

OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT

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

In the Matter of the Petition of)	DOCKET NO. A21-810
)	
PULAMA LANAI)	OFFICE OF PLANNING AND
)	SUSTAINABLE DEVELOPMENT'S
To Amend the Land Use District Boundary)	TESTIMONY IN SUPPORT WITH
of Approximately 56.436 Acres of Land)	CONDITIONS; EXHIBITS 2b, 5-12;
from the Agricultural District into the Urban)	AMENDED LIST OF EXHIBITS;
District at Lanai City, Island of Lanai,)	CERTIFICATE OF SERVICE
County of Maui, State of Hawaii, Tax Map)	
Key Nos.: (2) 4-9-002:061(por.), (2) 4-9-)	
014:001(por.))	
)	

OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT'S TESTIMONY

Pursuant to Hawaii Administrative Rules ("HAR") § 15-15-55, the Office of Planning and Sustainable Development ("OPSD") submits this testimony in support and recommending approval of the reclassification of the Petition Area (defined below), subject to certain conditions. This testimony summarizes OPSD's position and describes the positions of State departments impacted by the proposed boundary amendment, to the extent this information is currently available. OPSD's position is based on the representations of the Petitioner and documents filed in these proceedings, coordination with the Petitioner and affected government agencies, and the statutes and regulations applicable to these proceedings.

PETITION OVERVIEW

General Information

The Petitioner Lanai Resorts LLC dba Pulama Lanai (“Petitioner”) requests that the Land Use Commission (“Commission”) reclassify approximately 56.436 acres of land from the State Agricultural District to the State Urban District at Lanai City, Island of Lanai (“Petition”).

The Petitioner, a Hawaii limited liability company, is the fee owner of the land being proposed for reclassification under this Petition located at Tax Map Key (“TMK”) Nos. (2) 4-9-002:061(por.) and (2) 4-9-014:001(por.) (“Petition Area”).

Proposed Use of the Petition Area

The Petition Area is part of a 76-acre site that Petitioner proposes to develop for the Hokuao Affordable Housing Project. In addition to the Petition Area, the project site includes an approximately 19.56-acre portion of TMK (2) 4-9-014:009 within the State Urban District and part of Lanai City. The Petitioner intends to build 150 single-family homes on 8,000- to 12,000-square foot lots for rent at both affordable and market-rate levels. The project will also include a one-acre park, a 1,500-square foot community center, bicycle and pedestrian pathways, and 60 parking stalls for intermittent use by Hokuao visitors.

Hokuao is an affordable housing project being developed under Hawaii Revised Statutes (“HRS”) § 201H-38, which provides exemptions from State and County land use regulations and an expedited land use entitlement process to promote the development of affordable housing. Seventy-six of the 150 units will be priced at affordable rates for low-moderate and moderate-income households ranging from 80% of the area median income up to no more than 140% of the area median income. The affordable units will remain affordable in perpetuity. The remaining 74 rental units in the project will be priced at market rates. The Petitioner intends to start construction of the affordable units first and add market-rate units at the 51% affordable/49% market ratio. In addition, the Petitioner has committed to renting 39 units in the existing 128-unit Iwiolo Hale rental project at rents affordable to very low- and low-income households with incomes below 80% of the area median income. Iwiolo Hale, owned by the Petitioner, is located outside of the project site.

Petition Area Description

The project site is shown in Petitioner's Exhibit 2, II, Figure 2. The site is near the Lanai Police Station and Dole Park to the northeast and will connect to Lanai City via 9th Street and 12th Street extensions that intersect with Fraser Avenue. Pulama Lanai's Central Offices are located to the southeast of the site and the Lanai Wastewater Reclamation Facility is located to the southwest. West of the Petition Area are vacant agricultural lands owned by the Petitioner. North of the Petition Area are two parcels owned by the County of Maui, one classified as State Urban and the other classified as State Agricultural, and one parcel owned by the State Department of Hawaiian Home Lands, which is also in the State Agricultural District.

The Petition Area, formerly used for pineapple cultivation, has lain fallow for decades with no plans for cultivation. The lands in the Area are classified as "Unique" on the Agricultural Lands of Importance to State of Hawaii ("ALISH") maps and Petition Area soils are classified as "C" and "D" under the Land Study Bureau's rating system ("LSB"). The Petition Area represents a tiny portion of the available agricultural lands on Lanai, only 0.38 percent of the over 13,000 acres of the previously cultivated pineapple lands.

KEY ISSUES OF CONCERN TO THE STATE

The following summarizes key issues related to areas of State concern in HRS §§ 205-16 and 205-17. OPSD solicited comments from affected State agencies and has received comments from the Department of Health, Department of Land and Natural Resources, Hawaii Housing Finance and Development Corporation, the Department of Hawaiian Home Lands, the Department of Transportation, and the Department of Education. (OPSD Exhibits 2-12.) Comments were also solicited and received from OPSD's State Coastal Zone Management Program and the Statewide Sustainability Program. We have not yet received comments from the Department of Agriculture, the Commission on Water Resource Management ("CWRM") or the State Historic Preservation Division ("SHPD"). In lieu of responses from CWRM and SHPD, OPSD will rely on CWRM comments made on the Draft Environmental Assessment ("DEA") for the project and on SHPD's correspondence with the Petitioner. (Petition Exhibit 2, II.) OPSD recommends appropriate conditions, as necessary, to address any reasonably foreseeable impacts from the proposed project that have not been addressed by commitments made by Petitioner to avoid, minimize, or mitigate these impacts.

Impacts on Areas of State Concern

Natural Systems and Habitats

Flood, Tsunami Hazards and Sea Level Rise

The project site is located within Zone X on the Flood Insurance Rate Map for the County of Maui, an area of minimal flood hazard higher than the elevation of the 0.2% annual chance flood. The project site is approximately 4.3 miles inland from the western shoreline and not within the tsunami inundation zone. The project is outside of the 3.2-foot sea level rise hazard area. (Petition Exhibit 2, II, pg. 16.)

Carbon Footprint

Petitioner anticipates that the project will have a carbon neutral footprint. (Petition, pgs. 31-32.) At the current time, each housing unit is expected to connect to the Maui Electric Company system. To reduce energy demand, project site lighting will be low-energy consumptive, and homes will incorporate Energy Star fixtures, LED lighting, interior fans, and on-demand hot water heaters. Homes will also be designed to increase air flow, and construction will use R-19 insulation, roof ventilators, and reflective roof heat barriers to limit amount of energy needed for cooling.

In addition, homes will also have solar photovoltaic (“PV”) on-site generation with individual home battery energy storage that should satisfy most of the energy needs for each unit. Petitioner provided an estimate of the project’s energy demand without the home solar PV/battery storage system in support of its anticipation of attaining carbon neutrality.

The estimation of future energy consumption as well as intended calculations is useful in forecasting the carbon neutrality of this project. However, achieving carbon neutrality requires data, measurements, and accounting of the Greenhouse Gas (“GHG”) emissions of the project minus the GHG capture or sequestration amounts. The Petitioner may choose to include in its annual reporting to the Commission a “Carbon Neutrality Monitoring Plan,” which will track and monitor the progress of GHG emissions and capture/sequestration amounts during and after the completion of the Project. Nevertheless, even if the project does not attain a carbon neutral footprint, its footprint will be significantly reduced by the proposed mitigation measures.

Flora and Fauna

Terrestrial Vegetation and Wildlife Surveys were conducted for the project site. (Petition Exhibit 2, III.C.) No rare or protected native species were found in or near the area. No listed endangered Hawaiian hoary bats were observed. No listed threatened or endangered species of birds were found in the project area.

The State Department of Land and Natural Resources, Division of Forestry and Wildlife (“DOFAW”) memorandum dated October 14, 2021 stated that due to the potential presence of the Hawaiian hoary bat in the project area, care should be taken to avoid the removal of any trees during the bat breeding season. In addition, DOFAW expressed concern that nighttime lighting be shielded to prevent adverse impacts to seabirds, that the movement of plant or soil materials between worksites be minimized to prevent the spread of invasive fungal pathogens, and that the importation of soil or other plant material from off-island be avoided. See OPSD Exhibit 7.

Mitigation. OPSD is recommending several conditions to address DOFAW concerns.

Drainage

Three retention basins will be built to mitigate the increase in stormwater runoff and flow from the project. Surface drainage improvements will consist of shallow cutoff swales between the new residential area and Fraser Avenue to capture and direct flow around the project or into the new drainage system. Roadway drains will be provided along the new roadways to direct flow to the retention basins. Residential roads will have grassed shoulder swales without curb and gutter to route runoff to the underground drainage system. (Petition Exhibit 2, II, pgs. 68-69.)

The CWRM comment letter on the DEA dated February 2, 2021 recommended best management practices (“BMPs”) for stormwater management. (Petition Exhibit 2, II.IX.) In addition, the State Department of Transportation (“DOT”) memorandum dated October 12, 2021 noted that the Preliminary Engineering Report for the project identifies an increase in stormwater flow to Kaunalapau Highway (Final Environmental Assessment, Vol. III, Appendix I, Table 4-2). DOT stated that additional discharge of surface water runoff onto the Highway Right-of-Way (“ROW”) is not permitted. See OPSD Exhibit 11.

Mitigation. Petitioner indicated that it would incorporate BMPs for stormwater management where possible. OPSD is recommending a condition to address CWRM and DOT concerns.

Wastewater

The project will be connected to the Lanai municipal wastewater collection system owned and operated by the County. The total capacity of the Lanai Wastewater Reclamation Facility (“WWRF”) is 0.50 million gallons per day (“MGD”). The current average daily flow is approximately 0.325 MGD. The Hokuao project is expected to produce an average daily flow of 0.050 MGD. At full occupancy the project would increase the total average daily flow to 0.375 MGD, approximately 75% of the total WWRF capacity of 0.50 MGD. (Petition, pg. 19.)

The State Department of Health, Wastewater Branch (“WWB”) stated in a letter, dated September 29, 2021, that the WWRF is currently under an Informal Notice of Violation for effluent exceedances at the facility. A WWB inspection in 2018 found that the WWRF exceeded the effluent limits for biochemical oxygen demand and suspended solids on numerous occasions, and the Branch’s review of submitted lab reports indicate that the exceedance violations have not been corrected since then. The County of Maui has developed and is implementing a corrective action plan with short-term and long-term solutions. However, the County’s schedule to design, construct, and complete the long-term solution is not expected to be completed until the end of 2023.

In addition, HAR § 11-62-23.1(i) requires a facility plan be initiated when the actual wastewater flow reaches 75% of the design capacity, and the plan would need to be implemented when the actual wastewater flow reaches 90% of the design capacity. See OPSD Exhibit 2.

Archaeological, Historic, and Cultural Resources

The Petitioner prepared an Archaeological Impact Survey (“AIS”) for the project. (Petition Exhibit 2, III.D.) The AIS identified three historic-era artifacts that were transported to the Petition Area for preservation decades before: two wood-frame buildings from the Koele School complex and a pineapple harvester identified as “Machine 1.” The two buildings had deteriorated and were found to lack the integrity of condition to be listed in the Hawaii Register of Historic Places; both have been demolished, and a Historic Architectural Building Survey (“HABS”) report was completed. Machine 1 was initially expected to be moved offsite, but

further inspection found it to be seriously dilapidated and unsafe to be moved. It will be disposed of in accordance with applicable laws. The AIS recommended no further historic preservation in the Petition Area. To mitigate any unknown and unanticipated impact on any historic resources, an Archaeological Monitoring Plan ("AMP") has been prepared (Petition Exhibit 2, III.D-2). SHPD accepted the AIS (Petition Exhibit 2, III.D-1.) and has accepted the AMP along with the HABS for the three identified historic artifacts. (Petition Exhibit 13.)

Petitioner also prepared a Cultural Impact Assessment ("CIA"). (Petition Exhibit 2, III.E.) The CIA found there were no identified cultural resources, practices or beliefs connected to the Petition Area. However, the CIA recommended that a kukui nut tree believed to have been harvested by the father of one of the interviewees be preserved if possible. Petitioner will relocate the tree within the Petition Area. Although not mentioned in the Petition, the CIA also recommended saving the row of historic Cook pines mauka of the Community Gardens, which OPSD would also endorse. Consequently, the project will have no impact on the exercise of native Hawaiian customary or traditional cultural practices in the area. (Petition, pg. 28.)

Natural Resources Relevant to Hawaii's Economy

Water Source

Water for the project will come from the Lanai Water Company that privately owns the domestic water system on Lanai. (Petition Exhibit 2, II, pgs. 57-63.) The sustainable yield of Lanai's combined aquifers is estimated at 6 MGD. Most of the available water included in this estimate comes from the Central aquifer which is divided into two aquifer systems with an estimated sustainable yield of 3 MGD each.

The estimated increase in the average daily domestic water demand from the project at 150 housing units is approximately 0.0917 MGD. Adding this projected demand to the January 2020 12-month moving average of 1.6 MGD for the entire island results in an estimated total usage of approximately 1.6917 MGD. This is below the 4.3 MGD threshold set by the CWRM that would trigger the designation of Lanai as a groundwater management area. Petitioner will be activating the existing but not regularly used Well No. 7 to provide additional source capacity and reliability. Once completed, it will feed into the Lanai City distribution system.

The CWRM comment letter on the DEA dated February 2, 2021 recommended water efficient fixtures and water efficient practices to reduce water usage, use of alternative water

sources wherever practicable, and landscape irrigation conservation BMPs. (Petition Exhibit 2, II.IX.)

Mitigation. Petitioner has stated that it will use alternative water sources and landscape conservation BMPs where possible. (Petition Exhibit 2, II.IX.) Petitioner has also stated that the homes built will adhere to County requirements for low-flow fixtures and fittings. Generated gray and black water will be treated to an R-1 level to be used by Pulama Lanai for irrigation purposes. Site design will incorporate low-water and drought tolerant plants to minimize the need for irrigation. In addition, homes will use post and beam construction to minimize fine grading, maintain soil permeability and enhance aquifer recharge. Petitioner will also incorporate landscaping to help absorb solar radiation and release moisture into the atmosphere. (Petition, pg. 34.) OPSD is recommending a condition to address CWRM's concerns.

Commitment of State Funds and Resources

Educational Facilities

The project is located within walking distance of Lanai High and Elementary School ("School"), the only school serving the island. The School has a capacity of 700 students; recent enrollment is approximately 550 to 575 students. The State Department of Education memorandum dated October 18, 2021 states that the School is operating at capacity and will continue to operate at capacity for the next five years. See OPSD Exhibit 12.

Transportation Facilities

Lanai Airport.

The project site is approximately 8,030 feet from the Lanai Airport. The DOT memorandum dated October 12, 2021 stated that Federal Aviation Administration (“FAA”) regulations require submittal of FAA Form 7460-1 Notice of Proposed Construction prior to construction if the construction is within 20,000 feet of a public use airport. Other DOT concerns also arise from the project’s proximity to the Airport. Residents may be subject to potential single-event noise from aircraft operations. Project landscaping plans should consider the heights of trees to ensure they do not obstruct aircraft approach and departure operations or create a hazardous wildlife attractant. The three stormwater detention basins should be designed to minimize hazardous wildlife attractants due to standing water. Finally, PV systems located in or near the approach path of aircrafts can create hazardous glint and glare conditions for pilots. PV systems may also emit radio frequency interference (“RFI”) to aviation radio signals. See OPSD Exhibit 11.

Mitigation. Petitioner has agreed to review FAA requirements and obtain the necessary approvals. Residents of the Hokuao project will be informed of potential single-event noise impacts likely through the rental agreement. The landscaping plan for the project will ensure that it does not pose an obstruction to aircraft and will not create a hazardous wildlife attractant. The detention basins will be constructed with guidance from FAA regulations, and if any hazardous wildlife attractant results, these effects will be mitigated upon notification by the DOT or FAA. Finally, if PV systems cause hazardous glint and glare or RFI conditions, the effects will be mitigated upon notification by the DOT or FAA. (Petition Exhibit 2, II.IX.) OPSD is recommending several conditions to address DOT’s concerns.

Kaunalapau Highway.

Kaunalapau Highway is a State Highway facility (State Route 440) that runs perpendicular to Fraser Avenue on the east border of the project site. Petitioner prepared a Traffic Impact Analysis Report (“TIAR”). (Petition Exhibit 2, III.I.) The TIAR analyzed traffic at six intersections, including the Kaunalapau Hwy./Fraser Ave. and Manele St./Kaunalapau Hwy. intersections. The TIAR found that all the intersections currently operate at Level-of-Service (“LOS”) “B” or better during the AM and PM Peak traffic hour. The study found that all

the intersections are forecast to operate at conditions like Base Year 2024 traffic conditions, with manual turning movements operating at LOS “C” or better during the peak hours. Consequently, the TIAR recommended no intersection improvements are needed due to the project.

Based on the trip generation and conclusions of the TIAR, DOT-Highways Division found that the project will not have any significant traffic impacts to Kaunalapau Highway. The Petitioner agreed to mitigate any unexpected traffic issues due to the project to the satisfaction of the DOT-Highways Division, Maui District Engineer at no cost to the State, and to coordinate with the District Engineer on any further State roadway-related requirements or permits. (Petition Exhibit 2, II.IX.)

As stated previously, the DOT memorandum dated October 12, 2021 noted that the Preliminary Engineering Report for the project identifies an increase in stormwater flow to Kaunalapau Highway. DOT stated that additional discharge of surface water run-off onto the Highway ROW is not permitted. See OPSD Exhibit 11.

Mitigation. OPSD is recommending a condition to address DOT’s concern.

Provision for Housing Opportunities

The project will provide 76 units of privately financed, affordable rental housing for low-moderate and moderate-income households in perpetuity. In addition, the Petitioner has committed to reserving 39 units at the existing Iwiole Hale rental project for rent to very low- and low-income households with incomes below 80% of the area median income (“AMI”) in perpetuity. (Petition, pg. 11.) The Hawaii Housing Finance and Development Corporation memorandum dated October 5, 2021 stated that the project conforms to Objective A of the State Housing Functional Plan to increase and sustain the supply of permanent rental housing that is affordable and accessible to Hawaii residents, particularly those with incomes at or below 80% AMI and to Policies A(2) to encourage increased participation from private developers and other state entities to develop rental housing and A(3) to ensure that (1) housing projects and (2) projects which impact housing provide a fair share/adequate amount of affordable housing opportunities, including rental housing opportunities. See OPSD Exhibit 4.

SUMMARY OF CONFORMITY WITH STATE PLANNING STATUTES, COUNTY PLANS, AND OTHER DECISION-MAKING CRITERIA

Applicable District Standards

The Petition Area is currently located in the State Agricultural District. The Petitioner states that the property meets the standards set forth in HAR § 15-15-18, for determining State Urban District boundaries, in that the Project site is adjacent to existing urban development. Basic services are adequate in the general area. The Project site is not within the Special Management Area.

Hawaii State Plan and State Functional Plans

The project conforms to the Hawaii State Plan, HRS Chapter 226, especially HRS §§ 226-4, 226-5, 226-6, 226-13, 226-15, 226-16, 226-19, 226-103, 226-104, and 226-106, and to the State Employment, Energy, Housing, and Recreation Functional Plans.

Coastal Zone Management Objectives and Policies, HRS Chapter 205A

The project is not located on the shoreline and is not within the Special Management Area. The project does not conflict with the objectives and policies of the Coastal Zone Management Program.

Hawaii 2050 Sustainability Plan

The project aligns with the *Hawaii 2050 Sustainability Plan: Charting a Course for a Decade of Action (2020-2030)* Focus Areas for the Decade of Action by 2030. The Hawaii 2050 Sustainability Plan was recently published in June 2021 and aligns over 150 of the State of Hawaii's laws, policies, and plans with the United Nations ("UN") Decade of Action and 17 Sustainable Development Goals ("SDG"). The Hawaii 2050 Sustainability Plan serves as the State of Hawaii's climate and sustainability strategic action plan, in accordance with Part II of the Hawaii State Planning Act, Hawaii Revised Statutes § 226-65. Specifically, the proposed project aligns with the following Focus Areas for the Decade of Action and UN Sustainable Development Goals by 2030 identified within the *Hawaii 2050 Sustainability Plan: Charting a Course for a Decade of Action (2020-2030)*:

- Focus Area 2 to “Reduce Greenhouse Gas Emissions” through “Strategy 9: Measure, manage, and plan for GHG emission reduction,” “Strategy 11: Promote energy conservation and efficiency through outreach, communication, and community and public engagement,” and “Strategy 12: Continue to invest in the deployment of clean energy technologies to reduce reliance on fossil fuels.” The project proposes to: use solar PV on-site generation with individual home battery energy storage to satisfy most of the energy demand for each unit, practice energy efficiency in the site’s lighting and in homes utilizing energy efficient fixtures and appliances, and reduce the project’s heat island effects. These combined practices to promote energy efficiency and use clean and renewable energy production and storage reduce greenhouse gas emissions which is a major Focus Area within the Hawaii 2050 Sustainability Plan and aligns with: UN Sustainable Development Goal 7 – Affordable and Clean Energy: to ensure access to affordable, reliable, sustainable, and modern energy for all.
- Focus Area 3 to “Advance Sustainable Communities” through “Strategy 23: Integrate sustainable design principles into new and existing buildings.” (pg.103) The project proposes to: maintain soil permeability, minimize runoff, enhance aquifer refresh, focus on low-water and drought tolerant plants to conserve water, generate gray and black water treated to an R-1 water level for irrigation use, incorporate natural air flow, use energy efficient appliances and lighting, reduce heat island effects, and ensure a safe and healthy indoor environment within the project’s homes by utilizing low volatile organic compounds (“VOC”) products. These strong sustainability practices and sustainable development principles are in alignment with the Hawaii 2050 Sustainability Plan in addition to: UN Sustainable Development Goal 6 – Clean Water and Sanitation: to ensure access to water and sanitation for all; UN Sustainable Development Goal 11 – Sustainable Cities and Communities: to make cities and human settlements inclusive, safe, resilient, and sustainable; and UN

Sustainable Development Goal 15 – Life on Land: to sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss.

- Focus Area 5 to “Advance Equity” through “Strategy 25: Continue to improve economic and social sustainability of individuals through access to affordable housing.” (pg.104) The project is proposed to be an affordable housing project of 150-single-family homes, with 76-homes exclusively for rent to households falling within the Department of Housing and Urban Development (“HUD”) low income guidelines, and is considered by the Statewide Sustainability Program to be in alignment with UN Sustainable Development Goal 11 – Sustainable Cities and Communities: to make cities and human settlements inclusive, safe, resilient, and sustainable.

The proposed project aligns with Part III of the Hawaii State Planning Act, Hawaii Revised Statutes § 226-108, the Sustainability Priority Guidelines paragraph 1, 2, 3, 4, 5, and 7 to promote sustainability within the project’s development by incorporating, to the extent feasible and practicable, measures to promote energy conservation, sustainable design principles, environmental stewardship, and protection of the area’s natural and cultural resources.

The proposed project aligns with the Commission’s Hawaii Administrative Rules § 15-15-50 (c) (25) (a), (b), (d), and (e) by including a statement and analysis pursuant to Part III of the Hawaii State Planning Act, Hawaii Revised Statutes § 226-108 the Sustainability Priority Guidelines. Specifically, the proposed project notes that the project site promotes a walkable, bikeable, and alternative modes of transportation by developing a walkway/bikeway to connect the community. The project proposes to include sustainable design elements and green infrastructure by maintaining soil permeability, minimizing runoff, enhancing aquifer refresh, focusing on low-water and drought tolerant plants, and recycling gray and black water treated to an R-1 water level for irrigation use. Finally, the project proposes to mitigate heat island effects by constructing the proposed homes to include R-19 insulation, solar roof ventilators, and reflective roof heat barriers.

The proposed project aligns with Part III of the Hawaii State Planning Act, Hawaii Revised Statutes § 226-109, the Climate Change Adaptation Priority Guidelines paragraphs 5 and 10 by “encourag(ing) the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change,” and “encourag(ing) planning and management of the natural and built environments that effectively integrate climate change policy,” respectively. Additionally, the proposed project aligns with the Commission’s Hawaii Administrative Rules § 15-15-50 (c) (24) (a), (b), (c), and (d) by including a statement and analysis pursuant to Part III of the Hawaii State Planning Act, Hawaii Revised Statutes § 226-109, the Climate Change Adaptation Priority Guidelines. Specifically, the proposed project will be located outside of the projected 3.2-ft. sea level rise hazard area as identified in the 2017 Hawai‘i Sea Level Rise Vulnerability and Adaptation Report and offers infrastructure adaptations to address the impacts of climate change through water conservation efforts using low-water and drought tolerant plants and recycling gray and black water treated to an R-1 water level for irrigation use.

The State of Hawaii has committed to a Statewide Energy Efficiency Portfolio Standard through the enactment of Hawaii Revised Statutes § 269-96, requiring that 4,300 gigawatt hours (“GWh”) of electricity use be reduced by 2030. The proposed project intends to reduce energy consumption through design strategies ensuring energy efficiency in the site’s lighting and in homes utilizing energy efficient fixtures and appliances, thereby assisting the state to meet its energy efficiency statutory sustainability target.

The State of Hawaii has committed to a Statewide Renewable Portfolio Standard through the enactment of Hawaii Revised Statutes § 269-92, requiring a renewable portfolio standard of 40% of each electric utility’s net electricity sales by December 31, 2030 and 100% by December 31, 2045. Additionally, the State of Hawaii has committed to a Zero Emissions Clean Economy Target through the enactment of Hawaii Revised Statutes § 225P-5, to sequester more atmospheric carbon and greenhouse gases than emitted within the state as quickly as practicable, but not later than 2045. The proposed project will encourage the use of Zero Emission Vehicles (“ZEV”) by installing electric vehicle (“EV”) charging infrastructure and EV charging stations at the parking lot near the project’s community center for use by future Hokuao residents.

OPSD strongly supports the Petitioner's intent for the installation of "solar photovoltaic on-site generation with individual home battery storage to satisfy most of the energy demand for each unit" and appreciates the Petitioner's assistance to the State of Hawaii in meeting its clean energy statutory sustainability targets and reduce the state's overall dependence of fossil-fuel based energy.

Removal of High-Capacity Agricultural Lands, Lands in Agricultural Use, or Lands Designated as Important Agricultural Lands

The soil quality of the agricultural lands in the Petition Area is poor and there is an abundance of higher quality agricultural lands on Lanai. The reclassification of the Petition Area from the State Agricultural District to the Urban District will not result in a loss of quality lands for agricultural use.

County Plans

The project is consistent with the objectives and policies of the Maui Countywide Policy Plan and the Lanai Community Plan. The Lanai Community Plan Land Use Map designates the project site as "Park," "Open Space," and a small portion of "Public/Quasi-Public," and "Mixed-Use Residential." The project site is zoned "Interim," "Open Space," "Active Open Space," "Road," and "Agriculture" under Maui County Zoning. Among the exemptions allowed under HRS § 201H-38, the Petitioner will be seeking exemptions from the Change of Zoning approval process, as well as County requirements, including public infrastructure and design standard elements. This will allow the project to proceed with the "Single Family" and "Park" uses as proposed. (Petition, pgs. 47-50.)

RECOMMENDATION

Based on our assessment of the Project with respect to the Commission's decision-making criteria, OPSD supports the proposed boundary amendment with conditions that will address the concerns raised herein. The proposed boundary amendment does not conflict with HRS Chapter 205 and generally meets the Commission's decision-making criteria contained in HRS Chapter 205 and HAR Chapter 15-15. OPSD recommends the approval of the Petition subject to the Petitioner's commitment to avoid, minimize, or mitigate Project impacts as

represented herein and in this proceeding, and the imposition of the following conditions in addition to the standard conditions of the Commission.

1. **Preserving Water Resources.** The Petitioner shall install water efficient fixtures and implement water efficient practices throughout the development to reduce the increased demand on the area's freshwater resources. Alternative water sources shall be used wherever practicable. The Petitioner shall adopt landscape irrigation conservation best management practices (BMPs) endorsed by the Landscape Industry Council of Hawaii.
2. **Stormwater Management.** The Petitioner shall implement BMPs for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site filtration and preventing polluted runoff from storm events. The Petitioner shall also contain, manage, and mitigate all stormwater run-off generated by the project onsite so as not to impact the Kaunalapau Highway Right-of-Way, including existing State drainage culverts, ditches, and channels.
3. **FAA Notice of Construction.** Prior to construction, the Petitioner shall submit FAA Form 7460-1 Notice of Construction or alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9. Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal.
4. **Notification of Proximity to Lanai Airport.** The Petitioner shall notify and disclose to all prospective lessees within the Project, as part of any conveyance document (lease, rental agreement, etc.) required for the transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Lanai Airport such as noise, right of flight, emissions, vibrations, and other incidences of aircraft operations.
5. **Hazards to Aircraft Operations.** The Petitioner shall work with DOT to minimize hazards to aircraft operations from Lanai Airport, including but not limited to impacts from wildlife attractants, maturity heights of trees, PV systems glint and glare, and radio frequency interference. Stormwater retention basins shall be designed, engineered, constructed, and maintained to prevent standing water from accumulating for periods longer than 48 hours after a storm event. The Petitioner shall mitigate any

hazardous conditions to aircraft operations from the Airport upon notification by the Hawaii Department of Transportation, Airports Division and/or the FAA.

6. **Endangered Hawaiian Hoary Bat.** Because of the potential for the State listed Hawaiian Hoary Bat to occur in the vicinity of the project area, the Petitioner shall avoid removing any trees during the bat birthing and pup rearing season (June 1 through September 15). If this cannot be avoided, woody plants greater than 15 feet tall shall not be disturbed, removed, or trimmed without consulting the State DLNR-DOFAW.
7. **Impacts to Seabirds.** For nighttime lighting that might be required, Petitioner shall install fully shielded lights to minimize adverse impacts to passing seabirds. Petitioner shall also avoid nighttime work that requires outdoor lighting during the seabird fledging season from September 15 through December 15.
8. **Invasive Species.** The Petitioner shall minimize the movement of plant or soil material between worksites, such as in fill, so as to prevent the spread of invasive fungal pathogens, and avoid importing soil or other plant material from off-island.

DATED: Honolulu, Hawaii, this 27th day of October, 2021.

OFFICE OF PLANNING AND
SUSTAINABLE DEVELOPMENT
STATE OF HAWAII



MARY ALICE EVANS
Director

DAVID Y. IGE
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ELIZABETH A. CHAR, M.D.
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In reply, please refer to:
File:

October 27, 2021

Ms. Mary Alice Evans, Director
Office of Planning and Sustainable Development
235 South Beretania Street 6th Floor
Honolulu, Hawaii 96813

Attention: Mr. Aaron H. Setogawa
Email: aaron.h.setogawa@hawaii.gov

Dear Ms. Evans:

Subject: Update to September 29, 2021 Letter Regarding A21-810 State Land Use DBA, Approximately 56 Acres at Lanai City Island of Lanai, County of Maui (Hokuao 201H Housing Project)
TMK (2) 4-9-002:061(portion), and (2) 4-9-014:001 (portion)

Thank you for allowing the Department of Health, Wastewater Branch (DOH-WWB) the opportunity to provide updated comments for the subject land use project. To clarify, DOH-WWB has no objection to the Hokuao 201H Housing Project or to the proposed State Land Use District Boundary Amendment (DBA). However, the DOH-WWB notes that it will not approve wastewater connections for this subject project to the Lanai Wastewater Reclamation Facility (WWRF) unless the WWRF is in compliance with applicable Chapter 11-62, Hawaii Administrative Rules (HAR) regulations. The Lanai WWRF is currently not in compliance with Chapter 11-62, HAR regulations.

Should you have any questions, please call Mr. Mark Tomomitsu of my staff at (808) 586-4294.

Sincerely,

A handwritten signature in black ink, appearing to read "Sina Pruder".

SINA PRUDER, P.E., CHIEF
Wastewater Branch

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
SAFE DRINKING WATER BRANCH
ULUAKUPU BLDG. 4
2385 WAIMANO HOME ROAD, SUITE 110
PEARL CITY, HI 96782

In reply, please refer to:
File: SDWB
SDWBSldCmts2020.docx

November 27, 2020

MEMORANDUM

TO: AGENCIES AND PROJECT OWNERS

FROM: JOANNA L. SETO, P.E., CHIEF
Safe Drinking Water Branch *Joanna L. Seto*

SUBJECT: SAFE DRINKING WATER BRANCH STANDARD PROJECT COMMENTS

This memo is provided for your information and sharing. You are encouraged to share this memo with your project partners, team members, and appropriate personnel.

The Department of Health (DOH), Safe Drinking Water Branch (SDWB) will no longer be responding directly to requests for comments on the following documents (Pre-consultation, Early Consultation, Preparation Notice, Draft, Final, Addendums, and/or Supplements):

- Environmental Impact Statements (EIS)
- Environmental Assessments (EA)
- Conservation District Use Applications (CDUA)
- Drinking Water Operator Certification
- Source Water Assessment and Protection
- Underground Injection Control (UIC) Wells

For agencies or project owners requiring DOH-SDWB comments for one or more of these documents, please utilize the DOH-SDWB Standard Comments below regarding your project's responsibilities to maintain drinking water quality and any necessary permitting. DOH-SDWB Standard Comments are also available on the DOH-SDWB website located at:
<https://health.hawaii.gov/sdwb/>.

DOH-SDWB Standard Comments

The following information is for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; 3) Groundwater Protection, and 4) Drinking Water State Revolving Fund with the Hawaii Administrative Rules (HAR), Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, 11-25, and 11-65. You may be responsible for fulfilling additional requirements related to our program.

1. Public Water System Supervision

- a. Federal and state regulations define a public water system as a system that regularly serves an average of 25 or more individuals at least 60 days per year or has at least 15 service connections providing water for human consumption. All public water system owners and operators are required to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, "Rules Relating to Public Water Systems."
- b. All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial, and financial capacity to enable the system to comply with safe drinking water standards and requirements.
- c. Projects that propose development of new sources of drinking water serving or proposed to serve a public water system must comply with the terms of HAR 11-20-29, entitled "Use of new sources of raw water for public water systems." This section requires that all new public water system sources be approved by the Director of Health (Director) prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report, which addresses the requirements set in HAR Section 11-20-29.
- d. The engineering report must identify all potential sources of contamination and evaluate alternative control measures, which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the DOH State Laboratories Division (<https://health.hawaii.gov/sdwb/approvedlablist/>), must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.
- e. All sources of public water systems must undergo a source water assessment, which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the drinking water source.
- f. Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive approval by the Director prior to construction of the proposed system or modification. These projects include treatment, storage, and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.

AGENCIES AND PROJECT OWNERS

November 27, 2020

Page 3

- g. All public water systems must be operated by certified distribution system and water treatment plant operators as defined by HAR Chapter 11-25, entitled "Rules Relating to Certification of Public Water System Operators."
- h. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing drinking water system to meet irrigation or other needs must be carefully designed and operated these systems to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the drinking water system. The two (2) systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply. In addition, backflow devices must be tested annually to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with HAR Chapter 11-21, entitled "Cross-Connection and Backflow Control" is also required.
- i. All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other regulated public water system programs, please contact the Safe Drinking Water Branch Engineering Section at (808) 586-4258 or email sdwb@doh.hawaii.gov.

2. Underground Injection Control (UIC) Program

- a. Injection wells used for the subsurface disposal of wastewater, sewage effluent, or surface runoff are subject to environmental regulation and permitting under HAR Chapter 11-23 entitled "Underground Injection Control." The DOH's approval must be first obtained before any injection well construction commences. A UIC permit must be issued before any injection well operation occurs.
- b. Authorization to use an injection well is granted when a UIC permit is issued to the injection well facility. The UIC permit contains discharge and operation limitations, monitoring and reporting requirements, and other facility management and operational conditions. A complete UIC permit application form found at <https://eha-cloud.doh.hawaii.gov/epermit/Home/9034789e-2918-4f30-82a2-9a5940e467f2> is needed to apply for a UIC permit.
- c. A UIC permit can have a valid duration of up to five (5) years. Permit renewal is needed to keep an expiring permit valid for another term.
- d. The UIC line delineates the extent of our underground sources of drinking water and is used to define areas where certain types of injection wells are prohibited. The UIC line is plotted on official UIC maps available for review at SDWB or by contacting the UIC program. Online interpretations of the UIC line maps exists and should be used with

AGENCIES AND PROJECT OWNERS

November 27, 2020

Page 4

caution as they are not the official maps. One website hosting an interpretation of the UIC line map is at the following:

https://geoportal.hawaii.gov/datasets/4597dde2703a4e539f51588531e48101_20

- e. If your project involves the construction of an injection well, you must first obtain the DOH's written approval to construct the injection well before any construction commences. The primary purpose of HAR, Chapter 11-23 is to protect underground sources of drinking water from injection well contamination. Written approval is obtained by filing an application for a UIC permit. You may submit your permit application via electronic filing (preferred method) through the DOH website at <http://eha.cloud.hawaii.gov/epermit> or submit a hard copy permit application to:

Safe Drinking Water Branch
Uluakupu Bldg. 4
2385 Waimano Home Road, Suite 110
Pearl City, Hawaii 96782-1400

- f. Areas mauka of the UIC line are considered to overlie underground sources of drinking water. Therefore, no new subclass A injection wells, such as sewage injection wells that receive greater than 1,000 gallons per day, will be allowed to be constructed.
- g. New sewage injection wells have been further prohibited effective July 5, 2018. Hawaii Revised Statutes 340E-2(e) states *"The director shall promulgate regulations establishing an underground injection control program. Such program shall prohibit any underground injection which is not authorized by a permit issued by the director; provided that the director shall not issue permits for the construction of sewage wastewater injection wells unless alternative wastewater disposal options are not available, feasible, or practical;"*
- h. New storm water drainage injection well construction must be sited beyond one-quarter mile of a drinking water well. If you intend to construct a drinking water well, be careful to site all drainage injection wells at least one-quarter mile away from the drinking water source well.

For further information about the UIC permit and the UIC Program, please contact UIC staff at (808) 586-4258 or email at sdwb@doh.hawaii.gov.

3. Drinking Water State Revolving Fund Program

The Drinking Water State Revolving Fund (DWSRF) is a federally-capitalized loan program that provides low interest loans to regulated community water systems in the State of Hawaii for their drinking water infrastructure projects. If you would like more information regarding DWSRF eligibility, financing options, etc., you may visit the DWSRF website at <https://health.hawaii.gov/sdwb/drinking-water-state-revolving-fund/> or contact Ms. Joan Corrigan at joan.corrigan@doh.hawaii.gov.

4. Private Water Wells

- a. **WARNING!** As the owner of a privately-owned well, you should **NOT** assume that water from your well is safe for consumption. It is your responsibility to make sure that your well water is safe to drink. The only way to do this is to have your well regularly tested for bacteriological and chemical contaminants.
- b. There are no regulations controlling water quality in private wells serving individual residences as there are for public water systems (public or privately-owned utilities supplying water to 25 or more people or 15 service connections). In other words, there are no enforceable limits for contaminants and no requirements for regular testing. Private wells are often found in rural areas, where many activities such as onsite wastewater disposal can contaminate the ground water.
- c. U.S. Environmental Protection Agency (EPA) Recommendations: The EPA recommends that private well owners test their well water each year for such contaminants as Total Coliform bacteria, Nitrates, as well as any other contaminants that may be of concern in your area. More frequent testing may be appropriate if you suspect a problem. EPA also suggests that you consider testing for pesticides, organic chemicals, and heavy metals before using it for the first time. Please refer to the EPA website on Private Drinking Water Wells at <http://www.epa.gov/privatewells>.
- d. Other Contaminants: Water testing can be very expensive. It is important that you spend time to identify what other potential contaminants may be of concern. Please refer to the EPA website on Private Drinking Water Wells for more information. Be aware of what and how you use and dispose of household and garden chemicals. Also determine the location of nearby septic tanks or cesspools, and agricultural or industrial activities in the area. General information on known chemical contamination of ground water in Hawaii can be found at the DOH website <http://health.hawaii.gov/sdwb/groundwater-contamination-viewer>.
- e. Laboratories: Whenever possible, utilize a laboratory that is certified or approved for the specific drinking water tests and carefully follow their instructions for collecting, storing, and transporting the samples. Be sure to ask the lab to use EPA approved methods for drinking water analysis. A list of Drinking Water Laboratories Certified or Approved by the Hawaii Department of Health, State Laboratories Division can be found at <https://health.hawaii.gov/sdwb/approvedlablist/>. As lab certification status changes constantly, confirm their status when you contact the lab. Please note that the list is limited to currently regulated contaminants in public water systems.
- f. Results: Once the lab provides you with the test results, you will be in a better position to determine if your well water is safe to drink or what contaminant you need to treat for. Generally, you should compare the results with Federal (<https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations>) and State (<http://health.hawaii.gov/sdwb/files/2014/07/MCL-Fct-2014-07-10.pdf>) Maximum Contaminant Level (MCL) drinking water standards. Where your test results are greater than the Federal or State maximum contaminant levels, your well water should be considered as unsafe for consumption.

Solid and Hazardous Waste Branch Standard Comments

**Solid and Hazardous Waste Branch
Standard Comments**

November 26, 2018

The Solid and Hazardous Waste Branch administers programs in the areas of:

- 1) Management of hazardous waste;
- 2) Management of solid waste; and
- 3) Regulation of underground storage tanks.

Our general comments on projects are below. For further information about these programs, please contact the Solid and Hazardous Waste Branch at (808) 586-4226. All chapters of the Hawaii Revised Statutes (HRS) are at <https://www.capitol.hawaii.gov/hrscurrent/>.

Hazardous Waste Program

- The state regulations for hazardous waste and used oil are in chapters 11-260.1 to 11-279.1, Hawaii Administrative Rules (HAR) [<http://health.hawaii.gov/shwb/hwrules/>]. These rules apply to the identification, handling, transportation, storage and disposal of regulated hazardous waste and used oil. Generators, transporters and treatment, storage, and disposal facilities of hazardous waste and used oil must adhere to these requirements. Violations are subject to penalties under chapter 342J, HRS.

Solid Waste Section

- The Solid Waste Section (SWS) enforces laws and regulations contained in chapters 342H and 342I, HRS, and chapter 11-58.1, HAR, "Solid Waste Management Control". [<http://health.hawaii.gov/shwb/solid-waste/>].
- The purpose of the rules is to establish minimum standards governing the design, construction, installation, operation, and maintenance of solid waste disposal, recycling, reclamation and transfer systems.
- All facilities that accept solid wastes are required to obtain a solid waste management permit from the SWS. Examples of the types of facilities governed by these regulations include landfills, transfer stations and convenience centers, recycling facilities, composting facilities, and salvage facilities. Medical waste, infectious waste, and foreign waste treatment facilities are also included.
- Generators of solid waste are required to ensure that their wastes are properly delivered to permitted solid waste management facilities. Managers of construction and demolition projects should require their waste contractors to submit disposal receipts and invoices to ensure proper disposal of wastes.

For further information about these programs, please contact
the Solid and Hazardous Waste Branch at (808) 586-4226.

Solid and Hazardous Waste Branch Standard Comments

- Chapter 342G, HRS, encourages the reduction of waste generation, reuse of discarded materials, and the recycling of solid waste. The project developer is highly encouraged to develop a solid waste management plan to ensure proper handling of wastes and divert recyclables from being landfilled. Ideally, the plan would seek to maximize waste diversion and minimize disposal. Such plans should include designated areas to promote the collection of reusable and recyclable materials.

Office of Solid Waste Management

- The Office of Solid Waste Management (OSWM) administers statewide integrated solid waste management planning activities, which apply to the counties, as well as various recycling programs, e.g. the Glass Advance Disposal Fee (ADF) and Deposit Beverage Container (DBC) Programs. Management of the DBC Program is conducted pursuant to chapter 342G, HRS, which contains compliance and enforcement provisions, and chapter 11-282, HAR, "Deposit Beverage Recycling" [<http://health.hawaii.gov/hi5/rules-regulations-additional-links/>]. OSWM is also responsible for limited enforcement and compliance of solid waste management facilities that operate primarily as certified DBC redemption centers pursuant to chapter 342H, HRS, and chapter 11-58.1, HAR, "Solid Waste Management Control" [<http://health.hawaii.gov/shwb/solid-waste/>]. Authority for the integrated solid waste management planning and ADF programs is contained in chapter 342G, HRS.
- Glass Advance Disposal Fee Program: Businesses that import glass containers into Hawaii are required to register with the Department of Health and pay a 1.5 cent per container fee. Fee revenue is distributed to the counties for the operation of glass recycling programs.
- Deposit Beverage Container Program: Business that manufacture or import deposit beverage containers into Hawaii are required to register with the Department of Health and pay the five-cent deposit and one cent container fee on each deposit container. Deposits and fees are deposited into a special fund and are used to reimburse DBC redemption center refunds paid to consumers; and to pay handling fees to redemption/recycling companies to process and recycle collected deposit beverage containers; and to pay program administrative costs.
- The Department of Health reimburses and pays an associated handling fee for the redemption of deposit beverage containers (DBC). These transactions are conducted only with certified redemption centers. Certification requires obtaining a solid waste management permit from the SWS (which addresses environmental issues) and a certification from the DBC program (which standardizes the redemption process).
- Chapter 342G, HRS, encourages the reduction of waste generation, reuse of discarded materials, and the recycling of solid waste. Businesses, property managers and developers, and government entities are highly encouraged to develop solid waste management plans to ensure proper handling of wastes and divert recyclables from being landfilled. The project developer is highly encouraged to develop a solid waste management plan to ensure proper handling of wastes and divert recyclables from being landfilled. Ideally, the plan would seek to

For further information about these programs, please contact
the Solid and Hazardous Waste Branch at (808) 586-4226.

Solid and Hazardous Waste Branch Standard Comments

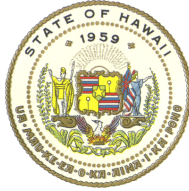
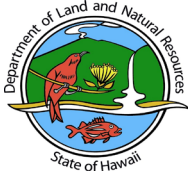
maximize waste diversion and minimize disposal. Such plans should include designated areas to promote the collection of reusable and recyclable materials.

- Solid waste management plans seek to maximize waste diversion and minimize disposal. Such plans should include designated areas to promote the collection of reusable and recyclable materials.

Underground Storage Tank Program

- The state's underground storage tank (UST) regulations, found in chapter 11-280.1, HAR [<http://health.hawaii.gov/shwb/underground-storage-tanks/>], include specific requirements that UST owners and operators must meet when installing, operating, and permanently closing their UST systems and addressing releases from USTs. Violations are subject to penalties under chapter 11-280.1, HAR, and chapter 342L, HRS.
- A permit is required prior to the installation and operation of a UST. Any new UST system that will be installed must have secondary containment with interstitial monitoring. Refer to subchapters 2, 3, 4, and 12 of chapter 11-280.1, HAR. The installation permit expires 1 year from the date of issuance. The operation permit expires 5 years from the date of issuance.
- §11-280.1-50, HAR, requires owners and operators of USTs or tank systems to notify DOH within twenty-four (24) hours and follow the procedures in § 11-280.1-52, HAR, if any of the following occur, with specific exceptions found in the rules:
 - 1) The discovery by any person of evidence of regulated substances which may have been released at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, or nearby surface water);
 - 2) Unusual UST system operating conditions observed or experienced (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST, or an unexplained presence of water in the tank); or
 - 3) Monitoring results from a release detection method required under §§11-280.1-41 or 11-280.1-42 indicate a release may have occurred.
- For release response actions, responsible parties and their consultants and contractors should follow the applicable guidance in the Department of Health Hazard Evaluation Emergency (HEER) Office Technical Guidance Manual, HEER Environmental Action Level (EAL) guidance, and other guidance documents on the DOH HEER Office website [<http://eha-web.doh.hawaii.gov/eha-cma/Org/HEER/>], including those pertaining to Multi-Increment Sampling of soil, low flow groundwater sampling, soil vapor sampling, and Environmental Hazard Evaluations (EHE)/Environmental Hazard Management Plans (EHMP).

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 21, 2021

MEMORANDUM

TO: **DLNR Agencies:**
 ___ Div. of Aquatic Resources
 ___ Div. of Boating & Ocean Recreation
 X Engineering Division (DLNR.ENGR@hawaii.gov)
 X Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
 ___ Div. of State Parks
 X Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
 ___ Office of Conservation & Coastal Lands
 X Land Division – Maui District (daniel.l.ornellas@hawaii.gov)

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*

SUBJECT: Petition for a State Land Use District Boundary Amendment (DBA) from the Agricultural District to the Urban District (A21-810) for the Proposed **Hokuao 201H Affordable Housing Project**

LOCATION: Lanai City, Island of Lanai; TMKs: (2) 4-9-002:061 (por.); (2) 4-9-014:001 (por.); and (2) 4-9-014:009 (por.)

APPLICANT: State Office of Planning and Sustainable Development (OPSD) on behalf of Pulama Lanai

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **October 14, 2021**.

If no response is received by the above date, we will assume your agency has no comments. Should you have any questions about this request, please contact Darlene Nakamura at darlene.k.nakamura@hawaii.gov. Thank you.

BRIEF COMMENTS:

- () We have no objections.
 () We have no comments.
 () We have no additional comments.
☒ Comments are included/attached.

Signed: *DAVID G. SMITH*

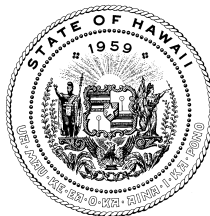
Print Name: DAVID G. SMITH, Administrator

Division: Division of Forestry and Wildlife

Date: Oct 14, 2021

Attachments

cc: Central Files



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

October 14, 2021

MEMORANDUM

Log no. 3351

TO: RUSSELL Y. TSUJI, Administrator
Land Division

FROM: DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

SUBJECT: **Division of Forestry and Wildlife Comments for the Petition for a State Land Use District Boundary Amendment (DBA) from the Agricultural District to the Urban District (A21-810) for the Proposed Hokuao 201H Affordable Housing Project**

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your inquiry regarding the petition for a state land use district boundary amendment for the proposed Hokuao Affordable Housing Project in Lānaʻi City on Lānaʻi, Hawaiʻi TMKs: (2)4-9-002:061(por.); 4-9-014:001(por.); and 4-9-014:009(por.). The proposed project consists of constructing 150 single family homes, a one-acre park, community center and a 60-stall parking lot on 56.436 acres of previous agriculture land.

The State listed Hawaiian Hoary Bat or ʻŌpeʻapeʻa (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. (If any trees must be removed for the project during the bat breeding season there is a risk of injury or mortality to juvenile bats.) If any site clearing is required, this should be timed to avoid disturbance during the bat birthing and pup rearing season (June 1 through September 15). If this cannot be avoided, woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed without consulting DOFAW. DOFAW prefers that all new construction avoids barbed wire, or if that is not possible, then metal tags or plates be used on the barbed wire for increased detection by bats.

We note that artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. This disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15. This is the period when young seabirds take their maiden voyage to the open sea.

For illustrations and guidance related to seabird-friendly light styles that also protect the dark, starry skies of Hawaiʻi please visit: <https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>.

DOFAW recommends minimizing the movement of plant or soil material between worksites, such as in fill. Soil and plant material may contain invasive fungal pathogens (e.g. Rapid 'Ōhi'a Death), vertebrate and invertebrate pests or invasive plant parts that could harm our native species and ecosystems. We recommend consulting the Maui Invasive Species Committee at (808) 573-6472 in planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of Rapid 'Ōhi'a Death and other harmful fungal pathogens.

You should avoid importing soil or other plant material from off-island. Soil and plant material may have fungi (e.g. Rapid 'Ōhi'a Death) and other pathogens that could harm our native species and ecosystems. We recommend consulting the Hawai'i Interagency Biosecurity Plan at <http://dlnr.hawaii.gov/hisc/plans/hibp/> in planning, design, and construction of the project.

We appreciate your efforts to work with our office for the conservation of our native species. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Paul Radley, Protected Species Habitat Conservation Planning Coordinator at (808) 295-1123 or paul.m.radley@hawaii.gov.

Sincerely,



DAVID G. SMITH
Administrator

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809.

September 21, 2021

MEMORANDUM

FROM:

~~TO:~~

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division (DLNR.ENGR@hawaii.gov)
- ☒ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Maui District (daniel.l.ornellas@hawaii.gov)

TO:

FROM:

SUBJECT:

Russell Y. Tsuji, Land Administrator

Russell Tsuji

Petition for a State Land Use District Boundary Amendment (DBA) from the Agricultural District to the Urban District (A21-810) for the Proposed **Hokuao 201H Affordable Housing Project**

LOCATION:

Lanai City, Island of Lanai; TMKs: (2) 4-9-002:061 (por.); (2) 4-9-014:001 (por.); and (2) 4-9-014:009 (por.)

APPLICANT:

State Office of Planning and Sustainable Development (OPSD) on behalf of Pulama Lanai

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **October 14, 2021**.

If no response is received by the above date, we will assume your agency has no comments. Should you have any questions about this request, please contact Darlene Nakamura at darlene.k.nakamura@hawaii.gov. Thank you.

BRIEF COMMENTS:

- () We have no objections.
- () We have no comments.
- () We have no additional comments.
- (✓) Comments are included/attached.

Signed:

CS Chang

Print Name:

Carty S. Chang, Chief Engineer

Division:

Engineering Division

Date:

Oct 7, 2021

Attachments

cc: Central Files

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Russell Y. Tsuji

**Ref: Petition for a State Land Use District Boundary Amendment (DBA) from the
Agricultural District to the Urban District (A21-810) for the Proposed Hokuao
201H Affordable Housing Project**

Location: Lanai City, Island of Lanai

TMK(s): (2) 4-9-002:061 (por.); (2) 4-9-014:001 (por.); and (2) 4-9-014:009 (por.)

**Applicant: State Office of Planning and Sustainable Development (OPSD) on
behalf of Pulama Lanai**

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA's Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA's Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- o Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- o Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- o Maui/Molokai/Lanai: County of Maui, Department of Planning (808) 270-7139.
- o Kauai: County of Kauai, Department of Public Works (808) 241-4849.

Signed: _____



CARTY S. CHANG, CHIEF ENGINEER

Date: _____

Oct 7, 2021

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT GOVERNOR
STATE OF HAWAII



WILLIAM J. AILĀ, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P O BOX 1879
HONOLULU, HAWAII 96805

October 12, 2021

Ref.: PO-21-307

To: Mary Alice Evans, Director
Office of Planning and Sustainable Development

Re: Pūlama Lānaʻi, State Land Use Commission Docket A21-810,
Hōkūao 201H DBA Lānaʻi City, Lānaʻi,
TMKs: (2) 4-9-002:061 (por.), (2) 4-9-014:001 (por.) and (2) 4-9-014:009 (por.)

Aloha Ms. Evans,

This letter is intended to provide comments on the above-cited Petition to Amend the Agriculture Land Use District Boundaries to the Urban Land Use District for approximately 56.436 acres of land in Lānaʻi City.

DHHL is in full support of this Petition.

Mahalo for the opportunity to comment on Docket A21-810, Hōkūao 201H DBA. We hope these comments assure you that we are in support of this project that will provide affordable housing on Lānaʻi. Please feel free to contact me at (808)620-9501 or Andrew H. Choy at (808)620-9481 if you have any further questions.

Aloha,

William J. Ailā, Jr., Chairman
Hawaiian Homes Commission

RESUME

Rodney Funakoshi

Planning Program Administrator, Land Use Division
State of Hawaii Office of Planning

Employment:

- Planning Program Administrator, Land Use Division, Office of Planning, 2011-present
- Senior Project Manager, Planning and Development, Castle & Cooke Hawaii, 2007 - 2011
- Senior Project Manager – Planning, Wilson Okamoto Corporation, 1987 – 2007
- Planner IV-VI, State of Hawaii Department of Planning and Economic Development, 1979 – 1987

Education:

- Master of Urban and Regional Planning, University of Hawaii at Manoa
- Bachelor of Arts, Sociology, University of Hawaii at Manoa

Expertise:

- | | |
|---|--------------------------------------|
| • Hawaii land/water use development permits | • Environmental assessments/EISs |
| • Community master plans | • Water quality and wetlands permits |
| • Public awareness and involvement | • Land use development plans |
| • Infrastructure & erosion control plans | • Airport and military master plans |

Experience:

Mr. Funakoshi has managed a wide range of government and private sector planning and development projects in Hawaii and the Pacific. As a consulting planner he has represented major land owners and developers including Castle & Cooke Hawaii, Alexander and Baldwin, Stanford Carr Development, Haseko, Gentry Hawaii, Ko Olina Resort, TSA International, Outrigger Resorts, Kamehameha Schools, and Kauai Lagoons. Development approvals processed include State land use boundary amendment petitions, Conservation District Use, Special Management Area permits, county zoning, variance and subdivision approvals, and Federal and State water quality permits.

Major public sector projects managed include the Aiea-Pearl City Livable Communities Plan, Hawaii State Airport Systems Plan, Kailua-Kaneohe-Kahaluu Wastewater Facilities Plan, Waipahu Town Plan, Maui Land Use Technical Study and Infrastructure Assessment, Kawainui Marsh Master Plan, Hilo International Airport Master Plan, Camp H.M. Smith Master Plan, Hawaii Water Resources Protection Plan, Oahu Water Master Plan, Five-Year Boundary Review/Affordable Housing Study, Grading/Erosion Control Ordinance Revision for Maui and Hawaii County, and Marine Education and Training Center at Sand Island.

Mr. Funakoshi has supervised the preparation of over 50 environmental assessments and environmental impacts statements under Hawaii and Federal EIS laws for airports, highways, harbors, schools, military, land use, infrastructure, resort, commercial-industrial, residential, and master planned communities. He has coordinated hundreds of environmental technical and scientific studies including engineering, archaeology, botany, ornithology, traffic, air, noise, socio-economic and water quality.

Professional Associations:

- American Planning Association, Hawaii Chapter

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097



JADE T. BUTAY
DIRECTOR

Deputy Directors
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
DIR 0911
STP 8.3267

October 12, 2021

TO: MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT (OPSD)

THRU: RODNEY FUNAKOSHI
PLANNING PROGRAM ADMINISTRATOR
OPSD – LAND USE DIVISION

ATTN: AARON SETOGAWA
PLANNER
OPSD – LAND USE DIVISION

FROM: JADE T. BUTAY
DIRECTOR OF TRANSPORTATION

SUBJECT: A21-810 STATE LAND USE DISTRICT BOUNDARY AMENDMENT (DBA)
HOKUAO 201H AFFORDABLE HOUSING PROJECT
LANAI, MAUI, HAWAII
TAX MAP KEY NOS: (2) 4-9-002: 061 (POR); 4-9-014: 001 (POR) AND 009 (POR)

Thank you for your letter dated September 20, 2021 requesting the Hawaii Department of Transportation's (HDOT) review and comment on the subject Land Use DBA for the proposed Hokuao 201H Affordable Housing Project. HDOT understands that the Petitioner, Pulama Lanai, is proposing to construct 150 single-family homes for lease at both affordable and market rates. The project will also consist of a one-acre park, a community center, and a 60-stall parking lot.

HDOT has the following comments:

Airports Division (HDOT-A)

1. The proposed housing project is located approximately 8,030 feet from the property boundary of Lanai Airport (LNY). All projects within 5 miles from Hawaii State airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. The TAM can be viewed at this link: http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf.
2. Prior to construction, Federal Aviation Administration (FAA) regulation requires the submittal of FAA Form 7460-1 Notice of Proposed Construction or alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9, if the construction or alteration is within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 feet. Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal.

The form and criteria for submittal can be found at the following website:
<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

3. Due to the proximity to the airport, the developer and future residents should be aware of potential single event noise from aircraft operations. There is also a potential for fumes, smoke, vibrations, odors, etc., resulting from occasional aircraft flight operations over or near the project location. These impacts may increase or decrease over time and depending on airport operations.
4. The HDOT-A is concerned about the potential of wildlife attracted to the three proposed retention basins due to standing water and its close proximity to the wastewater treatment plant. Stormwater retention basins should be designed, engineered, constructed, and maintained to prevent standing water from accumulating for periods longer than 48 hours after a storm event. The developer shall incorporate appropriate measures to minimize hazardous wildlife attractants. If the project results in a wildlife attractant, these effects shall be immediately mitigated by the developer upon notification by the HDOT-A and/or FAA. Please review the FAA Advisory Circular 150/5200-33C, Hazardous Wildlife Attractants On Or Near Airports for guidance.
5. The HDOT-A recommends that the landscaping plan take into consideration the maturity heights of trees and ensure they do not become obstructions to aircraft approach and departure operations at LNY or create a hazardous wildlife attractant. If the tree(s) become an obstruction or a hazardous wildlife attractant to aircraft operations, the developer shall be prepared to immediately mitigate the obstruction or hazard upon notification by the HDOT-A and/or FAA.
6. Although the use of solar panels is not mentioned as part of the proposed building architecture, be aware that photovoltaic (PV) systems located in or near the approach path of aircrafts, can create a hazardous condition for pilots because of possible glint and glare reflected from the PV array. If glint or glare from the PV array creates a hazardous condition for pilots, the owner of the PV system shall be prepared to immediately mitigate the hazard upon notification by the HDOT-A and/or FAA.

PV systems have also been known to emit radio frequency interference (RFI) to aviation-dedicated radio signals, thereby disrupting the reliability of air-to-ground communications. Again, the owner of the PV system shall be prepared to immediately mitigate the RFI hazard upon notification by the HDOT-A and/or FAA.

Highways Division (HDOT-HWY)

1. The HDOT reviewed the Final EA and the LUC petition, and has the following comments relevant to State highways:
 - a. The 9th and 12th Streets (County jurisdiction) provide access to the site from Fraser Avenue (County jurisdiction). The nearest intersection with State roads is Kaumalapau Highway (State Route 440) and Fraser Avenue, south of 12th Avenue. West of this intersection, Kaumalapau intersects with Manele Road (State Route 440). Based on the Traffic Impact Analysis Report (TIAR), the housing project would not have a significant impact on State highways during peak hour traffic conditions. No traffic mitigation is warranted or proposed in the TIAR.
 - b. The TIAR was based on 200 residential units. Subsequent to the TIAR, the number of units was reduced to 150 units. The TIAR is an overestimate of potential traffic impacts and does not need to be updated to reflect the reduction of units.

- c. If there are any unexpected traffic issues attributed to this project, the applicant shall mitigate them to the satisfaction of the HDOT-HWY Maui District Engineer, at no cost to the State.
2. The HDOT does not permit additional discharge of surface water run-off onto the Kaunalapau Highway Right-of-Way (ROW). The restriction is applicable to the use of existing State drainage culverts, ditches, and channels. All additional stormwater run-off from the project site shall be managed and mitigated onsite. The Final EA, Appendix I, Preliminary Engineering Report, Table 4-2, identifies an increase in stormwater flow to Kaunalapau Highway. The project drainage plans should be revised to prevent additional discharge to Kaunalapau Highway.
3. The Petitioner should consult directly with the HDOT-HWY Maui District Engineer at (808) 837-3538 regarding the applicability of the following HDOT permits:
 - a. Permit to Perform Work Upon State Highways is required for any work within the State highway ROW. The permit process includes the review and approval of construction drawings and a Traffic Management Plan.
 - b. Permit to Operate or Transport Oversize and/or Overweight Vehicles and Loads Over State Highways. This permit could be applicable during project construction and the transport of equipment and materials on Manele Road and Kaunalapau Highway.
 - c. Permit for the Use and Occupancy of State Highway ROW (Hawaii Revised Statutes, Chapter 264). This permit is applicable to underground and overhead power lines, and stormwater water, wastewater, potable water infrastructure within the State highway ROW.

If there are any questions, please contact Mr. Blayne Nikaido of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

Sincerely,



JADE T. BUTAY
Director of Transportation

DAVID Y. IGE
GOVERNORKEITH T. HAYASHI
INTERIM SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION


P.O. BOX 2360
HONOLULU, HAWAII 96804



OFFICE OF FACILITIES AND OPERATIONS

October 18, 2021

TO: Mary Alice Evans
Director, Office of Planning and Sustainable Development

FROM: Roy Ikeda 
Interim Public Works Manager, Planning Section
Facilities Development Branch

SUBJECT: **Land Use Commission Docket No. A21-810, Lanai Resort Partners LLC dba Pulama Lanai, Hokuao 201H Housing Project, State Land Use District Boundary Amendment**

The Hawaii State Department of Education (Department) has the following comments on the State Land Use Commission Docket No. A21-810. Lanai Resort Partners LLC dba Pulama Lanai is requesting the reclassification of 56.436 acres of land from the State Agricultural District to the State Urban District for the Hokuao 201H Affordable Housing Project (Project) located at Lanai City, Island of Lanai, Hawaii, TMK: (2)4-9-002:061 (por.), (2)4-9-014:001 (por.), and (2)4-9-014:009 (por.).

The Project is comprised of 150 rental units, a park, a community center, and associated infrastructure improvements. Seventy-six rental units are targeted for income groups who earn from 80 percent to 140 percent of Maui County Average Median Income adjusted for Lanai, while the remaining seventy-four rental units will be market rate. On September 3, 2021, the Maui County Council adopted Resolution No. 21-139 approving the Project.

The Department's Lanai High and Elementary School (School) services the Project. The existing School is operating at capacity and will continue to operate at capacity over the next five years.

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

RI: rll

c: Kathleen Dimino, Complex Area Superintendent, Baldwin/Keakulike/Maui Complex Area
Facilities Development Branch

LAND USE COMMISSION

Page 1 of 1

DOCKET NO./PETITIONER: A21-810 PULAMA LANAI
PARTY: OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT (OPSD)

AMENDED LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Office of Planning and Sustainable Development (OPSD) Written Testimony		
2	State Department of Health-Wastewater Branch Letter, dated September 29, 2021		
2b	State Department of Health-Wastewater Branch Updated Letter, dated October 27, 2021		
3	State Department of Health-Clean Water Branch Letter, dated September 28, 2021		
4	State Department of Housing Finance and Development Corporation Memo, dated October 5, 2021		
5	State Department of Health-Safe Drinking Water Branch Memo, emailed September 24, 2021		
6	State Department of Health-Solid and Hazardous Waste Branch Comments, emailed October 14, 2021		
7	State Department of Land and Natural Resources Letter-Division of Forestry and Wildlife Memo, dated October 14, 2021		
8	State Department of Land and Natural Resources Letter-Engineering Division Memo, dated October 7, 2021		

LAND USE COMMISSION

Page 2 of 1

DOCKET NO./PETITIONER: A21-810 PULAMA LANAI
PARTY: OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT (OPSD)

AMENDED LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
9	State Department of Hawaiian Home Lands Memo, dated October 12, 2021		
10	Resume of Rodney Funakoshi		
11	State Department of Transportation Memo, dated October 12, 2021		
12	State Department of Education Memo, dated October 18, 2021		

Docket No. A21-810

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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Deputy Corporation Counsel	
Department of the Corporation Counsel	
County of Maui	
200 South High Street, 3 rd Floor	
Wailuku, Hawaii 96793	

DATED: Honolulu, Hawaii, this 27th day of October, 2021.



MARY ALICE EVANS

Director

Office of Planning and Sustainable Development