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OUR REFERENCE NO.
070298-12

October 22, 2025

VIA U.S. MAIL AND E-MAIL: DBEDT.LUC.WEB@HAWAII.GOV

Daniel E. Orodenker
Executive Officer
Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

Re: **2019 to 2025 Annual Progress Report**
State Land Use Commission Docket Nos. A90-657 A&B Properties, Inc. - Ku'au
Residential; TMK No. (2) 2-5-005-021 and A98-725 A&B Properties, Inc. -
Spreckelsville Mauka; TMK No. (2) 3-8-001-007:0002
Original Petitioner: A&B Properties, Inc.
Successor Petitioners: MP East A, LLC and MP East B, LLC

Dear Mr. Orodenker:

On behalf of our clients, MP East A, LLC and MP East B, LLC (collectively, "**Mahi Pono**"), the successors in interest to A&B Properties, Inc., the original Petitioner in the above referenced dockets, we hereby submit a combined 2019 to 2025 Annual Progress Report in compliance with, and pursuant to, Condition 16 of the Findings of Fact, Conclusions of Law, and Decision and Order under Docket No. A90-657 ("**Docket No. A90-657**") and Condition 22 of the Findings of Fact, Conclusions of Law, and Decision and Order under Docket No. A98-725 ("**Docket No. A98-725**").

The failure to submit these required annual progress reports was inadvertent, and Mahi Pono appreciates the extension of time the Land Use Commission granted in their August 12, 2025 letter to the undersigned. Future annual reports will be filed in a timely fashion going forward.

Background

Mahi Pono purchased TMK No. (2) 2-5-005-021 ("**Ku'au Parcel**") and TMK No. (2) 3-8-001-007:0002 ("**Spreckelsville Parcel**") (collectively, the "**Properties**") in late 2018 as part of

the purchase of over 41,000 acres of former sugarcane plantation lands from Alexander & Baldwin.

Since purchasing the approximately 41,000 acres of sugar cane lands in 2018, Mahi Pono has been expending its time and resources developing those former sugar cane lands into productive diversified agricultural lands.

In accordance with Condition 17, of Docket No. A98-725, Mahi Pono is utilizing the Sprekelsville Parcel for cattle grazing and cattle forage crops. The Ku'au Parcel is currently planted with Macadamia Nut trees.

Since its purchase, Mahi Pono has focused on agriculture, and has not furthered the development of the Properties in accordance with the plans as proposed under Docket No. A90-657 and Docket No. A98-725. However, Mahi Pono acknowledges that farming can only remain viable with an adequate and cost-effective supply of irrigation water. Mahi Pono also acknowledges that the Island of Maui is also in need of affordable housing, and the Properties are in locations which the Land Use Commission determined were suitable for Urban development. Mahi Pono is presently considering all of its options with respect to the Properties, and will bring a motion to amend these dockets when it solidifies its plans, should they not correspond with the prior approved plans.

Future Notices

In response to the Commission's request for updated contract information for the ownership of the Properties, please note the following:

MP East A, LLC
P.O. Box 1104
Puunene, HI 96784

Attn: Grant Nakama
Phone: (808) 250-7705
Email: Grant.nakama@mahipono.com

MP East B, LLC
P.O. Box 1104
Puunene, HI 96784

Attn: Grant Nakama
Phone: (808) 250-7705
Email: Grant.nakama@mahipono.com

Compliance with Conditions

Attached as Exhibit A is a chart with the status of compliance with the conditions of Docket No. A90-657. Attached as Exhibit B is a chart with the status of compliance with the conditions of Docket No. A98-725.

We trust that the attached charts satisfy the annual reporting requirements of Docket No. A90-657, Condition 16 and Docket No. A98-725, Condition 22. If you have any questions regarding this request or if you require additional information, please feel free to contact me at any time. Thank you.

Sincerely,



Katherine A. Garson
Partner

Enclosures

4922-9172-1831.2.070298-00012

EXHIBIT A

2019-2025 Condition Compliance Matrix - LUC Docket A90-657 - Ku‘au

Successor Petitioner: MP East B, LLC

TMK (2) 2-5-005-021

Effective Date: December 19, 1990

No.	Condition	Status	Comments
1.	<p>Petitioner shall provide affordable housing opportunities for residents of the State of Hawaii by offering for sale or lease a number of units equal to at least thirty (30%) of the residential units in the petition area at prices which families with an income range of up to one hundred twenty percent (120%) of the County of Maui's median income can afford, and a number of units equal to at least thirty percent (30%) of the residential units in the petition area at prices which families with an income range of one hundred twenty to one hundred forty percent (120%-140%) of the County of Maui's median income can afford. Specifically, all affordable units shall be constructed in the petition area.</p> <p>This condition may be fulfilled through construction and distribution of units in the petition area or through other projects under such terms as may be mutually agreeable, between the Petitioner, the Housing Finance and Development Corporation of the State of Hawaii, and the County of Maui.</p> <p>This condition may also be fulfilled, with the approval of the Housing Finance and Development Corporation and the County of Maui, through construction of rental units to be made available at rents which families in the specified income ranges can afford.</p> <p>In addition, Petitioner may obtain the special credit, as determined by the Housing Finance and Development Corporation and the County of Maui, for the provision of ten percent (10%) or more of the total units of housing affordable to persons with incomes less than eighty percent (80%) of Maui's median income and for the provision of housing for special needs groups, as determined by the Housing Finance and Development and the County of Maui. With the special credit, the minimum percentage of affordable housing which would be provided by the Petitioner would be fifty percent (50%).</p>	Acknowledged	Successor Petitioner acknowledges Condition No. 1, and if farming is rendered unfeasible by a lack of adequate and cost-effective irrigation water, then Successor Petitioner intends to comply by prioritizing affordable housing discussions in conjunction with any potential request for County zoning.

EXHIBIT A

2019-2025 Condition Compliance Matrix - LUC Docket A90-657 - Ku‘au

Successor Petitioner: MP East B, LLC

TMK (2) 2-5-005-021

Effective Date: December 19, 1990

	<p>If the special credit option is chosen, the Petitioner shall provide the affordable housing units in the following distribution as deemed to be acceptable by the County of Maui and the State Housing Finance and Development Corporation:</p> <table border="0"> <thead> <tr> <th><u>Target Income Group</u></th> <th colspan="2"><u>Percentage of Total Units</u></th> </tr> </thead> <tbody> <tr> <td>50% of median or less</td> <td>3%</td> <td></td> </tr> <tr> <td>70% of median or less</td> <td>4%</td> <td>10%</td> </tr> <tr> <td>80% of median or less</td> <td>3%</td> <td></td> </tr> <tr> <td>90% of median or less</td> <td>6%</td> <td></td> </tr> <tr> <td>100% of median or less</td> <td>8%</td> <td>20%</td> </tr> <tr> <td>120% of median or less</td> <td>6%</td> <td></td> </tr> <tr> <td>125% of median or less</td> <td>6%</td> <td></td> </tr> <tr> <td>130% of median or less</td> <td>8%</td> <td>20%</td> </tr> <tr> <td>140% of median or less</td> <td>6%</td> <td></td> </tr> </tbody> </table> <p>Insofar as possible, the Petitioner shall implement this affordable housing requirement concurrently with the completion of market priced units for the residential project. If the project is phased as planned, then the affordable units for that phase shall be provided concurrently with the market priced units for the phase. The determination of median income, as the term is used in this condition, shall be based on median income figures published by the United States Department of Housing and Urban Development at the time that construction of such units is commenced.</p>	<u>Target Income Group</u>	<u>Percentage of Total Units</u>		50% of median or less	3%		70% of median or less	4%	10%	80% of median or less	3%		90% of median or less	6%		100% of median or less	8%	20%	120% of median or less	6%		125% of median or less	6%		130% of median or less	8%	20%	140% of median or less	6%			
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2.	<p>Petitioner shall prepare, or participate in the preparation of a regional traffic impact study to address all traffic impacts resulting from this Project as well as other A & B projects in the Paia-Kuau area such as the Makana subdivision in coordination with the State Department of Transportation and the County of Maui. The traffic impact study should specifically address the benefits if any that a collector road approximating the route of the Paia bypass road would have on the traffic flow on Hana Highway in the Kuau-Paia</p>	Acknowledged																															

EXHIBIT A
2019-2025 Condition Compliance Matrix - LUC Docket A90-657 - Ku‘au
Successor Petitioner: MP East B, LLC
TMK (2) 2-5-005-021
Effective Date: December 19, 1990

	areas. The study should also examine the road improvements needed at Hookipa Park.		
3.	<p>Petitioner shall participate in the funding and construction of local and regional transportation improvements on a pro rata fair share basis as determined by the regional traffic impact study and the State Department of Transportation and the County of Maui.</p> <p>Such traffic improvements shall include but not be limited to:</p> <ol style="list-style-type: none"> a. The signalization of the intersection between Hana Highway and Baldwin Avenue b. At minimum, Hana Highway should be widened to include 12-foot wide traffic lanes and 6-foot wide shoulders. c. Hana Highway between Mama's Fish House and Hookipa Park should be realigned. d. Installation of pedestrian walkways and bikeways should be considered. e. Parcel C may have only one direct access to Hana Highway. 	Acknowledged	As noted in prior annual reports submitted by prior Petitioner, A&B represented that it developed an interim bypass road to help alleviate traffic during the afternoon peak period. A&B further represented that A&B provided the land and contributed in excess of \$200,000 toward the design and construction of the roadway which opened for use in July 2006. A&B further represented that that road was permanently opened to traffic in May 2022. Successor Petitioner will comply with this condition should this project proceed.
4.	Petitioner shall prepare a drainage and erosion control plan and shall fund and construct the necessary drainage improvements and maintain ocean water quality to the standards of the State Department of Health.	Acknowledged	Prior Petitioner A&B represented in past annual reports that it developed extensive on-site and off-site detention basins to control drainage runoff and to minimize impacts to ocean water quality for A&B's adjacent Kuau Bayview subdivision. Drainage system requirements of the project will be addressed if the development progresses.
5.	Petitioner shall provide the necessary water source and transmission facilities to service the proposed project.	Acknowledged	
6.	Petitioner shall pay its fair share (on a pro rata basis) to expand or improve the existing Wailuku/Kahului Wastewater Treatment Plant and/or route the wastewater to be generated by the proposed project to the proposed new Central Maui Wastewater Treatment Plant to the standards of the County of Maui, Department of Public Works and the State Department of Health. Petitioner shall also participate in the funding of the proposed new Central Maui Wastewater Treatment Plant and required transmission lines.	Acknowledged	
7.	Petitioner shall inform all prospective occupants of the Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, which	Acknowledged	

EXHIBIT A

2019-2025 Condition Compliance Matrix - LUC Docket A90-657 - Ku‘au

Successor Petitioner: MP East B, LLC

TMK (2) 2-5-005-021

Effective Date: December 19, 1990

	limits the circumstances under which pre-existing farming activities may be deemed a nuisance.		
8.	Petitioner shall provide its pro rata fair share for school facilities as may be required by and to the satisfaction of the State Department of Education.	Acknowledged	
9.	Petitioner shall provide its pro rata fair share for police, fire, park, and solid waste disposal resulting from the development as may be required by and to the satisfaction of and as agreed upon with the County of Maui.	Acknowledged	
10.	Based on traffic projections of residents of planned A & B projects in the Paia-Haiku area utilizing the Hookipa Park facilities, A & B shall contribute their pro rata fair share toward the Hookipa Park expansion project as determined by the County of Maui.	Acknowledged	Prior Petitioner A&B represented in prior annual reports that A&B donated to the County of Maui approximately 30 acres adjacent to Baldwin Beach Park for Park use in November 2014.
11.	Petitioner shall immediately stop work and contact the State Historic Preservation Office should any 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. Should any sites be found, Petitioner shall formulate an archaeological mitigation plan approved by the State Historic Preservation Division.	Acknowledged	
12.	Petitioner shall participate in an air quality monitoring program as may be agreed upon with the State Department of Health.	Acknowledged	
13.	Petitioner shall implement effective soil erosion and dust control measures during all phases of the development.	Acknowledged	
14.	Petitioner shall fund and install the necessary number of emergency siren units within the Property to the satisfaction on the Maui Civil Defense Agency and the State Department of Defense.	Acknowledged	
15.	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.	Acknowledged	Prior Petitioner A&B provided notice to the LUC that the property was sold to MP East B, LLC on December 20, 2018.
16.	Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Maui, Planning Department in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed.	Acknowledged	This 2019-2025 Annual Report is being filed pursuant to this condition. Successor Petitioner apologizes for any untimely filings.

EXHIBIT A

2019-2025 Condition Compliance Matrix - LUC Docket A90-657 - Ku‘au

Successor Petitioner: MP East B, LLC

TMK (2) 2-5-005-021

Effective Date: December 19, 1990

17.	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 may result in reclassification of the Property to its former land use classification.	Acknowledged	Successor Petitioner is currently reviewing its plans for this Petition Area.
18.	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.	Acknowledged	
19.	In the event that Petitioner sells its interest in the project, Petitioner shall subject the Property to deed restrictions to run with the land which shall require the successors and assigns to comply with the terms and conditions set forth in the Commission's Decision and Order.	Acknowledged	When the Property was sold to MP East B, LLC, title was conveyed subject to the conditions in the Commission's Decision and Order in the Declaration of Conditions, dated February 4, 1991 and recorded as Document No. 91-022726.

EXHIBIT B

2019-2025 Condition Compliance Matrix - LUC Docket A98-725 - Spreckelsville Mauka

Successor Petitioner: MP East A, LLC

TMK (2) 3-8-001-007:0002

Effective Date: July 14, 1999

No.	Condition	Status	Comments
1.	Petitioner shall provide affordable housing opportunities for moderate and gap group income residents of the State of Hawai'i to the satisfaction of the County of Maui. The County of Maui shall consult with the State Housing and Community Development Corporation of Hawai'i prior to its approval of Petitioner's affordable housing plan. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner and the County of Maui.	Acknowledged	Successor Petitioner acknowledges Condition No. 1, and if farming is rendered unfeasible by a lack of adequate and cost-effective irrigation water, then Successor Petitioner intends to comply by prioritizing affordable housing discussions in conjunction with any request for County zoning.
2.	Petitioner shall contribute its fair-share to the development, funding, and/or construction of public school facilities as determined by and to the satisfaction of the State Department of Education ("DOE"). Petitioner and the DOE shall submit a written agreement on this matter prior to Petitioner obtaining approval for County zoning.	Acknowledged	Successor Petitioner acknowledges Condition No. 2, and if farming is rendered unfeasible by a lack of adequate and cost-effective irrigation water, then Successor Petitioner will comply by discussing measures to provide its fair-share contribution towards public school facilities with the State DOE upon submittal of an application for County zoning.
3.	Petitioner shall fund and construct adequate wastewater transmission and disposal facilities for the proposed development, as determined by the County of Maui Department of Public Works and Waste Management ("DPWWM") and State Department of Health ("DOH").	Acknowledged	
4.	Petitioner shall participate in the pro-rata funding and construction of local and regional transportation improvements and programs necessitated by the proposed development in designs and schedules accepted and determined by the State Department of Transportation and the County of Maui DPWWM. Should the Project connect to the proposed Pa'ia Bypass, then Petitioner shall participate in the design, acquisition and/or development of the bypass, as appropriate.	Acknowledged	As noted in prior annual reports submitted by Petitioner, A&B represented that it developed an interim bypass road to help alleviate traffic during the afternoon peak period. A&B further represented that A&B provided the land and contributed in excess of \$200,000 toward the design and construction of the roadway which opened for use in July 2006. A&B further represented that that road was permanently opened to traffic in May 2022. Successor Petitioner will comply with this condition should this project proceed.
5.	Petitioner, developer and/or landowners of the affected properties shall fund and construct adequate civil defense measures as determined by the County and State Civil Defense agencies.	Acknowledged	
6.	Should any previously unidentified burials, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, or stone platforms, pavings or walls be found, Petitioner,	Acknowledged	

EXHIBIT B

2019-2025 Condition Compliance Matrix - LUC Docket A98-725 - Spreckelsville Mauka

Successor Petitioner: MP East A, LLC

TMK (2) 3-8-001-007:0002

Effective Date: July 14, 1999

	developers and/or landowners of the affected properties shall stop work in the immediate vicinity and the State Historic Preservation Division of the Department of Land and Natural Resources ("SHPD") shall be notified immediately. Subsequent work shall proceed upon an archaeological clearance from the SHPD when it finds that mitigative measures have been implemented to their satisfaction.		
7.	Petitioner shall participate in an air quality monitoring program as specified by the DOH. Petitioner shall notify all prospective buyers of property of the potential odor, noise and dust pollution resulting from surrounding Agricultural District land. Petitioner shall notify all prospective buyers of property that the Hawai'i Right-to-Farm Act, Chapter 165, HRS, limits the circumstances under which pre-existing farm activities may be deemed a nuisance.	Acknowledged	
8.	Petitioner shall ensure that the proposed Project will not adversely impact the use of cane haul roads and irrigation ditches or adversely impact the continued agricultural operation of adjoining sugarcane cultivation areas.	Acknowledged	Sugarcane cultivation has ceased, but Successor Petitioner will comply with this requests as it pertains to its diversified agricultural operations in adjoining fields.
9.	Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the Petition Area to the satisfaction of the DOH, Natural Resources Conservation Service of the U.S. Department of Agriculture, and County agencies.	Acknowledged	This condition will be addressed if development of the project progresses.
10.	Petitioner shall participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the proposed Project. Water transmission facilities and improvements shall be coordinated with and approved by appropriate State and County agencies. Petitioner shall coordinate with the Department of Water Supply and provide the necessary information to facilitate the inclusion of the Project in the Water Use and Development Plan.	Acknowledged	
11.	Petitioner shall provide buffer strips to mitigate adverse impacts from the agricultural activities in the surrounding area. Petitioner shall provide appropriate buffer strips to mitigate adverse impacts on the subject development area from surrounding agricultural activities as determined during the County zoning process.	Acknowledged	

EXHIBIT B

2019-2025 Condition Compliance Matrix - LUC Docket A98-725 - Spreckelsville Mauka

Successor Petitioner: MP East A, LLC

TMK (2) 3-8-001-007:0002

Effective Date: July 14, 1999

12.	Petitioner shall develop and implement Golf Course Management Measures pertaining to grading, site preparation, nutrients, pest control, and irrigation to the satisfaction of the Clean Water Branch, State Department of Health.	Acknowledged	
13.	Petitioner, where feasible, will use indigenous and water conserving plants and turf and incorporate the same into the golf course and related Project common area landscape planting.	Acknowledged	
14.	Petitioner will consider the use of buffers or fences in the area adjacent to Kailua Gulch to provide a measure of safety to the Project residents as well as to mitigate adverse impacts from the proposed development on Kailua Gulch.	Acknowledged	
15.	Petitioner shall obtain an amendment to the Wailuku-Kahului Community Plan in order to redesignate the Petition Area to the proposed residential and park (golf course) uses.	Acknowledged	
16.	The Petition Area shall not be developed for the purposes represented by this Petition until such time as the Property is properly zoned for the respective residential, golf course and park use; and shall not bypass the county zoning process.	Acknowledged	Successor Petitioner is compliant with this request. The project area is currently used for cattle grazing and cattle forage crops.
17.	The lands within the Petition Area shall be used in accordance with all applicable Agricultural zoning ordinances as long as the Property remains zoned Agriculture.	Acknowledged	Successor Petitioner is compliant with this request. The project area is currently used for cattle grazing and cattle forage crops.
18.	Petitioner shall reserve a setback on its properties from Haleakala Highway to and including the subject property for the future widening of Hana Highway, to be dedicated to the DOT when needed. Petitioner shall coordinate the development of the golf course with the DOT, and the plans and documents for the golf course shall reflect the future roadway widening, as appropriate, to attest to that the golf course and roadway improvements were jointly planned. The performance of Petitioner's obligations under this condition including the value of the land subject to any setback, shall be taken into full account in determining Petitioner's obligations under other conditions imposed by this Order.	Acknowledged	
19.	The developer and/or landowner of the subject Property shall grant to the State of Hawai'i, if requested by the State, an avigation (right of flight) and noise easement for portions of the Subject Property at	Acknowledged	

EXHIBIT B

2019-2025 Condition Compliance Matrix - LUC Docket A98-725 - Spreckelsville Mauka

Successor Petitioner: MP East A, LLC

TMK (2) 3-8-001-007:0002

Effective Date: July 14, 1999

	or greater than the 55 Ldn line and in the form prescribed by the State of Hawai'i Department of Transportation.		
20.	Petitioner shall develop the Property in substantial compliance with the representations made to the Land Use Commission. Failure to so develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification.	Acknowledged	Successor Petitioner is currently reviewing its plans for this Petition Area.
21.	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 interests in the Property, prior to development of the Property.	Acknowledged	Notice was provided to the LUC of the sale of the property to MP East A, LLC on December 20, 2018.
22.	Petitioner shall timely provide without any prior notice, annual reports to the Land Use Commission, the Office of Planning, and the County of Maui Planning Department in connection with the status of the subject Project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Land Use Commission.	Acknowledged	This 2019-2025 Annual Report is being filed pursuant to this condition. Successor Petitioner apologizes for any untimely filings.
23.	The Land Use Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.	Acknowledged	
24.	Within seven (7) days of the issuance of the Land Use Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Land Use Commission.	Satisfied	This condition has been satisfied. On July 21, 1999, a "Notice of Imposition of Conditions by the Land Use Commission" was recorded with the State Bureau of Conveyances (Document No. 99-116684) and copies were filed with the LUC per the prior Petitioner A&B.
25.	Petitioner shall record the conditions imposed herein by the Land Use Commission with the Bureau of Conveyances pursuant to Section 15-15-92, HAR.	Satisfied	This condition has been satisfied. On August 11, 1999 the conditions imposed by the LUC were recorded with the State of Hawaii Bureau of Conveyances in Document No. 99-129788 ("Declaration of Conditions Applicable to an Amendment of District Boundary From Agricultural to Urban).