

2019 DEC 13 A 8:52



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

LĀNA'I RESORTS, LLC dba PULAMA	)	DOCKET NO. A19-809
LĀNA'I)	
To Amend the Agricultural Land Use	)	ORDER DETERMINING (1) THAT THE
District Boundary Into the Urban Land Use	)	LAND USE COMMISSION WILL BE THE
District Boundaries for Approximately 200	)	APPROVING AGENCY PURSUANT TO
acres of land, consisting of Tax Map Key	)	CHAPTER 343, HAWAII REVISD
Nos. (2) 4-9-02: 01 (por.), at Lāna'i City,	)	STATUTES; AND (2) THAT THE LAND
and County of Maui, State of Hawai'i	)	USE COMMISSION ANTICIPATES A
	)	FINDING OF NO SIGNFICANT IMPACT;
	)	AND CERTIFICATE OF SERVICE
)	

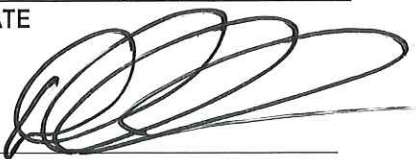
ORDER DETERMINING (1) THAT THE LAND USE COMMISSION WILL BE THE APPROVING AGENCY PURSUANT TO CHAPTER 343, HAWAII REVISD STATUTES; AND (2) THAT THE LAND USE COMMISSION ANTICIPATES A FINDING OF NO SIGNFICANT IMPACT

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, HAWAII.

DECEMBER 13, 2019
DATE

by 
EXECUTIVE OFFICER



LAND USE COMMISSION
STATE OF HAWAII

2019 DEC 13 A 8:52

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

LĀNA'I RESORTS, LLC dba PULAMA	)	DOCKET NO. A19-809
LĀNA'I)	
To Amend the Agricultural Land Use	)	ORDER DETERMINING (1) THAT THE
District Boundary Into the Urban Land Use	)	LAND USE COMMISSION WILL BE THE
District Boundaries for Approximately 200	)	APPROVING AGENCY PURSUANT TO
acres of land, consisting of Tax Map Key	)	CHAPTER 343, HAWAII REVISIED
Nos. (2) 4-9-02: 01 (por.), at Lāna'i City,	)	STATUTES; AND (2) THAT THE LAND
and County of Maui, State of Hawai'i	)	USE COMMISSION ANTICIPATES A
	)	FINDING OF NO SIGNFICANT IMPACT;
	)	AND CERTIFICATE OF SERVICE
)	

ORDER DETERMINING (1) THAT THE LAND USE COMMISSION WILL BE THE
APPROVING AGENCY PURSUANT TO CHAPTER 343, HAWAII REVISIED STATUTES;
AND (2) THAT THE LAND USE COMMISSION ANTICIPATES A FINDING OF NO
SIGNFICANT IMPACT

AND

CERTIFICATE OF SERVICE



LAND USE COMMISSION
STATE OF HAWAII

2019 DEC 13 A 7 29

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

LĀNA'I RESORTS, LLC dba PULAMA
LĀNA'I

To Amend the Agricultural Land Use
District Boundary Into the Urban Land Use
District Boundaries for Approximately 200
acres of land, consisting of Tax Map Key
Nos. (2) 4-9-02: 01 (por.), at Lāna'i City,
and County of Maui, State of Hawai'i

) DOCKET NO. A19-809

)
) ORDER DETERMINING (1) THAT THE
) LAND USE COMMISSION WILL BE THE
) ACCEPTING AUTHORITY PURSUANT
) TO CHAPTER 343, HAWAII REVISSED
) STATUTES; AND (2) THAT THE LAND
) USE COMMISSION ANTICIPATES A
) FINDING OF NO SIGNIFICANT IMPACT
)
)
)
)

ORDER DETERMINING (1) THAT THE LAND USE COMMISSION WILL BE THE
ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343, HAWAII REVISSED
STATUTES; AND (2) THAT THE LAND USE COMMISSION ANTICIPATES A FINDING
OF NO SIGNIFICANT IMPACT

On August 23, 2019, LĀNA'I RESORTS, LLC dba PULAMA LĀNA'I ("Petitioner")
filed a Petition with the Land Use Commission for a District Boundary Amendment
("Petition") and Exhibits 1-9, which proposes to reclassify approximately 200 acres located
within Miki Basin on Lāna'i City, Island of Lāna'i, consisting of Tax Map Key Nos. (2) 4-
9-02: 01 (por.), from the State Agricultural District to the State Urban District for a future
light and heavy industrial development (hereinafter, "Project").

On August 23, 2019, Petitioner filed a Motion Requesting the Land Use Commission
be the Approving Agency for an Environmental Assessment ("Motion"), which included a

draft environmental assessment (“Draft EA”) for the Project.

On September 4, 2019, Petitioner filed an Errata to Petitioner’s Motion Requesting the Land Use Commission to be the Approving Agency for an Environmental Assessment, and Certificate of Service replacing all citations in the Motion to chapter 11-200, Hawai‘i Administrative Rules (“HAR”) with citations to chapter 11-200.1, HAR.

On September 6, 2019, Petitioner filed an Amended Motion Requesting the Land Use Commission to be the Approving Agency for an Environmental Assessment and for Issuance of Anticipated Negative Declaration or Anticipated Finding of No Significant Impact (“Amended Motion”).

On September 11, 2019, the Commission sent a letter deeming the Petition an incomplete filing and identified several procedural and content deficiencies that would need to be corrected. Staff informed the Petitioner that they would need to submit a preliminary EA and request, by motion, that the Commission be the accepting authority.

On September 16, 2019, the Commission mailed the Meeting Notice and Agenda notice for the September 25-26, 2019 meeting on Petitioner's Amended Motion to be held in Maui to the Parties, the Statewide, O‘ahu and Maui County mailing lists. The Meeting Notice and Agenda were also filed with the Lieutenant Governor's office and posted electronically to the Commission website.

On September 18, 2019, the State Office of Planning (“OP”) filed a Response to Petitioner's Amended Motion, stating that it had no objections to the Amended Motion.

On September 18, 2019, the Department of Planning, County of Maui (“County”) filed a Position Statement regarding Petitioner’s Amended Motion, stating that it concurs that the Commission should be the approving agency for an environmental assessment and

that it will provide additional comments regarding the Project upon formal receipt of the completed draft environmental assessment.

On September 25, 2019, the Commission met in Maui, Hawai'i, to consider Petitioner's Amended Motion. Lynn McCrory and Petitioner's attorney, Yvonne Y. Izu, Esq., appeared on behalf of Petitioner. Dawn Apuna, Esq., and Aaron Setogawa appeared on behalf of the State Office of Planning ("OP"). Michael Hopper, Esq., and Michele C. McLean, Ann Cua and Kurt Wollenhaupt appeared on behalf of the County.

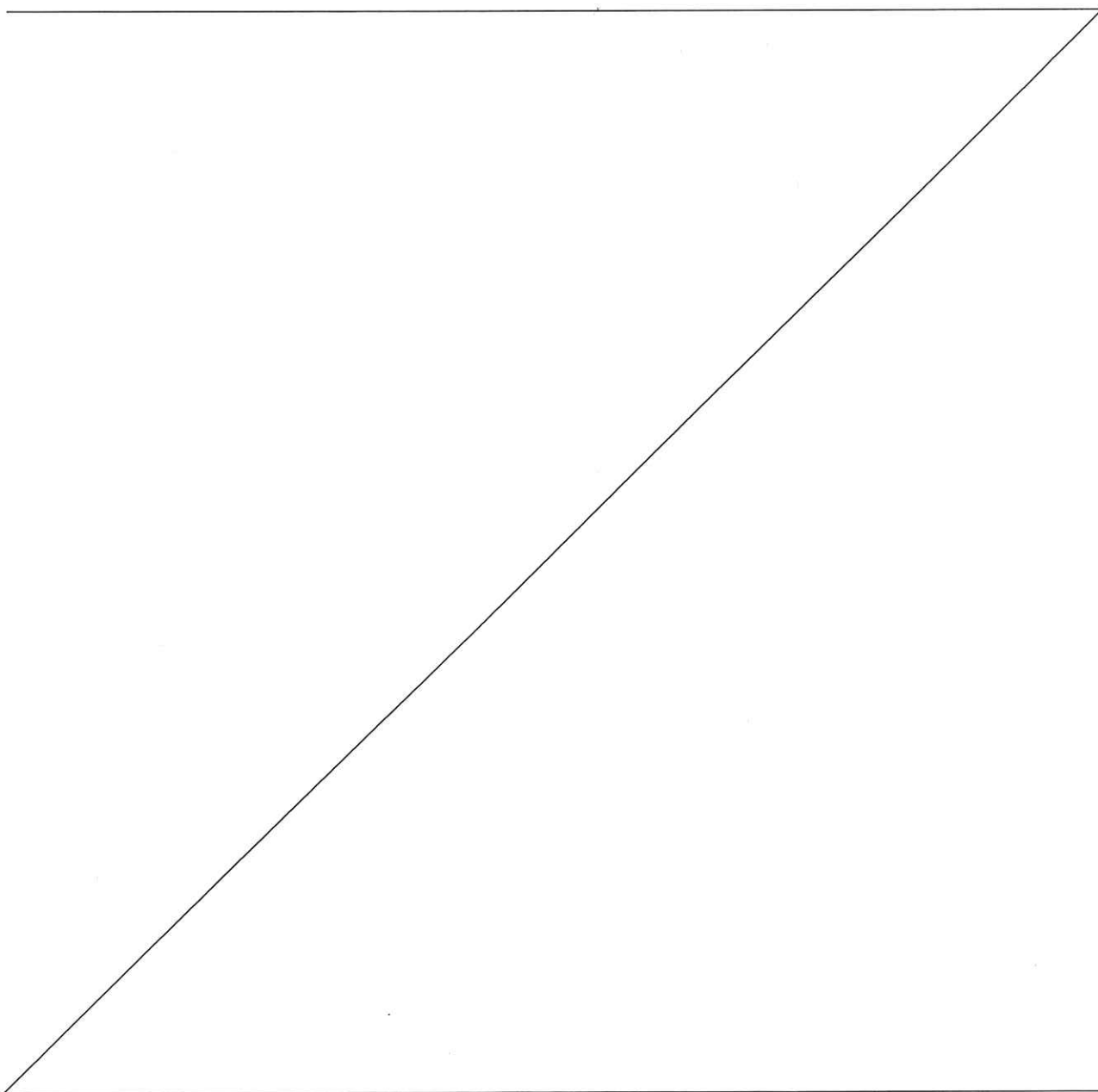
At the meeting, there was no public testimony. Petitioner provided a summary of its Amended Motion. The County concurred that the Commission should be the approving agency, but deferred to the Commission on whether an anticipated finding of no significant impact was appropriate. OP had no objections to the Amended Motion.

During discussion, the Commissioners agreed that the Commission is clearly the appropriate accepting authority for HRS Chapter 343 compliance. The Commission also discussed in order to make the finding of AFONSI and direct the Petitioner to prepare an EA.

A motion was made and seconded for the Commission to the accepting authority, determining that there is an anticipated finding of no significant impact; and, directing the Petitioner to prepare an environmental assessment. Following discussion by the Commission, a vote was taken on this motion. There being a vote tally of 7 ayes and 1 nay, the motion carried.

This Commission, having duly considered Petitioner's Amended Motion, the written and oral comments of the County and OP in this proceeding, and a motion having been made at its meeting on September 25, 2019, in Maui, Hawai'i, the motion having received the affirmative votes required by HAR §15-15-13, and there being good cause for the motion, the Commission:

HEREBY ORDERS that the Commission agrees to be the accepting authority pursuant to chapter 343, Hawaii Revised Statutes, determines that there is an anticipated finding of no significant impact; and, directs the Petitioner to prepare and file an Environmental Assessment with the State Department of Health, Office of Environmental Quality Control.




ADOPTION OF ORDER

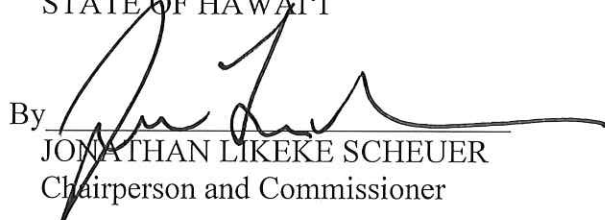
This ORDER shall take effect upon the date this ORDER is filed and certified by this Commission.

Done at Honolulu, Hawai'i, this 13th, day of December 2019, per motion on September 25, 2019 in Maui, Hawai'i.

APPROVED AS TO FORM


Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By 
JONATHAN LIKEKE SCHEUER
Chairperson and Commissioner

Filed and effective on:

12/13/19

Certified by:


DANIEL E. ORODENKER
Executive Officer
State Land Use Commission



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

LĀNA'I RESORTS, LLC dba PULAMA	)	DOCKET NO. A19-809
LĀNA'I)	
)	
To Amend the Agricultural Land Use	)	CERTIFICATE OF SERVICE
District Boundary Into the Urban Land Use)	
District Boundaries for Approximately 200)	
acres of land, consisting of Tax Map Key)	
Nos. (2) 4-9-02: 01 (por.), at Lāna'i City,)	
and County of Maui, State of Hawai'i)	
)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER DETERMINING (1) THAT THE LAND USE COMMISSION WILL BE THE APPROVING AGENCY PURSUANT TO CHAPTER 343, HAWAI'I REVISED STATUTES; AND (2) THAT THE LAND USE COMMISSION ANTICIPATES A FINDING OF NO SIGNIFICANT IMPACT was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

HAND Mary Alice Evans, Director
DEL.: Office of Planning
 P. O. Box 2359
 Honolulu, Hawai'i 96804-2359

HAND DAWN TAKEUCHI-APUNA, Esq.
DEL.: Deputy Attorney General
 425 Queen Street
 Honolulu, Hawai'i 96813

CERTIFIED MICHELE C. MCLEAN, Director
MAIL: Department of Planning and Permitting
2200 Main Street
One Main Plaza
Wailuku, Hawai'i 96793

CERTIFIED Michael J. Hopper, Esq.
MAIL: Corporation Counsel
City and County of Maui
250 S. High Street
Wailuku, Hawai'i 96793

CERTIFIED MORIHARA LAU & FONG LLC
MAIL: YVONNE Y. IZU 3428-0
KRIS N. NAKAGAWA 5848-0
LIANNA L. FIGUEROA 9173-0
400 Davies Pacific Center
841 Bishop Street
Honolulu, HI 96813

Dated December 13 2019

Honolulu, Hawai'i.



DANIEL E. ORODENKER
Executive Officer