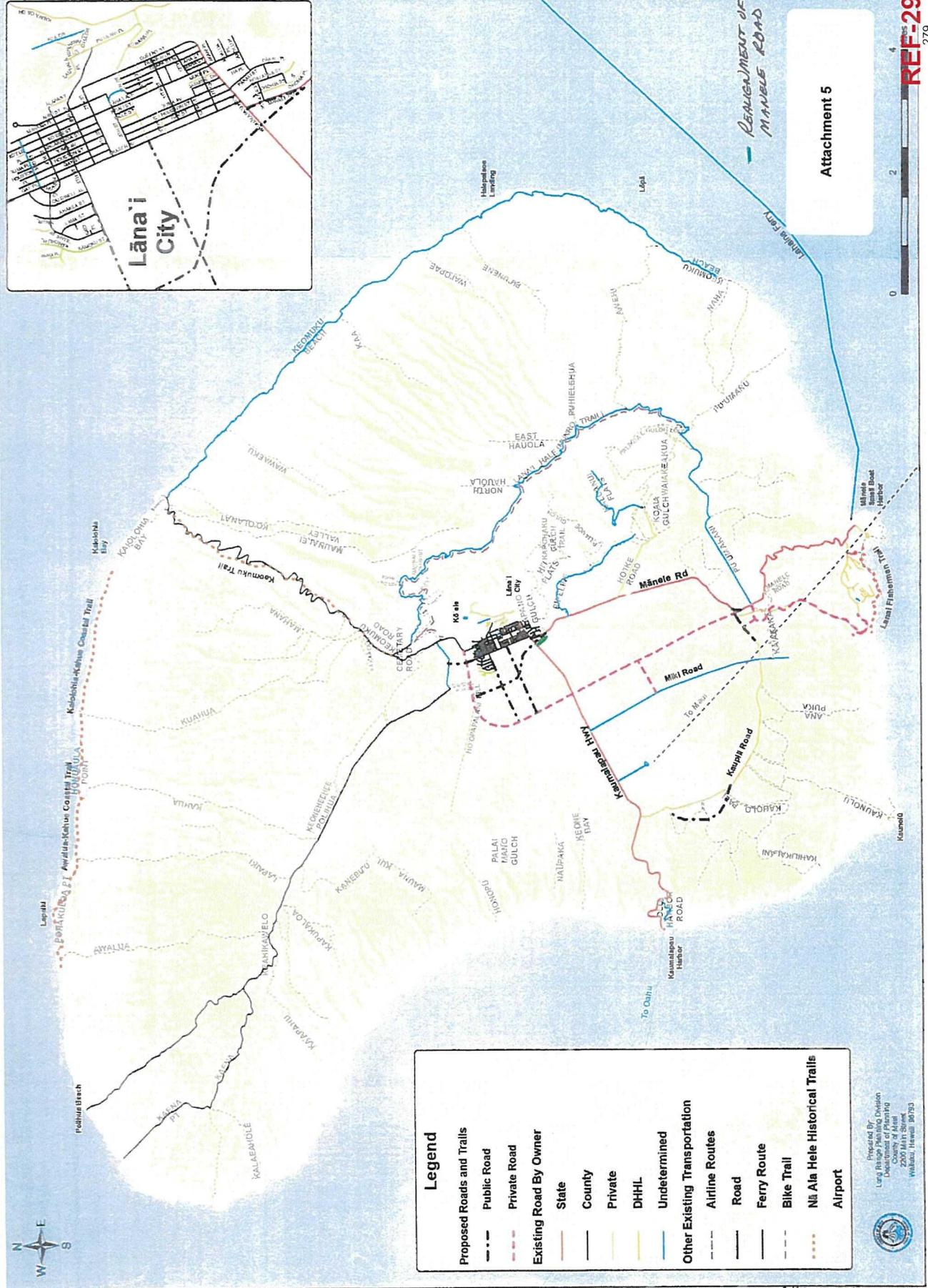
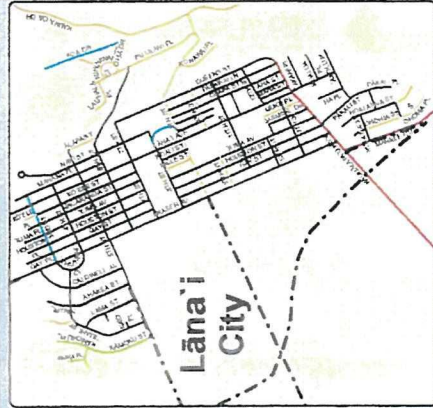
- Airline Routes
- Road
- Ferry Route
- Bike Trail
- NA Ala Hele Historical Trails
- Airport

Prepared By  
 Large Region Planning Division  
 Department of Planning  
 Maui County of Hawaii  
 2700 Main Street  
 Wailuku, Hawaii 96793



Lāna'i Community Plan Update

Map 7.2 Transportation: Existing and Proposed



**Attachment 5**

0 2 4  
Miles

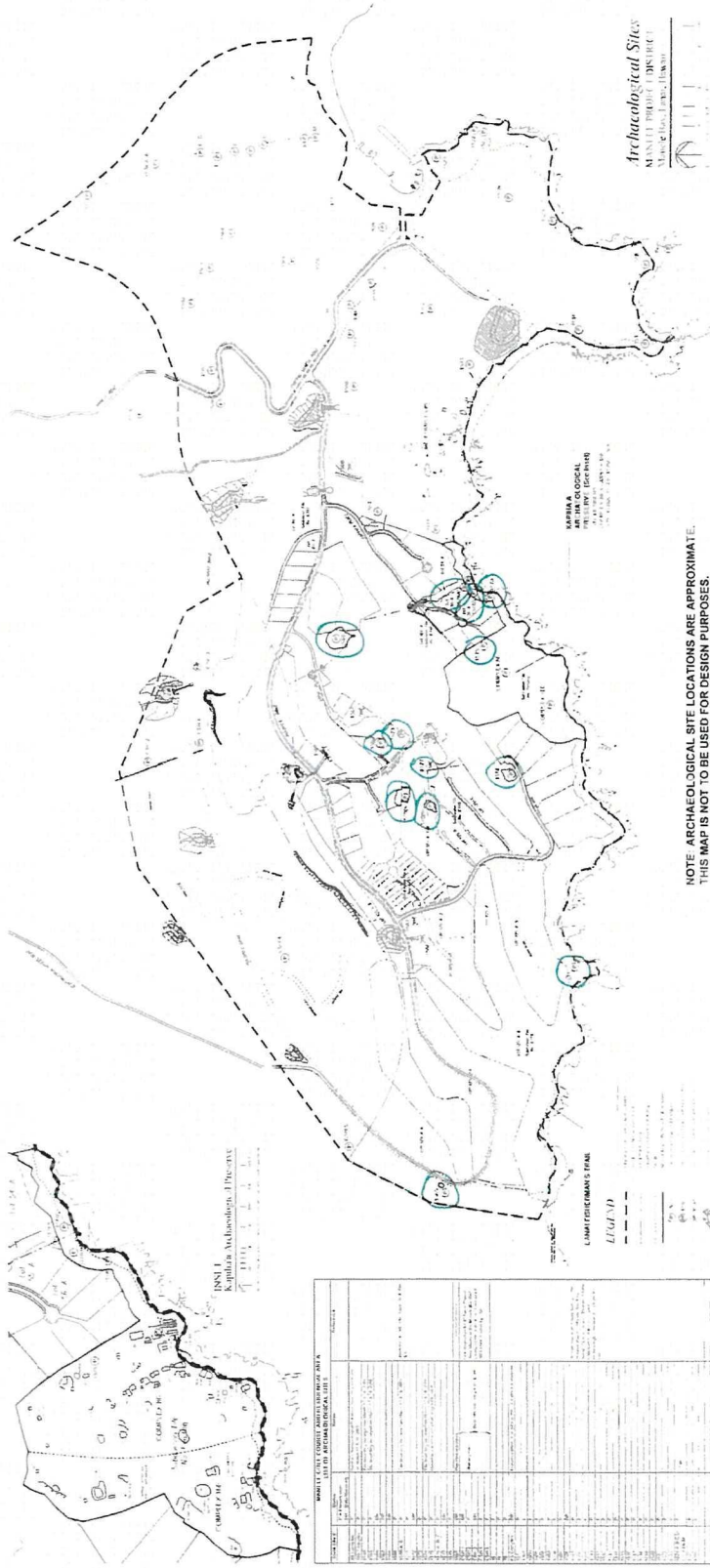
REF-298  
279

**Legend**

- Proposed Roads and Trails**
  - Public Road
  - Private Road
- Existing Road By Owner**
  - State
  - County
  - Private
  - DHHL
  - Undetermined
- Other Existing Transportation**
  - Airline Routes
  - Road
  - Ferry Route
  - Bike Trail
  - Ma Hele Historical Trails
  - Airport

Prepared by: Division  
Lana'i Planning Department  
County of Maui  
2007 Maui Series  
Waipahoehoe, Hawaii 96793





- SITES 1570, 1569, 1568, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578

Attachment 6

REF-299



A90-622\_6

NAZU HAYASHIDA  
DIRECTOR  
DEPUTY DIRECTORS  
BRIAN K. MINAII  
GLENN M. OKIMOTO

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION

IN REPLY REFER TO:

MAUI DISTRICT  
650 FALAFALA DRIVE  
KAHULUI, HAWAII 96732

HWY-M 2.210-00

July 13, 2000

Mr. Vince Bagoyo  
Lanai Company, Inc.  
P. O. Box 310  
Lanai City, Hawaii 96763

Dear Mr. Bagoyo:

SUBJECT: TERRACES AT MANELE, TMK: 4-9-17: Portion of 08,  
I.D. NO. ME-00-55

Upon further assessment of the referenced project, it has been determined that intersection improvements at Manele Road and Kaunalapau Highway may be deferred until traffic improvements are warranted. Please be advised that the State reserves the right to require Lanai Company, Inc. to construct the improvements when deemed necessary.

If there are any questions or concerns, please call me at (808) 873-3535.

Very truly yours,

ROBERT O. SLAROT  
District Engineer, Maui

PMC:mh

c: STP (Elton Teshima)  
HWY-PS

EXHIBIT 22a

REF-300



A90-662\_8

### Parcel Information

Parcel Number 490140190000  
 Location Address 855 FRASER AVE  
 LANAI CITY HI 96763  
 Neighborhood Code 4961-3  
 Legal Information LOT 1161 MAP 145 LC APP 862 1.00 AC TOG/ES SUBJ/ES  
 Land Area 1 Acres  
 Parcel Note Non taxable

[View Map](#)

### Owner Information

Owner Names COUNTY OF MAUI Fee Owner  
 Mailing Address COUNTY OF MAUI

### Assessment Information

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	COMMERCIAL	\$653,400	\$0	\$653,400	\$2,659,500	\$3,312,900	\$3,312,900	\$0

[Show Historical Assessments](#)

[How to calculate real property taxes](#)

### Commercial Improvement Information

Building Number	Building Type	Year Built	Eff Year Built	Area	Floor #	Perimeter	Occupancy	Wall Height	Exterior Wall	Rank	Building Class
1	POLICE STATION	2003		6868	01	368	Office Building	10		3.2	Masonry Bearing Walls s1 p7
% Complete 100% Building Square Footage 6,868 Value \$2,616,900											

### Other Features

Section	Structure	Measure 1	Measure 2	Stops
1	MASONRY UTILITY BLDG	240	1	0
1	PORCH, CEIL- RECESSED	128	1	0

### Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
1	MASONRY UTILITY SHED	0x0.342 / 1	2003	100%	\$21,657
1	CARPOT OPEN ASPH/CONC FLOOR	0x0.1444 / 1	2003	100%	\$25,891
1	GARAGE HOL-TILE/PAVED FLOOR	0x0.459 / 1	2003	100%	\$16,946

### Sales Information

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
8/30/2002	\$0		Fee conveyance		Deed	10/15/2002	2850540	625345
5/11/2001	\$0		Mapping		Land Court	5/11/2001		

REF-301

**Permit Information**

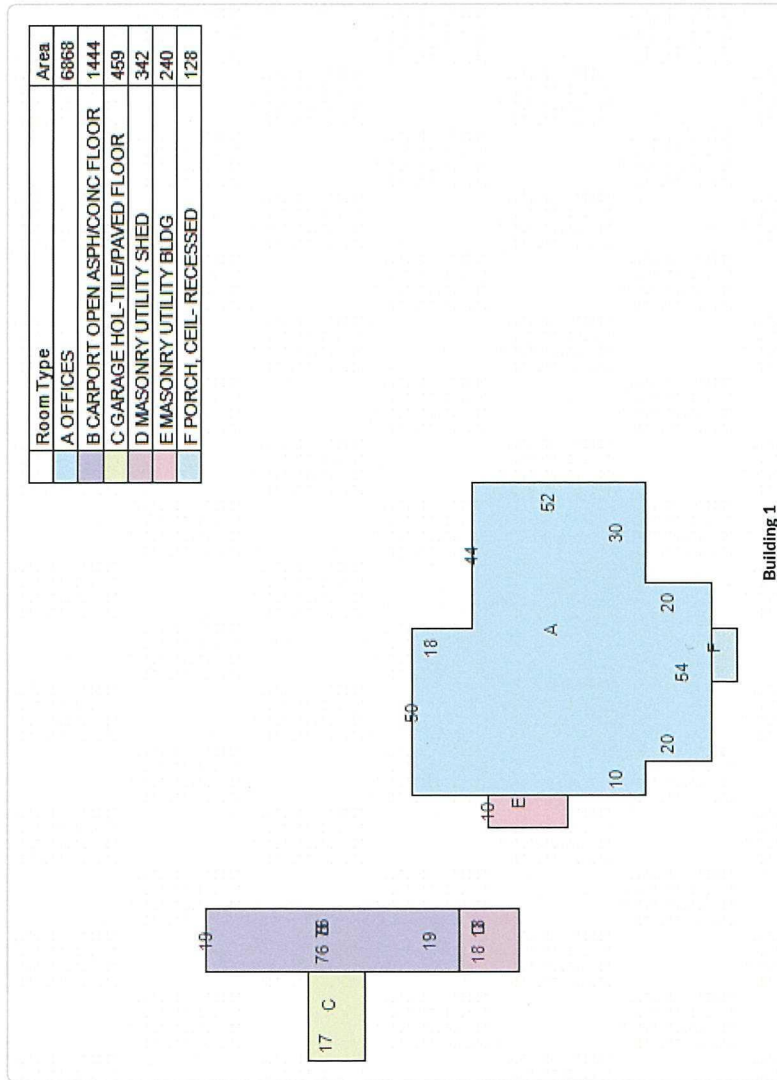
Date 8/27/2003  
 8/27/2003  
 Permit Number 200331718  
 20031717

Reason Garage  
 New commercial bldg

Permit Amount \$100,000  
 \$3,900,000

[KIVA Permit Site](#)

**Sketches**



**Recent Sales In Area**

Sale date range:

From: 10/08/2018 To: 10/08/2021

Sales by Neighborhood

1500 Feet Sales by Distance

### Generate Owner List by Radius

Distance:

100 Feet 

Use Address From:

Owner  Property

Select export file format:

Address labels (5160) 

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xls, csv or tab download formats.

[Download](#)

Show All Owners  
 Show Parcel ID on Label

Skip Labels

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: 10/7/2021, 11:36:23 PM

Developed by



Version 2.3.151



A90-662\_8

Parcel Information

Parcel Number 490140120000
Location Address 1345 FRASER AVE LANAI HI 96763
Neighborhood Code 4962-4
Legal Information 13650 Square Feet
Parcel Note Non taxable

View Map

Owner Information

Owner Names LANAI RESORTS LLC Fee Owner
COUNTY OF MAUI Lease
Show All Owners and Addresses

Mailing Address LANAI RESORTS LLC
733 BISHOP ST, SUITE 1500
HONOLULU HI 96813

Assessment Information

Table with 6 columns: Year, Tax Class, Market Land Value, Agricultural Land Value, Assessed Land Value, Building Value, Total Assessed Value, Total Exemption Value, Total Net Taxable Value. Includes a link for historical assessments.

Commercial Improvement Information

Table with 6 columns: Building Number, Building Type, Year Built, Eff Year Built, Area, Perimeter, Occupancy, Wall Height, Exterior Wall, % Complete, Building Square Footage.

Other Features

Table with 6 columns: Section, Structure, Measure 1, Measure 2, Rank, Building Class, Stops.

Sales Information

Table with 6 columns: Sale Date, Price, Instrument Number, Instrument Type, Valid Sale or Other Reason, Document Type, Record Date, Land Court #, Land Court Cert.

REF-304

**Permit Information**

Date  
6/7/2007  
5/9/1996  
12/7/1990

Permit Number  
B20071213  
B960786  
B903416

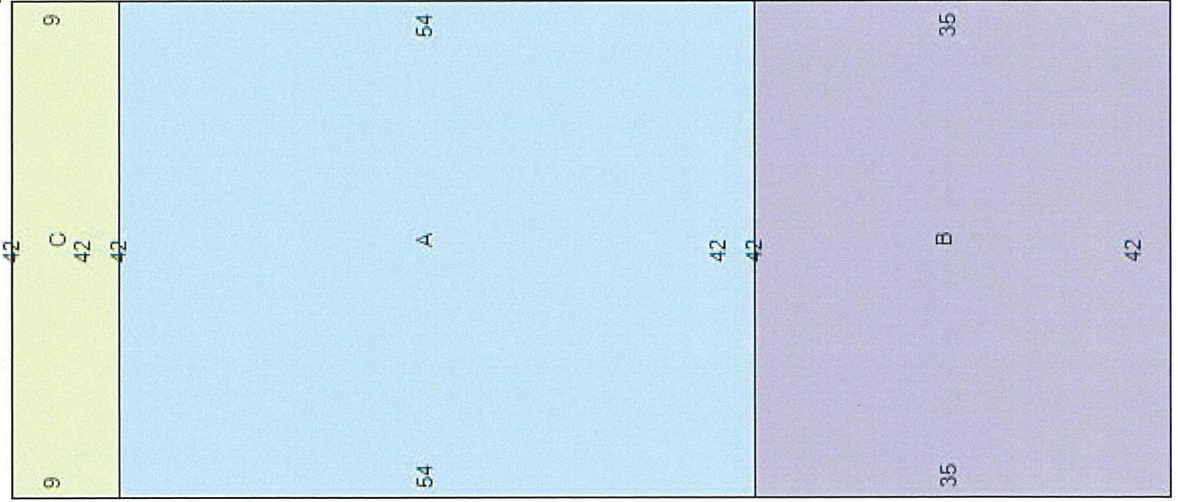
Reason  
Other see notes  
Addition  
Addition

[KIVA Permit Site](#)

Permit Amount  
\$108,457  
\$156,657  
\$12,000

**Sketches**

Room Type	Area
A SOCIAL/FRATERNAL HALL	2268
B GARAGE HT- PAVED FL	1470
C PORCH CEIL SHED ROOF	378



Building 1

### Recent Sales In Area

Sale date range:

From: 10/08/2018

To: 10/08/2021

Sales by Neighborhood

1500

Feet



Sales by Distance

### Generate Owner List by Radius

Distance:

100

Feet



Use Address From:

Owner

Property

Select export file format:

Address labels (5160)



International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the [xlsx](#), [csv](#) or [tab](#) download formats.

Download

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Accessory Information.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: 10/7/2021, 11:36:23 PM

Developed by



Version 2.3.151

NC  
AM



STATE OF HAWAII  
OFFICE OF THE ASSISTANT REGISTRAR  
RECORDED

August 11, 2021 8:01 AM

Doc No(s) T - 11545143  
on Cert(s) 468683  
Issuance of Cert(s)

Pkg 11840855 FEH

/s/ LESLIE T KOBATA  
ASSISTANT REGISTRAR

Conveyance Tax: \$0.00

LAND COURT

REGULAR SYSTEM

Return by Mail to:

Department of Finance  
County of Maui  
200 S. High Street  
Wailuku, Maui, Hawaii 96793

TITLE GUARANTY OF HAWAII HAS  
FILED THIS DOCUMENT FOR RECORD  
AS AN ACCOMMODATION ONLY. THIS  
DOCUMENT HAS NOT BEEN  
REVIEWED OR IN ANY WAY EXAMINED  
AS TO ITS EFFECT ON REAL PROPERTY.

TO ACCOM 524780C IC

TITLE OF DOCUMENT:

AMENDMENT TO LEASE

PARTIES TO DOCUMENT:

LESSOR: LĀNA'I RESORTS, LLC  
733 Bishop Street, Suite 1500  
Honolulu, Hawaii 96813

LESSEE: COUNTY OF MAUI  
200 South High Street  
Wailuku, Maui, Hawaii 96793

TAX MAP KEY(S): (2) 4-9-014:012 (por.)

TOTAL NUMBER OF PAGES: 7

## AMENDMENT TO LEASE

THIS AMENDMENT TO LEASE ("Amendment to Lease") is made this 24<sup>th</sup> day of June, 20 21, by and between LĀNA'I RESORTS, LLC, a Hawaii limited liability company, dba Pūlama Lāna'i, whose mailing address is 733 Bishop Street, Suite 1500, Honolulu, Hawaii 96813, (hereinafter referred to as the "Lessor"), and the COUNTY OF MAUI, a political subdivision of the State of Hawaii, the principal office and mailing address of which is 200 South High Street, Wailuku, Maui, Hawaii 96793 (hereinafter referred to as the "Lessee").

### WITNESSETH:

Castle & Cooke, Inc., a Hawaii corporation, as lessor, and the County of Maui, as Lessee, entered into that certain lease agreement dated February 22, 1988, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1542121 (the "Original Lease"), demising that certain parcel of land situate in Lanai City, Island of Lanai, County of Maui, State of Hawaii, being more particularly described as Lot 744-B-1, area 13,650 square feet, as shown on Map 80, on file in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862, being a portion of the land described in and covered by Transfer Certificate of Title No. 468683 and currently designated as Tax Map Key No. (2) 4-9-014:012 (por.) (the "Leased Premises"), which remains in full force and effect and terminates June 30, 2021; and

In 2012, LĀNA'I RESORTS, LLC, dba Pūlama Lāna'i, acquired from Castle & Cooke, Inc. the fee simple interest in the Leased Premises and all rights and obligations of the lessor under the Original Lease.

NOW, THEREFORE, the Lessor and Lessee desire to amend and extend said Original Lease as follows:

1. The terms, conditions, and covenants of the Original Lease remain in full force and effect, except as amended herein.
2. The term of the Original Lease is extended such that it ends upon the conveyance in fee simple of the Leased Premises from the Lessor to the Lessee pursuant to Maui County Council Resolution No. 18-208.
3. The indemnification provision on page 5 of the Original Lease is amended in its entirety as follows:

"LESSEE will indemnify and hold harmless the Lessor from and against all claims for property damage, personal injury, or wrongful death arising out of or in connection with an act or omission of the Lessee, its officers, directors, employees, contractors, and permitted agents, to the extent that the Lessee's liability for such damage, loss, or injury has been determined by a court of competent jurisdiction or otherwise agreed to by the Lessee, and further, to the extent the payment for such damage, loss, or injury is permitted by law and approved by the Maui County Council, pursuant to Chapter 3.16, Maui County Code, as amended."

4. This Amendment to Lease may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

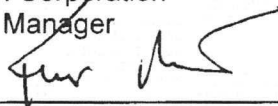
IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Lease to be duly executed on the day and year first written above.

LESSOR:

LĀNA'I RESORTS, LLC,  
a Hawai'i limited liability company,  
doing business as Pūlama Lāna'i

By Lanai Island Holdings, LLC  
Its Member

By LIH Corporation  
Its Manager

By   
KURT MATSUMOTO  
Its Vice President

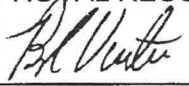
LESSEE:

COUNTY OF MAUI

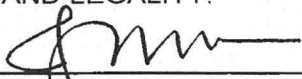
By   
MICHAEL P. VICTORINO  
Its Mayor

By   
SCOTT K. TERUYA  
Its Director of Finance

APPROVAL RECOMMENDED:

*FOR*  
 DEPUTY  
DAVID C. THYNE, Fire Chief  
Department of Fire and Public Safety

APPROVED AS TO FORM  
AND LEGALITY:

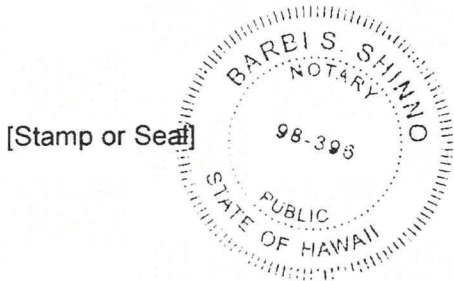
  
JENNIFER M.P.E. OANA  
Deputy Corporation Counsel  
County of Maui


LF2020-1590

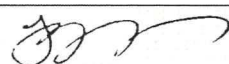
STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

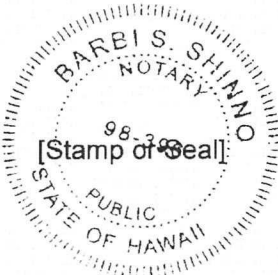
On this 25th day of May, 2021, before me personally appeared KURT MATSUMOTO, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



  
\_\_\_\_\_  
Notary Public, State of Hawaii  
Print Name: Barbi S. Shinno  
My commission expires: 08-11-22

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>Undated at time of notarization</u>	# Pages:	<u>7</u>
Notary Name:	<u>Barbi S. Shinno</u>	Judicial Circuit:	<u>First</u>
Doc. Description:	<u>AMENDMENT TO LEASE</u>		
	<u>Lanai Fire Station (2) 4-9-014:012 (por.)</u>		
Notary Signature:			
Date:	<u>05-25-21</u>		

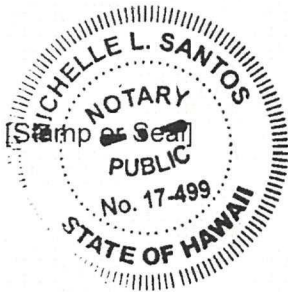


[Stamp or Seal]

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 24th day of June, 2021, before me appeared MICHAEL P. VICTORINO, to me personally known, who being by me duly sworn did say that he is the Mayor of the County of Maui, a political subdivision of the State of Hawaii, in the capacity shown, having been duly authorized to execute such instrument in such capacity, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed in behalf of said County of Maui by authority of its Charter, and the said MICHAEL P. VICTORINO acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



*Michelle L. Santos*

Notary Public, State of Hawaii

Print Name: MICHELLE L. SANTOS

My commission expires 12-03-2021

NOTARY PUBLIC CERTIFICATION		
Doc. Date:	<u>06-24-2021</u>	# Pages: <u>7</u>
Notary Name:	<u>MICHELLE L. SANTOS</u>	Judicial Circuit: <u>2nd</u>
Doc. Description:	<u>AMENDMENT TO LEASE</u>	
Notary Signature:	<i>Michelle L. Santos</i>	
Date:	<u>06-24-2021</u>	

STATE OF HAWAII            )  
   ) SS.  
 COUNTY OF MAUI            )

On this 21st day of June, 2021, before me appeared MAY-ANNE A. ALIBIN, to me personally known, who, being by me duly sworn did say that she is the Deputy Director of Finance of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui by authority of its Charter, and the said MAY-ANNE A. ALIBIN acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



*Didi A. Hamai*

Notary Public, State of Hawaii  
 Print Name: Didi A. Hamai  
 My commission expires: 05/13/2025

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	Undated	# Pages:	07
Notary Name:	Didi A. Hamai	Judicial Circuit:	Second
Doc. Description:	Amendment to Lease		
Notary Signature:	<i>Didi A. Hamai</i>		
Date:	06/21/2021		

OFFICE OF THE  
ASSISTANT REGISTRAR, LAND COURT  
STATE OF HAWAII  
(Bureau of Conveyances)

The original of this document was  
recorded as follows:

LCO  
DOCUMENT NO. 141134  
DATE MAR 6 2001 TIME 10:45

LAND COURT SYSTEM

REGULAR SYSTEM

---

RETURN BY MAIL ( )      PICK UP (X):      Total Pages:  
Castle & Cooke Resorts, LLC  
P. O. Box 898900  
Mililani, HI 96789  
C. Kurasaki 548-2909

---

AMENDED AND RESTATED  
PETITION FOR SUBDIVISION

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application	)	SUBDIVISION
	)	of
of	)	Consolidation 170
	)	(Map 20)
CASTLE & COOKE, INC.	)	
	)	
to register and confirm title to lands	)	
situate on the Island of Lanai,	)	
State of Hawaii	)	
_____	)	

LAND COURT  
 STATE OF HAWAII  
 FILED  
 JAN 29 3 09 PM '01  
 HOWARD NOBUNAGA  
 REGISTRAR

Petition of LANAI COMPANY, INC., Owner, subdivision of Lot 45 as shown on Map 8 into Lots 45-A and 45-B

---

ORDER OF SUBDIVISION

Upon the record and the evidence herein, and the map or plan filed with the application for subdivision in this matter having been referred to the Surveyor of the State of Hawaii, and he having examined and checked the same and certified the same to be correct, Copy of said petition and the Return of the Surveyor by reference made a part hereof,

IT IS ORDERED, ADJUDGED AND DECREED, that the said subdivision, as certified by the Surveyor of the State of Hawaii, is hereby authorized and approved, and the Assistant Registrar of this court is hereby directed to endorse on Owner's Certificate of Title No. 468,700 a reference to said map or plan as approved, and, upon presentation to him of proper deeds of transfer, to issue a new certificate, or certificates, for the lots conveyed, and enter same on said Owner's Certificate of Title No. 468,700, in accordance with Hawaii Revised Statutes, Sections 501-89 and 501-109.

Dated: Honolulu, Hawaii, \_\_\_\_\_ January 29, 2001

A TRUE COPY, ATTEST WITH  
 THE SEAL OF SAID COURT,

HOWARD NOBUNAGA

for Judge of the Land Court



JANNIS SHISOM

REF-316

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application	)	SUBDIVISION
	)	of
of	)	Consolidation 170
	)	(Map 20)
CASTLE & COOKE, INC.	)	
	)	
to register and confirm title to lands	)	
situate on the Island of Lanai,	)	
State of Hawaii	)	
_____		

LAND COURT  
 STATE OF HAWAII  
 FILED  
 JAN 29 3 09 PM '01  
 HOWARD NOBUKAWAGA  
 REGISTRAR

Petition of LANAI COMPANY, INC., Owner, subdivision of Lot 45 as shown on Map 8 into Lots 45-A and 45-B

RETURN OF THE STATE LAND SURVEYOR

To the Honorable Judge of the Land Court,  
State of Hawaii.

Pursuant to an Order duly made and issued out of said Honorable Court on the 7th day of December 2000, referring the map filed for approval of subdivision in the above entitled matter, to the State Land Surveyor for verification, check on the ground if necessary and report.

The undersigned, the State Land Surveyor begs to report that the same has been examined and checked as to form and mathematical correctness and found to be in order.

And further, that said map has been compared with Certificate of Title No. 468,700 and found to be in accord therewith.

NOTE:

Allegations in the petition have been checked and found to be in accord therewith except for the following:

1. All references to existing easements as "designation of" should be deleted.
- ~~2. All references to documents filed in the regular system should be deleted.~~

*mm* Only land court encumbrances as noted in the petition have been checked.

And pending approval of the Court, the map and said Certificate of Title will be held for further instructions.

DATED at Honolulu, this 29rd day of January 2001.

Examined by:

*Del. M. Mank*

Assistant.  
gm

*Del. M. Mank*  
for STATE LAND SURVEYOR

=====

Received from the State Land Surveyor \_\_\_ blueprints of, and the approved tracing map in the above entitled matter and Certificate of Title No.

Honolulu, Hawaii  
JAN 29 2001, 20

JANNIS SHIROMA  
CLERK REGISTRAR OF THE LAND COURT.

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application )  
 )  
 of )  
 )  
 CASTLE & COOKE, INC. )  
 )  
 to register and confirm title to )  
 lands situate on the Island of )  
 Lanai, State of Hawaii )  
 \_\_\_\_\_ )

CONSOLIDATION NO. 170

AMENDED AND RESTATED  
PETITION FOR SUBDIVISION

LAND COURT  
STATE OF HAWAII  
FILED  
FEB 27 12 43 PM '01  
HOWARD NOBUHAGA  
REGISTRAR

Referred to the Surveyor of  
the State for check and report.

Map filed \_\_\_\_\_.

Seven (7) white prints required.

Dated \_\_\_\_\_.

BY ORDER OF THE COURT

\_\_\_\_\_  
Registrar

J:PET (2/8/01)  
Lanai - Koele Park Site

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application )  
 )  
 of )  
 )  
 CASTLE & COOKE, INC. ) CONSOLIDATION NO. 170  
 )  
 to register and confirm title to )  
 lands situate on the Island of )  
 Lanai, State of Hawaii )  
 \_\_\_\_\_ )

AMENDED AND RESTATED  
PETITION FOR SUBDIVISION

TO: THE HONORABLE JUDGE OF THE  
LAND COURT OF THE STATE OF HAWAII

Comes now CASTLE & COOKE RESORTS, LLC, a Hawaii limited liability company, successor by merger to Lanai Company, Inc., hereinafter called "Petitioner", and respectfully shows unto this Court as follows:

1. LANDS. Petitioner is the owner of Lot 213 as shown on Map 22 filed with Land Court Application No. 862 and being a portion of the lands described in Transfer Certificate of Title No. 468,683 and being also the owner of Lots 43, 44 and 45 as shown on Map 8 filed with Land Court Consolidation No. 170, being portions of the lands described in Transfer Certificate of Title No. 468,700.

2. MAP. Filed herewith is a Map showing the subdivision of Lot 45 into Lots 45-A and 45-B.

3. APPROVAL. Said subdivision as shown on said Map filed herewith has been approved by the Department of Public Works, County of Maui, and the approval of said Map is shown on the front of a print of said Map filed herewith.

4. ACCESS. Lot 45-A will have access to a public road over Lots 43 and 44 as shown on said Map 8 and over Lot 213 as shown on said Map 22. Lot 45-B has direct access to a public road.

5. ACCESS RIGHTS. The rights of access set forth in the previous paragraph shall supersede all previous provisions for access with respect to the area included within said Lot 45, and as may have been provided in any land court orders issued prior to the order approving this Petition. Each such right of access herein provided over a certain lot shall cease automatically upon the conveyance of said lot or lots to the State of Hawaii or the County of Maui for road purposes. Until such conveyance to the State of Hawaii or County of Maui of a lot or lots so encumbered or until the sale, lease or conveyance to any other party of any lot specified herein as requiring access over such lot or lots, Petitioner reserves the right to change and modify said Map filed herewith and to delete and eliminate any of said rights of access. Nothing in this Petition or in any order issued herein or on said Map shall be deemed a dedication of said road lots to the public or to create in any other person any right, title or interest therein by way of right of access or otherwise.

6. ENCUMBRANCES. Lots 45-A and 45-B are subject to the following encumbrances and only to the following encumbrances:

A. Subdivision Agreement (Large Lot), dated June 9, 1988, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1558116.

B. Subdivision Agreement (Large Lot), dated December 28, 1988, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633943.

C. Subdivision Agreement (Three Lots or Less), dated April 26, 1989, by and between Castle & Cooke, Inc. and the County of Maui, filed as Document No. 1633944.

D. Private Water System Agreement dated January 21, 1994, by and between Dole Food Company, Inc. and Department of Water Supply of the County of Maui, for Koele Residential, Phase I, filed as Document No. 2131648.

E. Hold Harmless Agreement dated May 24, 1994, by and between the County of Maui, Lanai Resort Partners, as Developer, and Dole Food Company, Inc., as Owner, filed in the Bureau of Conveyances as Document No. 94-118691.

F. Easement 17 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

G. As to Easement 17: Declaration of Covenants, Conditions and Restrictions for Koele, dated December 22, 1994, filed as Land Court Document No. 2206277.

H. As to Easement 17: Grant dated December 20, 1994 in favor of Koele Homeowners Association, filed as Land Court Document No. 2206279.

I. Mortgage, Assignment of Leases and Rents, Security Agreement and Financing Statement dated September 19, 2000, filed as Land Court Document No. 2652427 and recorded as Document No. 2000-132865.

J. Assignment of Leases and Rents dated September 19, 2000, filed as Land Court Document No. 2655490 and recorded as Document No. 2000-139600.

K. Lot 45-A is also subject to the following:

1) Grant of easement in favor of Maui Electric Company, Limited and Hawaiian Telephone Company, dated March 23,

1955, filed as Document No. 172242 and assigned by Document Nos. 172243 and 172244.

2) Grant of easement in favor of Maui Electric Company, Limited, dated August 7, 1989, filed as Document No. 1664245 and assigned by Document No. 1664246.

3) Certificate and Authorization, dated October 25, 1991, by and between Dole Food Company, Inc. and Lanai Resort Partners, filed in the Bureau of Conveyances as Document No. 91-147908, as amended by Document No. 97-071423.

4) Subdivision Agreement (Large Lot), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2025213.

5) Subdivision Agreement (Agricultural Use), dated November 5, 1992, by and between Dole Food Company, Inc. and the County of Maui, filed as Document No. 2070238.

6) Unilateral Agreement and Declaration for Conditional Zoning, dated February 28, 1992, by Lanai Resort Partners, filed in the Bureau of Conveyances as Document No. 92-052311, as amended by Document No. 96-145185.

7) Easement 19 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

8) Easement 20 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

9) Easement 21 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

10) Easement 22 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

11) Easement 23 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

12) Easement 24 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

13) Easement 29 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

14) Easement 39 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

15) Easement 48 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

16) Easement 49 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

17) Easement 51 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

18) Easement 52 as shown on Map 8, as set forth by Land Court Order No. 118636, filed November 9, 1994.

19) Private Water System Agreement dated February 5, 1996, by and between Lanai Company, Inc. and Department of Water Supply of the County of Maui, filed as Document No. 97-015393.

Petitioner understands that the State Land Surveyor will not be examining encumbrances noted in this Petition which

are not filed in the Office of the Assistant Registrar of the Land Court.

WHEREFORE, Petitioner respectfully prays as follows:

A. That said Map filed herewith be examined and if found correct, that an Order issue approving this Petition and approving and authorizing said Map.

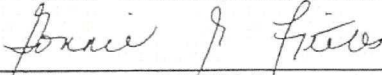
B. That an Order issue directing the Assistant Registrar of the Court to endorse, upon approval of the Petition for Subdivision, reference to the Map filed herewith and to this Order on Transfer Certificate of Title No. 468,700, all in accordance with Chapter 501 of the Hawaii Revised Statutes, as amended.

Seven (7) white prints of said Map filed herewith are requested by Petitioner.


DATED: Honolulu, Hawaii February 12, 2001.

CASTLE & COOKE RESORTS, LLC,  
a Hawaii limited liability company,  
successor by merger to Lanai Company, Inc.

By   
RICHARD K. MIRIKITANI  
Its Vice President/Secretary

By   
BONNIE E. FREITAS  
Its Vice President/Asst. Secretary

Subscribed and sworn to  
before me this 12th day  
of February 2001.

  
Cynthia Kadekawa  
Notary Public, State of Hawaii  
My commission expires: 3/22/2002



Parcel Information

Parcel Number 490140160000
Location Address FRASER AVE LANAI HI 96763
Neighborhood Code 4963-1
Legal Information 1.024 Acres Non taxable
Parcel Note

View Map

Owner Information

Owner Names COUNTY OF MAUI Fee Owner

Mailing Address COUNTY OF MAUI

Assessment Information

Show Historical Assessments

Table with 6 columns: Market Land Value, Agricultural Land Value, Assessed Land, Building Value, Total Assessed Value, Total Exemption Value, Total Net Taxable Value. Values range from \$0 to \$100.

How to calculate real property taxes

Year 2021 Tax Class NON-OWNER-OCCUPIED/RESIDENTIAL

Sales Information

Table with 4 columns: Sale Date, Price, Instrument Number, Instrument Type. Includes dates from 2/22/1999 to 10/22/1992 and instrument numbers.

Recent Sales In Area

Sale date range:

From: 11/17/2018 To: 11/17/2021

Sales by Neighborhood, 1500 Feet, Sales by Distance

### Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner  Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Show All Owners  
 Show Parcel ID on Label

Skip Labels

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: 11/16/2021, 10:40:02 PM

Version 2.3.161

Developed by





**Parcel Information**

Parcel Number 490140170000  
 Location Address FRASER AVE  
 LANAI HI 96763  
 Neighborhood Code 4962-4  
 Legal Information LOT 1170 MAP 149 LC APP 8622.843 AC SUBJ/ES.29 & 71  
 Land Area 2.843 Acres  
 Parcel Note Non taxable

[View Map](#)

**Owner Information**

Owner Names COUNTY OF MAUI Fee Owner  
 Mailing Address [COUNTY OF MAUI](#)

**Assessment Information**

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2021	INDUSTRIAL	\$900	\$0	\$900	\$0	\$900	\$900	\$0

[How to calculate real property taxes](#)

**Sales Information**

Sale Date	Price	Instrument Number	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
3/5/2003	\$0		Fee conveyance		Warranty deed	8/19/2003	2978954	660425
12/10/2001	\$0		Mapping		Land Court	12/10/2001		
12/16/1996	\$0	0000000000						
1/1/1993	\$0	0000000000						

**Recent Sales In Area**

Sale date range:

From:  To:

### Generate Owner List by Radius

Distance:

100 Feet

Use Address From:

Owner  Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Show All Owners  
 Show Parcel ID on Label

Skip Labels

No data available for the following modules: Agricultural Assessment Information, Current Tax Bill Information, Historical Tax Information, Appeal Information, Home Exemption Information, Improvement Information, Commercial Improvement Information, Accessory Information, Permit Information, Sketches.

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: [11/16/2021, 10:40:02 PM](#)

Developed by



Version 2.3.161



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

2015 NOV 30 P 12:09  
LAND USE COMMISSION  
STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL	)	ORDER ADOPTING
MANAGEMENT, COUNTY OF MAUI	)	RECOMMENDATION OF THE
	)	LĀNA`I PLANNING
For A Special Use Permit To Establish	)	COMMISSION TO APPROVE
And Operate Expansion Of The Lāna`i	)	TIME EXTENSION REQUEST
Sanitary Landfill On Approximately 25	)	TO SPECIAL USE PERMIT
Acres Of Land Situated Within The	)	AND CERTIFICATE OF
State Land Use Agricultural District At	)	SERVICE
Lāna`i City, Lāna`i, Tax Map Key	)	
Number: 4-9-002: Portion Of 60	)	
(Formerly 4-9-002: Portion Of 1)	)	
_____	)	

ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING  
COMMISSION TO APPROVE TIME EXTENSION REQUEST  
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE

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

November 30, 2015 by

Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

2015 NOV 30 P 12:08  
LAND USE COMMISSION  
STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL	)	ORDER ADOPTING
MANAGEMENT, COUNTY OF MAUI	)	RECOMMENDATION OF THE
	)	LĀNA`I PLANNING
For A Special Use Permit To Establish	)	COMMISSION TO APPROVE
And Operate Expansion Of The Lāna`i	)	TIME EXTENSION REQUEST
Sanitary Landfill On Approximately 25	)	TO SPECIAL USE PERMIT
Acres Of Land Situated Within The	)	AND CERTIFICATE OF
State Land Use Agricultural District At	)	SERVICE
Lāna`i City, Lāna`i, Tax Map Key	)	
Number: 4-9-002: Portion Of 60	)	
(Formerly 4-9-002: Portion Of 1)	)	
_____	)	

ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING  
COMMISSION TO APPROVE TIME EXTENSION REQUEST  
TO SPECIAL USE PERMIT

AND

CERTIFICATE OF SERVICE



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

2015 NOV 30 P 12:09  
LAND USE COMMISSION  
STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL	)	ORDER ADOPTING
MANAGEMENT, COUNTY OF MAUI	)	RECOMMENDATION OF THE
	)	LĀNA`I PLANNING
For A Special Use Permit To Establish	)	COMMISSION TO APPROVE
And Operate Expansion Of The Lāna`i	)	TIME EXTENSION REQUEST
Sanitary Landfill On Approximately 25	)	TO SPECIAL USE PERMIT
Acres Of Land Situated Within The	)	
State Land Use Agricultural District At	)	
Lāna`i City, Lāna`i, Tax Map Key	)	
Number: 4-9-002: Portion Of 60	)	
(Formerly 4-9-002: Portion Of 1)	)	
_____	)	

ORDER ADOPTING RECOMMENDATION OF THE LĀNA`I PLANNING  
COMMISSION TO APPROVE TIME EXTENSION REQUEST  
TO SPECIAL USE PERMIT

On November 2, 2015, the County of Maui Department of Planning ("DP") filed a copy of the decision and a portion of the record of the Lāna`i Planning Commission's ("Planning Commission") proceeding on the 15-year time extension request of the Department of Environmental Management, County of Maui (formerly the Department of Public Works and Environmental Management) ("Applicant" or

"Petitioner")<sup>1</sup> to the existing special use permit that allowed the expansion of the Lāna`i Sanitary Landfill with the State of Hawai`i Land Use Commission ("LUC"), pursuant to Hawai`i Administrative Rules ("HAR") §15-15-95(b).<sup>2</sup> On November 5, 2015, the DP filed the remaining portion of the record of the proceeding with the LUC.

On November 19, 2015, the LUC met at the Maui Arts & Cultural Center, McCoy Studio Theater, in Kahului, Maui, Hawai`i,<sup>3</sup> to consider the recommendation of the Planning Commission to approve the Applicant's time extension request. At the meeting, the LUC heard a presentation on the time extension request from the Applicant's representatives, Michael M. Miyamoto and Elaine Baker. Michael Hopper, Esq.; William Spence; and Kurt Wollenhaupt were also present at the meeting on behalf of the County of Maui Department of Planning ("DP"), and Bryan C. Yee, Esq., was present on behalf of the State of Hawai`i Office of Planning ("OP").

Following discussion on the operations of the landfill as well as the Applicant's compliance with the various conditions imposed, discussion on the

---

<sup>1</sup> The Department of Public Works and Environmental Management itself was previously known as the Department of Public Works and Waste Management.

<sup>2</sup> The Applicant initially filed a request for a 10-year time extension. The Applicant subsequently amended its request to a 15-year time extension based on a capacity study of the landfill.

<sup>3</sup> The Commission's agenda had stated that the meeting would be at the Maui Arts & Cultural Center, Haynes Meeting Room. However, the location was changed to a more expansive room within the same facility to accommodate the large numbers of the public who were present for an agenda item that immediately preceded this matter.

Planning Commission's vote record ensued.<sup>4</sup> Thereafter, a motion was made and seconded to remand the recommendation of the Planning Commission to approve the Applicant's 15-year time extension request for further proceedings to obtain a clear vote in light of HRS §92-15 and AG Opinion No. 85-11. After further discussion, the motion and second were withdrawn. Thereafter, a motion to adopt the recommendation of the Planning Commission to approve the Applicant's 15-year time extension request was made and seconded. The seconder to the motion subsequently proposed an amendment to the motion, which was accepted by the movant, consisting of amendments to Condition Numbers 1 and 3<sup>5</sup> to read as follows:

1. That the State Land Use Commission Special Use Permit shall be valid until September 13, 2029, subject to further extensions by the Lāna`i Planning Commission and the State Land Use Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.

---

<sup>4</sup> The Planning Commission, in its decision to recommend approval of the time extension request, recorded a vote tally of four ayes, three noes, one abstention, and one excused. The abstention was deemed an affirmative vote, pursuant to the Planning Commission Rule §12-401-24(c), which states: "Unless a present member is disqualified from voting pursuant to section 12-401-25, their silence or refusal to vote shall be recorded as an affirmative vote." Based on this provision of the Planning Commission's rules, the motion passed with five votes in favor, three opposed, and one excused.

Attorney General ("AG") Opinion No. 85-11 addressed the issue as to whether a board member's act of abstention should be counted as a vote for the purpose of achieving the minimum number of votes necessary to validate a board's action. The AG Opinion concluded that "...abstentions are not equivalent to, nor do they constitute, 'concurrence' for the purpose of validating board action in conformity with section 92-15 and that the words 'concurrence of majority' mean nothing less than the affirmative votes of the majority."

<sup>5</sup> The amendments represent technical, non-substantive changes to the conditions as recommended by the Planning Commission.

3. That Petitioner shall use non-drinking water, to the extent possible, for grading and dust control of the landfill.

Following discussion by the Commissioners, a vote was taken on the motion, as amended. There being a vote tally of 6 ayes, 0 nays, and 2 excused,<sup>6</sup> the amended motion carried.

#### ORDER

The LUC, having duly considered the arguments presented by the Applicant and the record in this proceeding, and an amended motion having been made and seconded at a meeting held on November 19, 2015, in Kahului, Maui, Hawai'i, and the amended motion having received the affirmative votes required by HAR §15-15-13, HAR, and there being good cause for the amended motion,

HEREBY ORDERS that the recommendation of the Planning Commission to approve the Applicant's 15-time extension request be ADOPTED, subject to the following amendments to Condition Numbers 1 and 3:

1. That the State Land Use Commission Special Use Permit shall be valid until September 13, 2029, subject to further extensions by the Lāna`i Planning Commission and the State Land Use Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration.
3. That Petitioner shall use non-drinking water, to the extent possible, for grading and dust control of the landfill.

---

<sup>6</sup> There are currently eight sitting commissioners on the LUC. The one remaining seat is vacant.

ADOPTION OF ORDER

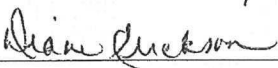
This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 30<sup>th</sup> day of November, 2015, per motion on November 19, 2015.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

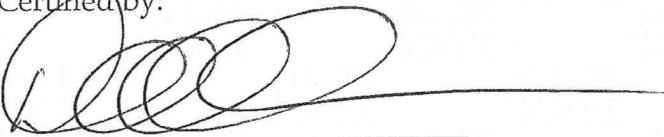
  
Deputy Attorney General

By   
EDMUND ACZON  
Chairperson and Commissioner

Filed and effective on:

11/30/15

Certified by:



DANIEL ORODENKER  
Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

2015 NOV 30 P 12:09  
LAND USE COMMISSION  
STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. SP94-386
	)	
DEPARTMENT OF ENVIRONMENTAL	)	CERTIFICATE OF SERVICE
MANAGEMENT, COUNTY OF MAUI	)	
	)	
For A Special Use Permit To Establish	)	
And Operate Expansion Of The Lāna`i	)	
Sanitary Landfill On Approximately 25	)	
Acres Of Land Situated Within The	)	
State Land Use Agricultural District At	)	
Lāna`i City, Lāna`i, Tax Map Key	)	
Number: 4-9-002: Portion Of 60	)	
(Formerly 4-9-002: Portion Of 1)	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that due service of the within document was made by depositing the same with the United States Mail, postage prepaid, or by hand delivery, on November 30, 2015, addressed to:

BY HAND DELIVERY

LEO R. ASUNCION, JR., AICP  
Acting Director  
Office of Planning  
State of Hawaii  
235 South Beretania Street, 6th Floor  
Honolulu, Hawaii 96813

BRYAN C. YEE, ESQ.  
Deputy Attorney General  
Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813

BY MAIL

WILLIAM SPENCE  
Director, County of Maui Department of  
Planning  
2200 Main St.,  
One Main Plaza Bldg., Ste 315  
Wailuku, HI 96793

BY MAIL

LANAI PLANNING COMMISSION  
C/O County of Maui  
2200 Main St.,  
One Main Plaza Bldg., Ste 315  
Wailuku, HI 96793

BY MAIL

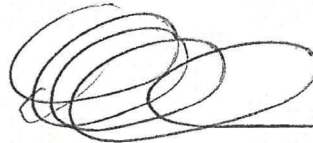
PATRICK K. WONG, ESQ.  
Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
200 S. High St.  
Wailuku, HI 96793

BY MAIL  
CERTIFIED

MICHAEL M. MIYAMOTO  
Director, County of Maui Department of  
Environmental Management  
2050 Main St. , Suite 1C  
Wailuku, HI 96793

BY MAIL

DATED: Honolulu, Hawai'i, November 30 , 2015.



---

DANIEL ORODENKER  
Executive Officer  
State Land Use Commission

GOVERNOR

Deputy Dir.	<input type="checkbox"/>	Assign	<input type="checkbox"/>
Secretary	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Current Div.	<input type="checkbox"/>	See Me	<input type="checkbox"/>
Long Range	<input type="checkbox"/>	Comments	<input type="checkbox"/>
Energy Div.	<input type="checkbox"/>	Draft	<input type="checkbox"/>
Admin.	<input type="checkbox"/>	Handle	<input type="checkbox"/>
<u>GERRY</u>	<input type="checkbox"/>	File	<input type="checkbox"/>
Copy to:	<input type="checkbox"/>	FTI	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	CIRCULATE	<input type="checkbox"/>
	<input type="checkbox"/>	Recycle	<input type="checkbox"/>
Today's date <u>10/3/92</u>			
OFFICE OF THE SUPERINTENDENT			



STATE OF HAWAII  
 DEPARTMENT OF EDUCATION  
 P. O. BOX 2340  
 HONOLULU, HAWAII 96804

'92 OCT 29 P3:08

DEPT OF ED  
OCT 29 1992

October 15, 1992

Mr. Brian Miskae  
 Planning Director  
 Maui Planning Department  
 250 South High Street  
 Wailuku, Hawaii 96793

Dear Mr. Miskae:

SUBJECT: Koele Resort  
 I.D. No. 92/PH2-004 & 92/PD1-003  
 TMK: 4-9-001: 021, 24, 25, 27 & 30;  
4-9-02: 002; and 4-9-18: 1 & 2

Our review of the subject application indicates that the proposed development of 100 town-home units and 255 single-family units will have the following enrollment impact on Lanai High and Elementary School:

<u>School</u>	<u>Grades</u>	<u>Projected Students</u>
Lanai High and Elementary	K-6	7
	7-8	3
	9-12	3

Lanai High and Elementary School should be able to accommodate the students generated from this development.

EXHIBIT //

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

Mr. Brian Miskae

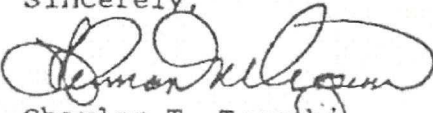
-2-

October 15, 1992

Since the enrollment impact is less than 15 students, the Department of Education will not request that the County require the developer to make a pro rata share contribution for the construction of school facilities.

Should there be any questions, please call the Facilities Branch at 737-4743.

Sincerely,



Charles T. Toguchi  
Superintendent

CTT:hy

cc: A. Suga  
L. Lindsey

REF-340<sup>321</sup>

LINDA LINGLE  
GOVERNOR



RUSS K. SAITO  
COMPTROLLER  
SANDRA L. YAHIRO  
DEPUTY COMPTROLLER

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

MAY - 6 2010

(P)1102.0

Mr. Gary M. Yokoyama  
Vice President and Corporate Counsel  
Castle & Cooke Resorts, LLC  
P.O. Box 898900  
Mililani, HI 96789-8900

Dear Mr. Yokoyama:

Subject: Proposed New Civil Defense Sirens on Castle & Cooke, Inc. Property  
Koele Park (Siren 203) and Kaunalapau Harbor (Siren 204)  
County of Maui, Island of Lanai  
Tax Map Key (2) 4-9-002: 001

Attached please find a fully executed right-of-entry and non-exclusive license agreement for the proposed new civil defense sirens at Koele Park and Kaunalapau Harbor.

As noted previously, the implementation schedule of these sirens will depend on the availability of construction funds.

Thank you very much for your responsive attention to this matter. If you have any questions, please call Mr. Brian Isa of my Planning Branch staff at (808) 586-0484.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest Y.W. Lau".  
ERNEST Y.W. LAU  
Public Works Administrator

BI:Inn  
Attachment

c: Mr. Vincent Shigekuni, PBR Hawaii w/attachment

**RIGHT-OF-ENTRY AND NON-EXCLUSIVE LICENSE AGREEMENT**

THIS RIGHT-OF-ENTRY AND NON-EXCLUSIVE LICENSE AGREEMENT ("**Agreement**") made this 22<sup>nd</sup> day of April, 2010 ("**Effective Date**") by and between CASTLE & COOKE, INC., whose mailing address is 100 Kahelu Avenue, 2<sup>nd</sup> Floor, Mililani, Hawaii 96789 ("**Grantor**") and the STATE OF HAWAII, DEPARTMENT DEFENSE (DOD), whose mailing address is 3949 Diamond Head Road, AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (DAGS), whose mailing address is 1151 Punchbowl Street, Honolulu, Hawaii, 96813 ("**Grantee**").

**BACKGROUND**

WHEREAS, Grantor is the fee owner of that certain 86,071 acre (approximate) parcel of land on the Island of Lanai, County of Maui, State of Hawaii, bearing Tax Map Key Number (2) 4-9-002: 001, and as more particularly described on **Exhibit "A"** attached hereto and made a part hereof (the "**Property**");

WHEREAS, the State Civil Defense has identified 2 (two) suitable siren locations which are located on a portion of the Property and identified on **Exhibits "B" and "C"** attached hereto (the "**Koele Park (Siren 203)**" and "**Kaunalapau Harbor (Siren 204)**");

WHEREAS, Grantee, who has the responsibility to fund and maintain the civil defense siren, seeks a right-of-entry onto the Property together with a non-exclusive license for the purpose of installing and maintaining the 2 (two) new State Civil Defense sirens in accordance with the specifications and details set forth on **Exhibit "D"** attached hereto and made a part hereof (the "**New Sirens**").

NOW, THEREFORE, in consideration of the promises and covenants contained herein and for other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged by the parties hereto, the parties hereby agree as follows:

**AGREEMENT**

1. **Right-of-Entry**. Subject to the terms and conditions of this Agreement, Grantor hereby grants to Grantee, its officers, employees, agents, contractors and subcontractors, a right-of-entry (the "**Right-of-Entry**") onto the Property for the purpose of installing the New Sirens.

2. **Term of Right-of-Entry.** The term of the Right-of-Entry shall commence as of the Effective Date and shall expire upon Grantee's installation of the New Sirens.

3. **Non-Exclusive License.** Subject to the terms and conditions of this Agreement, Grantor hereby grants to Grantee, its officers, employees, agents, contractors and subcontractors, a non-exclusive license (the "**License**") to use 2 (two) portions of the Property identified on Exhibits "B" and "C" attached hereto as the "**Koele Park (Siren 203)**" and "**Kaumalapau Harbor (Siren 204)**", for the purpose of installing and maintaining the New Sirens identified on Exhibit "D", but for no other purpose.

4. **Term of License.** The term of the License shall commence upon Grantee's installation of the New Sirens and shall thereafter continue on a month-to-month basis. Grantor or Grantee may terminate the License upon thirty (30) days prior written notice to the other party at the respective addresses set forth above.

5. **Access Approval.** Grantor shall have the right of prior approval of Grantee's entry onto the Property for any and all purposes contemplated under the Right-of-Entry and License, which right shall be exercised in Grantor's sole and absolute discretion. Such approval must be obtained from Grantor's representative, **Steven M. Bumbar, President, Castle & Cooke Resorts, LLC**, by telephone at (808) 565-3831, or from such other representative as may be communicated by Grantor to Grantee in writing, at least seventy-two (72) hours prior to Grantee's entry. Grantee shall make a good faith effort to minimize any potential interference with Grantor's normal operations.

6. **Liability and Indemnity.** The State shall be responsible for damage or personal injury resulting from the negligent, reckless, intentional, or wrongful acts, errors, or omissions of State's officers and employees and its agents, contractors and subcontractors while acting within the scope of their employment to the extent that the State's liability for such damage or injury has been determined by a court or otherwise agreed to by the State. The State shall pay for such damage and injury to the extent that funds have been authorized, appropriated, and allocated for such purpose and allocated.

7. **Safety Precautions.** At all times during installation of the New Sirens and during maintenance of the New Sirens, Grantee shall clearly and safely mark-off the construction work area and shall maintain and exercise due care to keep the area around Grantor's activity clear and safe for public use.

8. **Restoration.** Upon replacement of the New Sirens, or permanent removal of the New Sirens, or upon termination of this Agreement, Grantee shall restore the siren site to a condition that is substantially similar to that which existed prior to the commencement of Grantee's activity under this Agreement.

9. **Utilities.** Grantee shall pay for all utilities it uses to operate the New Sirens.

---

10. **Compliance with Laws.** Grantee, its officers, employees, agents, contractors, and subcontractors shall comply with and satisfy all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments in doing its work during the term of the Right-of-Entry and term of the License.

11. **Counterparts and Facsimile Signatures.** This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute but one instrument. Duplicate, unexecuted counterpart pages may be discarded and the remaining pages assembled as one document. Signatures transmitted and received by facsimile on this Agreement shall be binding and effective for all purposes.

12. **Governing Law not defined.** This Agreement shall be governed under Hawaii law, and be binding on and inure to the benefit of the successors and permitted assignees of the respective parties.

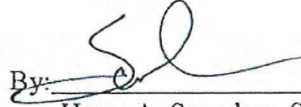
13. **No Party Deemed Drafter.** Grantor and Grantee agree that neither party shall be deemed to be the drafter of this Agreement and that in the event this Agreement is ever construed by a court of law; such court shall not construe this Agreement or any provision hereof against either party as the drafter.

14. **Entire Agreement** This Agreement constitutes the entire agreement between the parties, and supersedes all understandings, offers, negotiations and other agreements concerning the subject matter contained herein. There are no representations or understandings of any kind not set forth herein. Any amendments, modifications or waivers of any of the terms and conditions of this Agreement must be in writing and executed by both parties.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the date first above written.

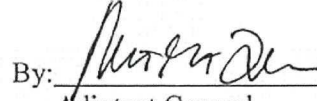
CASTLE & COOKE INC.

By:   
Harry A. Saunders, SVP

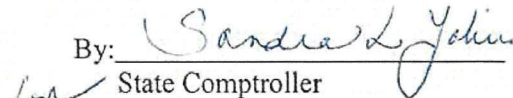
By:   
Richard K Mirikitani, Asst. Sec.

“GRANTOR”

STATE OF HAWAII,  
DEPARTMENT OF DEFENSE

By:   
Adjutant General

STATE OF HAWAII,  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES

By:   
State Comptroller

“GRANTEE”

APPROVED AS TO FORM  
AND LEGALITY:

By:   
State Deputy Attorney General

EXHIBIT A  
DESCRIPTION OF THE PROPERTY

Tax Map Key (2) 4-9-002:001  
Castle & Cooke Inc.

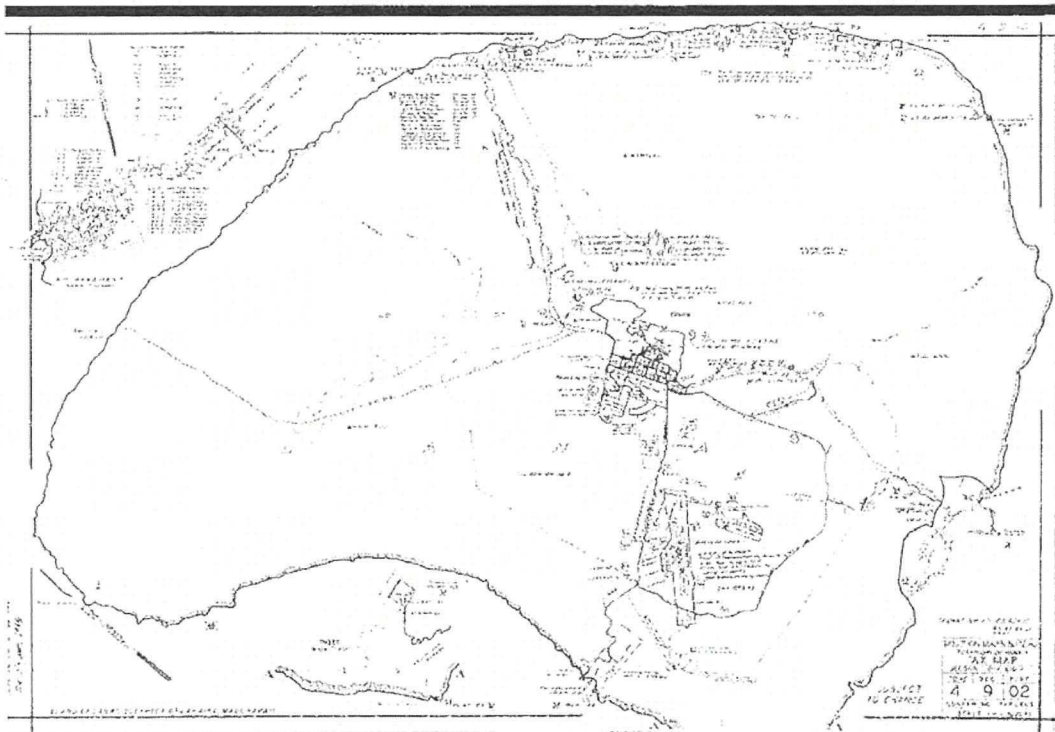
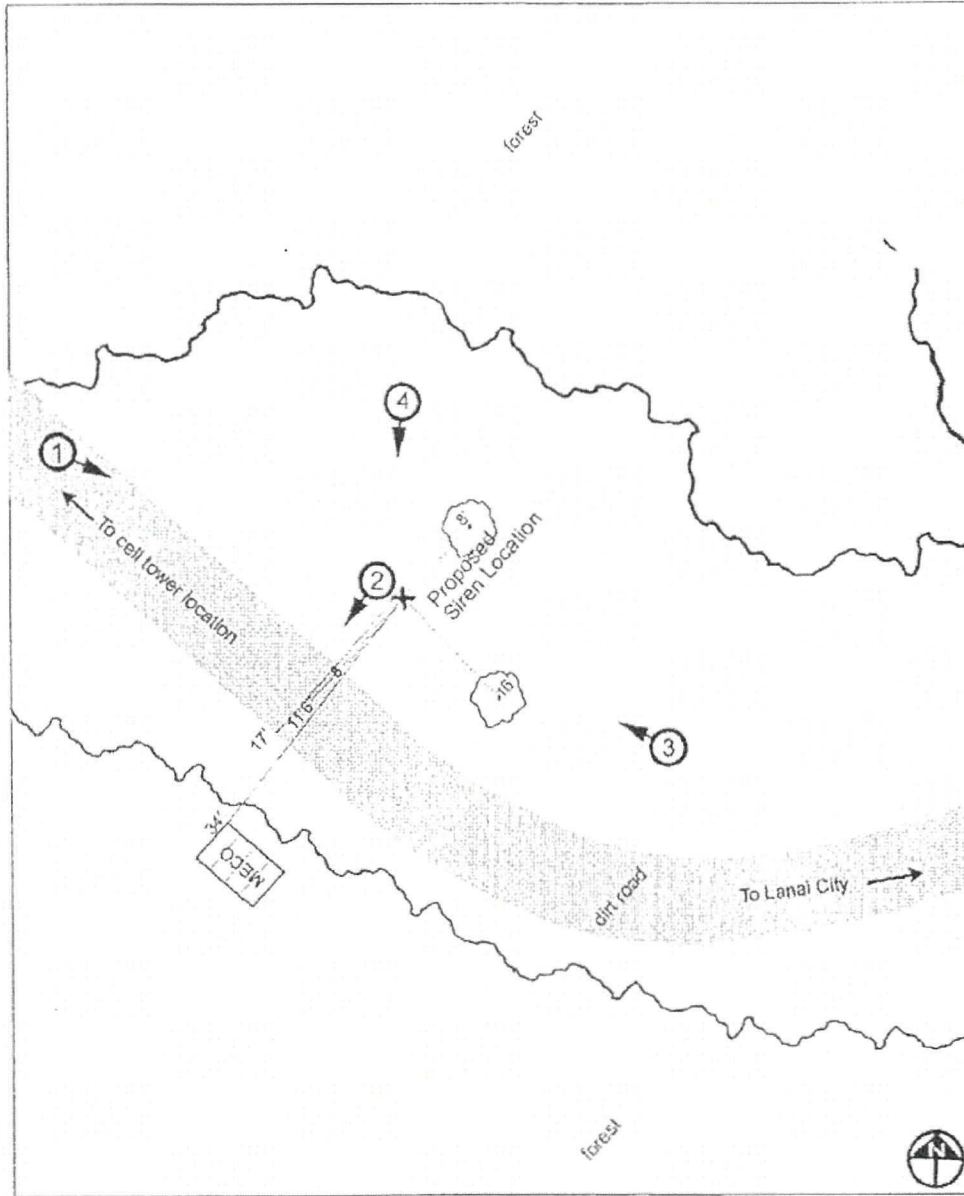


EXHIBIT B  
SKETCH OF THE SIREN AREA- KOELE PARK (203)

DATE: 11/15/2006  
ISLAND: Lanai  
SITE NUMBER: 203  
SITE NAME: Koele Park

LEGEND

① Photo Direction

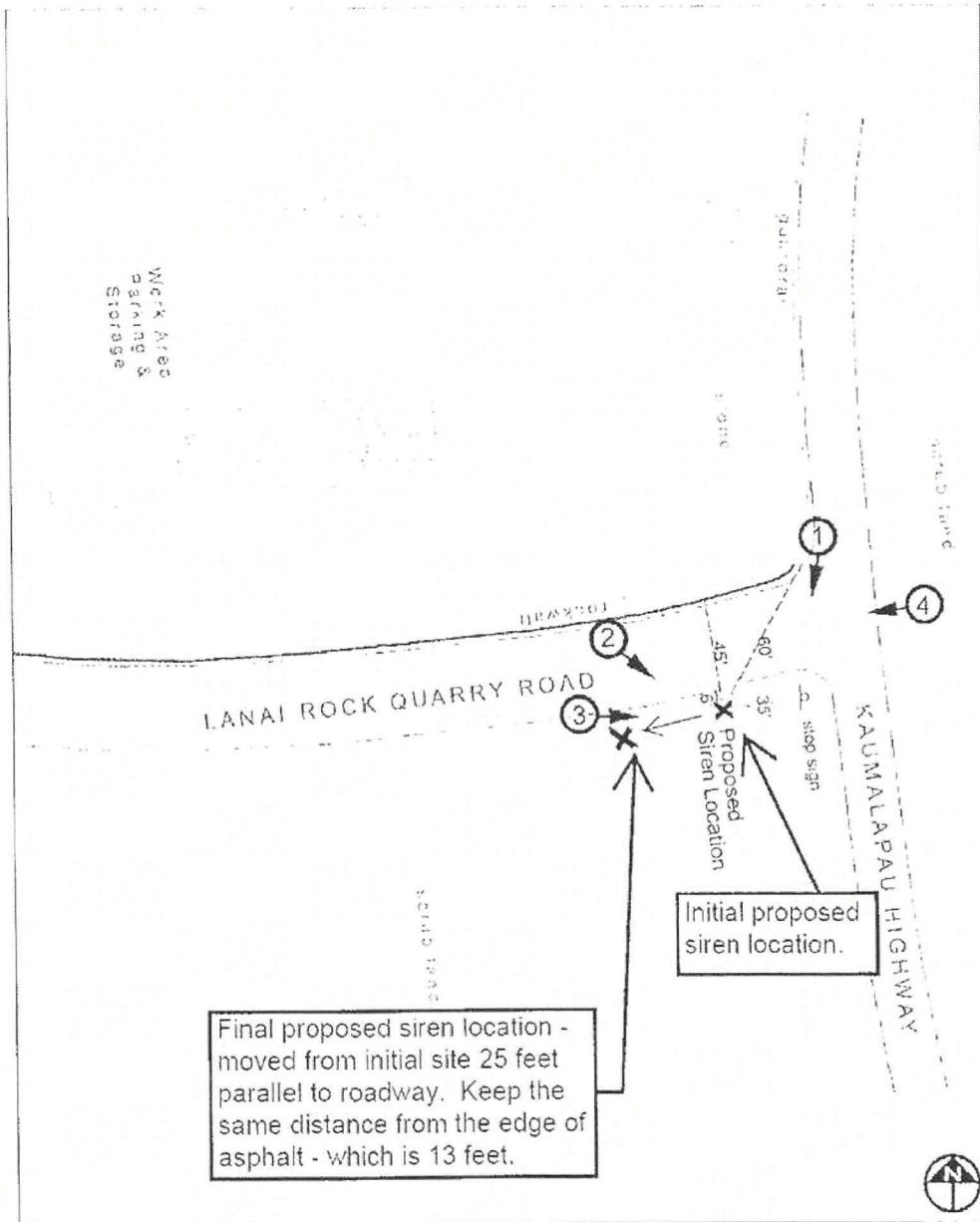


Sketch is not to scale.

**EXHIBIT C**  
**SKETCH OF THE SIREN AREA - KAUMALAPAU HARBOR (204)**

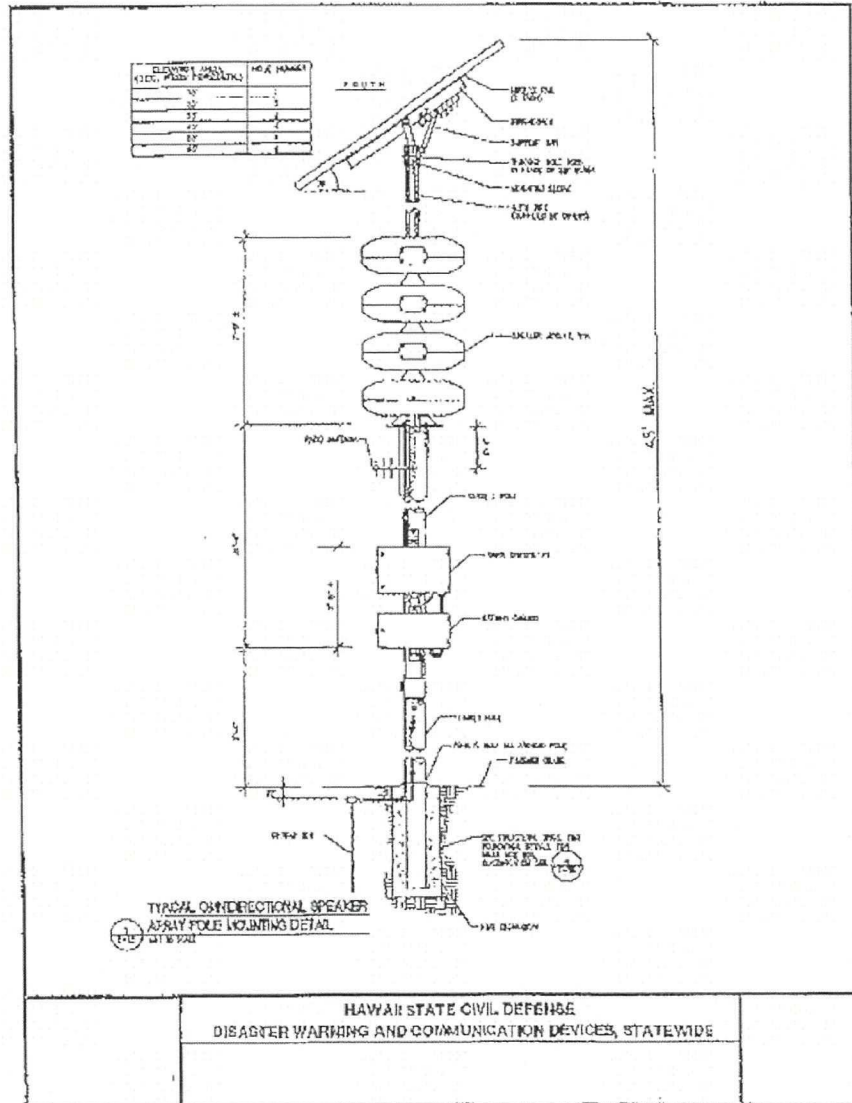
DATE: 11/15/2006  
 ISLAND: Lanai  
 SITE NUMBER: 204  
 SITE NAME: Kaumalapau Harbor

LEGEND  
 (1) Photo Direction  
 (o) Sign



Sketch is not to scale.

**EXHIBIT D**  
**SKETCH OF NEW SIREN DETAIL**



1/1

ATTACHMENT 2



LAND USE COMMISSION  
STATE OF HAWAII

2021 MAR -9 P 1:41

March 5, 2021

State of Hawaii Land Use Commission  
Department of Business and Economic Development and Tourism  
P.O. Box 2359  
Honolulu, Hawaiʻi 96804-2359  
Attention: Daniel E. Orodener, Executive Officer  
By Federal Express and e-mail

Re: 2019 Annual Report to the Land Use Commission  
Docket No. A90-662 (Kōʻele Project Expansion)  
Lānaʻi Resorts, LLC, dba Pūlama Lānaʻi – Successor to Castle & Cooke Resorts, LLC

To Chairperson and Members of the Land Use Commission:

As required by Condition No. 13 of the Finding of Fact, Conclusion of Law, and Decision and Order, dated August 28, 1991 ("D&O"), in the above described docket Lānaʻi Resorts, LLC (dba Pūlama Lānaʻi), hereby submits this annual report to the Land Use Commission ("Commission") "...in connection with the status of the Property and the Petitioner's progress in complying with the conditions imposed." Pūlama Lānaʻi submits this report as the successor entity to Castle & Cooke Resorts, LLC (collectively "Petitioner").

**GENERAL PROGRESS OF THE PROJECT**

The "Property," as defined in the D&O, includes certain land at Kōʻele, Lānaʻi, Hawaiʻi, Tax Map Key No. (2) 4-9-002, portion of 001, covering an aggregate area of approximately 78.793 acres. By and through the D&O, the Commission reclassified (a) approximately 63.526 acres of land from the Agricultural District to the Urban District, (b) approximately 4.382 acres of land from the Conservation District to the Urban District and (c) approximately 10.885 acres of land from the Agricultural District to the Conservation District. The Commission approved Petitioner's proposed expansion of the area of the Kōʻele Project District by approximately 67.9 acres in order to reconfigure the low density residential development planned adjacent to the Kōʻele Golf Course (which was reconfigured in order to accommodate the retention of the Cavendish Golf Course for Lānaʻi residents on a free-play basis).

The residential lots are located in the Lāna'i Project District 2 (Kō'ele), as approved by the County of Maui (Maui County Code Chapter 19.71). The project district is located to the north and east of Lāna'i City. As noted above, this Project District provides for single-family residential, multifamily residential, hotel, commercial, park, golf course, open space, and public uses; and presently includes The Lodge at Kō'ele, The Experience at Kō'ele Golf Course and clubhouse, the 9-hole Cavendish Golf Course, 27 Villa units, 6 Pine units, and 18 single-family lots (14 of which have completed residences).

In 2017, The Lodge at Kō'ele and the Experience at Kō'ele Golf Course were closed. The Lodge at Kō'ele underwent significant renovations and the Golf Course was closed and abandoned as a golf course.

In November of 2019, Sensei Lāna'i, A Four Seasons Resort opened after several years of renovation and the Lāna'i Adventure Park opened on a section of the former Experience at Kō'ele Golf Course.

**PROGRESS IN COMPLYING WITH CONDITIONS IMPOSED**

As described below, Petitioner is in compliance with all the conditions imposed by the Commission.

Number	Condition	Status
<u>1</u>	"Petitioner shall donate an adequate amount of land to the County of Maui for affordable residential projects to the satisfaction of the Department of Housing and Human Concerns of the County of Maui."	In Compliance and <b>Complete</b> Refer to the 2018 Annual report <sup>1</sup>
<u>2</u>	"Petitioner shall implement a groundwater monitoring program and other measures to prevent groundwater contamination from the development on the Property, in consultation with, and to the satisfaction of, the State Department of Health (DOH)."	In Compliance and <b>Complete</b> Refer to the 2018 Annual report <sup>1</sup>
<u>3</u>	"Petitioner shall have the project-generated wastewater collected and transported to the Lana'i City Wastewater Treatment Facility, and shall also participate in the funding of any expansion or improvements to this treatment facility required by the project-generated wastewater, to the satisfaction of the County of Maui, Department of Public Works, and the State Department of Health."	In Compliance and <b>Complete</b> Refer to the 2018 Annual report <sup>1</sup>
<u>4</u>	"Petitioner shall fund the design and construction of all necessary water facility improvements, including source development, to provide adequate quantities of potable water to service the subject project."	In Compliance and <b>Complete</b> Refer to the 2018 Annual report <sup>1</sup>

<sup>1</sup> <https://luc.hawaii.gov/wp-content/uploads/2019/06/A90-662-LUC-Koele-Annual-Report-for-2018-6-26-19.pdf>

<u>5</u>	"Petitioner shall submit a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, to the County of Maui, Department of Public Works, for review and approval. This plan shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. The approval of the plan shall be deemed compliance of this condition."	In Compliance and <b>Complete</b>  Refer to the 2018 Annual report <sup>1</sup>
<u>6</u>	"Petitioner shall participate in the funding and construction of any transportation improvements necessitated by the proposed project, identified by and to the satisfaction of the County of Maui, Department of Public Works and State Department of Transportation."	In Compliance and <b>Complete</b>  Refer to the 2018 Annual report <sup>1</sup>
<u>7</u>	"Petitioner shall immediately stop work and contact the State Department of Natural Resources, Historic Preservation Division should any previously unidentified archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development."	In Compliance and <b>Complete</b>  Refer to the 2018 Annual report <sup>1</sup>
<u>8</u>	See condition below	In Compliance, see update below.
<u>9</u>	See condition below	In Compliance, see update below.
<u>10</u>	"Petitioner shall fund and install the necessary number of emergency siren units within the Property as required for service to the Property to the satisfaction of the State Department of Defense."	In Compliance and <b>Complete</b> Refer to the 2018 Annual report <sup>1</sup>
<u>11</u>	See condition below	In Compliance, see update below.
<u>12</u>	See condition below	In Compliance, see update below.
<u>13</u>	See condition below	In Compliance, see update below.
<u>14</u>	See condition below	In Compliance, see update below.
<u>15</u>	"Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to title 15, Chapter 15, Section 92, Hawaii Administrative Rules."	In Compliance and <b>Complete</b>  Refer to the 2018 Annual report <sup>1</sup>
<u>16</u>	See condition below	In Compliance, see update below.

## CONDITION 8

"Petitioner shall provide its' pro rata share for police, fire, park and solid waste disposal as may be required by the proposed project and to the satisfaction of the County of Maui."

**Compliance:** Petitioner has complied with this condition as follows:

Pro rata share for police: Petitioner agreed to convey to the County of Maui a site for the new police station containing one (1) acre of land. Petitioner subdivided land to create a new one-acre lot (Land Court Lot 1163), and subsequently conveyed Lot 1163 to the County of Maui by Deed filed on October 15, 2002 as Land Court Document No. 2850540. Petitioner also executed in favor of the County of Maui an Agreement to Dedicate Upon Demand affecting Lot 1163 (road widening strip along Ninth Street of the new Lāna'i police station site), filed on October 15, 2002, as Land Court Document Number 2850541.

Pro rata share for fire: Petitioner and the County of Maui entered into an Indenture of Lease, dated February 22, 1988, demising a 13,650 square foot parcel, identified for real property tax purposes as Tax Map Key (2) 4-9-014:012, on which the County constructed a fire station. The lease rent is \$1.00 per year and lease term ends in the year 2021.

Pro rata share for park: In coordination with the County of Maui, Petitioner designated a five-acre Kō'ele park site to be owned and maintained by Petitioner for public use, as evidenced by the Amended and Restated Petition for Re-subdivision, file- dated March 6, 2001 (Land Court Document 141134), and letter, dated July 21, 2000, addressed to County of Maui Department of Public Works from Belt Collins Hawaii Ltd. This letter transmitted a corrected final map to show that the Kō'ele Park Site is to be owned and maintained by Petitioner as a park for public use.

Petitioner and Maui County had planned for Petitioner's dedication of a 4.7 acre park assessed in connection with Kō'ele and Mānele subdivisions. This would provide park credits for a total of 409 residential units in Kō'ele and Mānele. Petitioner also paid to Maui County the aggregate sum of \$700,451.85 as a deposit/security (corresponding to 193 units of park credits), based upon the understanding that when the park was completed, the park fees paid would be returned to Petitioner, leaving a balance of 216 park unit credits to be applied to future development. Petitioner has developed 171 units of the 409 planned, and has received final subdivision approval for an additional 22 units.

Petitioner is in discussions with Maui County Parks Department regarding a potential restructuring of the foregoing plans involving County application of a portion of the park fees previously paid as payment in lieu of dedication of park land, and dedication of a park with less acreage. The park would satisfy the park dedication requirements for the remaining 216 units (of the 409 total planned) to be subdivided in the future.

Petitioner donated a 1.024-acre parcel of land for a park located on Fraser Avenue to the County of Maui by Deed filed on September 7, 2000 as Land Court Document No. 2649278.

Petitioner donated approximately 2.8 acres of land to the County of Maui for a park located on Kaunalapau Highway and Fraser Avenue by Warranty Deed filed on August 19, 2003 as Land Court Document No. 2978954.

*Pro rata share for solid waste disposal:* By and through a License Agreement dated December 31, 1968, Castle & Cooke, Inc. granted the County of Maui a non-exclusive license to use 10 acres of land "for purposes of a Sanitary Landfill Refuse Disposal operation." For purposes of expanding the landfill site to 35 acres, the State Land Use Commission approved a Special Use Permit on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The current area of the landfill site, as re-subdivided and used by the County (to date without the payment of license fees), is 35.677 acres; being Lot 2 as shown on Map 1 of Land Court consolidation 189 of Castle & Cooke, Inc. Petitioner has also worked with the County of Maui to identify a new landfill site and the County's adopted Lāna'i Community Plan designates the Kaumalapau Quarry as a future County landfill site. This new landfill site is in addition to the expansion of the existing Lāna'i Sanitary Landfill approved by the Commission on September 13, 1995 (LUC Docket No. SP94-386/Dept. of Public Works and Waste Management, County of Maui). The County of Maui received approval from the Commission for a fifteen (15) year extension of the current landfill location on November 15, 2015 (LUC Docket No. SP94-386/County of Maui-Lāna'i Sanitary Landfill). Petitioner is working with the County of Maui to determine whether there are acceptable alternatives to another landfill on Lāna'i.

#### CONDITION 9

**"Petitioner shall provide its' pro rata share for school facilities as may be required by the proposed project and to the satisfaction of the State Department of Education."**

**Compliance:** Petitioner has complied with this condition. In the context of Petitioner's Kō'ele Project District Phase 2 Application (which encompasses the Property as part of a larger 153.555-acre Phase II project) to the County of Maui, the State Department of Education ("DOE") stated that the entire Phase II project will have an enrollment impact of 13 students in grades K through 12, as evidenced by letter, dated October 15, 1992, from Charles T. Toguchi, DOE Superintendent, to Brian Miskae, Maui County Planning Director. In that letter, the DOE concluded:

*"Lana'i High and Elementary School should be able to accommodate the students generated from this development. Since the enrollment impact is less than 15 students, the Department of Education will not request that the County require the developer to make a pro rata share contribution for the construction of school facilities."*

Notwithstanding this conclusion by the DOE, Petitioner has made substantial contributions to Lāna'i public schools and the DOE. Since 1996, Castle & Cooke as Petitioner contributed- either directly or through the Lāna'i Community Benefit fund-over \$209,000 to Lāna'i High School; over \$120,000 to Lāna'i Elementary School (Reading Recovery Program) and \$100,000 to the Maui Chamber of Commerce Tech Ready program. Prior to 1996 contributions were made by Dole Food Company, Inc.. Moreover, Petitioner has donated \$250,000 to E Mālama I Na Keiki O Lana'i (Lāna'i Preschool).

Pūlama Lāna'i has continued these contributions for the Lāna'i High and Elementary School (LHES) with \$400,000 in 2013, \$550,000 in 2014, \$300,000 in 2015, \$234,000 in 2016, \$246,000 in 2017 and \$210,000 for various other supporting programs.

In 2018, Pūlama Lāna'i contributed \$246,000 to UH Maui and funded private college counseling. In 2019, Pūlama Lāna'i supported LHES with various contributions totaling \$275,000 and continued to provide private college counseling.

In 2020, Pūlama Lāna'i supported LHES and UH Foundation with various contributions totaling \$355,000 and continued to provide private college counseling.

#### CONDITION 11

**"Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property. Failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification."**

**Compliance:** Petitioner will develop the property in substantial compliance with the representations made to the Commission. Land use approvals for the development of the Property have been obtained from the County of Maui. Petitioner is further required to apply for project district development approvals for the proposed development. The Maui County Planning Commission approved Phase II of the Project District Development on December 29, 1992. The County of Maui granted approval for Kō'ele Project District Phase III, Supplemental Application for Phase 1 and 2 Villas at Kō'ele, 39 Multi-Family Units; 19 Single Family Units (package A); Reservoir (package B); and other related improvements, TMK: (2) 4-9-001 :021, 024, 025, 027, 030, (2) 4-9-001 (por 1); (2)4-9-019:001,002, Kō'ele, Lāna'i (95/PH3-001). Petitioner received final subdivision approvals for Phase I on October 11, 1994.

In early 2020, Pūlama Lāna'i received a Phase III Project District Approval for a twenty (20) Multi-Family Unit Project (Malanai Estates) located on TMK (2) 4-9-021:001, 003, 005, 006, and 011. Construction commenced on the project, however progress was delayed due to COVID-19 travel restrictions.

#### CONDITION 12

**"Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property prior to development of the Property."**

**Compliance:** Petitioner has complied with this condition. No alteration of ownership or development interest in the Property occurred "prior to development of the Property." As noted above, Petitioner has subsequently undertaken reorganizations in which Lāna'i Company, Inc. became the successor entity to Lāna'i Resort Partners, Castle & Cooke Resorts, LLC became the successor entity to Lāna'i Company, Inc., and Pūlama Lāna'i, most recently, became the successor to Castle & Cooke Resorts, LLC. Petitioner has given the Commission appropriate notice of such changes.

#### CONDITION 13

**"Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the Maui County Planning Department in connection with the status of the development of the Property and Petitioner's progress in complying with the conditions imposed."**

**Compliance:** Petitioner has complied with this condition. Petitioner has submitted annual reports for each calendar year since the Commission's approval of the project, and this letter constitutes Petitioner's 2020 annual report.

#### CONDITION 14

**The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner."**

**Status:** To date, none of the conditions have been fully or partially released, although Land Use Petitioner does intend to request such a release in the future.

#### CONDITION 16

**"The Cavendish golf course shall remain as a 'free play' golf course to the residents of Lana'i."**

**Compliance:** Petitioner has complied with this condition. The Cavendish Golf Course is operating and will continue to operate as free play course to residents of Lāna'i.

Petitioner's obligation to maintain "free play" on the Cavendish Golf Course is documented in the Unilateral Agreement and Declaration for Conditional Zoning, dated February 28, 1992, by Lana'i Resort Partners.

Should you have any questions or desire any additional information concerning the foregoing, please contact the undersigned at (808) 237-2205.

Very truly yours,

*Kurt Matsumoto*

Kurt Matsumoto  
Chief Operating Officer

cc: Ms. Mary Alice Evans, Director, Office of Planning, State of Hawai'i,  
cc: Ms. Michele Chouteau McLean, Director, County of Maui Planning Department

91-147908

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

'91 OCT 28 PM 1 39

S. FURUKAWA, REGISTRAR



LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( ) Pickup ( ) To:

DOLE FOOD COMPANY, INC.  
P.O. Box 2990  
Honolulu, Hawaii 96802

CERTIFICATE AND AUTHORIZATION

DOLE FOOD COMPANY, INC., formerly known as Castle & Cooke, Inc., a Hawaii corporation, the business address of which is 650 Iwilei Road, Honolulu, Hawaii 96817, is the holder of the fee simple interest and title in and to the land described in Exhibit "A", attached hereto and incorporated herein by reference (hereinafter referred to as "Property"); and

LANAI RESORT PARTNERS, a California general partnership registered to do business in the State of Hawaii, whose partners are M K Development, Inc., a Hawaii corporation, and Lanai Company, Inc., a Hawaii corporation, the business address of which is 650 Iwilei Road, Honolulu, Hawaii 96817, having been authorized by DOLE FOOD COMPANY, INC., as

hereinbelow set forth, to submit, as Petitioner, the Property as the subject of, and as described in, the petition in Docket No. A90-662 of the Land Use Commission of the State of Hawaii, does hereby certify pursuant to the Land Use Commission Rules, Section 15-15-92, as follows:

THAT by Decision and Order dated and entered on August 28, 1991, in said Docket No. A90-662, the Land Use Commission reclassified approximately 63.526 acres of the Property from the Agricultural District to the Urban District; approximately 4.382 acres of the Property from the Conservation District to the Urban District; and approximately 10.885 acres of the Property from the Agricultural District to the Conservation District subject to the following conditions of the Land Use Commission as set forth at pages 33 to 36, inclusive, of said Decision and Order, to which reference is hereby made:

1. Petitioner shall donate an adequate amount of land to the State of Hawaii for affordable residential projects to the satisfaction of the State Housing Finance and Development Corporation (HFDC).

2. Petitioner shall implement a groundwater monitoring program and other measures to prevent groundwater contamination from the development on the Property, in consultation with, and to the satisfaction of, the State Department of Health (DOH).

3. Petitioner shall have the project-generated wastewater collected and transported to the Lanai City

Wastewater Treatment Facility, and shall also participate in the funding of any expansion or improvements to this treatment facility required by the project-generated wastewater, to the satisfaction of the County of Maui, Department of Public Works, and the State Department of Health.

4. Petitioner shall fund the design and construction of all necessary water facility improvements, including source development, to provide adequate quantities of potable water to service the subject project.

5. Petitioner shall submit a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, to the County of Maui, Department of Public Works, for review and approval. This plan shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. The approval of the plan shall be deemed in compliance of this condition.

6. Petitioner shall participate in the funding and construction of any transportation improvements necessitated by the proposed project, identified by and to the satisfaction of the County of Maui, Department of Public Works and State Department of Transportation.

7. Petitioner shall immediately stop work and contact the State Department of Natural Resources, Historic Preservation Division should any previously unidentified

archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development.

8. Petitioner shall provide its pro rata share for police, fire, park and solid waste disposal as may be required by the proposed project and to the satisfaction of the County of Maui.

9. Petitioner shall provide its pro rata share for school facilities as may be required by the proposed project and to the satisfaction of the State Department of Education.

10. Petitioner shall fund and install the necessary number of emergency siren units within the Property as required for service to the Property to the satisfaction of the State Department of Defense.

11. Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property. Failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification.

12. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property prior to development of the Property.

13. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the Maui

County Planning Department in connection with the status of the development of the Property and Petitioner's progress in complying with the conditions imposed.

14. The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

15. Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.

16. The Cavendish golf course shall remain as a "free play" golf course to the residents of Lanai.

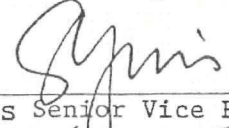
AND DOLE FOOD COMPANY, INC., having duly authorized LANAI RESORT PARTNERS to submit the Property as the subject of the petition in said Docket No. A90-662 insofar as its interest in the Property is concerned, does hereby authorize the foregoing Certification and the recording thereof in the Bureau of Conveyances and/or the Land Court of the State of Hawaii.

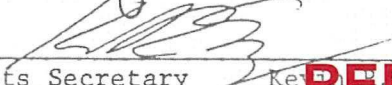
IN WITNESS WHEREOF, the undersigned have hereto caused this instrument to be duly executed on October 25, 1991.

**LANAI RESORT PARTNERS**  
a California general partnership


By Its General Partner:

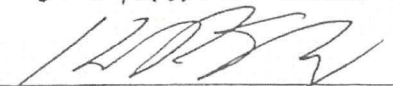
Lanai Company, Inc.  
a Hawaii corporation

By   
Its Senior Vice President G. Yim

By   
Its Secretary Keenan P. Shattuck

DOLE FOOD COMPANY, INC.  
a Hawaii corporation

By   
Its *Vice President* Thomas C. Leppert

By   
Its *Assistant Corporate Secretary* Kevin R. Shaney

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

On this 25th day of October, 1991, before me appeared G. YIM and KEVIN R. SHANEY, to me personally known, who, being by me duly sworn, did say that they are the Sr. Vice President and Secretary, respectively, of LANAI COMPANY, INC., a Hawaii corporation, general partner of LANAI RESORT PARTNERS, a California general partnership; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officers acknowledged said instrument to be the free act and deed of said corporation as such general partner.

Cynthia Kadelawa  
Notary Public, State of Hawaii

My commission expires: 3/22/94

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

On this 25th day of October, 1991, before me appeared THOMAS C. LEPPERT and KEVIN R. SHANEY, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Assistant Corporate Secretary, respectively, of DOLE FOOD COMPANY, INC., a Hawaii corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officers acknowledged said instrument to be the free act and deed of said corporation.

Cynthia Kadelawa  
Notary Public, State of Hawaii

My commission expires: 3/22/94

DESCRIPTION OF PROPOSED RECLASSIFICATION  
FROM AGRICULTURAL TO URBAN

PARCEL 3

Being a portion of Lot 9 (Map 1) of Land Court Consolidation 170

Situated at Lanai City, Island of Lanai, Hawaii

Beginning at the northeasterly corner of this parcel of land, being also a corner along the easterly boundaries of Lot 2 of Land Court Consolidation 170, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 4124.97 feet South and 3216.41 feet East, thence running by azimuths measured clockwise from True South:

1. 257° 10' 330.00 feet along Lot 2 of Ld. Ct. App. 170;
2. 330° 00' 155.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
3. 314° 55' 430.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
4. 332° 55' 1600.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
5. 346° 55' 122.98 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
6. 353° 06' 1031.77 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
7. 333° 08' 90.31 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
8. 323° 12' 100.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
9. 307° 00' 850.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
10. 347° 50' 350.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
11. 311° 45' 240.34 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
12. 48° 49' 823.54 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
13. 147° 00' 1334.75 feet along Lot 2 of Ld. Ct. Cons. 170;

- |     |      |     |  |
|-----|------|-----|--|
| 14. | 162° | 00' | 1200.00 feet along Lot 2 of Ld. Ct. Cons. 170;   |
| 15. | 170° | 40' | 1480.00 feet along Lot 2 of Ld. Ct. Cons. 170;   |
| 16. | 136° | 30' | 565.00 feet along Lot 2 of Ld. Ct. Cons. 170;  |
| 17. | 152° | 30' | 585.00 feet along Lot 2 of Ld. Ct. Cons. 170 to the point of beginning and containing an area of 63.526 Acres. |

TMK: 4-9-02: Portion 1  
November 15, 1990



M & E Pacific, Inc.

*Laurance M. Masuda*  
Registered Land Surveyor  
Certificate No. 4722

DESCRIPTION OF PROPOSED RECLASSIFICATION  
FROM AGRICULTURAL TO CONSERVATION

PARCEL 4

Being a portion of Lot 9 (Map 1) of Land Court Consolidation 170  
Situated at Lanai City, Island of Lanai, Hawaii

Beginning at the northerly corner of this parcel of land, being also a corner along the easterly boundaries of Lot 2 of Land Court Consolidation 170, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 3995.03 feet South and 3786.80 feet East, thence running by azimuths measured clockwise from True South:

- |    |          |  |
|----|----------|--|
| 1. | 294° 09' | 310.00 feet along Lot 2 of Ld. Ct. Cons. 170;  |
| 2. | 338° 06' | 1440.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;  |
| 3. | 353° 06' | 580.11 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;   |
| 4. | 166° 55' | 122.98 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;   |
| 5. | 152° 55' | 1600.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;  |
| 6. | 134° 55' | 430.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;   |
| 7. | 150° 00' | 155.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;   |
| 8. | 257° 10' | 255.00 feet along Lot 2 of Ld. Ct. Cons. 170 to the point of beginning and containing an area of 10.885 Acres. |

TMK: 4-9-02: Portion 1  
November 15, 1990



M & E Pacific, Inc.

*Laurance M. Masuda*  
Registered Land Surveyor  
Certificate No. 4722

DESCRIPTION OF PROPOSED RECLASSIFICATION  
FROM CONSERVATION TO URBAN

PARCEL 5

Being a portion of Lot 9 (Map 1) of Land Court Consolidation 170

Situated at Lanai City, Island of Lanai, Hawaii

Beginning at the northerly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 6033.85 feet South and 4676.46 feet East, thence running by azimuths measured clockwise from True South:

1. 346° 55' 782.02 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
2. 326° 20' 487.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
3. 313° 25' 530.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
4. 336° 35' 180.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
5. 127° 00' 850.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
6. 143° 12' 100.00 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
7. 153° 08' 90.31 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170;
8. 173° 06' 1031.77 feet along the remainder of Lot 9 of Ld. Ct. Cons. 170 to the point of beginning and containing an area of 4.382 Acres.

TMK: 4-9-02: Portion 1  
November 15, 1990



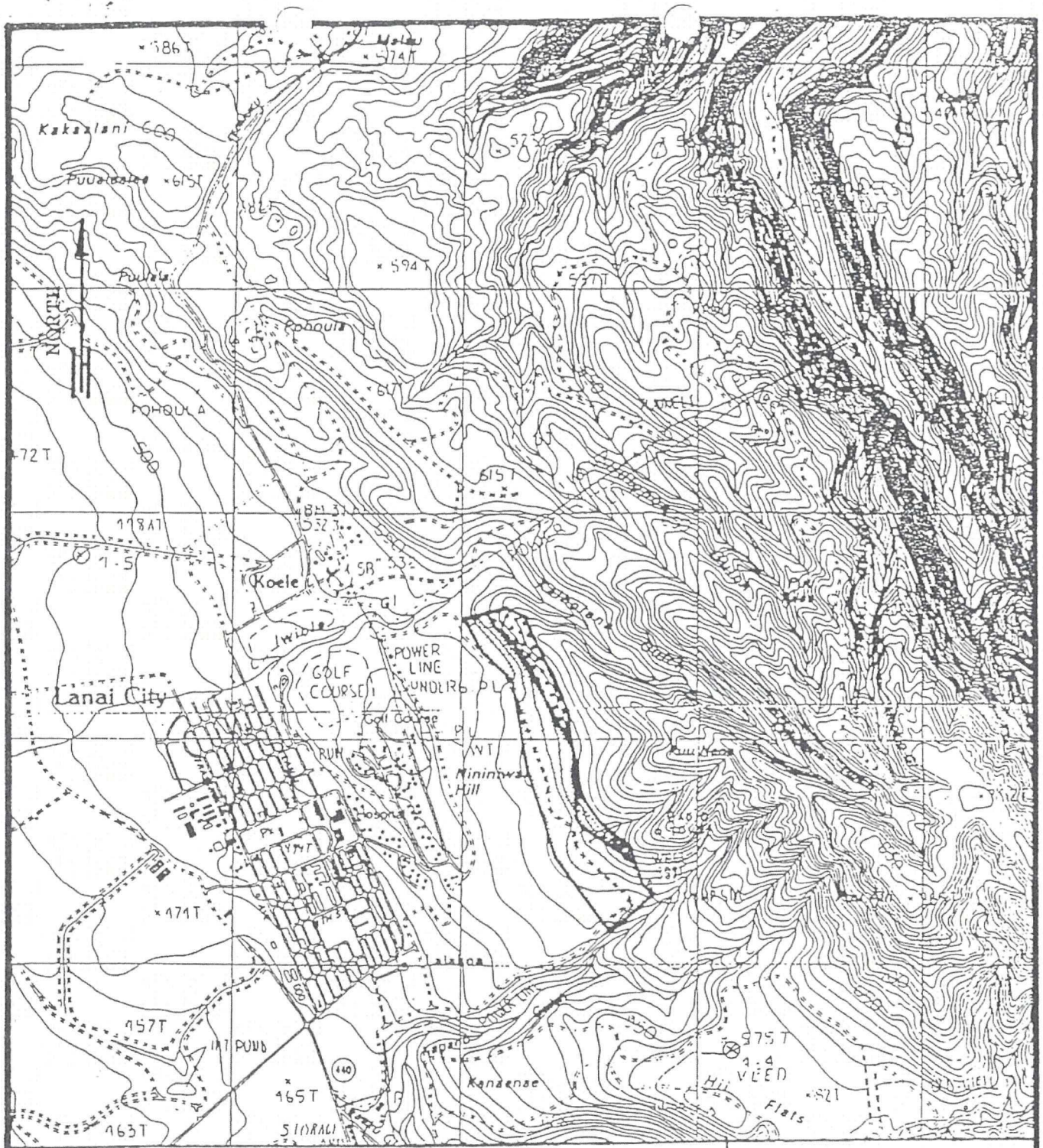
M & E Pacific, Inc.

*Laurance M. Masuda*  
Registered Land Surveyor  
Certificate No. 4722

EXHIBIT "A"

(Page 4 of 7)




REF-367

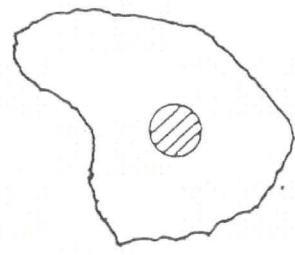


DOCKET NO. A90-662 LANAI RESORT PARTNERS

LOCATION MAP

T.M.K. : 4-9-02: por. 01  
 KOELE, LANAI CITY, LANAI, MAUI  
 SCALE : 1" = 2,083 ft. ±

-  AGRICULTURAL TO URBAN-APPROVED AREA
-  AGRICULTURAL TO CONSERVATION-APPROVED AREA
-  CONSERVATION TO URBAN-APPROVED AREA



LANAI 849  
**REF-368**

R-728

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

APR 08, 1992 / 11:25 AM

Doc No(s) 92-052311

/s/ S. FURUKAWA  
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$0.00

LAND COURT SYSTEM

REGULAR SESSION

Return by Mail ( X ) Pickup ( ) To:

Office of the County Clerk  
County of Maui  
200 So. High Street  
Wailuku, Hawaii 96793

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, made this 28<sup>th</sup> day of  
February, 1992, by LANAI RESORT PARTNERS, a  
California general partnership, whose business and mailing  
address is 650 Iwilei Street, Honolulu, Hawaii 96803,  
hereinafter referred to as "Declarant", and who is the  
developer of that certain parcel located at Koele, Lanai,  
Hawaii, comprised of approximately 153.555 acres, and  
identified for real property tax purposes by Tax Map Key Nos.  
4-9-01:02 and 4-9-02:01 (portion), hereinafter referred to as  
the "Parcel".

## W I T N E S S E T H:

WHEREAS, the Council of the County of Maui, State of  
Hawaii, hereinafter referred to as "Council", is considering

*Koele*

the establishment of PD-L/2 (Koele) Project District zoning for the Parcel, comprised of approximately 153.555 acres and which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in Land Zoning Map No. 2608, which is on file in the Office of the County Clerk of the County of Maui; and

WHEREAS, the Council recommends through its Planning and Economic Development Committee, Committee Report No. 92-81, that said establishment of zoning be approved for passage on first reading subject to certain conditions pursuant to Section 19.510.050, Maui County Code; and

WHEREAS, Declarant has agreed to execute this instrument pursuant to the conditional zoning provisions of Section 19.510.050, Maui County Code.

NOW, THEREFORE, the Declarant hereby makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.510.050, Maui County Code, relating to conditional zoning.

2. That the Parcel, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions contained herein and that all of such covenants, conditions and restrictions shall be effective as to and shall run with the land as to the Parcel from and after the

recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, as the case may be, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign, as the case may be, of any of them, that the acquisition of any right, title or interest in or with respect to the Parcel by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities, and that upon any transfer of any right, title or interest in or with respect to the Parcel the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform, all of the covenants, conditions and restrictions of this Declaration;

3. This Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the same is released as to the Parcel or any part thereof by the County;

4. The term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine

or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of PD-L/2 (Koele) Project District Zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii, as the case may be;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said

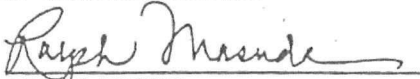
land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.


DECLARANT:

LANAI RESORT PARTNERS

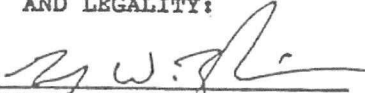
By LANAI COMPANY, INC.  
Its General Partner

By   
RALPH MASUDA  
Its Vice President

APPROVED AS TO FORM:

  
B. MARTIN LUNA  
Attorney for Declarant

APPROVED AS TO FORM  
AND LEGALITY:

  
GARY W. ZAKIAN  
Deputy Corporation Counsel  
County of Maui

STATE OF HAWAII                    )  
  )    SS.  
COUNTY OF MAUI                    )

On this 28<sup>th</sup> day of February, 1992, before me appeared RALPH MASUDA, to me personally known, who, being by me duly sworn, did say that he is the Vice President of LANAI COMPANY, INC., a Hawaii corporation, the general partner of LANAI RESORT PARTNERS, a California general partnership, that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation, as general partner of said partnership.

Maui E. Ahlan  
Notary Public, State of Hawaii

My commission expires: 4-24-95

037/4389M

DESCRIPTION

Parcel A

Being a portion of Lot 9 as shown on Map 1  
of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Southeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 2,695.51 feet South and 4,644.04 feet East, thence running by azimuths measured clockwise from True South:

1. Along Lot 2 as shown on Map 1 of Land Court Consolidation 170, on a curve to the left with a radius of 320.00 feet, the chord azimuth and distance being:  
122° 11' 22" 219.83 feet
2. 102° 06' 732.28 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
3. 67° 00' 1,049.60 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
4. 123° 30' 930.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
5. 167° 14' 55" 1,698.62 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
6. 227° 55' 235.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
7. 261° 10' 165.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
8. 300° 30' 720.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

- |     |              |  |
|-----|--------------|--|
| 9.  | 273° 10'     | 200.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 10. | 256° 40'     | 340.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 11. | 293° 50'     | 210.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 12. | 328° 00'     | 1,065.08 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 13. | 316° 50'     | 471.99 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;  |
| 14. | 322° 16' 44" | 736.97 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170 to the point of beginning and containing an Area of 85.647 Acres. |

680 Ala Moana Boulevard  
 Suite 200  
 Honolulu, Hawaii 96813

December 27, 1989



BELT COLLINS & ASSOCIATES

*Robert W. Cunningham*  
 Registered Professional Surveyor  
 Certificate Number 4188

*Parcel B  
63.526  
4.232  
5.1*

DESCRIPTION

Parcel B

Being a portion of Lot 9 as shown on Map 1  
of Land Court Consolidation 170

Situated on the Island of Lanai, Hawaii

Beginning at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHOULA" being 4,124.97 feet South and 3,216.41 feet East, thence running by azimuths measured clockwise from True South:

1. 257° 10' 330.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;
2. 330° 00' 155.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
3. 314° 55' 430.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
4. 332° 55' 1,800.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
5. 346° 55' 905.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
6. 326° 20' 487.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
7. 313° 25' 530.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
8. 336° 35' 180.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;
9. 347° 50' 350.00 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;

- |     |          |   |
|-----|----------|---|
| 10. | 311° 45' | 240.34 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 11. | 48° 49'  | 823.54 feet along the remainder of Lot 9 as shown on Map 1 of Land Court Consolidation 170;   |
| 12. | 147° 00' | 1,334.75 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 13. | 162° 00' | 1,200.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 14. | 170° 40' | 1,480.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 15. | 136° 30' | 585.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170;  |
| 16. | 152° 30' | 585.00 feet along Lot 2 as shown on Map 1 of Land Court Consolidation 170 to the point of beginning and containing an Area of 67.908 Acres. |

680 Ala Moana Boulevard  
 First Floor  
 Honolulu, Hawaii 96813

January 10, 1992



BELT COLLINS & ASSOCIATES

*Robert W. Cunningham*  
 Registered Professional Surveyor  
 Certificate Number 4188

EXHIBIT "2" (KOELE)

Conditions

Pursuant to Section 19.510.050 of the Maui County Code, the zoning established for the parcels of land shall be subject to the following conditions:

\*1. The Declarant will establish a loan fund of \$1,000,000.00 to be administered and managed by the Bank of Hawaii, in consultation with Lanai Resort Partners for the purpose of assisting current Lanai City merchants with improvements of their commercial facilities. Loans will be made available to the merchants from the date of the Unilateral Agreement and for a minimum of 10 years thereafter, at an annual rate of 2% per annum below the Bank of Hawaii's prevailing commercial loan rate for similar type loans. Also, the loan qualifications and pay back methods shall not exceed those required by the Bank of Hawaii for their commercial loans. Written notice that the loan fund of \$1,000,000.00 is available for disbursement to qualified Lanai City merchants shall be given by Bank of Hawaii to said merchants, the Mayor of the County of Maui and the Chairperson of the County Council and the Chairperson of the Planning and Economic Development Committee. Written notice of the expiration of the loan fund shall be given to the above-named persons one (1) year prior to such expiration.

\*2. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, 115 acres of land adjacent to the Lower Waialua Single Family site to the County as shown in Exhibit "A" (shaded area) attached hereto and by reference made a part hereof, for an affordable housing project. The project shall be similar in design quality and density to the recent affordable housing developments on Lanai.

\*3. The Declarant shall donate in fee simple absolute, at no cost and free and clear of all mortgage and lien encumbrances, a minimum of one acre of land on Lanai to the County for use as a veteran's cemetery.

\*4. The Declarant shall consummate a land exchange with the County for a new police station upon terms and conditions acceptable to Declarant and the County.

5. The Declarant shall preserve in perpetuity the tradition of permitting free play on the Cavendish golf course

for Lanai residents and shall continue maintaining said golf course. The Declarant shall make the Koele golf course available for play to Lanai residents at a kamaaina rate of 50% of the standard rate, and for Hawaii residents at 60% of the standard rate.

6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.

7. Declarant shall provide monetary support to E Malama I Na Keiki O Lanai (Lanai Preschool) to subsidize the cost of its operations for a period of 15 years up to \$250,000.00. Approximately \$47,143.58 has been contributed to the Lanai Preschool as of December 31, 1991. The balance of the funds shall be prorated as equally as possible over the balance of the 15 year period from 1992 to 2006, inclusive. In addition, \$25,000.00 shall be distributed over the transition period from 1992 to 1997, inclusive, at \$5,000.00 per year.

8. The Declarant shall comply with the environmental health concerns addressed in Exhibit "B" attached hereto and incorporated herein by reference, entitled "Twelve (12) Conditions Applicable to All New Golf Course Development", dated January 1992 (Version 4), issued by the State Department of Health. Copies of all reports that are sent to the Department of Health by Declarant shall also be sent to the County Council, the directors of the Department of Planning and the Department of Public Works.

9. Declarant shall a) build a by-pass road, similar in concept to the road as shown in the Lanai Community Plan, Exhibit E, adopted April 5, 1983, in conformance with the standards of the County, as approved by the Director of Public Works, and b) dedicate, in fee simple absolute, free and clear of all mortgage and lien encumbrances, the constructed by-pass road to the County, at no cost to the County, within 2 years of the date that an occupancy rate of 50% of the total number of single family and multifamily units specified in the Koele Project District is reached; provided, however, that this condition may be eliminated by the County Council if a traffic engineer provides a report showing that the roadway system then existing (within two years of reaching 50% occupancy) in and around Lanai City is not determined to be operationally substandard under the level of rating criteria of the American Association of State Highway and Transportation Officials.

10. Declarant shall defer construction of any single family and multifamily dwellings in that parcel of land located at Koele, Lanai, Hawaii, containing approximately 67.908 acres and identified as Parcel B in Exhibit 1 of this Unilateral Agreement and Declaration for Conditional Zoning, until such time as a social impact study is completed and submitted to the County Council for review.

\*Asterisked conditions are contained in the Unilateral Agreement for the Manele rezoning application as well. Fulfillment of these conditions shall satisfy the requirements in both the Manele rezoning application and this Koele rezoning application.

4389/2H

- LAND USE
- [H] HOTEL
  - [R] RESIDENTIAL
  - [P] PARK
  - [O] OPEN SPACE
  - [U] PUBLIC
  - [C] COMMERCIAL

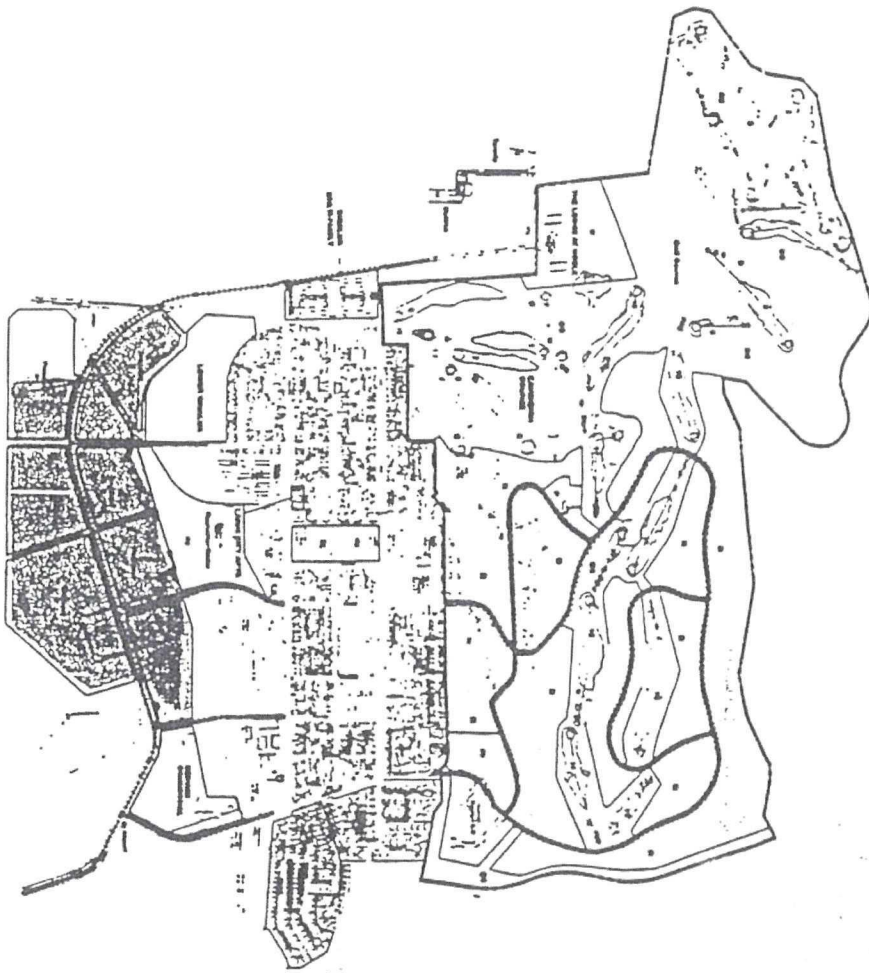


EXHIBIT "A"

LANAI CITY AND  
 KO'E PROJECT DISTRICT  
 LAND USE PLAN  
 Prepared by Lane Co.  
 Planning & Assessment  
 February 6, 1991

RECORDER'S MEMO:

Legibility of Writing, Typing or Printing UNSATISFACTORY  
 in this Document when received.



# STATE OF HAWAII DEPARTMENT OF HEALTH

January, 1992 (Version 4)

## TWELVE (12) CONDITIONS APPLICABLE TO ALL NEW GOLF COURSE DEVELOPMENT

The following conditions are recommended for all new golf course development in Hawaii to assure that environmental quality is preserved and enhanced as it relates to human health and the protection of sensitive ecosystems. Additional conditions may be imposed based on site-specific considerations.

1. Baseline groundwater/vadose zone and/or, if appropriate, coastal water quality shall be established. Once the sampling plan has been determined and approved by the State Department of Health, the owner/developer shall establish the baseline groundwater/vadose zone water quality, and, if appropriate, nearshore water quality, and report the findings to the State Department of Health. Analyses shall be done by a laboratory approved by the Department of Health.
2. The owner/developer and all subsequent owners shall establish a groundwater monitoring plan and system which shall be presented to the State Department of Health for its approval. The groundwater monitoring plan and system shall minimally describe the following components:
  - a. A monitoring system tailored to fit site conditions and circumstances. The system shall include, and not be limited to, the use of monitoring wells, lysimeters, and vadose zone monitoring technologies. If monitoring wells are used, the monitoring wells shall generally extend 10 to 15 feet below the water table.
  - b. A routine groundwater monitoring schedule of at least once every six (6) months, or more frequently, if required by the State Department of Health in the event that the monitoring data indicates a need for more frequent monitoring.
  - c. A list of compounds which shall be tested for as agreed to by the State Department of Health. This list shall include, but not be limited to the following: total dissolved solids; chlorides; PH; nitrogen; phosphorus; and other compounds associated with fertilizers, biocides, or effluent irrigation.

EXHIBIT "B"

REF-383

3. If the data from the monitoring system indicate increased levels of a contaminate that poses, or may pose, a threat to public health and the environment, the State Department of Health shall require the owner to take immediate action to stop the source of contamination. Subsequently, the owner shall mitigate any adverse effects caused by the contamination.
4. Owner/developer shall provide sewage disposal for the clubhouse and other facilities by connecting to the public sewer system or by means of a treatment individual wastewater system approved by the Department of Health in conformance with Administrative Rules, Title 11, Chapter 62, Wastewater Treatment Systems. The use of wastewater for irrigation will be generally encouraged, with appropriate controls (see Condition 5).
5. If a wastewater treatment works with effluent reuse becomes the choice of wastewater disposal, then the owner/developer, and all subsequent owners, shall develop and adhere to a Wastewater Reuse Plan which shall incorporate the provisions of the Department of Health's Guidelines for the Use of Reclaimed Water which includes:
  - a. An Irrigation Plan encompassing buffer distances, pipe and appurtenance placement, and labeling.
  - b. An Engineering Report encompassing treatment options and treatment levels.
  - c. Hydro-geologic and hydrologic surveys to determine application rates, sizing and storage needs.
  - d. A monitoring plan.
  - e. A management plan.
  - f. Public and employee education plans.
6. Underground storage tanks (USTs) used to store petroleum products for fueling golf carts, maintenance vehicles, and emergency power generators that pose potential risk to groundwater shall be discouraged. Use of electric golf carts and above-ground storage tanks for emergency power generators shall be encouraged.

Should the owner/developer/operator plan to install USTs that contain or other regulated substances, the owner/developer/operator must comply with the federal UST technical and financial responsibility requirements set forth in Title 40 of the Code of Federal Regulations Part 280. These federal rules require, among other things, owners and operators of USTs to meet specific requirements in release detection and response, and subsequent corrective action. Also, the owner/developer/operator must comply with all State UST rules and regulations pursuant to the Hawaii Revised Statutes, Chapter 342-L, Underground Storage Tanks.

RECORDER'S MEMO: Legibility of Writing, I  
In this Document when such  
or Printing UNSATISFACTORY

7. Buildings designed to house the fertilizer and biocides shall be bermed to a height sufficient to contain a catastrophic leak of all fluid containers. It is also recommended that the floor of this room be made waterproof so that all leaks can be contained within the structure for cleanup.
8. A golf course maintenance plan and program will be established based on "Best Management Practices (BMP)" in regards to utilization of fertilizers and biocides as well as the irrigation schedule. BMP's will be reviewed by the State Department of Health prior to implementation.
9. Every effort shall be made to minimize the amount of noise from golf course maintenance activities. Essential maintenance activities (e.g., mowing of greens and fairways) shall be conducted at times that do not disturb nearby residents.
10. Solid waste shall be managed in a manner that does not create a nuisance. Whenever possible, composting of green wastes for subsequent use as a soil conditioner or mulching material is encouraged. The composting and reuse should be confined to the golf course property to eliminate the necessity for offsite transport of the raw or processed material.  
In addition, during construction, the developer should utilize locally-produced compost and soil amendments whenever available.
11. Fugitive dust shall be controlled during construction in accordance with Hawaii Administrative Rules, Title 11, Chapter 60, Air Pollution Control. Pesticides and other agricultural chemicals should be applied in a manner that precludes the offsite drift of spray material. The State Department of Agriculture should be consulted in this regard.
12. To avoid soil runoff during construction, the developer should consult with the U.S. Department of Agriculture, Soil Conservation Service to assure that best management practices are utilized. If the total project area is five (5) acres or more and the development activities include clearing, grading, and excavation, a National Pollutant Discharge Elimination System (NPDES) stormwater permit application shall be submitted to the Department of Health in accordance with the Federal Clean Water Act requirements.

If there are any questions regarding the twelve (12) conditions mentioned here, please contact the Environmental Planning Office at 586-4337. We appreciate your cooperation in preserving and protecting environmental quality in Hawaii.

REORDER 8. UNDO: Legibility of Printing/Typing of Printing UNSATISFACTORY  
IN THIS DOCUMENT WHEN RECEIVED

MICHAEL P. VICTORINO  
Mayor

JEFFREY T. PEARSON, P.E.  
Director

HELENE KAU  
Deputy Director



**DEPARTMENT OF WATER SUPPLY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

September 2, 2021

Mr. Kurt F. Wollenhaupt  
DEPARTMENT OF PLANNING  
via email: [kurt.wollenhaupt@mauicounty.gov](mailto:kurt.wollenhaupt@mauicounty.gov)

Dear Mr. Almeida:

SUBJECT: KOELE PROJECT DISTRICT AMENDMENT AND DRAFT EA  
CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002  
TMK: (2) 4-9-001:021, 024, 025 (por.), 027, 030  
(2) 4-9-002:001 (por.), 061  
(2) 4-9-018:001, 002 (por.), 003 (por.), 004, 005  
(2) 4-9-020:020 & (2) 4-9-021:009

Thank you for the opportunity to review and comment on the subject project involving the update to the Koele Project District boundaries and districts and reflect current land uses.

Lanai island does not obtain water service from the County of Maui, but from private water system purveyor(s). Therefore, any building or plumbing permits will not be reviewed by the Department of Water Supply. However, if a subdivision application is received, we will review the project to ensure it complies with Maui County Code, Chapter 14.12 "Water Availability" code concerning a long-term, reliable supply of water for the subdivision.

If you have any questions, please contact Tammy Yeh of our Engineering Division at (808) 270-7682 or at [tammy.yeh@co.maui.hi.us](mailto:tammy.yeh@co.maui.hi.us). Engineering Division's main number is (808) 270-7835.

Sincerely,

A handwritten signature in blue ink that reads "W Taomoto".

WENDY TAOMOTO, P.E.  
Engineering Program Manager

TY

cc: DWS – Water Resources & Planning ([Water.Resources@mauicounty.gov](mailto:Water.Resources@mauicounty.gov))



Karlynn K. Fukuda  
PRESIDENT  
Mark Alexander Roy AICP, LEED AP  
VICE PRESIDENT  
Tessa Munekiyo Ng AICP  
VICE PRESIDENT  
Michael T. Munekiyo AICP  
SENIOR ADVISOR

January 6, 2022

Wendy Taomoto, P.E.,  
Engineering Program Manager  
County of Maui  
Department of Water Supply  
200 South High Street  
Wailuku, Hawai'i 96793

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Ms. Taomoto:

Thank you for your letter dated September 2, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.<sup>1</sup> We note that a subsequent letter from the Department of Water Supply dated October 19, 2021 was also received, and that a separate letter in response to the comments provided in that letter will also be prepared.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

---

<sup>1</sup> In accordance with Hawai'i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai'i Revised Statutes."

Wendy Taomoto, P.E.,  
Engineering Program Manager  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn  
Enclosure

cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)  
Keiki-Pua Dancil, Pūlama Lāna'i (w/enclosure)  
Olivia Simpson, Pūlama Lāna'i (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)  
Kevin Mendez, R.M. Towill Corporation (w/enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DWS\_Eng Response Ltr.doc

## Exhibit “A” – Responses to Draft Environmental Assessment Comments

### Department of Water Supply (September 2, 2021 Letter)

#### Comment 1:

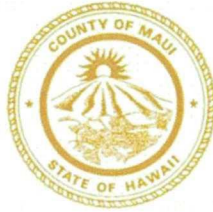
*Lanai island does not obtain water service from the County of Maui, but from private water system purveyor(s). Therefore, any building or plumbing permits will not be reviewed by the Department of Water Supply. However, if a subdivision application is received, we will review the project to ensure it complies with Maui County Code, Chapter 14.12 “Water Availability” code concerning a long-term, reliable supply of water for the subdivision.*

**Response:** We acknowledge that Lāna‘i is not serviced by the County Department of Water Supply (DWS), and that any building and plumbing permits will not be reviewed by DWS. Furthermore, we understand that any subdivision applications will, however, be reviewed for compliance with Maui County Code, Chapter 14.12, “Water Availability”, concerning a long-term reliable supply of water. We note that the currently proposed action does not involve any development activities and add that your comments would pertain to future development which may be proposed at a later time for the Kō‘ele Project District.

MICHAEL P. VICTORINO  
Mayor

JEFFREY T. PEARSON, P.E.  
Director

HELENE KAU  
Deputy Director



DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/water](http://www.mauicounty.gov/water)

October 19, 2021

Kurt Wollenhaupt, Staff Planner  
County of Maui Department of Planning  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793

RE: Kō'ele Project District (PD) Amendment Draft Environmental Assessment (DEA) and  
Anticipated Finding of No Significant Impact (AFONSI)

TMKs: (2)4-9-001 :021, 024, 025, 027, 030; (2)4-9-002:001(POR), 061(POR.); (2)4-9-018:001, 002,  
003, 004, 005; (2)4-9-020:020; (2)4-9-021 :009 in Kō'ele, on the Island of Lāna'i

Dear Mr. Wollenhaupt:

The County of Maui Department of Water Supply (MDWS) thanks you for the opportunity to offer the following comments on the Kō'ele PD Amendment DEA.

#### **Water Source and Demand**

According to the Commission on Water Resource Management (CWRM), Lāna'i Island has a sustainable yield of 6 million gallons per day (gpd). Fresh water is found solely in the high-level Central Aquifer Sector. The entire Island of Lāna'i is served by the Lāna'i Water Company (LWC), a private water utility company regulated by the Public Utilities Commission. Please note that MDWS has no jurisdiction over projects on Lāna'i. The DEA states that the water demand for the proposed PD changes compared to the prior PD plans will result in a decrease from 436,500 gpd to 292,260 gpd, for a net reduction in water use of 144,240 gpd, or 33% less water demand.

#### **Lāna'i Island Water Use and Development Plan (WUDP) Alignment**

##### Use of R-1

The projects proposed use of R-1 recycled wastewater in the parks is in alignment with the Lāna'i Island WUDP:

"Efficient use of water...." is "...essential to reduce waste of Lana'i's limited water resources. Lana'i's water and wastewater utilities should implement water recycling and water conservation programs

*"By Water All Things Find Life"*

**REF-390**<sup>371</sup>

targeting landscape...to substantially reduce water consumption to the extent allowed by the Public Utilities Commission" (Lāna'i Island WUDP, page 30).

#### Lāna'i Island WUDP Conservation Options

Specific water conservation resource options measures advocated by the Lāna'i Island WUDP (Page 19) that may be applicable to the proposed project include the following: 1) water-efficient clothes washers; 2) water-efficient dishwashers; 3) improve irrigation scheduling; 4) soil moisture sensors; 5) improve performance of irrigation systems; 6) auto rain shut off; 6) rain barrel catchment; and 7) greywater for irrigation.

#### Lāna'i Island WUDP Potable Water Allocation

According to the Lāna'i Island WUDP (page 21), by 2030, 652,305 gpd will be needed for the Kō'ele PD, of which, 335,507 gpd will be potable "fresh" water. Table 6 (Kō'ele Project District (PD) Amendment DEA, page 45) indicates that 292,260 gpd of potable/"fresh" water will be used, which is approximately 13 percent less than predicted by the Lāna'i Island WUDP.

#### **Pollution Prevention and Conservation**

CWRM promotes the protection of groundwater and the value of treating stormwater as a resource, including groundwater recharge capability when contained onsite, described in its document titled *A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawai'i*, December, 2008 found here:

[http://files.hawaii.gov/dlnr/cwrmp/planning/hsrar\\_handbook.pdf](http://files.hawaii.gov/dlnr/cwrmp/planning/hsrar_handbook.pdf). The MDWS recommends implementing Best Management Practices (BMPs) contained in the document, such as permeable surfaces to reduce storm water loss (for example, permeable detention ponds and vegetated filter strips), and bio-retention rain gardens. Leadership in Energy and Environmental Design (LEED) certification is recommended for water conservation.

#### **Construction BMPs for Pollution Prevention**

In order to protect ground and surface water resources, we recommend that in addition to required BMPs, the following measures designed to minimize infiltration and runoff be implemented during construction:

- Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the ground.
- Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed off-site.
- Properly install and maintain erosion control barriers, such as silt fencing or straw bales.
- Disturb the smallest area possible. Retain ground cover until the last possible date.
- Replanting of denuded areas should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid establishment of stands of plants.
- Keep runoff on-site.

#### **Conservation BMPs**

##### **Indoor**

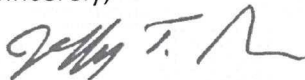
- Use EPA WaterSense labeled plumbing fixtures.
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.
- Install dual flush toilets with high-efficiency models that use 1.28 gallons per flush or less.
- Install bathroom sink faucets with fixtures that do not exceed 1 gallon per minute at 60 pounds per square inch (psi).

#### Outdoor

- Use Smart Approved WaterMark irrigation products. Examples include evapotranspiration irrigation controllers, drip irrigation and water-saving spray heads.
- After plants are established, in order to avoid stimulating excessive growth, avoid fertilizing and pruning. Time watering to occur in the early morning or evening to limit evaporation. Limit the use of turf.
- Use native Hawaiian climate-adapted plants for landscaping. Native Hawaiian plants adapted to the area conserve water and protect the watershed from degradation due to invasive species.
- We recommend adopting landscape irrigation conservation BMPs endorsed by the Landscape Industry Council of Hawai'i at [https://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](https://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf)

We hope you find this information useful. Should you have any questions, please contact staff planner Alex Buttaro at (808) 463-3103 or alex.buttaro@mauicounty.gov.

Sincerely,



Jeffrey T Pearson, P.E.

Director

BAB

Cc: Bryan Esmeralda, AICP, Munekiyo Hiraga

File location: S:\PLANNING\Permit\_Review\Projects Review\planning review\EA-EIS\Lanai\249001021 Koele Project District Amendment and DEA\249001021 Koele Project District Amendment and DEA

January 6, 2022

Jeffrey Pearson, P.E, Director  
County of Maui  
Department of Water Supply  
200 South High Street  
Wailuku, Hawai'i 96793

**SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i**

Dear Mr. Pearson:

Thank you for your letter dated October 19, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.<sup>1</sup> We note that an additional letter from the Department of Water Supply dated September 2, 2021 was also received, and that a separate letter in response to the comments provided in that letter will also be prepared.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

---

<sup>1</sup> In accordance with Hawai'i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai'i Revised Statutes."

Jeffrey Pearson, P.E., Director  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn

Enclosure

cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)  
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)  
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\DWS Response Ltr.doc

## Exhibit “A” – Responses to Draft Environmental Assessment Comments

### Department of Water Supply (October 19, 2021 Letter)

#### Comment 1:

##### **Water Source and Demand**

*According to the Commission on Water Resource Management (CWRM), Lānaʻi Island has a sustainable yield of 6 million gallons per day (gpd). Fresh water is found solely in the high-level Central Aquifer Sector. The entire Island of Lānaʻi is served by the Lānaʻi Water Company (LWC), a private water utility company regulated by the Public Utilities Commission. Please note that MDWS has no jurisdiction over projects on Lānaʻi. The DEA states that the water demand for the proposed PD changes compared to the prior PD plans will result in a decrease from 436,500 gpd to 292,260 gpd, for a net reduction in water use of 144,240 gpd, or 33% less water demand.*

**Response:** We acknowledge your comment that Lānaʻi Island has a sustainable yield of 6 million gallons per day (gpd), and that Lānaʻi is serviced by the Lānaʻi Water Company, not the County Department of Water Supply (DWS). It is anticipated that full buildout of the proposed amended Kōʻele Project District will result in a decreased water demand as compared to full buildout of the existing Kōʻele Project District.

#### Comment 2:

##### **Lānaʻi Island Water Use and Development Plan (WUDP) Alignment**

###### Use of R-1

*The projects proposed use of R-1 recycled wastewater in the parks is in alignment with the Lānaʻi Island WUDP:*

*“Efficient use of water...” is “...essential to reduce waste of Lanaʻi’s limited water resources. Lanaʻi’s water and wastewater utilities should implement water recycling and water conservation programs targeting landscape...to substantially reduce water consumption to the extent allowed by the Public Utilities Commission” (Lānaʻi Island WUDP, page 30).*

###### Lānaʻi Island WUDP Conservation Options

*Specific water conservation resource options measures advocated by the Lānaʻi Island WUDP (Page 19) that may be applicable to the proposed project include the following: 1) water-efficient clothes washers; 2) water-efficient dishwashers; 3) improve irrigation scheduling; 4) soil moisture sensors; 5) improve performance of irrigation systems; 6) auto rain shut off; 6) rain barrel catchment; and 7) greywater for irrigation.*

Lānaʻi Island WUDP Potable Water Allocation

According to the Lānaʻi Island WUDP (page 21), by 2030, 652,305 gpd will be needed for the Kōʻele PD, of which, 335,507 gpd will be potable "fresh" water. Table 6 (Kōʻele Project District (PD) Amendment DEA, page 45) indicates that 292,260 gpd of potable/"fresh" water will be used, which is approximately 13 percent less than predicted by the Lānaʻi Island WUDP.

**Response:** We acknowledge your comments that the proposed use of R-1 water is in alignment with the Lānaʻi Water Use and Development Plan (WUDP). We note that the currently proposed action does not involve any construction activities. Nonetheless, the WUDP conservation options noted in your letter will be evaluated for incorporation into any future development which may be proposed within the Kōʻele Project District. We acknowledge your comment that the proposed amended Kōʻele Project District is anticipated to utilize less potable water than predicted by the Lānaʻi WUDP.

**Comment 3:**

***Pollution Prevention and Conservation***

*CWRM promotes the protection of groundwater and the value of treating stormwater as a resource, including groundwater recharge capability when contained onsite, described in its document titled A Handbook for Stormwater Reclamation and Reuse Best Management Practices in Hawaiʻi, December, 2008 found here:*

[http://files.hawaii.gov/dlnr/cwrp/planning/hsrar\\_handbook.pdf](http://files.hawaii.gov/dlnr/cwrp/planning/hsrar_handbook.pdf)

*The MDWS recommends implementing Best Management Practices (BMPs) contained in the document, such as permeable surfaces to reduce storm water loss (for example, permeable detention ponds and vegetated filter strips), and bio-retention rain gardens. Leadership in Energy and Environmental Design (LEED) certification is recommended for water conservation.*

**Response:** As previously noted, the currently proposed action does not involve any construction activities. Nonetheless, your comments regarding implementing Best Management Practices (BMPs) to reduce storm water loss will be evaluated for incorporation into future development actions within the Kōʻele Project District.

**Comment 4:**

***Construction BMPs for Pollution Prevention***

*In order to protect ground and surface water resources, we recommend that in addition to required BMPs, the following measures designed to minimize infiltration and runoff be implemented during construction:*

- *Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the ground.*
- *Maintain vehicles and equipment to prevent oil or other fluids from leaking. Concrete trucks and tools used for construction should be rinsed off-site.*

- *Properly install and maintain erosion control barriers, such as silt fencing or straw bales.*
- *Disturb the smallest area possible. Retain ground cover until the last possible date.*
- *Replanting of denuded areas should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid establishment of stands of plants.*
- *Keep runoff on-site.*

**Response:** As previously noted, the currently proposed action does not involve any construction activities. Your comments regarding implementing construction BMPs to minimize infiltration into ground and surface water resources will be evaluated for incorporation into future development actions within the Kō'ele Project District.

**Comment 5:**

**Conservation BMPs**

**Indoor**

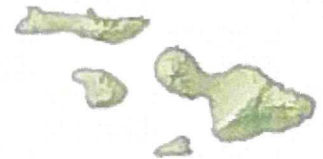
- *Use EPA WaterSense labeled plumbing fixtures.*
- *Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.*
- *Install dual flush toilets with high-efficiency models that use 1.28 gallons per flush or less.*
- *Install bathroom sink faucets with fixtures that do not exceed 1 gallon per minute at 60 pounds per square inch (psi).*

**Outdoor**

- *Use Smart Approved WaterMark irrigation products. Examples include evapotranspiration irrigation controllers, drip irrigation and water-saving spray heads.*
- *After plants are established, in order to avoid stimulating excessive growth, avoid fertilizing and pruning. Time watering to occur in the early morning or evening to limit evaporation. Limit the use of turf.*
- *Use native Hawaiian climate-adapted plants for landscaping. Native Hawaiian plants adapted to the area conserve water and protect the watershed from degradation due to invasive species.*
- *We recommend adopting landscape irrigation conservation BMPs endorsed by the Landscape Industry Council of Hawai'i at [https://www.hawaiiscape.com/wpcontent/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](https://www.hawaiiscape.com/wpcontent/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf)*

**Response:** As previously noted, the currently proposed action does not involve any construction activities. However, your comments regarding implementing indoor and outdoor conservation BMPs will be evaluated for incorporation into future development actions within the Kō'ele Project District.

MICHAEL P. VICTORINO  
 May 10 2021  
 COUNTY OF MAUI  
 Director  
 JORDAN SEPANZ AM 10:13  
 Deputy Director  
 DEPT OF TRANSPORTATION



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

**TRANSMITTAL**

September 1, 2021

STATE AGENCIES	
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
OTHER	
X	Hawaiian Telcom
X	Hawaiian Electric - Maui

COUNTY AGENCIES	
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
FEDERAL AGENCIES	
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

<b>PROJECT NAME:</b>	<b>KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT</b>
<b>APPLICANT:</b>	<b>LANAI RESORTS, LLC, dba PULAMA LANAI</b>
<b>PROJECT ADDRESS:</b>	<b>KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII</b>
<b>PROJECT DESCRIPTION:</b>	<p>Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.</p> <p>Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.</p>

<b>TMKs:</b>	(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.
<b>APPLICATION NO.:</b>	CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as “housekeeping” with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

<b>X</b>	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
<b>Address:</b>	<a href="https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I">https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II">https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table">https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table</a>

**TRANSMITTAL REQUEST:**

<input checked="" type="checkbox"/> Requesting your comment and recommendation on the proposed project.
---

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has “no comment.” If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.


Sincerely,



KURT F. WOLLENHAUPT  
Staff Planner

Agency: County of Maui Dept. of Transportation

- We have no objections.  
 We have no comments.  
 Comments are attached.

Signed:  \_\_\_\_\_

Print: Maui Takamori

Email Address: maui.takamori@co.maui.hi.us

Date: 9/13/21

Copy to: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karilynn Fukuda, President, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)  
Project File

KFW:th

K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL +  
MH Comments.docx

January 6, 2022

Marc Takamori, Director  
County of Maui  
Department of Transportation  
110 Ala'ihī Street, Suite 210  
Kahului, Hawai'i 96732

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Mr. Takamori:

Thank you for your letter dated September 13, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that the Department of Transportation has no comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:lh

cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\County DOT Response Ltr.docx

MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Director

JORDAN E. HART  
Deputy Director



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

**TRANSMITTAL**

September 1, 2021

STATE AGENCIES	
X	DAGS
X	Dept. of AG, Honolulu
X	Dept. of Hawaiian Homelands
X	Dept. of Health, Honolulu
X	Dept. of Health, Maui
X	DLNR-Land, Maui
X	DLNR-SHPD – submitted via HICRIS on 7/2/2021
X	DOE, Honolulu
X	DOT, Statewide Planning Office
X	Land Use Commission
X	Office of Hawaiian Affairs
X	Office of Planning and Sustainable Development
OTHER	
X	Hawaiian Telecom
X	Hawaiian Electric - Maui

COUNTY AGENCIES	
X	Dept. of Environmental Management
X	Dept. of Housing & Human Concerns
X	Dept. of Parks & Recreation
X	Dept. of Public Works
X	Dept. of Transportation
X	Dept. of Water Supply
X	Fire & Public Safety
X	Police Department
FEDERAL AGENCIES	
X	Fish & Wildlife
X	U.S. Army Corp. of Engineers

<b>PROJECT NAME:</b>	<b>KOELE PROJECT DISTRICT AMENDMENT AND DRAFT ENVIRONMENTAL ASSESSMENT</b>
<b>APPLICANT:</b>	<b>LANAI RESORTS, LLC, dba PULAMA LANAI</b>
<b>PROJECT ADDRESS:</b>	<b>KOELE PROJECT DISTRICT, LANAI CITY, LANAI, HAWAII</b>
<b>PROJECT DESCRIPTION:</b>	<p>Modification to Lanai Project District 2 (Koele). Developed areas within the Project District include the Sensei Lanai, a Four Seasons Resort, the Lanai Adventure Park, the former and abandoned Experience at Koele Golf Course, the Cavendish Golf Course, as well as various residential developments.</p> <p>Lands proposed to be added into the Project District are currently a mix of developed and undeveloped land.</p>

<b>TMKs:</b>	(2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR), (2) 4-9-002:061, (2) 4-9-018:001, (2) 4-9-018:002 (POR), (2) 4-9-018:003 (POR), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR), (2) 4-9-021:009.
<b>APPLICATION NO.:</b>	CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001, and EA 2021/0002

The purpose of this project is to update the Koele Project District boundaries and districts that were first adopted in 1992 and to accurately reflect current land uses in a changed environment. The overall acreage of the Koele Project District is proposed to be less than what is currently approved, with considerably less residential land area. The Hotel and Resort Commercial additions are really to designate existing uses such as the Stables and the Tennis Courts because those uses are not properly designated at this time. This project also brings the district map in synchrony with the community plan map. There will be less land designated for Golf Course and alternatively be put into Park and Open Space. Much of this project may be thought as “housekeeping” with no new development associated with these changes. Any new development within the Project District will need to follow the appropriate permitting procedures outside of this subject application.

The Draft EA covers actions under the consolidated application for a Community Plan Amendment, Change of Zoning, and Project District Phase 1 Amendment. A State Land Use Commission District Boundary Amendment will also be sought through the State Land Use Commission as the affected area is larger than 15 acres.

**TRANSMITTED TO YOU ARE THE FOLLOWING:**

<b>X</b>	Webpage address to download the application and plans – Volumes I and II are the applications and draft Environmental Assessment. Also included is a Summary of Potential Impacts Table for ease of reference.
<b>Address:</b>	<a href="https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I">https://www.mauicounty.gov/DocumentCenter/View/128712/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-I</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II">https://www.mauicounty.gov/DocumentCenter/View/128714/Revised-Final-Application-PD1-Amendment-CPACIZ-Draft-EA-Volume-II</a>  <a href="https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table">https://www.mauicounty.gov/DocumentCenter/View/128713/Summary-of-Potential-Impacts-Table</a>

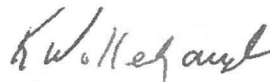
**TRANSMITTAL REQUEST:**

<input checked="" type="checkbox"/> Requesting your comment and recommendation on the proposed project.
---

Transmitted for your review and comment are links to the project application on the Department web page. We would appreciate your comments on this application. Please submit comments to me by **October 15, 2021**, via email or hardcopy. If no response is received by this date, we may assume your agency has “no comment.” If you have any questions, please contact me at kurt.wollenhaupt@mauicounty.gov or at 808-270-1789.

Agency Transmittal – Koele Project District Amendments, CPA 2021/0001, CIZ 2021/0001,  
PH1 2021/0001, EA 2021/0002  
September 1, 2021  
Page 3

Sincerely,



KURT F. WOLLENHAUPT  
Staff Planner

Agency: Hawaiian Electric Company



We have no objections.  
We have no comments.  
Comments are attached.

Signed: \_\_\_\_\_

Print: Ray Okazaki, Eng II

Email Address: ray.okazaki@hawaiianelectric.com

Date: Sept. 14, 2021

Copy to: Jordan E. Hart, Deputy Director (PDF)  
Clayton I. Yoshida, Planning Program Administrator (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Bryan Esmeralda, AICP, Senior Associate, Munekiyo Hiraga (PDF)  
Karlynn Fukuda, President, Munekiyo Hiraga (PDF)  
Keiki-Pua Dancil, Senior Vice President, Pulama Lanai (PDF)  
Project File

KFW:th

K:\WP\_DOCS\Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal\Koele PD Amendment-DEA TRANSMITTAL +  
MH Comments.docx

REF-405<sup>326</sup>

January 6, 2022

Via Email: [Ray.Okazaki@hawaiianelectric.com](mailto:Ray.Okazaki@hawaiianelectric.com)

Ray Okazaki, Engineer  
Hawaiian Electric Company

SUBJECT: Response to Comments on Draft Environmental Assessment for Kō'ele  
Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Mr. Okazaki:

Thank you for your letter dated September 14, 2021 providing input on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we note that Hawaiian Electric Company has no objections or comments to offer regarding the proposed action.

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:lh

cc: Kurt Wollenhaupt, Department of Planning  
Keiki-Pua Dancil, Pūlama Lāna'i  
Olivia Simpson, Pūlama Lāna'i  
Calvert Chipchase, Cades Schutte  
Stacey Gray, Cades Schutte

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Hawaiian Electric Response Ltr.docx

**From:** HT-Plan Reviews <HT-PlanReviews@hawaiiintel.com>

**To:** Tyerone Holmes <Tyerone.T.Holmes@co.maui.hi.us>, Clayton Yoshida <Clayton.Yoshida@co.maui.hi.us>, Environmental Mgmt <Environmental.Mgmt@co.maui.hi.us>, Fire Dept <Fire.Dept@co.maui.hi.us>, housing hhc <housing.hhc@co.maui.hi.us>, Jordan Hart <Jordan.Hart@co.maui.hi.us>, Kurt Wollenhaupt <Kurt.Wollenhaupt@co.maui.hi.us>, parks dept <parks.dept@co.maui.hi.us>, Public Transit <Public.Transit@co.maui.hi.us>, Public Works <Public.Works@co.maui.hi.us>, Water Supply <Water.Supply@co.maui.hi.us>, "doh.webmaster@doh.hawaii.gov" <doh.webmaster@doh.hawaii.gov>, "contact3@fws.gov" <contact3@fws.gov>, "dags@hawaii.gov" <dags@hawaii.gov>, "dbedt.luc.web@hawaii.gov" <dbedt.luc.web@hawaii.gov>, "dbedt.stateplanning@hawaii.gov" <dbedt.stateplanning@hawaii.gov>, "DHHL.contactcenter@hawaii.gov" <DHHL.contactcenter@hawaii.gov>, "dlnr.land.maui@hawaii.gov" <dlnr.land.maui@hawaii.gov>, "dot.admin.stp@hawaii.gov" <dot.admin.stp@hawaii.gov>, "hdoa.info@hawaii.gov" <hdoa.info@hawaii.gov>, "engmauicounty@hawaiianelectric.com" <engmauicounty@hawaiianelectric.com>, HT-Plan Reviews <HT-PlanReviews@hawaiiintel.com>, "doeinfo@k12.hi.us" <doeinfo@k12.hi.us>, Terry Jones <terry.jones@mpd.net>, "bryan@munekiyohiraga.com" <bryan@munekiyohiraga.com>, "info@oha.org" <info@oha.org>, "CEPOH-RO@usace.army.mil" <CEPOH-RO@usace.army.mil>

**Date:** 9/1/2021 9:21 AM

**Subject:** RE: Planning\CPA\2021\0001\_KoeleProject\Agency Transmittal

Aloha Tyerone,

Thank you for your email. I'll forward this over to our Legal and Real Estate department for review as well. Not sure if anything will affect easements or accesses. If there are any plans for constructions, you can send them here for review. Thank you!

**Greg Kawachi**

*Specialist – Structure Engineer*

O: 808.546.7666

C: 808.779.8324

**Hawaii's Technology Leader**



*NOTICE: This message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged information. If you are not the intended recipient, any review, retransmission, dissemination, copying or other use of this message is strictly prohibited. If you received this message in error, please contact the sender immediately by reply email, delete this message from all computers, and destroy any printed copies.*

**From:** Tyerone Holmes <Tyerone.T.Holmes@co.maui.hi.us>

**Sent:** Wednesday, September 1, 2021 9:04 AM

**To:** Clayton Yoshida <Clayton.Yoshida@co.maui.hi.us>; Environmental Mgmt <Environmental.Mgmt@co.maui.hi.us>; Fire Dept <Fire.Dept@co.maui.hi.us>; housing hhc <housing.hhc@co.maui.hi.us>; Jordan Hart <Jordan.Hart@co.maui.hi.us>; Kurt Wollenhaupt <Kurt.Wollenhaupt@co.maui.hi.us>; parks dept <parks.dept@co.maui.hi.us>; Public Transit <Public.Transit@co.maui.hi.us>; Public Works <Public.Works@co.maui.hi.us>; Water Supply <Water.Supply@co.maui.hi.us>; doh.webmaster@doh.hawaii.gov; contact3@fws.gov; dags@hawaii.gov; dbedt.luc.web@hawaii.gov; dbedt.stateplanning@hawaii.gov; DHHL.contactcenter@hawaii.gov; dlnr.land.maui@hawaii.gov; dot.admin.stp@hawaii.gov; hdoa.info@hawaii.gov; engmauicounty@hawaiianelectric.com; HT-Plan Reviews <HT-PlanReviews@hawaiiintel.com>; doeinfo@k12.hi.us; Terry Jones <terry.jones@mpd.net>; bryan@munekiyohiraga.com; info@oha.org; CEPOH-RO@usace.army.mil

**Subject:** Planning/CPA/2021/0001\_KoeleProject/Agency Transmittal

Aloha,

Please see attached.

Mahalo,

Tye Holmes

Planning Department

Current Division

**REF-407** 389



Karlynn K. Fukuda  
PRESIDENT  
Mark Alexander Roy AICP, LEED AP  
VICE PRESIDENT  
Tessa Munekiyo Ng AICP  
VICE PRESIDENT  
Michael T. Munekiyo AICP  
SENIOR ADVISOR

January 6, 2022

Via Email: [HT-PlanReviews@hawaiiantel.com](mailto:HT-PlanReviews@hawaiiantel.com)

Greg Kawachi, Specialist-Structure Engineer  
Hawaiian Telcom

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kō'ele Project District Amendment; Kō'ele, Lāna'i, Hawai'i

Dear Mr. Kawachi:

Thank you for your email dated September 1, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kō'ele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i, we are providing information in the attached **Exhibit "A"** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.<sup>1</sup>

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

---

<sup>1</sup> In accordance with Hawai'i Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to "substantive" comments, giving careful "...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawai'i Revised Statutes."

Greg Kawachi, Specialist-Structure Engineer  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn  
Enclosure

cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)  
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)  
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Hawaiian Telcom Response Ltr.doc

## Exhibit “A” – Responses to Draft Environmental Assessment Comments

### Hawaiian Telcom

#### **Comment 1:**

*Not sure if anything will affect easements or access. If there are any plans for constructions, you can send them here for review.*

**Response:** We acknowledge your comment that the proposed action is not anticipated to affect Hawaiian Telcom easements or access. We further note that the currently proposed action does not involve any development activities. Should any future development in the Kō‘ele Project District involve construction plans that may affect any Hawaiian Telcom easements or access, the Applicant will inform Hawaiian Telcom.

Fairfax Reilly  
468 Ahakea Street  
P.O. Box 630111  
Lanai City, HI 96763-0111  
Email: kimchi745@gmail.com

Approving agency: Lanai Planning Commission: [planning@mauicounty.gov](mailto:planning@mauicounty.gov)

[kurt.wollenhaupt@co.maui.hi.us](mailto:kurt.wollenhaupt@co.maui.hi.us)

Applicant contact email: [kdancil@pulamalanai.com](mailto:kdancil@pulamalanai.com)

Consultant contact email: [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com)

October 6, 2021

To: Ms. Shelly Preza, Chair, Lana'i Planning Commission

**Re: OPPOSE: AMENDMENT TO KO'ELE PROJECT DISTRICT CODE**

**APPENDIX A-1: AMENDMENT TO MAUI CODE 19.71 KO'ELE PD, PP1-13 DRAFT PROPOSAL**

Dear Ms. Preza,

Mahalo for the opportunity to present a concern related "unintended consequences" of the proposed amendment specifically to the code. I disagree with the Finding of No Significant Impact related to Cultural Resources. **(9. Cultural Resources ...p 30)**

The proposed amendments to language inserts and deletes phrases that cumulatively restrict **traditional access** to the Project District.

19.71

B. To my recollection during the crafting of the current language was crafted to maintain open access for the community for uses traditional at that time, an important value.

The ORIGINAL INTENT of the LANA'I PD2 was in fact to create PRIMARILY a low-density RESIDENTIAL development with associated recreational activities such as golf in order to PREVENT A RAPID RISE IN HOME VALUES WITHIN THE ORIGINAL LANAI CITY HOUSING AREA. In other words, to ENSURE that luxury housing was contained within the Ko'ele PD thus maintaining affordable housing within the Lanai City.

C. **"but are not limited to..."** language eliminates any oversight by the Lanai Planning Commission regarding new projects which could create a significant on many aspects of the local community, economically or otherwise.

**"and public"** eliminates any requirement of the Lanai Planning Commission to oversee the ORIGINAL INTENT to ensure that the local community residents could continue to access the grounds of the Ko'ele Project District area for traditional uses and activities. The ORIGINAL INTENT was to ensure that residents present and future may enter these lands for traditional cultural and recreational uses.

Fairfax Reilly  
468 Ahakea Street  
P.O. Box 630111  
Lanai City, HI 96763-0111  
Email: kimchi745@gmail.com

**Action summary** Pūlama Lānaʻi seeks to reduce the density in the Kōʻele Project District by decreasing the Residential and MultiFamily (sub-designations) acreage, increasing Open Space and Park acreage, and reducing Golf Course acreage. The proposed amendments increases the acreage in the Hotel sub-designation accounting for existing uses as well as future uses, and also creates a new Resort Commercial sub-designation for existing and future uses which will support the Sensei Lānaʻi, A Four Seasons Resort. The amendments will reduce the total acreage in the Project District by 8 percent. Pūlama Lānaʻi also seeks to revise the Kōʻele Project District Ordinance as outlined in Chapter 19.71 of the Maui County Code. The proposed amendments include changes to the Project District map, which outlines the limits of the Project District area as well as the sub-designations, **as well as language related to permitted uses, special accessory uses, and development standards for the Project District.**

E. CUMULATIVE AND SECONDARY IMPACTS Pursuant to the Hawaiʻi Administrative Rules, Chapter 200, Section 11-200.1-2, entitled Environmental Impact Statement Rules, a cumulative impact means:

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

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

Cumulative and secondary impacts can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one (1) of the impediments to growth. In general, the proposed amendments to the Kōʻele Project District will add a limited increment to the current level of cumulative impact, but will be less than what is permitted with the existing Project District.

**No adverse impacts upon recreational services are anticipated.** Similarly, no traffic impacts are anticipated. The proposed project does not appear to have the potential to involve any significant secondary impacts. While there are anticipated changes in several environmental and social categories, as noted above, these uses are consistent with surrounding uses in the area. **These changes are, therefore, considered to be less than significant.**

**I respectfully disagree.**

Fairfax (Pat) Reilly



Karlynn K. Fukuda  
PRESIDENT  
Mark Alexander Roy AICP, LEED AP  
VICE PRESIDENT  
Tessa Munekiyo Ng AICP  
VICE PRESIDENT  
Michael T. Munekiyo AICP  
SENIOR ADVISOR

January 6, 2022

**Via Email: kimchi745@gmail.com**

Fairfax Reilly  
P.O. Box 630111  
Lānaʻi City, Hawaiʻi 96763

SUBJECT: Response to Comments on Draft Environmental Assessment for Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Mr. Reilly:

Thank you for your letter dated October 6, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit “A”** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.<sup>1</sup>

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.


---

<sup>1</sup> In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to “substantive” comments, giving careful “...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes.”

Fairfax Reilly  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn  
Enclosure

cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)  
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)  
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\Reilly Response Ltr.doc

## Exhibit “A” – Responses to Draft Environmental Assessment Comments

### Fairfax Reilly

#### **Comment 1:**

*Mahalo for the opportunity to present a concern related “unintended consequences” of the proposed amendment specifically to the code. I disagree with the Finding of No Significant Impact related to Cultural Resources. (9. Cultural Resources ...p 30)*

*The proposed amendments to language inserts and deletes phrases that cumulatively restrict traditional access to the Project District.*

**Response:** The Applicant acknowledges your comment.

#### **Comment 2:**

*To my recollection during the crafting of the current language was crafted to maintain open access for the community for uses traditional at that time, an important value.*

*The ORIGINAL INTENT of the LANAI PD2 was in fact to create PRIMARILY a low-density RESIDENTIAL development with associated recreational activities such as golf in order to PREVENT A RAPID RISE IN HOME VALUES WITHIN THE ORIGINAL LANAI CITY HOUSING AREA. In other words, to ENSURE that luxury housing was contained within the Ko’ele PD thus maintaining affordable housing within the Lanai City.*

**Response:** The Applicant acknowledges your comment. The proposed amendments to the Kō’ele Project District would not restrict the traditional access to the area for the residents and would increase the amount of Park designated lands.

#### **Comment 3:**

*“but are not limited to...” language eliminates any oversight by the Lanai Planning Commission regarding new projects which could create a significant on many aspects of the local community, economically or otherwise.*

*“and public” eliminates any requirement of the Lanai Planning Commission to oversee the ORIGINAL INTENT to ensure that the local community residents could continue to access the grounds of the Ko’ele Project District area for traditional uses and activities. The ORIGINAL INTENT was to ensure that residents present and future may enter these lands for traditional cultural and recreational uses.*

**Response:** The Applicant acknowledges your comments and notes that the proposed amended Kō’ele Project District greatly increases the acreage of lands

designated for Park and Open Space uses, thus continuing to allow access to the lands for traditional cultural and recreational uses.

Any future development within the Kō'ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna'i Planning Commission.

**Comment 4:**

*Pūlama Lāna'i seeks to reduce the density in the Kō'ele Project District by decreasing the Residential and MultiFamily (sub-designations) acreage, increasing Open Space and Park acreage, and reducing Golf Course acreage. The proposed amendments increases the acreage in the Hotel subdesignation accounting for existing uses as well as future uses, and also creates a new Resort Commercial sub-designation for existing and future uses which will support the Sensei Lāna'i, A Four Seasons Resort. The amendments will reduce the total acreage in the Project District by 8 percent. Pūlama Lāna'i also seeks to revise the Kō'ele Project District Ordinance as outlined in Chapter 19.71 of the Maui County Code. The proposed amendments include changes to the Project District map, which outlines the limits of the Project District area as well as the sub-designations, as well as language related to permitted uses, special accessory uses, and development standards for the Project District.*

**Response:** The Applicant acknowledges your comment.

**Comment 5:**

*CUMULATIVE AND SECONDARY IMPACTS Pursuant to the Hawai'i Administrative Rules, Chapter 200, Section 11-200.1-2, entitled Environmental Impact Statement Rules, a cumulative impact means:*

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

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

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

*impediments to growth. In general, the proposed amendments to the Kō'ele Project District will add a limited increment to the current level of cumulative impact, but will be less than what is permitted with the existing Project District.*

*No adverse impacts upon recreational services are anticipated. Similarly, no traffic impacts are anticipated. The proposed project does not appear to have the potential to involve any significant secondary impacts. While there are anticipated changes in several environmental and social categories, as noted above, these uses are consistent with surrounding uses in the area. These changes are, therefore, considered to be less than significant.*

*I respectfully disagree.*

**Response:** The Applicant acknowledges your comment. As stated previously, the acreage of lands designated for Park and Open Space uses will greatly increase, thus positively affecting recreational resources on Lāna'i. While the subject Environmental Assessment does not involve any development actions, any future development within the Kō'ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna'i Planning Commission.

October 5, 2021

Kurt Wollenhaupt  
County of Maui Planning Dept.  
2200 Main Street, Suite 619  
Wailuku, HI 96793  
[kurt.wollenhaupt@co.maui.hi.us](mailto:kurt.wollenhaupt@co.maui.hi.us)

Munekiyo Hiraga/Bryan Esmeralda  
305 High Street, Suite 104  
Wailuku, HI 96793  
[planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com)

Lānaʻi Resorts, LLC  
Keiki-Pua Dancil  
733 Bishop Street, Suite 1500  
Honolulu, HI 96813  
[kdancil@pulamalanai.com](mailto:kdancil@pulamalanai.com)

RE: Draft Environmental Assessment (EA) Kōʻele Project District Amendment

1. *The draft EA at p. 8 states that “the proposed amendments facilitate opportunities for future development within the Kōʻele Project District, [but] the currently proposed action does not involve any construction activities.”*
  - Is the applicant proposing that any future construction activities/projects will **not** require future/separate environmental assessments? Please explain.
  - Is the applicant proposing that this DEA, if approved, will automatically include approval of future construction activities? Please explain.
2. *The draft EA states at p. 39 that the “proposed action is not anticipated to have a significant impact on solid waste disposal services, nor on the Lānaʻi Landfill.”*
  - Assuming that all proposed projects contained in the Lānaʻi Community Plan, the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kolele Project District, are fully built out, please explain the reasoning and underlying research that supports this conclusion, referencing the current limitations of the island’s landfill capacity and solid waste disposal capacity limits, if any.

3. *At p. 120 of 659 of the draft EA, Sina Pruder, Chief of the State of Hawaii, Department of Health's Wastewater Branch, states the following in a November 27, 2019 letter to Peter Young: "The proposed project will involve greater than fifty (50) dwelling units, therefore, a wastewater treatment works in accordance with Section 11-62-31(a)(1)(B) of Hawaii Administrative Rules will be needed for the project. In connection to the County of Maui's Lāna'i Wastewater Reclamation Facility is planned, improvements to facility will be required for compliance with applicable provisions of Hawaii Administrative Rules (HAR), Chapter 11-62, 'Wastewater Systems,' and an assessment will be needed before the Department of Health (DOH) will approve of any future subdivision or development plans."*

- Assuming full build out of the amended Kō'ele Project District, please confirm whether the applicant agrees with the statement there could be "greater than (50) dwelling units" and if not, why not.
- Assuming that the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kō'ele Project District are fully built out, please provide detailed numbers of anticipated total wastewater produced, and a detailed capacity of the current wastewater treatment plant.
- Please specifically address the statement that "improvements to the reclamation facility will be required," and identify the necessary improvements for which the applicant will be responsible; if not the applicant then who would be responsible for improvements.

4. *The table below indicates almost a one-to-one swap in acreage that was formerly the Kō'ele Golf Course (formerly 332 acres), which was subject to extensive restrictions on irrigation, for what is now Park and OpenSpace (formerly 23 acres), which was not subject to irrigation restrictions.*

**Table 3.** Existing and Proposed Kō'ele Project District Sub-Designations and Total Acreage

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

Source: R.M. Towill Corporation.

*The golf course (78 acres) now appears limited to the existing Cavendish course and the applicant indicates it will seek to utilize potable water for irrigation. (Appendix A-1 at p. 7).*

*The Park/Open Space (now 315 acres), as revised, has no irrigation restrictions, aside from a statement that potable water may be used for irrigation "in areas where sufficient non-potable water is not available." (Appendix A-1 at p. 6).*

- Given the acknowledgment throughout the draft EA that the Kō'ele golf course, (now park), exclusively uses effluent for irrigation, explain why the park acreage (formerly golf course), should not be subject to the same restrictions that are now proposed to be deleted from Ch. 19.71, Lāna'i Project District 2 (Kō'ele) at p.7-9 of Appendix A-1. Relying on a renaming/re-designation of the acreage is insufficient justification for removing irrigation restrictions on what is essentially the same land.
- Please confirm that there is no "non-potable" water on Lāna'i, as defined by the EPA's primary list of contaminants. If the applicant disagrees, explain.
- Please confirm that the applicant agrees with its own consultant in the statement that "due to a limited amount of potable water on Lana'i, brackish groundwater and treated wastewater are used to irrigate the golf courses and resort landscaping." (Appendix B, at p. 8.) If not, why not.

- Please confirm that the applicant will comply with COM code restrictions on using R-I or brackish water for landscaping needs in the amended project district.
- Please explain how an intention to utilize potable water for irrigation in the Project District comports with the Countywide Plan (Appendix L) to “promote the reclamation of gray water, and enable the use of reclaimed, gray, brackish water for activities that do not require potable water.”



Karlynn K. Fukuda  
PRESIDENT  
Mark Alexander Roy AICP, LEED AP  
VICE PRESIDENT  
Tessa Munekiyo Ng AICP  
VICE PRESIDENT  
Michael T. Munekiyo AICP  
SENIOR ADVISOR

January 6, 2022

**Via Email: rkayelny@gmail.com**

Robin Kaye  
P.O. Box 631313  
Lānaʻi City, Hawaiʻi 96763

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Mr. Kaye:

Thank you for your letter dated October 5, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit “A”** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.<sup>1</sup>

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

---

<sup>1</sup> In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to “substantive” comments, giving careful “...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes.”

Robin Kaye  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn  
Enclosure

cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)  
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)  
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)  
Kevin Mendes, RM Towill Corporation (w/enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\R Kaye Response Ltr.doc

## Exhibit "A" – Responses to Draft Environmental Assessment Comments

Robin Kaye

### Comment 1:

*The draft EA at p. 8 states that "the proposed amendments facilitate opportunities for future development within the Kō'ele Project District, [but] the currently proposed action does not involve any construction activities."*

- *Is the applicant proposing that any future construction activities/projects will not require future/separate environmental assessments? Please explain.*
- *Is the applicant proposing that this DEA, if approved, will automatically include approval of future construction activities? Please explain.*

**Response:** Any future development within the amended Kō'ele Project District will only require an Environmental Assessment (EA) if it meets one of the triggers as defined within Hawai'i Revised Statutes (HRS), Chapter 343-5. Although an EA may not always be triggered, any future development within the Kō'ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna'i Planning Commission. It is further noted that the subject EA has been prepared as a requirement of the Community Plan Amendment application for the Kō'ele Project District Amendment.

### Comment 2:

*The draft EA states at p. 39 that the "proposed action is not anticipated to have a significant impact on solid waste disposal services, nor on the Lāna'i Landfill."*

- *Assuming that all proposed projects contained in the Lāna'i Community Plan, the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kō'ele Project District, are fully built out, please explain the reasoning and underlying research that supports this conclusion, referencing the current limitations of the island's landfill capacity and solid waste disposal capacity limits, if any.*

**Response:** As the action assessed in the subject EA does not involve any development actions, no additional solid waste will be generated compared to the current project district uses. Any future developments on Lāna'i, will assess their project-related impacts regarding solid waste generation and on the Lāna'i Landfill through their respective EA and/or permitting processes.

It should further be noted that the Hōkūao<sup>2</sup> and Malanai<sup>3</sup> project-related impacts regarding solid waste generation and on the Lānaʻi Landfill have been assessed in their project-related applications.

**Comment 3:**

*At p. 120 of 659 of the draft EA, Sina Pruder, Chief of the State of Hawaii, Department of Health's Wastewater Branch, states the following in a November 27, 2019 letter to Peter Young: "The proposed project will involve greater than fifty (50) dwelling units, therefore, a wastewater treatment works in accordance with Section 11-62-31(a)(1)(B) of Hawaii Administrative Rules will be needed for the project. If connection to the County of Maui's Wastewater Reclamation Facility is planned, improvements to facility will be required for compliance with applicable provisions of Hawaii Administrative Rules (HAR), Chapter 11-62, 'Wastewater Systems', and an assessment will be needed before the Department of Health (DOH) will approve of any future subdivision or development plans."*

- *Assuming full build out of the amended Kōʻele Project District, please confirm whether the applicant agrees with the statement there could be "greater than (50) dwelling units" and if not, why not.*
- *Assuming that the Hokuau and Malanai housing, along with the anticipated developments of the proposed amended Kōʻele Project District are fully built out, please provide detailed numbers of anticipated total wastewater produced, and a detailed capacity of the current wastewater treatment plant.*
- *Please specifically address the statement that "improvements to the reclamation facility will be required," and identify the necessary improvements for which the applicant will be responsible; if not the applicant then who would be responsible for improvements.*

**Response:** The proposed amendments to the Kōʻele Project District reduces the number of acres in the Residential subdistrict from 214.0 acres to 48.8 acres, and the number of acres in the Multi-Family subdistrict from 26.0 acres to 14.87 acres. The majority of the proposed Kōʻele Project District Residential and Multi-Family subdistricts include already constructed housing and the Malanai<sup>4</sup> Project. As such, future development of housing in the Residential subdistrict is anticipated to be minimal given the limited available acres of undeveloped Residential designated lands.

Furthermore, as noted on page 4-4 of Appendix J, Preliminary Engineering Report, the full build out of the Proposed Kōʻele Project district is anticipated to generate a wastewater flow of 133,865 GPD. This amount is 34 percent less

---

<sup>2</sup> Hōkūao Final Environmental Assessment: 2021-05-23-TEN.pdf (hawaii.gov).

<sup>3</sup> Malanai applications: PH2 1992/0004 and PH3 2019/0007.

<sup>4</sup> Ibid.

than the current full build out of the Existing Kō'ele Project District, estimated at 201,575 GPD. The County of Maui Department of Environmental Management manages the Lāna'i Wastewater Reclamation Facility (WWRF), they would know the current capacity of the WWRF.

As residential developments are contemplated within the Kō'ele Project District, their wastewater generation and any needed infrastructural improvement needs will be assessed and coordinated with the appropriate agencies, such as the State of Hawai'i, Department of Health and/or County of Maui, Department of Environmental Management. Information on the anticipated wastewater generation for the Hōkūao<sup>5</sup> and Malanai<sup>6</sup> housing projects are included in their respective EA and/or reviewed during their building permit applications.

**Comment 4:**

*The table below indicates almost a one-to-one swap in acreage that was formerly the Kō'ele Golf Course (formerly 332 acres), which was subject to extensive restrictions on irrigation, for what is now Park and Open Space (formerly 23 acres), which was not subject to irrigation restrictions.*

**Table 3.** Existing and Proposed Kō'ele Project District Sub-Designations and Total Acreage

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

Source: R.M. Towill Corporation.

*The golf course (78 acres) now appears limited to the existing Cavendish course and the applicant indicates it will seek to utilize potable water for irrigation. (Appendix A-1 at p. 7).*

*The Park/Open Space (now 315 acres), as revised, has no irrigation restrictions, aside from a statement that potable water may be used for irrigation "in areas where sufficient non-potable water is not available." (Appendix A-1 at p. 6).*

- *Given the acknowledgment throughout the draft EA that the Kō'ele golf course, (now park), exclusively uses effluent for irrigation, explain why the park acreage (formerly golf course), should not be subject to the same restrictions that are now proposed to be deleted from Ch. 19.71, Lāna'i Project District 2 (Kō'ele) at p. 7-9 of Appendix A-1. Relying on a renaming/redesignation of the acreage is*

<sup>5</sup> Hōkūao Final Environmental Assessment: 2021-05-23-TEN.pdf (hawaii.gov).

<sup>6</sup> Malanai applications: PH2 1992/0004 and PH3 2019/0007.

*insufficient justification for removing irrigation restrictions on what is essentially the same land.*

- *Please confirm that there is no "non-potable" water on Lānaʻi, as defined by the EPA's primary list of contaminants. If the applicant disagrees, explain.*
- *Please confirm that the applicant agrees with its own consultant in the statement that "due to a limited amount of potable water on Lānaʻi, brackish groundwater and treated wastewater are used to irrigate the golf courses and resort landscaping" (Appendix B, at p. 8.) If not, why not.*
- *Please confirm that the applicant will comply with COM code restrictions on using R-1 or brackish water for landscaping needs in the amended project district.*
- *Please explain how an intention to utilize potable water for irrigation in the Project District comports with the Countywide Plan (Appendix L) to "promote the reclamation of gray water, and enable the use of reclaimed, gray, brackish water for activities that do not require potable water."*

**Response:** As noted in the proposed amended Project District Ordinance, Maui County Code (MCC), Section 19.71.050 Park, non-potable water shall be used in the Park subdistrict for irrigation to the extent available. As the Golf Course acreage is proposed for reduction, the non-potable water formerly used for irrigation of these areas would become available for use in the Park subdistrict. Non-potable water in this instance refers to R-1 effluent from the wastewater reclamation facility, which was used to irrigate the former Experience at Kōʻele golf course. This practice of using treated wastewater for irrigation will continue for the Park designated lands within the Project District. We note further that non-potable water will continue to be used first for irrigation, to the extent that it is available.

October 6, 2021

Kurt Wollenhaupt  
County of Maui Planning Dept.  
2200 Main Street, Suite 619  
Wailuku, HI 96793  
[kurt.wollenhaupt@co.maui.hi.us](mailto:kurt.wollenhaupt@co.maui.hi.us)

Lanai Resorts, LLC  
Keiki-Pua Dancil  
733 Bishop Street, Suite 1500  
Honolulu, HI 96813  
[kdancil@pulamalanai.com](mailto:kdancil@pulamalanai.com)

Munekiyo Hiraga/Bryan Esmeralda  
305 High Street, Suite 104  
Wailuku, HI 96793  
[planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com)

RE: Draft Environmental Assessment (EA) Kō'ele Project District Amendment

Mr. Wollenhaupt:

Please accept the following comments and questions that the above-referenced draft EA should address:

- I. Appendix J, "Preliminary Engineering Report" (at p. 626 of 659) references a water use of 22,760 gpd for the proposed 75-acre new "resort commercial" sub-designation, broken down as follows:

KOELE PROJECT DISTRICT AMENDMENT						
April 9, 2021						
PROPOSED KOELE PROJECT DISTRICT						
WATER DEMAND BREAKDOWN						
Land Use	Area (ac)	Area (sf)	Units (ea)	Demand Unit	Demand (gpd)	Ave. Daily Demand (gpd)
B. Resort/Commercial						
Museum and Retail Shop	0.7	30,000		6,000 gpd/acre		4,200 <sup>e2, e6</sup>
Special Event	0.5	22,500		n/a		200 <sup>e2, e7</sup>
Irrigation (Museum/Retail/Special Event)	1.2	52,500		2,800 gpd/acre		3,360 <sup>e2, e3</sup>
Stables & Tennis Courts	14.5			n/a		5,000 <sup>e8</sup>
Contingency				n/a		10,000 <sup>e2, e9</sup>
Vacant Land to Remain	59.7			n/a		0
Resort/Commercial Subtotal	75.4					22,760
<b>TOTAL PROPOSED PROJECT DISTRICT</b>		<b>582.0</b>				<b>292,260</b>

- Please explain why 10,000 gpd are needed for a "contingency;" identify the "future development" that is referenced to support it; and clarify whether the 10,000 gpd is brackish or potable.
- Please explain why 3,360 gpd are needed for irrigation for a museum/retail space; confirm that this irrigation source will be brackish and/or R-1 water; and explain how Castle & Cooke's demand assessment from 2006 is relevant to an area that was not planned for development at that time.

- II. The draft EA states that “The Applicant has also explored alternative land use mixes which would also result in a reduced density within the Kō‘ele Project District, similar to the Preferred Alternative.” (Sec. IV, “Alternatives to the Proposed Action” at p. 88.)
- Please identify what alternative land use mixes were explored and why they were rejected.
- III. Please revise the proposed revisions to Ch.19.71 (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71”) to reflect that the Lanai Planning Commission, and not the Director of Planning, shall act as the entity approving principle, subordinate and accessory uses and structures, and height variances in all districts, as it is for special uses in the hotel and open space districts. If the applicant objects to this revision, specifically discuss why.
- IV. Given the applicant’s position that the proposed revisions to the Kō‘ele Project District do not involve any construction activities, and the revisions propose a “new” Resort Commercial district within the Project District (and therefore presumably would not fall under Ch. 19.22), please explain the reasoning behind, and presumed benefits of, each proposed development standards reduction. (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at pp. 10-11).
- V. Please define what is meant by and what is included in “public utilities” in the proposed revisions of Ch. 19.71 (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at pp. 4, 6).
- VI. Please define what is meant by “small scale” energy systems in the proposed revisions of Ch. 19.71 in terms of amount of energy proposed to be produced and what energy resources are envisioned. (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at pp. 5, 11).
- VII. Please explain why the “maximum lot coverage five percent” and “maximum height one story not to exceed 20 feet” were deleted from the proposed revisions to the Park district. (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at p. 5.)
- VIII. In calculating the height of a wind turbine, please revise the language referencing the maximum height to reflect that it includes the length of the rotary blade(s). (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at p. 11).
- IX. The draft EA states that “under a full build-out scenario for the proposed amended Project District, approximately 450 direct jobs and 180 indirect jobs would be created, approximately 570 of which would be on Lana`i. Refer to Appendix H.” (Emphasis supplied.) (Sec. II “Socio-Economic Impact Report” at p. 37.)

Appendix H, at III-9, however, states that “Resort operations at full development would result in about 450 direct jobs and 180 indirect jobs, for a total of 630 jobs,” and since “some of the spending by Resort visitors and residents would occur outside the Resort (e.g. spending at local restaurants, shops, excursions, etc.), some of the direct jobs would be generated outside the Resort.” (Emphasis supplied.)

- Please clarify whether the total jobs referenced (630) are new positions or inclusive of existing positions, and if in addition to existing, then how many would be new; discuss what types of employment these jobs would be; and further quantify how many would be created outside the resort.
- If the applicant is suggesting that these are 630 new jobs, please explain the statement that “From a long-term perspective, the proposed action is not a population generator[.]” (Sec. II “Socio-Economic Impact Report” at p. 39.)
- If the applicant is suggesting that these are 630 new jobs, please discuss the anticipated impact on housing and public services.

X. Appendix I does not appear to address construction-related vehicular traffic in its Traffic analysis.

- Please indicate where in the analysis this occurs, and if not, please discuss.
- Please clarify whether construction vehicles would make use of a by-pass road to avoid utilizing existing roadways during all build-out activities, and if so provide a visual of where the by-pass road is located.

XI. In 1986, MCC adopted Ordinance 1578 which included standards for all Project District Development in Maui County. Included therein is the following language:

“19.45.030 Scope. A. The provisions of this chapter shall apply to all areas designated as a project district on the adopted community plans of the county.

B. Other county laws shall apply within project districts, except to the extent that such laws conflict with requirements imposed pursuant to this chapter.”

- Please confirm that Ch 20.30.020 which requires reclaimed water to be used to irrigate landscaping, not limited to golf courses, applies throughout the Kō‘ele Project District. If not, why not.

XII. Ordinance 2140, adopted in 1992, included the following condition: “6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.”

- Since Ord. 2066 defines potable water as “ground-water extracted at an acceptable rate and containing less than 250 milligrams per liter (mg/l) chlorides and which can be disinfected to satisfy standards set forth in the department of health rules chapter 20 entitled ‘potable water systems’ and maximum contaminant level goals and national secondary drinking water contaminants set forth in 40 C.F.R. section 141 and 143 (1990)” please confirm that this condition continues to apply to the entire acreage formerly known as the Kō‘ele golf course, and prohibits irrigation with ground water that meets the above definition.
- Please discuss whether the same requirement applies to the Cavendish golf course acreage since, per Ord. 2066, it is now included in the area subject to a community plan amendment and rezoning after the effective date of the ordinance.

Thank you for your consideration of the above.

/s/ Sally Kaye  
P.O. Box 631313  
Lāna‘i City, HI 96763  
[skaye@runbox.com](mailto:skaye@runbox.com)



Karlynn K. Fukuda  
PRESIDENT

Mark Alexander Roy AICP, LEED AP  
VICE PRESIDENT

Tessa Munekiyo Ng AICP  
VICE PRESIDENT

Michael T. Munekiyo AICP  
SENIOR ADVISOR

January 6, 2022

**Via Email: [skaye@runbox.com](mailto:skaye@runbox.com)**

Sally Kaye  
P.O. Box 631313  
Lānaʻi City, Hawaiʻi 96763

SUBJECT: Response to Comments on Draft Environmental Assessment for  
Kōʻele Project District Amendment; Kōʻele, Lānaʻi, Hawaiʻi

Dear Ms. Kaye:

Thank you for your letter dated October 6, 2021 providing comments on the Draft Environmental Assessment (EA) for the Kōʻele Project District Amendment. On behalf of the Applicant, Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business as Pūlama Lānaʻi, we are providing information in the attached **Exhibit “A”** in response to the comments provided in your letter. The responses follow the order of the comments in your letter.<sup>1</sup>

Thank you again for your input. A copy of your comment letter and this response will be included in the Final EA for the project.

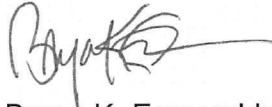
---

<sup>1</sup> In accordance with Hawaiʻi Administrative Rules, Title 11, Section 11-200.1-20 subsections (c) and (d), 2, the rules require our responses to be provided in the Final EA. Further, per subsection (d), subpart (2), we are providing a separate and distinct response to your comment letter herein as Exhibit A. Of note, per subsection (c), we endeavored to respond to “substantive” comments, giving careful “...consideration to the validity, significance, and relevance of the comments to the scope, analysis, or process of the EA, bearing in mind the purposes of this chapter and Chapter 343, Hawaiʻi Revised Statutes.”

Sally Kaye  
January 6, 2022  
Page 2

Should you have any questions, or require additional information, please feel free to contact me at (808) 983-1233 or via email at [planning@munekiyohiraga.com](mailto:planning@munekiyohiraga.com).

Very truly yours,



Bryan K. Esmeralda, AICP  
Senior Associate

BKE:tn  
Enclosure

cc: Kurt Wollenhaupt, Department of Planning (w/enclosure)  
Keiki-Pua Dancil, Pūlama Lānaʻi (w/enclosure)  
Olivia Simpson, Pūlama Lānaʻi (w/enclosure)  
Calvert Chipchase, Cades Schutte (w/enclosure)  
Stacey Gray, Cades Schutte (w/enclosure)  
Bruce Plasch, Plasch Econ Pacific (w/enclosure)  
Kevin Mendes, R.M. Towill Corporation (w/enclosure)

K:\DATA\Pulama Lanai\Koele PD Ph I Amendment 2164\Applications\Draft EA\Draft EA Responses\S Kaye Response Ltr.doc

REF-433<sup>414</sup>

**Exhibit “A” – Responses to Draft Environmental Assessment Comments**

**Sally Kaye**

**Comment 1:**

Appendix J, “Preliminary Engineering Report” at p. 626 of 659) references a water use of 22,760 gpd for the proposed 75-acre new “resort-commercial” sub-designation, broken down as follows:

KOELE PROJECT DISTRICT AMENDMENT							
April 9, 2021							
PROPOSED KOELE PROJECT DISTRICT							
WATER DEMAND BREAKDOWN							
Land Use	Area (ac)	Area (sq ft)	Units (ea)	Demand	Demand Unit	Ave. Daily Demand (gpd)	
<b>B. Resort/Commercial</b>							
Museum and Retail Shop	0.7	30,000		6,000	gpd/acre	4,200	sz, ee
Special Event	0.5	22,500		n/a		200	sz, ee
Irrigation (Museum/Retail/Special Event)	1.2	52,500		2,800	gpd/acre	3,360	sz, ee
Stables & Tennis Courts	14.5			n/a		5,000	ee
Contingency				n/a		10,000	sz, ee
Vacant Land to Remain	59.7			n/a		0	
Resort/Commercial Subtotal	75.4					22,760	
<b>TOTAL PROPOSED PROJECT DISTRICT</b>	<b>582.0</b>					<b>292,260</b>	

- Please explain why 10,000 gpd are needed for a “contingency,” identify the “future development” that is referenced to support it; and clarify whether the 10,000 gpd is brackish or potable.
- Please explain why 3,360 gpd are needed for irrigation for a museum/retail space; confirm that this irrigation source will be brackish and/or R-1 water; and explain how Castle & Cooke’s demand assessment from 2006 is relevant to an area that was not planned for development at that time.

**Response:** The Resort Commercial subdistrict designation is being proposed to allow for existing uses (e.g., stables and tennis courts and support areas such as pastures for animals), which currently support the Resorts (e.g., Four Seasons Lāna‘i and Sensei Lāna‘i, A Four Seasons Resort) and allows for other potential future development to also support the Resorts. The area will primarily support any upgrades or expansion of the tennis court and stable experience.

Upgrades to the existing stables, parking lot, and tennis courts may occur. Regarding the stables, there could be additional barns and accessory uses such as an indoor riding area. Regarding the tennis courts, there could be new and upgraded tennis courts and potential supporting structures such as a tennis pro-shop and restrooms.

Potential future uses within the Resort Commercial subdistrict described above would provide other amenities and services to support the Tennis Courts and

Stables and Resort activities as defined by the proposed MCC 19.71.070(A)(1).  
Principal Uses.

The Resort Commercial area is also planned to serve as an event venue for the Resorts. Roughly four (4) events, with approximately 50 guests and two (2) events with approximately 150 guests are currently anticipated to occur per year. These events would be attended by Resort guests primarily.

10,000 gpd is included as a contingency into accommodate additional water demand from the future uses described above.

To determine the 3,360 gpd for the irrigation needs for the museum/retail space, the existing irrigation demand at the hotel was used as an estimated demand for irrigation. That estimated demand (2,800 gpd/acre) was then multiplied by the number of acres (1.2 acres) to determine the estimated irrigation needs.

Any future development within the Kō'ele Project District will require the preparation and processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lāna'i Planning Commission.

**Comment 2:**

*The draft EA states that "The Applicant has also explored alternative land use mixes which would also result in a reduced density within the Kō'ele Project District, similar to the Preferred Alternative." Sec. IV, "Alternatives to the Proposed Action" at p.88.)*

- *Please identify what alternative land use mixes were explored and why they were rejected.*

**Response:** The Applicant reviewed different potential amended Project District maps which included differing acreages within the various sub-designations. Ultimately, the preferred alternative resulted in the acreage mix which best met the Applicant's long-term objectives for the Kō'ele Project District.

**Comment 3:**

*Please revise the proposed revisions to Ch.19.71 (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71") to reflect that the Lanai Planning Commission, and not the Director of Planning, shall act as the entity approving principle, subordinate and accessory uses and structures, and height variances in all districts, as it is for special uses in the hotel and open space districts. If the applicant objects to this revision, specifically discuss why.*

**Response:** The Applicant objects to this revision as any future development within the Kō'ele Project District currently requires the preparation and

processing of Project District Phase 2 (PH2) and Project District Phase 3 (PH3) applications. PH2 applications are reviewed and acted upon by the Lānaʻi Planning Commission.

**Comment 4:**

*Given the applicant's position that the proposed revisions to the Kōʻele Project District do not involve any construction activities, and the revisions propose a "new" Resort Commercial district within the Project District (and therefore presumably would not fall under Ch. 19.22); please explain the reasoning behind, and presumed benefits of, each proposed development standards reduction. (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 10-11).*

**Response:** The Resort Commercial subdesignation is being proposed to allow for existing uses (e.g., stables and support areas such as pastures for animals) which currently support the Resorts (e.g., Four Seasons Lānaʻi and Sensei Lānaʻi, A Four Seasons Resort) and allows for other potential future development to also support the Resorts. For more information, see response to Comment 1. Further, it should be noted that majority of the land is to remain undeveloped for support activities for the stables (e.g., fenced pastures for animals etc.), which is currently the use today.

The proposed reduction in development standards in the other Project District subdesignations seek to maintain and reduce the low density in other areas of the Project District, thereby maintaining the Resort as its focal point, as was the original intent of the creation of the Kōʻele Project District, as per Maui County Code (MCC) 19.71.010, which states that the intent was *"to establish a low-density primarily residential and recreational development with hotel facilities in an upland rural setting."*

**Comment 5:**

*Please define what is meant by and what is included in "public utilities" in the proposed revisions of Ch. 19.71 (Appendix A-1, "Proposed Amendments to Maui County Code, Chapter 19.71" at pp. 4, 6).*

**Response:** Public utilities includes uses as such transmission lines used directly in the distribution of utility services which include, but which are not limited to, power substations, vaults, water wells, tanks and distribution equipment, sewage pump stations, and other similar type uses.

**Comment 6:**

*Please define what is meant by “small scale” energy systems in the proposed revisions of Ch. 19.71 in terms of amount of energy proposed to be produced and what energy resources are envisioned. (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at pp. 5, 11).*

**Response:** Consistent with the overall Maui County Zoning Code (MCC, Chapter 19), of which Chapter 19.71 is a part, small-scale energy systems are defined as “energy production facilities which are incidental and subordinate to a principal use which is established on the property. These systems include but are not limited to solar, wind, hydrologic, and biomass systems.”

**Comment 7:**

*Please explain why the “maximum lot coverage five percent” and “maximum height one story not to exceed 20 feet” were deleted from the proposed revisions to the Park district. (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at p.5.)*

**Response:** The line items “maximum lot coverage five percent” and “maximum height one story not to exceed 20 feet” were deleted in the proposed revisions to the Park district to accommodate the corresponding proposed ‘Principal uses’ and ‘Accessory uses and structures’ subsections.

**Comment 8:**

*In calculating the height of a wind turbine, please revise the language referencing the maximum height to reflect that it includes the length of the rotary blade(s). (Appendix A-1, “Proposed Amendments to Maui County Code, Chapter 19.71” at p.11).*

**Response:** Applicant acknowledges this comment and will adjust the section with the underlined inserted language below:

Maximum height and minimum setback for freestanding antennae or wind turbine structures, including the length of the rotary blade; maximum height of fifty feet and minimum setback of one foot for each foot in height from all property lines.

**Comment 9:**

*The draft EA states that “under a full build-out scenario for the proposed amended Project District, approximately 450 direct jobs and 180 indirect jobs would be created, approximately 570 of which would be on Lana’i. Refer to Appendix H.” (Emphasis supplied.) (Sec. II “Socio-Economic Impact Report” at p. 37.)*

Appendix H, at III-9, however, states that “Resort operations at full development would result in about 450 direct jobs and 180 indirect jobs, for a total of 630 jobs,” and since “some of the spending by Resort visitors and residents would occur outside the Resort (e.g. spending at local restaurants, shops, excursions, etc.), some of the direct jobs would be generated outside the Resort.” (Emphasis supplied.)

- Please clarify whether the total jobs referenced (630) are new positions or inclusive of existing positions, and if in addition to existing, then how many would be new; discuss what types of employment these jobs would be; and further quantify how many would be created outside the resort.
- If the applicant is suggesting that these are 630 new jobs, please explain the statement that “From a long-term perspective, the proposed action is not a population generator[.]” (Sec. II “Socio-Economic Impact Report” at p. 39.)
- If the applicant is suggesting that these are 630 new jobs, please discuss the anticipated impact on housing and public services.

**Response:** The 630 jobs (570 jobs on Lāna‘i) includes existing jobs. Employment at the Resort (including the Resort homes) includes hotel managers, trainers, fitness and sports experts, spa therapists, salon workers, nutritionists, cooks, waiters, receptionists, office workers, store clerks, maintenance workers, grounds keepers, maids, etc. Offsite jobs include store clerks, cooks, waiters, activity providers, airport workers, etc. Indirect jobs are generated by the purchase of goods and services by the Resort, resort workers and their families, and families living in the Resort homes. Indirect employment includes grocery and drug-store workers, cooks, waiters, mechanics, beauty salon workers, medical providers, accountants, attorneys, insurance agents, etc.

**Comment 10:**

Appendix I does not appear to address construction-related vehicular traffic in its Traffic analysis.

- Please indicate where in the analysis this occurs, and if not, please discuss.
- Please clarify whether construction vehicles would make use of a by-pass road to avoid utilizing existing roadways during all build-out activities, and if so provide a visual of where the by-pass road is located.

**Response:** The subject Environmental Assessment (EA) does not involve any construction activities, therefore it does not address construction-related vehicular traffic in the Traffic Analysis.

Any future development within the Kō‘ele Project District will require the preparation and processing of PH2 and PH3 applications. PH2 applications are

reviewed and acted upon by the Lānaʻi Planning Commission. PH2 applications for any future development will include assessments of project-specific construction-related traffic.

**Comment 11:**

*In 1986, MCC adopted Ordinance 1578 which included standards for all Project District Development in Maui County. Included therein is the following language:*

*“19.45.030 Scope.*

*A. The provisions of this chapter shall apply to all areas designated as a project district on the adopted community plans of the county.*

*B. Other county laws shall apply within project districts, except to the extent that such laws conflict with requirements imposed pursuant to this chapter.”*

- *Please confirm that Ch 20.30.020 which requires reclaimed water to be used to irrigate landscaping, not limited to golf courses, applies throughout the Kōʻele Project District. If not, why not.*

**Response:** This provision does not apply to the Kōʻele Project District as item D of this provision states “this chapter applies only in “Central Maui”, “South Maui”, and, “West Maui” for mandatory irrigation purposes, as defined by the entire geographic areas shown on Figure 6-2 of the Wailuku-Kahului feasibility study dated June 1991, Figure 6-2 of the South Maui water reuse feasibility study dated September 1992, and Figure 6-2 of the West Maui water reuse feasibility study dated May 1992, respectively, and other locations in Maui County for construction, irrigation, and other suitable purposes where reclaimed water fill stations are made available by the County.” The County does not currently have a reclaimed water fill station on Lānaʻi.

It should be noted as stated in the response to Comment 12, non-potable water, to the extent available, will be used for irrigation purposes.

**Comment 12:**

*Ordinance 2140, adopted in 1992, included the following condition:*

*“6. The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.”*

- *Since Ord. 2066 defines potable water as “ground-water extracted at an acceptable rate and containing less than 250 milligrams per liter (mg/l) chlorides and which can be disinfected to satisfy standards set forth in the department of health rules chapter 20 entitled ‘potable water systems’ and maximum contaminant level goals and national secondary drinking water contaminants set*

*forth in 40 C.F.R. section 141 and 143 (1990)” please confirm that this condition continues to apply to the entire acreage formerly known as the Kō‘ele golf course, and prohibits irrigation with ground water that meets the above definition.*

- *Please discuss whether the same requirement applies to the Cavendish golf course acreage since, per Ord. 2066, it is now included in the area subject to a community plan amendment and rezoning after the effective date of the ordinance.*

**Response:** The Experience at Kō‘ele Golf Course closed in 2016; as such, Ordinance 2140 condition 6, which states “The Declarant shall irrigate the Kō‘ele golf course with non-potable water, as defined in Ordinance No. 2066 enacted by the County on December 17, 1991, after the golf course has been operating for five (5) years as provided by the Planning Commission on November 28, 1989.” is no longer applicable.

However, non-potable water shall be used for irrigation to the extent available. Much of the former Experience at Kō‘ele Golf Course is proposed to be designated as ‘Park’. As shown on page 3-5 of Appendix J, Preliminary Engineering Report, ‘Park’ irrigation is anticipated to be primarily provided by effluent (e.g., R1 water), not potable water.

Ordinance 2066 was approved in 1991 and states “The purpose of this ordinance is to prevent the use of potable water for irrigation and other non-domestic purposes at golf courses by restricting the approval of any permit necessary for golf course construction, if that golf course cannot show that it will use a non-potable source of water”. Cavendish golf course construction concluded prior to 1991, therefore Ordinance 2066 is not applicable.



**REFERENCES**



**X**



## X. REFERENCES

County of Maui, 2030 General Plan Countywide Policy Plan, 2010.

County of Maui, "Island of Maui TMK Parcels", [GIS Polygon Shapefile]. Created by Geographic Decision Systems International and County of Maui. 2010. Retrieved from <http://hawaii.gov/dbedt/gis/download.htm>.

County of Maui, Department of Planning, Lānaʻi Community Plan (2016). 2016.

County of Maui, Department of Planning, Socio-Economic Forecast Report 2014, September 2014.

County of Maui, Office of Economic Development and Maui Economic Development Board, Inc. & Hawaiʻi Small Business Development Center Network, Hawaiʻi Business Research Library, Maui County Data Book 2019.

County of Maui, Department of Water Supply, Lānaʻi Island Water Use and Development Plan, February 2011.

Hawaiʻi Climate Change Mitigation and Adaptation Commission, Hawaiʻi Sea Level Rise Vulnerability and Adaptation Report, 2017.

Hoʻokuleana, LLC, Kōʻele Project District Amendment Draft Environmental Assessment, September 2020 (unpublished).

Munekiyo Hiraga, Applications for County Special Use Permit and Project District Phase II Development Approval, Proposed Adventure Center at Kōʻele, March 2018.

State of Hawaiʻi, Coastal Zone Management, Chapter 205A Hawaiʻi Revised Statutes.

State of Hawaiʻi, Department of Agriculture, Agricultural Lands of Importance to the State of Hawaiʻi, 1977.

State of Hawaiʻi, Department of Agriculture. "Agricultural Lands of Important to the State of Hawaiʻi" [GIS Shapefile]. Digitized by State Office of Planning using ArcInfo version 6 from State Department of Agriculture's 1 :24,000 blue-line maps. Retrieved from <http://hawaii.gov/dbedt/gis/download.htm>.

State of Hawaiʻi, Department of Agriculture, Agriculture Functional Plan, 1991.

State of Hawaiʻi, Department of Business, Economic Development, and Tourism, Energy State Functional Plan, 1991.

State of Hawaiʻi, Department of Business, Economic Development, and Tourism, Tourism State Functional Plan, 1991.

State of Hawaiʻi, Department of Education, Education State Functional Plan, 1989.

State of Hawaiʻi, Department of Health, Health State Functional Plan, 1989.

State of Hawai'i, Department of Human Services, Human Services State Functional Plan, 1989.

State of Hawai'i, Department of Labor and Industrial Relations, Employment State Functional Plan, 1990.

State of Hawai'i, Department of Labor and Industrial Relations, Unemployment Rates – Not Seasonally Adjusted, accessed November 2021.

State of Hawai'i, Department of Land and Natural Resources, Conservation Lands State Functional Plan, 1991.

State of Hawai'i, Department of Land and Natural Resources, Historic Preservation State Functional Plan, 1991.

State of Hawai'i, Department of Land and Natural Resources, Recreation State Functional Plan, 1991.

State of Hawai'i, Department of Transportation, Transportation State Functional Plan, 1991.

State of Hawai'i, Hawai'i Housing Finance and Development Corporation, Affordable Housing State Functional Plan, 2017.

State of Hawai'i, Hawai'i State Planning Act, Chapter 226, Hawai'i Revised Statutes.

State of Hawai'i, State Land Use Commission. "State Land Use District Boundaries." [GIS shapefile]. Digitized by State Office of Planning using ArcInfo 4, 5, and 6 from State Land Use Commission's 1 :24,000 mylar maps. (2010). Retrieved from <http://hawaii.gov/dbedt/gis/download.htm>.

State of Hawai'i, University of Hawai'i, Higher Education Functional Plan, 1984.

University of Hawai'i Department of Geography, Atlas of Hawai'i, Third Edition, 1998.

University of Hawai'i-Land Study Bureau, Detailed Land Classification Island of Maui, May 1967.

University of Hawai'i, Land Study Bureau. "Land Study Bureau Detailed Land Classification" [GIS Shapefile]. Digitized by State Office of Planning using ArcInfo 7.1 .1 from Land Study Bureau's 1 :24,000 topographic and orthophoto quads. Retrieved from <http://hawaii.gov/dbedt/gis/download.htm>.

U. S. Department of Agriculture, Soil Conservation Service, Soil Survey of Islands of Kaua'i, O'ahu, Maui, Moloka'i, and Lāna'i, State of Hawai'i, August 1972.



MUNEKIYO HIRAGA

Planning Project Management Sustainable Solutions



**REF-444**