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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 200 acres
of land, consisting of a portion of Tax
Map Key No. (2) 4-9-002:061 (por.) at
Lānaʻi City, Island of Lānaʻi, County of
Maui, State of Hawaiʻi.

DOCKET NO. A19-809

**PETITION FOR LAND USE
DISTRICT BOUNDARY
AMENDMENT**

VERIFICATION OF PETITION

**AFFIDAVIT ATTESTING TO
SERVICE OF PETITION**

**AFFIDAVIT ATTESTING TO
MAILING OF THE NOTIFICATION
OF FILING**

CERTIFICATE OF SERVICE

EXHIBITS 1 - 12

Hearing:

Date:

Time:

PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

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

In the Matter of the Petition of

PŪLAMA LĀNA‘I

To Amend the Agriculture Land Use District Boundaries into the Urban Land Use District for approximately 200 acres of land, consisting of a portion of Tax Map Key No. (2) 4-9-002:061 (por.) at Lāna‘i City, Island of Lāna‘i, County of Maui, State of Hawai‘i.

DOCKET NO. A19-809

**PETITION FOR LAND USE
DISTRICT BOUNDARY
AMENDMENT**

PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

Petitioner LĀNA‘I RESORTS, LLC dba PŪLAMA LĀNA‘I, a Hawai‘i limited liability company (“*Pūlama Lāna‘i*” or “*Petitioner*”), respectfully petitions the Land Use Commission of the State of Hawai‘i (the “*Commission*”) to amend the land use district boundaries of approximately 200 acres of land, comprised of a portion of Tax Map Key No. (2) 4-9-002:061, situated at Lāna‘i City, County of Maui, State of Hawai‘i (the “*Petition Area*”).

Specifically, Pūlama Lāna‘i petitions the Commission to amend the land use district boundaries of the Petition Area from the State Land Use Agricultural District (“*Agricultural District*”) to the State Land Use Urban District (“*Urban District*”) to allow construction of the Miki Basin Industrial Park (“*Project*” or “*Miki Basin Industrial Park*”) in accordance with the Lāna‘i Community Plan. A map of the Petition Area is attached hereto as Exhibit 1. Granting this Petition will enable the development of renewable energy projects (e.g., photovoltaic and battery energy storage), consolidate existing industrial uses currently located throughout the island to an appropriate area with adjacent industrial uses and provide a location for future economic diversification. As noted, the Project implements the Lāna‘i Community

Plan and will decrease Lānaʻi’s reliance on fossil fuels by shifting the energy source for the majority of the island to renewable energy.

I. INTRODUCTION

The Project has been in the design stages for several years and recently completed the required environmental review. Prior to submitting Pūlama Lānaʻi’s request for a Land Use District Boundary Amendment (“***Boundary Amendment***”), Pūlama Lānaʻi submitted a Second Draft Environmental Assessment (“***SDEA***”) to the Commission on November 17, 2021. The Commission was the accepting agency for the SDEA and, after the requisite review and comment period, transmitted the Final Environmental Assessment and Finding of No Significant Impact (“***FEA-FONSI***”) to the Office of Environmental Quality Control, which published the FEA-FONSI on March 8, 2022. *See Exhibit 2.*

The objectives of the Project are to provide additional industrial space in order to implement the Lānaʻi Community Plan, decrease dependency on fossil fuels and consolidate industrial uses that are currently disbursed throughout the island and within Lānaʻi City to a more appropriate location. The project will be entirely privately funded by Petitioner, with the exception of the renewable energy project which will be developed by the winner of the competitive bid process. No portion of the project will utilize government funding.

Pūlama Lānaʻi respectfully submits this Petition and asks the Commission to approve the requested boundary amendment to achieve these goals and allow the Project to proceed. Pūlama Lānaʻi reserves the right to file an Amended Petition with the Commission.

II. AUTHORITY FOR RELIEF SOUGHT - HAR § 15-15-50(a)(1), (2)

All petitions shall: (1) State clearly and concisely the authorization or relief sought; and (2) Cite by appropriate reference the statutory provision or other authority under which commission authorization or relief is sought.

Pūlama Lānaʻi has standing to petition the Commission for a Boundary Amendment pursuant to HRS § 205-4(a) and HAR § 15-15-46(3). *See* HRS § 205-4(a); HAR § 15-15-46(3). The Commission is authorized to grant the Petition pursuant to

HRS § 205-4, as amended, and all other statutes and rules applicable to the Commission. See HRS § 205-4.

Pūlama Lānaʻi reserves the right to further amend this Petition in response to any reports, pleadings, arguments, exhibits, issues and witnesses identified by any party or persons.

A. Identification of Petitioner - HAR § 15-15-50(c)(1)

The exact legal name of each petitioner and the location of the principal place of business and if an applicant is a corporation, trust, or association, or other legal entity, the state in which the petitioner was organized or incorporated.

LĀNAʻI RESORTS, LLC dba Pūlama Lānaʻi is a land and asset management limited liability company organized in the State of Hawaiʻi. Pūlama Lānaʻi's principal place of business is located at 733 Bishop Street, Suite 1500 Honolulu, Hawaiʻi 96813.

B. Identification of Person to Receive Communications - HAR § 15-15-50(c)(2)

The name, title, and address of the person to whom correspondence or communications in regard to the petition are to be addressed.

Cades Schutte LLP represents Pūlama Lānaʻi in accordance with HAR § 15-15-35(b). All correspondence and communication regarding this Petition shall be addressed to and served upon:

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
STACEY F. GRAY
MOLLY A. OLDS
1000 Bishop Street, Suite 1200
Honolulu, Hawaiʻi 96813
Telephone: (808) 521-9220

In connection with the filing of this Petition, Petitioner has authorized the undersigned counsel to act on its behalf with respect to this matter.

C. Petitioner's Property Interest - HAR § 15-15-50(c)(5)(A)

The petitioner shall attach as exhibits to the petition the following: A true copy of the deed, lease, option agreement,

development agreement, or other document conveying to the petitioner a property interest in the subject property or a certified copy of a nonappealable final judgment of a court of competent jurisdiction quieting title in the petitioner.

Pūlama Lānaʻi is the fee owner of the Petition Area, which is comprised of a portion of the parcel identified as Tax Map Key No. (2) 4-9-002:061. Exhibit 3. Copies of relevant land ownership documentation, including deeds and title reports prepared by Title Guaranty of Hawaii, LLC, demonstrates that Pūlama Lānaʻi is the fee owner of the Petition Area. See Exhibit 4.

D. Notification of Petition Filing - HAR §§ 15-15-50(c)(5)(C), (c)(23)

The petitioner shall attach as exhibits to the petition the following: An affidavit of the petitioner or its agent attesting to its compliance with section 15-15-48 and a copy of the notification of petition filing pursuant to subsection (d).

Under HAR § 15-15-48, Petitioner is required to serve copies of this Petition on the Maui County Planning Department, the Maui Planning Commission, the Lānaʻi Planning Commission, the State of Hawaiʻi Office of Planning and Sustainable Development and all persons with a property interest in the Petition Area as recorded in the County’s real property tax records at the time the Petition is filed. An affidavit complying with this requirement will be filed with this Petition. In accordance with HAR § 15-15-48(b), a copy of this Petition is required to be served on any intervenor upon receipt of a notice of intent to intervene pursuant to HAR § 15-15-52(b). An affidavit attesting to compliance with this section will be filed with this Petition.

A copy of the notification of petition filing will be sent to all persons on the Commission’s state and County mailing lists pursuant to HAR § 15-15-50(d).¹ The notification of petition filing is included as Exhibit 5.

¹ The County of Maui and statewide mailing lists are maintained by the Commission staff. Individuals are included on the list if they sign up to receive Commission updates and agendas.

III. DESCRIPTION OF THE SUBJECT PROPERTY

A. Description of the Subject Property - HAR § 15-15-50(c)(3)

Description of the subject property, acreage, and tax map key number, with maps, including the tax map, that identify the area under petition. If the subject property is a portion of one or more lots, or the petition proposes incremental development of the subject property on both increments of development, the petitioner shall include a map and description of the subject property and increments in metes and bounds prepared by a registered professional land surveyor.

The Petition Area is located 3.2 miles south of Kaumālapa‘u Highway in Lāna‘i City, ahupua‘a of Kamoku, Island of Lāna‘i, County of Maui, State of Hawai‘i, and consists of approximately 200 acres, being a portion of Tax Map Key No. (2) 4-9-002:061 (the “***Tax Parcel***”). Attached to this Petition as Exhibit 3 is a copy of the relevant tax map (“***Tax Map***”) with the approximate proposed Petition Area shown with respect to the larger parcel of land outlined in red. A description of the Petition Area and increments in metes and bounds prepared by a registered professional land surveyor is attached to the Petition as Exhibit 6.

B. Easements on the Subject Property - HAR § 15-15-50(c)(6):

A description of any easements on the subject property, together with identification of the owners of the easements; a description of any other ownership interests shown on the tax maps.

Pūlama Lāna‘i has reviewed its records and confirms that there are no known property interests in the Petition Area.

The Maui County Real Property Tax website shows that the parcel identified by Tax Map Key No. (2) 4-9-002:061 is subject to a lease in favor of Lāna‘i Sustainability Research, LLC. This lease does not relate to the Petition Area. Lāna‘i Sustainability Research, LLC is a wholly owned subsidiary of Petitioner and is not entitled to separate service. Nevertheless, a copy of this Petition will be served on Lāna‘i Sustainability Research, LLC.

IV. REQUESTED RECLASSIFICATION

A. Boundary Amendment Sought by Petitioner and Present Use of the Property - HAR § 15-15-50(c)(4)

The boundary amendment sought and present use of property, including an assessment of conformity of the boundary amendment to the standards for determining the requested district boundary amendment.

Pūlama Lāna‘i seeks the reclassification of the Petition Area from the Agricultural District to the Urban District to develop a 200-acre industrial park. The Petition Area is located on former pineapple fields and is currently undeveloped. Pursuant to HAR § 15-15-18 setting forth the standards for determining Urban District boundaries, such district shall include “lands characterized by ‘city-like’ concentrations of people, structures, streets, urban level of services and other related land uses;” and “shall take into consideration the following specific factors: proximity to centers of trading and employment. . . .; availability of basic services such as schools, parks. . . . public utilities. . . . and; sufficient reserve areas for foreseeable urban growth.” HAR § 15-15-18(1)-(2). “It shall also include lands with satisfactory topography, drainage and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects.” *Id.* at (3). The Boundary Amendment sought in this Petition conforms to these standards. As shown on Exhibit 1, most of the Petition Area is an extension of similar industrial land uses in the adjoining airport, fossil fuel facility and industrial 20-acre condominium. As explained more fully in Section VI, the Petition Area is in close proximity to available public services resources, which makes it an appropriate area for urban growth.

B. Type of Use or Development Being Proposed - HAR § 15-15-50(c)(7)

Type of use or development being proposed, including without limitation, a description of any planned development, residential, golf course, open space, resort, commercial, or industrial use.

The Project will consist of 200-acres for light and heavy industrial use. The proposed Project will include 127 acres for renewable energy projects (e.g.,

photovoltaic plus battery energy storage), 20 acres for infrastructure purposes (roads, common areas and other related uses), 12.5 acres for the relocation of an existing asphalt plant from its current location near Kaumālapa‘u Harbor and 26 acres for new industrial uses. The remaining 14.5 acres will be used for the relocation of an existing concrete batch plant, recycling and rock crushing facility and for the storage and stockpiling of aggregate and construction materials.

Over 85 percent of the Petition Area has been allocated for specific uses. The 26 acres of other new industrial uses will consist of uses allowed under Maui County Code “M-1, Light Industrial” and “M-2, Heavy Industrial” zoning. While the specific uses have not been identified at this time, possible new future industrial uses may include a slaughterhouse, warehouse space for cold storage, animal hospital or other uses.

Pūlama Lāna‘i will develop the major common infrastructure, such as roads, electric and water utility lines, as necessary. Individual tenants within the Miki Basin Industrial Park will be responsible for vertical development on their specific properties and for compliance with applicable regulatory requirements associated with their individual developments. Exhibit 2 at I.B.

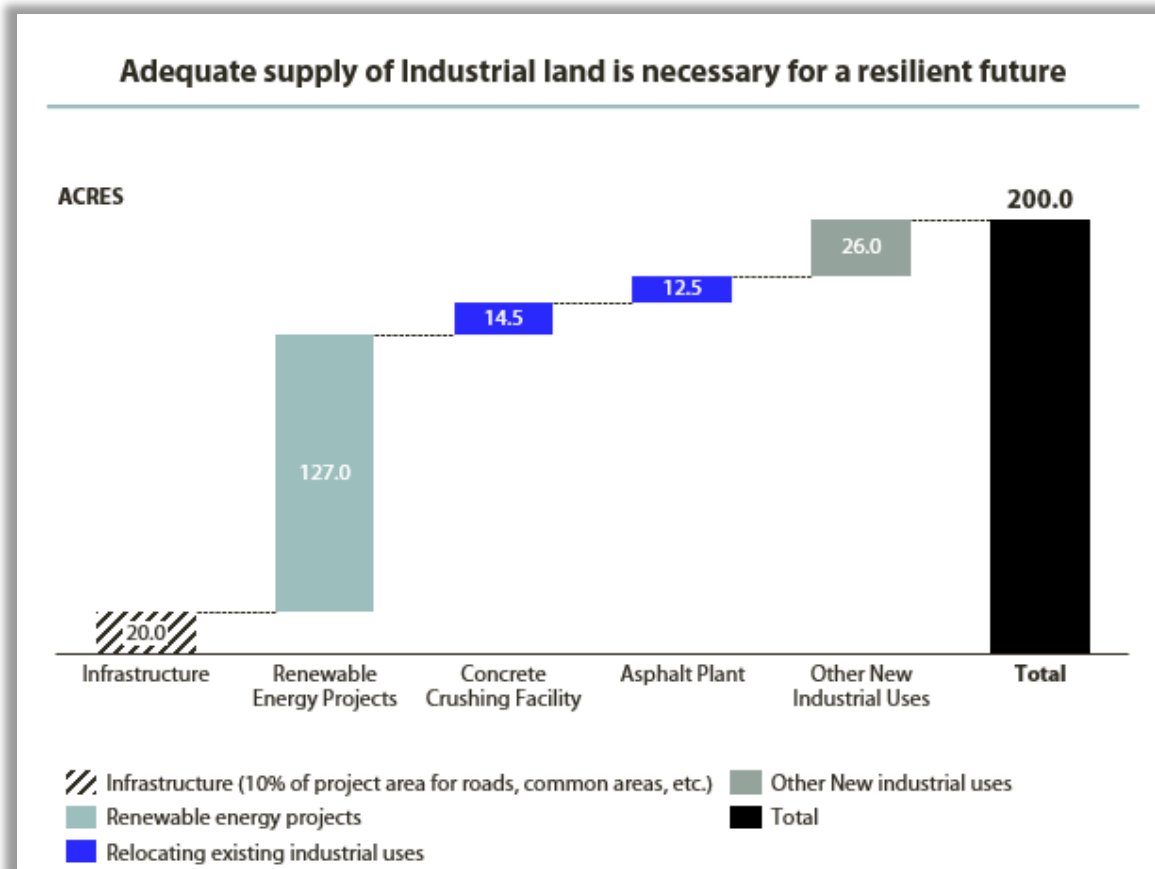


Figure 1 - Type of Proposed Development

C. Impact of Project on Housing Needs - HAR § 15-15-50(c)(15)

A description of the manner in which the petitioner addresses the housing needs of low income, low-moderate income, and gap groups.

The Miki Basin Industrial Park will not impact housing needs.

D. Need for Reclassification - HAR § 15-15-50(c)(16)

An assessment of need for boundary amendment based upon the relationship between the use or development proposed and other projects existing or proposed for the area and consideration of other similarly designated land in the area.

Reclassification of the Petition Area from Agricultural to Urban is necessary to implement the Lāna‘i Community Plan and provide much needed industrial needs

on Lānaʻi. A market study conducted by Plasch Econ Pacific in 2021 (the “**Market Study**”) concluded that there is a shortage of rental industrial space on the island.

The Project will also allow for the consolidation of industrial uses currently disbursed throughout the island and allow for the development of renewable energy to shift the source of energy for the entire island from fossil fuel to approximately 95 percent renewable energy.

It is expected that there will be a future need for industrial-zoned lands on Lānaʻi, particularly since there are limited such lands currently available. In addition to providing land for renewable energy uses and relocation of existing facilities, the Petition Area will provide light and heavy industrial space as well as warehouse and base yard space for existing and new businesses on island.

The location of the Petition Area is well-suited for industrial development. The Petition Area is adjacent to existing industrial uses, including the Lānaʻi Airport, the Miki Basin Industrial Condominium and the Hawaiian Electric Company (“**HECO**”) fossil fuel power plant. At 3.2 miles southwest of Lānaʻi City, the Project is far enough removed from the island’s main business center and residential area as to minimize impacts commonly associated with industrial uses, such as noise, odors, and heavy vehicles. Yet, the Petition Area is close enough to the population to be conveniently accessible to businesses, residents and the workforce. See Exhibit 2 at II.E; see also Exhibit 2 at Appendix A.

E. All Increments of the Project to be Developed Ten Years - HAR § 15-15-50(c)(20)

Petitioners submitting petitions for boundary amendment to the urban district shall also represent that development of the subject property in accordance with the demonstrated need therefor will be accomplished before ten years after the date of commission approval. In the event full urban development cannot substantially be completed within such period, the petitioner shall also submit a schedule for development of the total of such project in increments together with a map identifying the location of each increment, each such increment to be completed within no more than a ten-year period.

Pūlama Lānaʻi represents, to the best of its knowledge and ability, that contingent upon the timely grant of all necessary permits and approvals, the Project will be substantially completed within ten years after the date of this Commission’s approval of the Boundary Amendment. The relocation of the concrete batch plant, recycling and rock crushing facility and asphalt plant (27 acres) will occur within the first year to two years after permitting approvals. The renewable energy project (127 acres) is anticipated to have a guaranteed commercial operation date no later than August 2025, and the operator is encouraged to bring their project online by December 2024. Other new industrial uses will be developed on an as needed basis, meaning if there is interest and space available. As noted in the Market Study, it is anticipated that the 26 acres will be needed over time. In the event new industrial uses are not developed in ten years, development of the 26 acres will be completed within the following ten-year period.

The estimated timetable for the incremental development of the Project is summarized as follows:

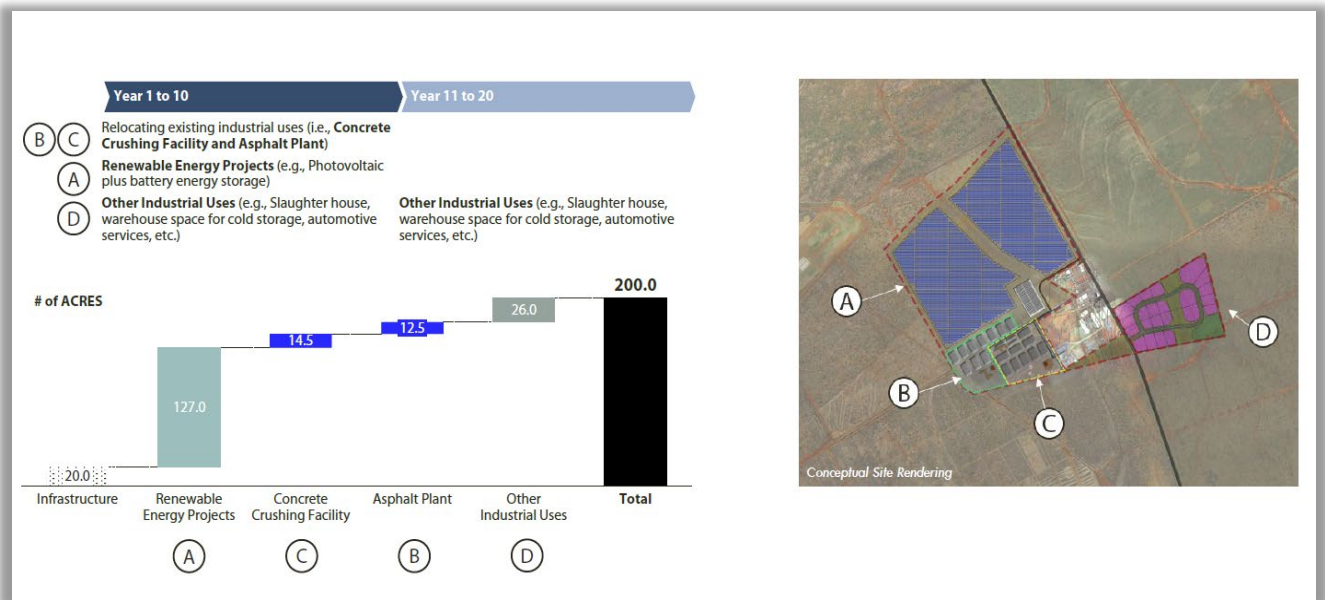


Figure 2 - Timeline, Acreage, and Conceptual Site Rendering

F. Densities and Project Market - HAR § 15-15-50(c)(8)

A statement of projected number of lots, lot size, number of units, densities, selling price, intended market, and development timetables.

The Project will be substantially developed—85 percent of the 200 acres—by August of 2025. The renewable energy project is depicted as area A in the Conceptual Master Plan in Exhibit 7 and will consist of 127-acres containing photovoltaic panels, battery storage and associated infrastructure. The asphalt plant is depicted in area B in Exhibit 7, will consist of 12.5 acres and will be relocated to the Petition Area in one to two years after permit approval. The concrete batch plant, recycling and rock crushing facility will consist of 14.5 acres, are depicted in area C in Exhibit 7 and will be relocated to the Petition Area within one to two years of permit approval. Other industrial uses will consist of potentially 23 individual areas ranging in size from approximately 0.5 to 2 acres are depicted in area D in Exhibit 7 will be developed on an as-needed basis. The Petition Area will be offered for rent.

V. SUBJECT PROPERTY

A. Description of the Subject Property and Surrounding Areas - HAR § 15-15-50(c)(10)

Description of the subject property and surrounding areas including the use of the property over the past two years, the present use, the soil classification, the agricultural lands of importance to the State of Hawai‘i classification (ALISH), the productivity rating, the flood and drainage conditions, and the topography of the subject property.

1. Recent and Present Uses

The Petition Area is located 3.2 miles southwest of Lāna‘i City on land adjoining the Lāna‘i Airport, the HECO 5-acre fossil fuel power plant and the existing 20-acre Miki Basin Industrial Condominium. Kaumālapa‘u Highway is located to the north. Miki Road runs through the Petition Area.

Presently, the Petition Area is largely vacant and unutilized. The majority of the Petition Area is abandoned pineapple fields. The land has lain fallow for decades with no plans for cultivation. The land is suitable for development.

Pūlama Lānaʻi had a Phase I Environmental Site Assessment (“**ESA**”) conducted by TRC to determine whether any recognized environmental concerns are present from past use of the land as pineapple fields. The ESA documented that there are no recognized environmental concerns associated with the Petition Area. Exhibit 2 at II.A.13; Exhibit 2, Appendix E.

2. Soil Classification

The productivity of the soil is low with most of the Petition Area designated with a Land Study Bureau (“**LSB**”) soil rating of “D” and a small portion rating of “E.” Exhibit 2 at II.A.3. The low rating reflects the lack of irrigation available for the Petition Area. Soils at the site are predominantly “Waikapū Silty Clay Loam,” “Molokai Silty Clay Loam” and “Uwala Silty Clay Loam,” which are all variants of deep, well-drained soils of the upland plateau of Lānaʻi. Exhibit 2 at II.A.4.

The Petition Area is classified on Agricultural Lands of Importance to State of Hawaiʻi (“**ALISH**”) maps as “unique.” Exhibit 2 at II.A.3. Unique lands can be suitable for the production of specific crops. The Petition Area is located on lands designated as “Unique” due to its historic use for pineapple cultivation. The Petition Area represents approximately 1.1 percent of the over 18,000 acres of the previously cultivated pineapple plantation on Lānaʻi. Exhibit 2 at II.A.3.

3. Flood and Drainage

The Petition Area is located in central Lānaʻi, and rainfall in the region is seasonal. The annual average rainfall measures at approximately 16 inches, with the rainfall typically peaking in January and reaching its lowest point in July. Exhibit 2 at II.A.2. The soils within the Petition Area are well drained. According to Federal Emergency Management Agency records, the Petition Area is located within Flood Zone X, which is designated as areas outside of the 0.2 percent annual chance floodplain.

Additional surface water runoff generated within the proposed Industrial Park will be contained by the Miki and Pālāwai Basins. Construction of the project will include the implementation of site-specific best management practices (“**BMPs**”) to provide erosion control and minimize impacts to downstream properties. Exhibit 2 at III.A.

The Petition Area is 3.5 miles inland from the shoreline and is located at a high elevation, and thus, it is outside the tsunami evacuation zone and is not subject to the negative impacts from sea level rise. Exhibit 2 at IIA.5.

No permanent surface water bodies or wetlands are located within the Petition Area. See Exhibit 2 at II.A.6.

4. Topography

The Petition Area is located at a high elevation at approximately 1,247 feet above mean sea level. See Exhibit 2 at Appendix E. The topography of the Petition Area moderately slopes to the west-southwest and is overgrown with dense grassland and shrubs. The Petition Area encompasses fallow pineapple fields. Exhibit 2 at II.A.4; Appendix E. Additional information regarding the Petition Area’s topography is provided in the FEA, Impacts on Agriculture Report and Phase 1 Environmental Site Assessment. Exhibit 2 at Appendix B; Appendix E.

B. Location of Subject Property in Relation to Adjacent Land Use District - HAR § 15-15-50(c)(13)

Location of the proposed use or development in relation to adjacent land use districts and any centers of trading and employment.

The Petition Area is approximately 3.2 miles southwest of Lāna‘i City on land adjoining the Lāna‘i Airport, the HECO five-acre fossil fuel power plant and the existing 20-acre Miki Basin Industrial Condominium.

The Petition Area is immediately adjacent to the Urban District along its northern boundary. The remainder of the adjacent land falls within the Agricultural District. The agricultural lands in and adjacent to the Petition Area have lain fallow for decades with no plans for future cultivation.

The Petition Area is approximately 3.2 miles from Lāna‘i City which contains a majority of Lāna‘i’s shops, grocery stores, education and entertainment venues. The Petition Area was intentionally chosen as the site of the Project by Pūlama Lāna‘i for its reasonable proximity to the workforce while maintaining an appropriate distance to avoid any possible adverse impact of industrial uses, such as noise or dust, on residential areas.

VI. AVAILABILITY OF PUBLIC SERVICES AND FACILITIES - HAR § 15-15-50(c)(12)

Availability or adequacy of public services and facilities such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, police and fire protection, civil defense, emergency medical service and medical facilities, and to what extent any public agency would be impacted by the proposed development or boundary amendment.

A. Schools

The Project is located approximately 3.2 miles from Lāna‘i High and Elementary School, which is the only public school that serves the educational needs of the island of Lāna‘i. The Project is not anticipated to generate an increase in enrollment. *See Exhibit 2* at II.C.5.

B. Parks

The Project is not anticipated to have any impact on parks or recreational resources. Nevertheless, there are adequate park facilities available. A number of parks and recreational facilities are within and surrounding Lāna‘i City. Public parks and recreational facilities maintained by the Maui County Department of Parks and Recreation, as well as those associated with the Lāna‘i public schools, in Lāna‘i City include the Lāna‘i Community Center, the Lāna‘i Gym and Tennis Courts, the Lāna‘i Little League Field, Fraser Avenue Park and the Kamālapa‘u Highway/Fraser Avenue Park. There are also a number of parks owned and maintained by Pūlama Lāna‘i with recreational facilities available for public use, including Dole Park, Olopuā Woods Park and Waialua Park in Lāna‘i City, as well as Hulopo‘e Beach Park and the Lāna‘i Recreation Center. *Exhibit 2* at II.C.6.

C. Wastewater Systems

There is currently no existing County or privately owned or operated wastewater treatment system in the vicinity of the Petition Area. Wastewater is currently treated via onsite Individual Wastewater Systems (“*IWS*”).

The Project will construct onsite *IWS*, decentralized Wastewater Treatment Plants (“*WWTP*”) and collection systems. Each development within the industrial park will be required to provide its own wastewater treatment system and associated wastewater collection system. The type of treatment system will be determined by the size and type of development. Sizing of each system will be determined during the design phase of each development.

Since specific development plans for the industrial park are not yet available, proposed wastewater flows for buildout of the industrial park are based on the proposed land use and an estimated developable area for each area. The average wastewater flow for full buildout of the industrial park is based on the County of Maui’s Wastewater Flow Standards and the Design Standards of the Department of Wastewater Management. The proposed design wastewater flow is estimated at 80,179 gallons per day (“*GPD*”), with a design peak flow of 333,688 GPD.

Onsite *IWS* systems and decentralized *WWTPs* are regulated by the State of Hawai‘i Department of Health (“*DOH*”). *WWTPs* can be sized to accommodate flows from multiple properties located in the same general area. Depending on the development timeline, construction of the *WWTP* can be phased in a way that allows the system to be adapted and expanded to accommodate additional future flows.

Most of the Project is not anticipated to generate a significant need for wastewater treatment. The concrete batch plant, recycling and rock crushing facility and asphalt plant will be the first areas developed and will require the installation of an *IWS* septic system. The wastewater flows generated from these facilities are minimal and could be managed with an *IWS* even after development of a nearby decentralized *WWTP*. Wastewater generation is not anticipated for the renewable energy facility.

The planned light industrial area east of Miki Road will produce most of the projected wastewater flow. A *WWTP* developed at the lowest point on the

southeastern area of the light industrial area could collect the wastewater from this area without the need for a pump station and force mains. Exhibit 2 at II.D.3 Exhibit 2 at Appendix I.

D. Solid Waste Disposal

The Lānaʻi Landfill accepts municipal solid waste and construction debris from commercial and residential customers. In addition, personal delivery to the landfill of municipal solid waste, green waste and trash is available.

Pūlama Lānaʻi employs solid waste mitigation strategies. Programs include rural recycling events for hard-to-recycle items including small scrap metal, vehicle batteries and tires. Pūlama Lānaʻi also facilitates green waste recycling, with the resulting compost made available to the community. The County has recycling programs for computers, electronics and household batteries. Hawaiʻi DOH, in conjunction with Maui Disposal, provides refundable glass and can recycling.

During the initial construction phase of the Project, the contractor will develop and implement a construction-generated waste disposal plan. Appropriate construction will be disposed in the landfill. The renewable energy area will not generate new solid waste once constructed. Appropriate decommissioning practices in compliance with Federal, State and local regulations will be implemented at the end of the renewable energy project's useful life. Individual users at the Miki Basin Industrial Park will be responsible for disposing solid waste, recyclables and green waste consistent with State and County regulations. See Exhibit 2 at II.C.4.

E. Drainage

There is no existing storm drain system within the Petition Area. R.M. Towill Corporation prepared a Drainage Report date July 9, 2021 to determine the offsite and onsite drainage system requirements for the Project. Exhibit 2 at Appendix J. The planned drainage of the proposed Miki Basin Industrial Park meets the County of Maui Storm Drainage Standards.

Offsite surface water runoff will be intercepted before entering the Petition Area by proposed drainage ditches. The drainage ditches will divert runoff around the

perimeter of the project site to an offsite discharge point downstream. Onsite runoff generated within the Petition Area can be accommodated by the existing Miki Basin and Palawai Basin capacity. Stormwater treatment will not be provided since the runoff flows into an existing sump with no outlet to the ocean.

The development of the Project will include the implementation of site-specific BMPs during the construction to provide for erosion control and to minimize impacts to downstream properties. The project will also include post-construction BMPs, which will improve the quality of stormwater runoff from the proposed Project. The proposed 200-acre industrial park is not anticipated to have an adverse impact to any existing downstream properties. See Exhibit 2 at II.D.4; Exhibit 2 at Appendix I.

F. Water

1. Existing System

The Lānaʻi Water Company privately owns the domestic water system on Lānaʻi including the Mānele Bay Water System (Public Water System 238 (“**PWS 238**”)), which provides service to the Petition Area. The Project’s water use conforms to the Lānaʻi Water Use and Development Plan (“**LWUDP**”). The existing average daily water usage of PWS 238 is estimated at 433,000 gallons per day (“**GPD**”). See Exhibit 2 at Appendix H-1.

PWS 238 provides water service to Mānele, Hulopoʻe and the Pālāwai Irrigation Grid. Water from the wells is either stored in the existing 0.5 million gallon (“**MG**”) Hiʻi Tank or 1.0 MG concrete Hiʻi Reservoir or fed directly into the distribution system depending on demand. PWS 238 utilizes 10-inch, 12-inch and 16-inch transmission mains. PWS 238 is interconnected with the Lānaʻi City Water System (Public Water System 237 (“**PWS 237**”)). During emergencies, PWS 237 can be connected to PWS 238 by opening a valve. Exhibit 2 at II.D.2.a.

2. Demand

Akinaka & Associates, Ltd. Prepared a Water Master Plan for PWS 238 (“**Akinaka Report**”). The Water Master Plan assessed the existing water distribution system and the capacity of PWS 238 and provided recommendations for

the forecasted water demand for the Miki Basin Industrial Park. See Exhibit 2 at Appendix H-1.

Existing water demand for the concrete batch plant, recycling and rock crushing facility is 3,500 GPD, which is currently provided by PWS 237. The asphalt plant will have a new demand of 1,000 GPD on PWS 238 when it is relocated to the Petition Area. The total anticipated demand is set out below:

Description	Acres	Existing Water Demand on Mānele Bay Water System (PWS 238) (GPD)	New or Incremental Water Demand on Mānele Bay Water System (PWS 238) (GPD)	Full Build Out of Industrial Park Water Demand on Mānele Bay Water System (PWS 238) (GPD)
CBP	14.5	3,500	2,625	6,125
Asphalt Plant	12.5	--	1,000	1,000
Renewable Energy Projects	127.0	--	--	--
New Industrial Uses	26.0	--	156,000	156,000
Infrastructure	20.0	--	--	--
TOTAL	200.0	3,500	159,625	163,125

Table 1 Summary of Estimated Water Demand

While the existing water storage tank and reservoir are adequate to support the full buildout, the well-pump capacity (“*source*”) is not. As a result, a new well must be developed. In response to the need for a new water source, a New Well Supply Alternatives report was completed by Tom Nance Water Resource Engineering. Exhibit 2 at Appendix H-2.

3. Water Availability

There are two (2) aquifers on Lāna‘i—the Leeward aquifer system and the Windward aquifer system, each with a sustainable yield of 3.0 million gallons per day (“*MGD*”). Together, the sustainable yield for the island of Lāna‘i is 6 MGD. Lāna‘i Water Company provides Periodic Water Reports (“*PWR*”) to the Maui County Department of Water Supply and the State of Hawai‘i Commission on Water

Resources Management (“*CWRM*”). The PWR contains data sets of gallons of water pumped, water use on the island, water well levels, and water temperature and chlorides. CWRM publishes a twelve (12) month moving average (“*12MAV*”) monthly pumpage chart relative to the island’s 6 MGD sustainable yield. CWRM established a management guideline trigger of 4.3 MGD to initiate proceedings to designate Lāna‘i as a groundwater management area. The daily demand for the island as of August 2021 is 1.517 MGD.

The capacity of the pumps currently supplying PWS 238 may not provide enough water to support the estimated demand of the Project at full build-out. An additional source will need to be drilled to provide additional pump capacity of at least 426 gallons per minute (“*GPM*”). The New Well Supply Alternatives report considered alternative locations including available supply in the Leeward Aquifer system, well installed pumping capacity versus its long-term sustainable supply and current sources of supply for PWS 238. Exhibit 2 at Appendix H-2. Three alternative sites were evaluated, with the recommended site located 2,000 feet northwest of existing Well No. 2 at the top of a former pineapple field. A well at this site could meet or exceed the necessary 426 GPM capacity to ensure adequate supply for the Project. See Exhibit 2 at II.D.5; Exhibit 2 at Appendix H-2.

The water demand on Lāna‘i is estimated, as of August 2021, at 1.517 MGD. At full build out, the water demand estimated for the Project is 0.159 MGD. Other proposed or approved projects are estimated at 0.260 MGD for a total forecasted water demand for Lāna‘i of 1.936 MGD. The total forecasted need is below the 4.3 MGD trigger set by CWRM and further below the sustainable yield of 6 MGD for Lāna‘i.

The Project will be constructed with appropriate water efficiency in measures. Because the Project will be used for industrial uses, there will be limited landscaping proposed that will utilize irrigation. A detailed account of water source availability, capacity and demand can be found in Section II.D.5. of the FEA. Exhibit 2 at II.D.5.

Petitioner confirms its commitment that water usage for the Project will not exceed the maximum daily usage calculations provided in the Akinaka Report.

G. Transportation Services

1. Roadways

The primary street for ingress/egress for the Project is Miki Road. Miki Road is a generally north-south, two-way privately-owned roadway that begins to the north at its intersection with Kaumālapa‘u Highway and extends approximately 2.95 miles to the south. Kaumālapa‘u Highway is generally east-west, two-way, two-lane state-owned roadway that runs perpendicular to Miki Road.

Miki Road is 13 to 15 feet wide and currently requires vehicles to pull off to the unpaved shoulder when encountering approaching vehicles traveling in the opposite direction.

The Traffic Impact Analysis Report (“*TIAR*”) evaluated traffic impacts resulting from the proposed Project. Due to atypical traffic caused by COVID-19, Hawai‘i Department of Transportation (“*HDOT*”) traffic volume data from 2018 were utilized instead of the 2020 traffic volumes in the *TIAR*. The *TIAR* considered the total traffic impacts of the Project as well as the impacts of known future developments in the vicinity of the Project. Currently, the Kaumālapa‘u Highway/Miki Road intersection operates at level of service (“*LOS*”) B, which is defined as reasonably free-flow traffic conditions.

At least two (2) driveway access points to the Petition Area will be provided along Miki Road. Specifically, Project Driveway 1 provides access to the light and heavy industrial areas west of Miki Road, and Project Driveway 2 provides access to the light industrial area east of Miki Road.

The *TIAR* recommends the widening of Miki Road between its intersection with Kaumālapa‘u Highway to the project driveways. Miki road is currently estimated to be 13 feet wide and should be widened to accommodate large vehicles and full side-by-side bidirectional travel with intersections capable of accommodating turning movements, and to provide an exclusive westbound left-turn deceleration lane. Each of the intersections is forecasted to operate at LOS B, which is similar to existing conditions. See Exhibit 2 at II.D.1; Exhibit 2 at Appendix G.

2. Transit Systems

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

H. Public Utilities

The existing HECO fossil fuel power plant is adjacent to the Petition Area and provides energy to the Lāna‘i Airport via underground electrical service lines. The Project will include 127 acres for renewable energy projects, including photovoltaic equipment and battery energy storage. Exhibit 2 at II.D.5. The Project’s location adjacent to the HECO fossil fuel power plant will significantly reduce connection costs associated with bringing the renewable energy project online. The electricity generated by the renewable energy project will provide clean energy for 95 percent of the energy demand for the island of Lāna‘i. By replacing the use of fossil fuels with renewable energy, Lāna‘i will increase resiliency and minimize the impacts of price fluctuations based on the price of oil.

Hawaiian Telecom (“*HTCO*”) and Charter Communications dba Spectrum (“*Spectrum*”) will offer broadband and telephone services to the Project.

I. Police and Fire Protection

The Maui Police Department (“*MPD*”) serves as the primary law enforcement agency for the island of Lāna‘i, including the Petition Area. The station is located at 855 Fraser Avenue in Lāna‘i City, approximately three miles from the Petition Area. The island makes up District II of the MPD, which is comprised of eleven full-time officers, including a Lieutenant, two Sergeants and a School Resource Officer. The number of officers currently exceeds the estimated need. As the Project is located within an area that is currently patrolled, it will not present a significant increase to existing law enforcement services. See Exhibit 2 at II.C.1.

The Lāna‘i Fire Station provides the fire protection services for the island. Located at 1345 Fraser Avenue in Lāna‘i City, the fire station is approximately four miles from the Petition Area. The Project is not anticipated to have a significant impact on fire protection services. See Exhibit 2 at II.C.1.

J. Civil Defense

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

The Petition Area is at a high elevation and is outside the flood and tsunami evacuation zones. *See Exhibit 2* at II.A.5. Currently, residents of Lāna‘i City typically shelter in place during storm warnings or emergencies due to Lāna‘i City’s high elevation. The closest emergency shelter to the Project is located at Lāna‘i High and Elementary School. There is sufficient capacity at the school to provide shelter for employees at the Project.

Pūlama Lāna‘i will work with state and County agencies regarding any further civil defense measures necessary to serve the Project.

K. Emergency Medical Services and Medical Facilities

Lāna‘i Community Hospital provides hospital services to the island. Lāna‘i Community Hospital is affiliated with Maui Health System as of summer 2017 and is the sister hospital of Kula Hospital and Maui Memorial Medical Center. These facilities are open to everyone regardless of health coverage.

Lāna‘i Community Hospital offers limited 24-hour emergency care, acute care and diagnostic imaging. The hospital also provides long-term care, including skilled nursing and intermediate nursing care. The Project is not anticipated to adversely affect the Lāna‘i Community Hospital. *See Exhibit 2* at II.C.2.

VII. ASSESSMENT OF IMPACTS ON AREA RESOURCES - HAR § 15-15-50(c)(11)

An assessment of the impacts of the proposed use or development upon the environment, agriculture, recreational, cultural, historic, scenic, flora and fauna, groundwater, or other resources of the area. If required by chapter 343, HRS, either a finding of no significant impact after review of an environmental assessment or an environmental impact statement conforming to the requirements of chapter 343, HRS, must be filed.

A. Environmental Resources

Impacts to air quality in and around the Petition Area due to future industrial activities will be regulated by DOH. The renewable energy project will utilize 127 acres and will not generate any adverse air quality impacts. Other uses include the relocation of an existing concrete batch plant, recycling and rock crushing operation and for the storage and stockpiling of aggregate and construction materials. Stockpiles are generally left uncovered based on the need to transfer aggregate materials into and out of storage frequently. The generation of dust is the primary emission associated with the stockpiles. Dust can be generated when materials are moved and from strong winds. BMPs employed at the site to address the dust would principally consist of adhering to the environmental regulations for the storage and use of the aggregate stockpiles. For example, the stockpiles will be separated and wetted to sufficiently control fugitive dust. While specific uses for the 26 acres of new industrial space have not yet been solidified, many of the potential uses contemplated generally do not represent noxious uses and would likely not be a source of air pollution. Before any air pollution sources can be built, an application must be filed with DOH. If deemed appropriate, DOH may require the applicant to assess the air quality impact of the proposed emissions. See Exhibit 2 at II.A10.

Noise around the Petition Area is dominated by noise from airport-related activities, including roadway use and aircraft taxiing, taking off and landing. Operations at the HECO fossil fuel power plant and the Miki Basin Industrial Condominium also contribute noise to the surrounding area. The nearest noise-

sensitive areas to the Petition Area are located in Lāna‘i City. No noise-sensitive areas are present within the Petition Area.

Ambient noise conditions will be temporarily affected by construction activities. Sound attenuating construction equipment will be used where practicable and necessary to mitigate noise impacts caused by construction. Night-time construction activity is not anticipated or proposed. Future industrial park users will be responsible for complying with all applicable DOH rules and regulations relating to noise impacts. *See Exhibit 2 at II.A.12.*

Pūlama Lāna‘i will ensure that any impact to air quality or noise caused during construction will be mitigated by compliance with applicable State and Federal regulations and best management practices.

B. Agricultural Resources

The Petition Area is currently unproductive and not suitable for cultivation. The approximately 200 acres of the proposed Project represents approximately 1.1 percent of the 18,000 plus acres of the previously cultivated pineapple fields. Although the Project will result in the loss of approximately 200 acres of historically cultivated agricultural land, the land has not been cultivated for decades. Moreover, the 200-acre Petition Area makes up a fraction of the potentially cultivatable acres on the island and even less of the 200,000 acres of fallow agricultural lands vacated by the sugar and pineapple industries statewide.

There is presently no demand for agricultural use of the Petition Area, and there is sufficient available agricultural land to meet near to mid-term demand. *Exhibit 2 at II.A.3; Exhibit 2 at Appendix B.*

C. Recreational Resources

Development of the Project will not impact recreational resources in the area. *See Exhibit 2 at II.C.6.*

D. Cultural Resources

The impacts to cultural resources were assessed for the Petition Area by Honua Consulting Services LLC. *See Exhibit 2 at Appendix D-4.* The Archeological Inventory

Survey (“*AIS*”) prepared for the proposed Project included research compliant with guidelines for development of a Cultural Impact Assessment (“*CIA*”). The Petition Area is situated in the ahupua‘a of Kamoku. The cultural resources assessment involved ethnographic research and interviews of individuals with knowledge of Kamoku and native Hawaiian beliefs, practices and traditions on Lāna‘i. One of the interviewees indicated that the Petition Area had been used for gathering of ‘a‘alii and ‘uhaloa for adornments and la‘au lapa‘au. Both ‘a‘alii and ‘uhaloa are common throughout the Pālāwai-Miki Region of Lāna‘i and prevalent in the surrounding areas. Therefore, while the Petition Area is used for traditional practices, the Project is not anticipated to affect the availability of these cultural resources, and the project will not affect access to these resources in the region. The project is not anticipated to have an impact on native Hawaiian traditional and cultural practices in the ahupua‘a. See Exhibit 2 at II.A.9; see also Section XV *infra*.

E. Historic Resources

The AIS for the Petition Area was completed by T.S. Dye & Colleagues. The AIS recommended that a data recovery plan be developed for two sites, 50-40-98-1980 and 50-40-98-1981, and that this plan be implemented prior to proposed construction activities within the parcel. The State of Hawai‘i Historic Preservation Division (“*SHPD*”) concurred with this recommended mitigation. See Exhibit 2 at Appendix D-2. The Applicant has prepared an Archeological Data Recovery Plan and Archeological Data Recovery Report. Both have been submitted to SHPD for review and acceptance. Exhibit 2 at Appendix D-3. SHPD determined there are no historic properties affected for 14.5 acres of the Petition Area included in the County of Maui Permit Application SUP2 2021/0008. Exhibit 8.

The Applicant will comply with all applicable County, State and Federal laws and rules regarding the treatment of archeological and historic sites. Should evidence of archaeological or cultural resources be encountered during site preparation work or drilling, activities at the site will be suspended and SHPD will be contacted immediately for review, evaluation and recommendations as to how to preserve or

avoid damage to the resources. However, given the conclusions of the AIS, discovery of historic items in the Petition Area is not expected. See Exhibit 2 at Appendix D-1.

F. Scenic Resources

The Petition Area is not part of a scenic corridor, and the Project will not affect scenic vistas or view planes. Rather, the Petition Area abuts the southeast end of Lānaʻi Airport and the Project will have complementary, industrial uses to the neighboring facilities. No adverse impacts to open space or scenic resources are anticipated as a result of the Project. The Petition Area is not located near traditional access or walking trails between coastal or upland areas. Exhibit 2 at II.A.14.

G. Flora and Fauna

A terrestrial vegetation and wildlife study of the Petition Area was completed. No State or federally listed threatened or endangered species or rare native Hawaiian plant species was observed within the Petition Area, and the area is not designated as a critical habitat for any species.

Historically, the vegetation of Lānaʻi has been impacted by grazing and commercial pineapple cultivation. The vegetation in the Petition Area is dominated by hardy, invasive non-native species. Of the 39 plant species observed, only three are native to the Hawaiian Islands. ʻIlima (*Sida fallax*), ʻuhaloa (*Waltheria indica*) and ʻaʻaliʻi (*Dodonaea viscosa*) are common native plants documented in small numbers in the Petition Area. See Exhibit 2 at Appendix C.

One mammal species—a herd of approximately 20 axis deer—was observed in the Petition Area. A special effort was made to look for evidence indicating the presence of ʻōpeʻapeʻa, or Hawaiian hoary bat, by conducting an evening survey at two (2) locations within the Petition Area. No bats were detected.

Two (2) native bird species were recorded, the indigenous and migratory kōlea or Pacific golden-plover and the endemic pueo or Hawaiian owl (*Asio Flammeus sandwichensis*).

The Flora and Fauna study recommended that any significant outdoor lighting associated with the proposed project be hooded to direct the light downward to

mitigate a threat to seabirds flying over the Project. Exhibit 2 at II.A.7; Exhibit 2 at Appendix C. The U.S. Fish and Wildlife Service (“*USFWS*”) was consulted for the proposed project and recommended avoidance and minimization measures for the Project as it relates to the endangered Hawaiian petrel (*Pterodroma sandwichensis*), which may occur in the vicinity or pass over the Petition Area. USFWS also provided additional information on listed species that may occur or transit through the Petition Area, along with recommended avoidance and minimization measures for the Hawaiian hoary bat, Blackburn’s sphinx moth and Hawaiian seabirds. The USFWS measures will be incorporated into the project plans, as applicable.

H. Groundwater

Groundwater from the Leeward aquifer, in the Central aquifer sector will be utilized from PWS 238 until demand necessitates the development of a new well as discussed in more detail in Section VI.F. Pūlama Lāna‘i will conform to the requirements of the CWRM and DOH related to installation, inspection and maintenance of water systems associated with the Project. The Project will be serviced by Lāna‘i Water Company, which regularly monitors water quality parameters to ensure adherence to all state and federal standards. Exhibit 2 at II.D.2.

VIII. CLIMATE CHANGE CONCERNS AND PROPOSED MITIGATION - HAR § 15-15-50(c)(24)

A statement and analysis pursuant to section 226-109, HRS, addressing climate change related threats to the proposed development and proposed mitigation measures. The statement and analysis shall address, but not be limited to, the following issues: (A) The impacts of sea level rise on the proposed development; (B) Infrastructure adaptations to address the impacts of climate change including sewer, water and roadway improvements; (C) The overall carbon footprint of the proposed development and any mitigation measures or carbon footprint reductions proposed; and (D) The location of the proposed development and the threats imposed to the proposed development by sea level rise, based on the maps and information contained in the Hawai‘i Sea Level Rise Vulnerability

Adaptation report and the proposed mitigation measures taken to address those impacts.

A. Impact of Sea Level Rise - HAR § 15-15-(c)(24)(A), (D)

The Petition Area is between 1,000 and 1,250 feet above sea level, located approximately 3.5 miles inland from the western shoreline towards the center of the island. The Petition Area falls outside the Sea Level Rise Exposure Area as shown on the Hawai'i Sea Level Rise Viewer for the Hawai'i Sea Level Rise Vulnerability Adaptation Report. See Hawai'i Sea Level Rise Viewer, *available at* <https://www.pacioos.hawaii.edu/shoreline/slr-Hawai'i/> (last visited March 27, 2022). Based on the maps and information contained in the Hawai'i Sea Level Rise Vulnerability Adaptation Report, the predicted three- to six-foot increase in sea level over the next century is not anticipated to impact the Petition Area. Accordingly, no mitigation measures are necessary. See Exhibit 2 at II.A.5.

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

The Project will be designed to meet all applicable Federal, State and County building code requirements. Buildings will follow County requirements for low-flow fixtures and fittings. Because the Project will be used for industrial uses, no landscaping is anticipated. Additionally, the Project will be serviced with existing water and utilities to minimize infrastructure excavation and land disruption.

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

The Project is not anticipated to contribute to the emission of greenhouse gases. Instead, the Project is consistent with the State's goals of reducing greenhouse gas emissions and reliance on fossil fuels due to the planned renewable energy production facility within the Petition Area. The following section explains the methodology employed to calculate the estimated carbon footprint of the Project.

1. Greenhouse Gas Equivalencies Calculation Methodology

The DOH oversees the Hawai‘i Greenhouse Gas (“**GHG**”) Program.² The program utilizes the Air Pollution Control Permit process of the Clean Air Branch (“**CAB**”) to regulate GHG emissions statewide.

The DOH is required to provide reports with updated GHG emissions inventories to show the State’s progress towards achieving a GHG emission limit of equal to or below 1990 GHG levels by 2020. *See* HAR § 11-60.1-204(k). The emission inventory reports for Hawai‘i showing statewide carbon dioxide equivalents (“**CO₂E**”) are provided by several sources, including the United States Environmental Protection Agency’s (“**EPA**”) GHG Reporting Program³ and EPA Facility Level Information on GHG Tool (“**FLIGHT**”).⁴ The most recent 2017 report dated April 2021 was prepared by ICF and the University of Hawai‘i Economic Research Organization (“**UHERO**”). GHG emissions for the island of Lāna‘i were not reported independently. Instead, the GHG emissions for Lāna‘i were aggregated and included as part of Maui County’s results. A review of the EPA emitters and point source data from FLIGHT shows

² *Hawaii Greenhouse Gas Emissions Report for 2017, Final Report (dated April 2021)*, Greenhouse Gases Program, Clean Air Branch, State of Hawai‘i, Department of Health *available at* <https://health.hawaii.gov/cab/hawaii-greenhouse-gas-program/> (last accessed March 28, 2022).

³ *Greenhouse Gas Reporting Program (GHGRP)*, United States Environmental Protection Agency *available at* <https://www.epa.gov/ghgreporting> (last accessed March 28, 2022).

⁴ *Facility Level Information on GreenHouse gases Tool (FLIGHT)*, United States Environmental Protection Agency *available at* <https://ghgdata.epa.gov/ghgp/main.do> (last accessed March 28, 2022).

there are no facilities on Lānaʻi that are currently listed. See Figure 2.⁵

DATA FROM EPA FLIGHT TOOL FOR MAUI COUNTY, NO EMITTERS AND POINT SOURCES ON LĀNAʻI

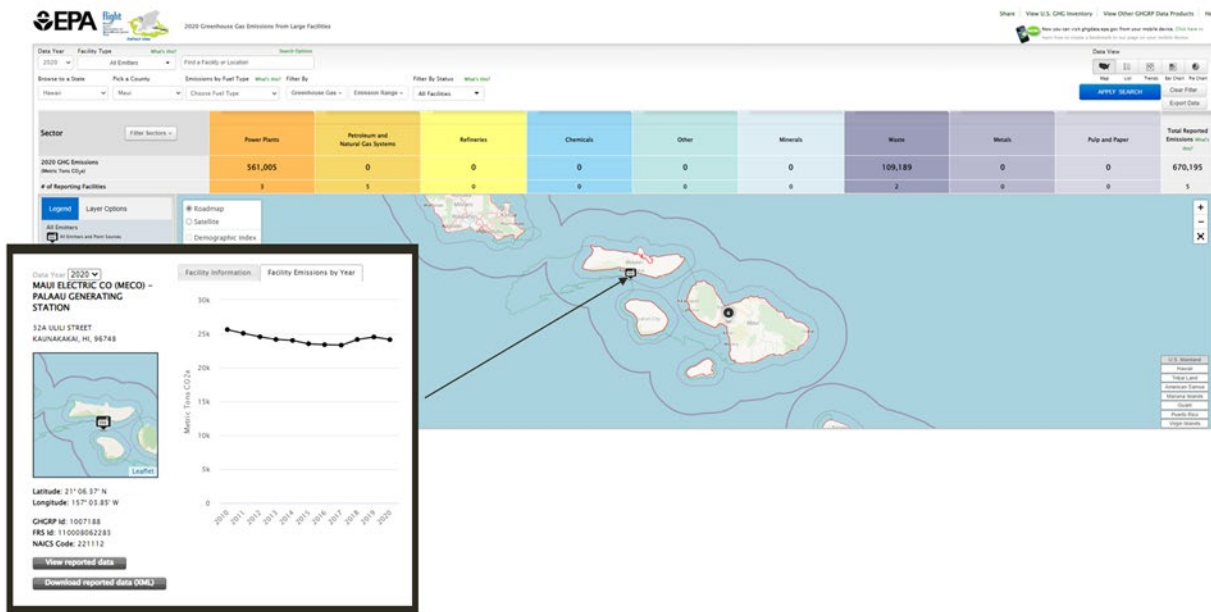


Figure 3 - EPA Point Source Data Tool

2. Carbon Dioxide Equivalents Calculations

The EPA GHG Equivalencies Calculator was utilized to determine estimated CO₂E for the Project due to the lack of disaggregated data and nature of the facilities on Lānaʻi, which do not trigger emissions reporting to the EPA.⁶ Pūlama Lānaʻi used this tool to calculate estimated carbon footprint in a previous District Boundary Amendment Petition, which was approved in November 2021. See Docket No. 21-810. The estimated GHG emissions for each component of the Project is calculated below.

⁵ Excerpt from EPA FLIGHT TOOL website for Maui County. Of note, in 2020 there were three identified power plants, two on Maui and one on Molokaʻi, the Palaʻau generating station. In the bottom left corner, details of the Palaʻau generating facility are shown. The HECO fossil fuel facility on Lānaʻi is 9.4 MW, twenty two percent smaller than the Palaʻau generating facility, which is 12 MW.

⁶ *Greenhouse Gas Equivalencies Calculator*, United States Environmental Protection Agency available at <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator> (last accessed March 28, 2022).

a. *Renewable Energy Project Calculation*

A calculation of the estimated GHG emission impacts for the renewable energy projects requires estimating the amount of fossil-fired generation and emissions being displaced by the renewable energy. There is an on-going effort at *HECO* to procure more renewables for Lāna‘i with a guaranteed commercial operations date of August 31, 2025.⁷ The annual energy that is being requested for Lāna‘i in the request for proposals (“*RFP*”) is 35,800 Megawatt-hours (“*MWh*”). The table below summarizes the calculation for the CO₂E for the requested annual energy:

Table 2 Carbon Calculations

	Value	Calculation	Source
Annual Energy of Renewable Energy Project (MWh/year)	35,800	a	Hawai‘i Public Utilities Commission (“ <i>PUC</i> ”) Docket Number 2015-0389
Annual Energy of Renewable Energy Project (kWh/year)	35,800,000	$b = a * 1,000$	Conversion from Megawatt to kilowatt
Carbon Dioxide Equivalent (Metric Tons/year)	25,382	$c = b * 7.09 \times 10^{-4}$	https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator ⁸

⁷ PUC Docket 2015-0389, filed November 4, 2021, Book 2 of 5, Exhibit 4, Page 5 of 44.

⁸ The Greenhouse Gas Equivalencies Calculator uses the AVOIDed Emissions and geneRATION Tool (AVERT) U.S. national weighted average CO₂ marginal emission rate to convert reductions of kilowatt-hours into avoided units of CO₂ emissions. See *Greenhouse Gas Equivalencies Calculator – Calculations and References*, United States Environmental Protection Agency available at <https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references> (last accessed March 28, 2022).

Calculation: 1,562.4 lbs CO₂/MWh × (4.536 × 10⁻⁴ metric tons/lb) × 0.001 MWh/kWh = 7.09 × 10⁻⁴ metric tons CO₂/kWh. AVERT, U.S. national weighted average CO₂ marginal emission rate, year 2019 data.

To put this in perspective, the figure below compares what the renewable energy project would displace. The result is a significant reduction in the carbon footprint for the Project and Lāna‘i as a whole.



Figure 4 - Renewable Energy CO₂E Displacement

b. *Asphalt Plant and Concrete Crushing Facility Calculation*

The Project proposes to relocate existing industrial uses, including an existing asphalt plant and an existing concrete crushing facility. No change in the overall carbon footprint for the island of Lāna‘i is expected for the relocation of these existing uses. Both facilities are currently in operation and will be relocated to the Petition Area. The concrete crushing facility is currently located close-by and will move approximately 200 feet. There are existing GHG emissions from both facilities. First, the CO₂E for concrete crushing facility was determined by using the 2021 calendar year fuel use to operate the facility. The fuel type to operate the facility is ultra-low sulfur diesel (“*ULSD*”). The table below summarizes the calculation:

Table 3 Carbon Dioxide Equivalent Calculations

	Value	Calculation	Source
Total fuel consumption (gallons/year)	7,816	a	Pūlama Lāna‘i internal data
Carbon Dioxide Equivalent (Metric Tons/year)	79.57	$b = a * 10.180 \times 10^{-3}$	https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator ⁹

Second, the GHG emissions report for the asphalt facility in 2020 reported 52 Metric Tons/year of CO₂E. Although the 2021 report was not available at the time of this analysis, any change in emissions between 2021 and 2022 is not expected to be significant.

c. “Other New Industrial Uses” Calculation

To date, specific industrial uses for the remaining 26 acres within the Petition Area have not yet been identified. Nevertheless, a range of possible GHG emission is provided in this section to estimate overall carbon footprint of the Project at full build-out.

The amount of GHG emissions will depend on the type of industrial building developed on the remaining 26 acres of the Petition Area. Carbon emissions by buildings are closely tied to energy use, with energy intensive industrial

⁹ See *Greenhouse Gas Equivalencies Calculator – Calculations and References*, United States Environmental Protection Agency available at <https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references> (last accessed March 28, 2022).

Gallons of diesel consumed: In the preamble to the joint EPA/Department of Transportation rulemaking on May 7, 2010 that established the initial National Program fuel economy standards for model years 2012-2016, the agencies stated that they had agreed to use a common conversion factor of 10,180 grams of CO₂ emissions per gallon of diesel consumed (Federal Register 2010). For reference, to obtain the number of grams of CO₂ emitted per gallon of diesel combusted, the heat content of the fuel per gallon can be multiplied by the kg CO₂ per heat content of the fuel.

Calculation: 10,180 grams of CO₂/gallon of diesel = 10.180 × 10⁻³ metric tons CO₂/gallon of diesel

manufacturing properties having the highest carbon emissions and retail-warehousing having the lowest. By reviewing data from the Urban Land Institute Green Energy Performance Report,¹⁰ a range of possible GHG emission estimations was calculated, which summarizes the 2020 CO₂E/m² by building type:

Table 4 2020 Carbon Emissions Intensity by Building Type

Building Type	Median Value	Unit	Source
Industrial - distribution warehouse	0.013	Metric Ton CO ₂ E/m ²	Footnote 12
Industrial - manufacturing	0.068		
Industrial - self-storage	0.0078		
Office	0.039		
Retail - warehouse	0.004		

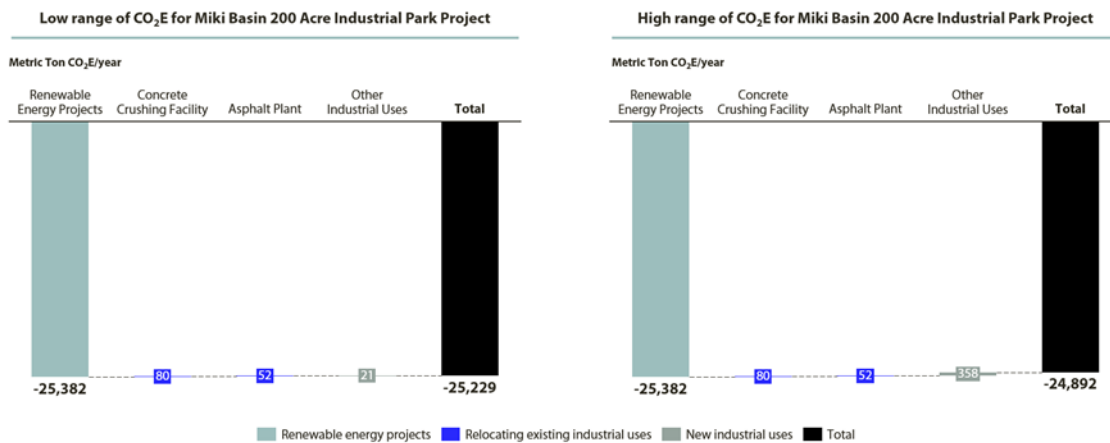
A range of CO₂E for varying building types was calculated by using the lowest median value and highest median value in the table above. Conservatively, assuming all 26 acres are developed, the range of CO₂E would be 421 to 7,155.¹¹ It should be further noted that the electricity used by the buildings will likely be 95 percent renewable with the new renewable project coming into service by 2025. Therefore, the range of CO₂E can be reduced significantly to 21 to 358.

3. Total GHG Calculation for the Project

The Project would have an overall reduction of CO₂E per year. The renewable energy project contributes the most to the cumulative effect of carbon reduction. Figure 4 below summarizes the low and high range of CO₂E for the Project:

¹¹ 26 acres is equal to 105,218.22 m². The low end of the range was calculated by multiplying 105,218.22 m² by 0.004 Metric Ton CO₂E/m² (lowest median value by building type). The high end of the range was calculated by multiplying 105,218.22 m² by 0.068 Metric Ton CO₂E/m² (highest median value by building type).

MIKI BASIN 200 ACRE INDUSTRIAL PARK PROJECT WILL HAVE AN OVERALL REDUCTION IN CO₂E/YEAR



This is a **significant reduction** in the carbon footprint for the Miki Basin 200 acre Industrial Park and Lānaʻi

Figure 5 - low and high range of CO₂E for the Project

IX. ADHERENCE TO SUSTAINABILITY PRINCIPLES AND PRIORITY GUIDELINES IN HRS § 226-108 AND HAWAIʻI STATE PLAN - HAR § 15-15-50(c)(25)

A statement and analysis addressing the proposed development’s adherence to sustainability principles and priority guidelines and climate change issues as contained in section 226-108, HRS, the Hawaiʻi State Plan (Sustainability), and smart growth principles, including, but not limited to: (A) Walkability; (B) Accessibility to alternate forms of transportation; (C) Transit oriented development opportunities; (D) Green infrastructure, including water recharge and reuse and water recycling; (E) Mitigation of heat island effects; and, (F) Urban agricultural opportunities.

A. Walkability - HAR § 15-15-50(c)(25)(A)

Pedestrian walkability within the Miki Basin Industrial Park is not anticipated. See Exhibit 2 at I.A, B.

B. Accessibility to Alternate Forms of Transportation and Transit Oriented Development Opportunities - HAR § 15-15-50(c)(25)(B)-(C)

The Project is not a Transit Oriented Development (“**TOD**”). Lānaʻi is a rural island, with Lānaʻi City being its most urbanized area. Although Lānaʻi does not have

a public transportation system, the Petition Area was intentionally chosen for its proximity to the workforce and existing industrial areas.

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

Petitioner will, to the extent feasible and practicable, incorporate measures into the Project to promote energy conservation and sustainable design. As explained previously, the Project incorporates 127 acres of renewable energy development into the design that will allow the island of Lānaʻi to utilize 95 percent renewable energy and decrease its dependence on fossil fuel. Road and lot layouts are oriented with the natural topography of the site to minimize mass grading requirements. Stormwater will be directed into the Miki and Pālāwai Basins where it can percolate back into the aquifer or evaporate.

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

The Project will incorporate limited landscaping. Large swaths of land in the surrounding areas will remain undeveloped and help absorb radiation from the sun and release moisture into the atmosphere.

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

Petitioner maintains community gardens in Lānaʻi City for use by the public to encourage urban agriculture. The community gardens will continue to provide access to agricultural opportunities for the residents of Lānaʻi City.

X. ECONOMIC IMPACTS

A. Financial Condition of Petitioner - HAR § 15-15-50(c)(9)

A statement describing the financial condition together with a current certified balance sheet and income statement as of the end of the last calendar year, or if the petitioner is on a fiscal year basis, as of the end of the petitioner's last fiscal year, and a clear description of the manner in which the petitioner proposes to finance the proposed use or development...

The Project is being entirely privately funded by Petitioner, with the exception of the renewable energy project that will be developed by the winner of HECO's

competitive bid process. No portion of the project will utilize government funding. Supporting documentation is attached to this Petition. Exhibit 9.

B. Economic Impacts of Proposed Use - HAR § 15-15-50(c)(14)

Economic impacts of the proposed boundary amendment, use, or development including, without limitation, the provision of any impact on employment opportunities, and the potential impact to agricultural production in the vicinity of the subject property, and in the county and State.

The Project will create temporary and permanent employment opportunities. The Project will also provide space for new businesses to flourish and for the diversification of the economy. The Project will transform vacant land of limited agricultural potential into an asset for the community.

Construction activities will result in short- and long-term creation of jobs and materials spending. During initial 10-year development period, when most of the development is expected to occur, total construction expenditures are estimated at \$78.8 million. Construction expenditures plus indirect sales related to construction expenditures are expected to average \$12.9 million per year based on State economic multipliers. By 2030, new economic activities at the Miki Basin Industrial Park are expected to generate approximately \$17.1 million annually. Overall, the Project will produce annually an estimated \$670,000 in State taxes and \$380,000 in County taxes. See Exhibit 2 at II.B.2; Exhibit 2 at Appendix F.

XI. CONFORMITY TO OBJECTIVES AND POLICIES OF HAWAII STATE PLAN - HAR § 15-15-50(c)(17)

An assessment of conformity of the boundary amendment to applicable goals, objectives, and policies of the Hawai'i state plan, chapter 226, HRS, and applicable priority guidelines and functional plan policies.

A. Conformity to Hawai'i State Plan

The purpose of the Hawai'i State Plan, HRS Chapter 226, is to serve as a guide for the future long-range development by identifying themes, goals, objectives, policies and priorities for the state. The three themes are individual and family self-

sufficiency, social and economic mobility and community and social well-being. *See* HRS § 226-3. The Plan also provides a basis for determining priorities and allocating limited resources and establishes a system for plan formulation and program coordination to provide for the integration of all major state and county activities. *See* HRS § 226-1.

The Project will support and conform to the following goals of the state by supporting the state economy, providing employment opportunities and enhancing the social stability and well-being for the people of Lānaʻi:

HRS § 226-4, State Goals

- (1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaiʻi's present and future generations.
- (2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- (3) Physical, social, and economic well-being, for individuals and families in Hawaiʻi, that nourishes a sense of community responsibility, of caring, and of participation in community life.

The Project will also support and conform to the following objectives and policies:

HRS § 226-5, Objective and policies for population

- (b)(2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.
- (b)(3) Promote increased opportunities for Hawaiʻi's people to pursue their socio-economic aspirations throughout the islands.

HRS § 226-6, Objective and policies for the economy--in general

- (a)(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaiʻi's people, while at the same time stimulating the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.
- (a)(2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.

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

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

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

- (a)(1) Prudent use of Hawaii's land-based, shoreline, and marine resources.
- (a)(2) Effective protection of Hawaii's unique and fragile environmental resources.
- (b)(1) Exercise an overall conservation ethic in the use of Hawaii's natural resources.
- (b)(2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.
- (b)(3) Take into account the physical attributes of areas when planning and designing activities and facilities.
- (b)(6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii.

HRS § 226-12, Objective and policies for the economy--scenic, natural beauty, and historic resources

- (b)(1) Promote the preservation and restoration of significant natural and historic resources.
- (b)(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.

HRS § 226-13, Objective and policies for the physical environment--land, air, and water quality

- (a)(1) Maintenance and pursuit of improved quality in Hawaii's land, air, and water resources.
- (a)(2) Greater public awareness and appreciation of Hawaii's environmental resources.
- (b)(2) Promote the proper management of Hawaii's land and water resources.
- (b)(3) Promote effective measures to achieve desired quality in Hawaii's surface, ground, and coastal waters.
- (b)(4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawaii's people.
- (b)(5) Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.
- (b)(6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.
- (b)(7) Encourage urban developments in close proximity to existing services and facilities.

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

(b)(1) Accommodate the needs of Hawai'i's people through coordination of facility systems and capital improvement priorities in consonance with state and county plans.

(b)(2) Encourage flexibility in the design and development of facility systems to promote prudent use of resources and accommodate changing public demands and priorities.

(b)(3) Ensure that required facility systems can be supported within resource capacities and at reasonable cost to the user.

HRS § 226-15, Objective and policies for facility systems--in general

(a)(1) Maintenance of basic public health and sanitation standards relating to treatment and disposal of solid and liquid wastes.

(a)(2) Provision of adequate sewerage facilities for physical and economic activities that alleviate problems in housing, employment, mobility, and other areas.

(b)(2) Promote reuse and recycling to reduce solid and liquid wastes and employ a conservation ethic.

HRS § 226-16, Objective and policies for facility systems--water

(b)(1) Coordinate development of land use activities with existing and potential water supply.

(b)(6) Promote water conservation programs and practices in government, private industry, and the general public to help ensure adequate water to meet long-term needs.

HRS § 226-18, Objective and policies for facility systems--energy

(a)(1) Dependable, efficient, and economical statewide energy systems capable of supporting the needs of the people.

(a)(2) Increased energy security and self-sufficiency through the reduction and ultimate elimination of Hawai'i's dependence on imported fuels for electrical generation and ground transportation.

(a)(3) Greater diversification of energy generation in the face of threats to Hawai'i's energy supplies and systems.

(a)(4) Reduction, avoidance, or sequestration of greenhouse gas emissions from energy supply and use.

(b) To ensure the short- and long-term provision of adequate, reasonably priced, and dependable energy services to accommodate demand.

(c)(1) Support research and development as well as promote the use of renewable energy sources.

(c)(2) Ensure that the combination of energy supplies and energy-saving systems is sufficient to support the demands of growth.

- (c)(3) Base decisions of least-cost supply-side and demand-side energy resource options on a comparison of their total costs and benefits when a least-cost is determined by a reasonably comprehensive, quantitative, and qualitative accounting of their long-term, direct, and indirect economic, environmental, social, cultural, and public health costs and benefits.
- (c)(4) Promote all cost-effective conservation of power and fuel supplies through measures, including: (A) Development of cost-effective demand-side management programs; (B) Education; (C) Adoption of energy-efficient practices and technologies; and (D) Increasing energy efficiency and decreasing energy use in public infrastructure.
- (c)(5) Ensure, to the extent that new supply-side resources are needed, that the development or expansion of energy systems uses the least-cost energy supply option and maximizes efficient technologies.
- (c)(6) Support research, development, demonstration, and use of energy efficiency, load management, and other demand-side management programs, practices, and technologies.
- (c)(7) Promote alternate fuels and transportation energy efficiency.
- (c)(8) Support actions that reduce, avoid, or sequester greenhouse gases in utility, transportation, and industrial sector applications.
- (c)(9) Support actions that reduce, avoid, or sequester Hawai'i's greenhouse gas emissions through agriculture and forestry initiatives.

The Hawai'i State Plan also sets forth Priority Guidelines to improve the quality of life for Hawai'i's present and future generations. The Project supports and conforms to the following Priority Guidelines:

HRS § 226-103, Economic priority guidelines

- (a)(1)(A)(i) Encourage investments which reflect long-term commitments to the State.
- (a)(1)(A)(ii) Encourage investments which rely on economic linkages within the local economy.
- (a)(1)(A)(iii) Encourage investments which diversify the economy.
- (a)(1)(A)(iv) Encourage investments which reinvest in the local economy.
- (a)(1)(A)(v) Encourage investments which are sensitive to community needs and priorities.
- (a)(1)(A)(vi) Encourage investments which demonstrate a commitment to provide management opportunities to Hawai'i residents.
- (e)(1) Maintain and improve water conservation programs to reduce the overall water consumption rate.

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

(a)(4) Encourage major state and federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.

(b)(1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.

(b)(2) Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.

(b)(6) Seek participation from the private sector for the cost of building infrastructure and utilities, and maintaining open spaces.

(b)(9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.

(b)(12) Utilize Hawai'i's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation lands, and other limited resources for future generations.

(b)(13) Protect and enhance Hawai'i's shoreline, open spaces, and scenic resources.

HRS § 226-108, Sustainability

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

(3) Promote a diversified and dynamic economy.

(4) Encourage respect for the host culture.

(5) Promote decisions based on meeting the needs of the present without compromising the needs of future generations.

(7) Emphasize that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawai'i.

HRS § 226-109, Climate change adaptation priority guidelines

(1) Ensure that Hawai'i's people are educated, informed, and aware of the impacts climate change may have on their communities.

(2) Encourage community stewardship groups and local stakeholders to participate in planning and implementation of climate change policies.

(3) Invest in continued monitoring and research of Hawai'i's climate and the impacts of climate change on the State.

(4) Consider native Hawaiian traditional knowledge and practices in planning for the impacts of climate change.

(5) Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change.

(6) Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments.

(7) Promote sector resilience in areas such as water, roads, airports, and public health, by encouraging the identification of climate change threats, assessment of potential consequences, and evaluation of adaptation options.

(10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy.

B. Conformity to State Functional Plans

The state has also prepared functional plans to further define and implement statewide goals, objectives and priority guidelines expressed in the State General Plan. *See* HRS § 226-56(a). The boundary amendment request is consistent with the objectives of the following State Functional Plans:

1. Employment State Functional Plan

The Project will result in the creation of construction and construction-related short-term employment during the development period as well as long-term employment opportunities in industrial and renewable energy industries. This will provide local residents with opportunities to compete in the workforce and potentially start new businesses that create more job opportunities. *See* Exhibit 2 at Appendix F.

2. Energy State Functional Plan

A primary objective of the Energy State Functional Plan is to moderate the growth in energy demand through conservation and energy efficiency in an effort to become a more sustainable island state. The Project conforms to this objective by incorporating 127-acres of renewable energy development into the Petition Area, which is anticipated to result in a significant decrease in the carbon footprint for Lāna‘i. The inclusion of this large renewable energy project will reduce Lāna‘i’s long-term dependence on fossil fuels and decrease greenhouse gas emissions. *See* Exhibit 2 at III.C.

3. Historic Preservation State Functional Plan

An AIS was prepared for sites within the Petition Area. A data recovery plan was implemented prior to proposed construction activities, and research questions were developed and addressed through data yielded by laboratory testing. See Exhibit 2 at Appendix D-1. The AIS included research compliant with guidelines for development of a CIA study. The Project will not have a negative impact on Hawaiian traditional and customary practices. Exhibit 2 at Appendix D-4.

XII. CONFORMITY TO HAWAII COASTAL ZONE MANAGEMENT PROGRAM - HAR § 15-15-50(c)(18)

An assessment of the conformity of the boundary amendment to objectives and policies of the coastal zone management program, chapter 205A, HRS.

The Coastal Zone Management Program is administered by the State of Hawai'i Office of Planning and Sustainable Development and is intended to provide for the effective management, beneficial use, protection and development of the coastal zone. The Petition Area is not located on the shoreline and is not within the Special Management Area. Consequently, development of the Project will not impact coastal recreational activities, affect public shoreline access, increase coastal hazards, have an adverse effect upon the region's coastal ecosystem or otherwise conflict with the Coastal Zone Management Program. Best management practices and erosion and sedimentation control measures will be implemented during construction to mitigate any possible impact from runoff on coastal ecosystems. An analysis of the impact of the Project on historical and scenic resources, as well as the flora and fauna of the region, is provided in Section VII. The Project complies with HRS Chapter 205A.

XIII. CONFORMITY TO COUNTY GENERAL PLAN - HAR § 15-15-50(c)(19)

An assessment of conformity of the boundary amendment to the applicable county general plans, development or community plans, zoning designations and policies, and proposed amendments required.

A. Conformity to County of Maui General Plan

The County of Maui 2030 General Plan consists of the Countywide Policy Plan, the Maui Island Plan and the nine community plans (“**General Plan**”). The General Plan update began with the Countywide Policy Plan adoption in 2010, the Maui Island Plan adoption in 2012 and the initiation of the update to the community plans in 2010, which is ongoing.

The vision for the County expressed in the General Plan is that the County will be an innovative model of sustainable island living and a place where every individual can grow to reach his or her potential. Further, the County has expressed, by way of the General Plan, the intention to be a leader in the creation of responsible, self-sufficient communities and environmentally sound economic development and land stewardship. The Project conforms to this vision.

Among other goals and objectives, the development of the Project directly conforms to and supports the following policies, objectives, and strategies expressed in the Countywide Policy Plan to:

- Promote, encourage, and require the correct use of traditional place names, particularly in government documents, signage, and the tourism industry.
- Foster a spirit of pono and protect, perpetuate, and reinvigorate its residents multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.
- Encourage Maui County’s economy to be diverse, sustainable, and supportive of community values.
- Encourage Maui County to have an efficient, economical, and environmentally sensitive means of moving people and goods.
- Promote Maui County’s physical infrastructure to be maintained in optimum condition and to provide for and effectively serve the needs of the County through clean and sustainable technologies.
- Encourage government services to be transparent, effective, efficient, and responsive to the needs of residents.
- Minimize the causes and negative effects of climate change.

- Support efforts to improve conditions that foster economic vitality in our historic small towns.

See Exhibit 10. A more detailed analysis of the manner in which the Project conforms to the Countywide Policy Plan can be found in Exhibit 2 at III.D.1 and Exhibit 2 at Appendix K-2. See also Exhibit 10.

B. Conformity to the Lāna‘i Community Plan (2016)

The Project conforms to the 2016 Lāna‘i Community Plan. The 2016 update to the community plan highlighted key issues to the Lāna‘i community. The Project addresses a number of these issues by providing economic diversity, job creation and directly responding to climate change and improving the community’s resiliency. Separately, the Project conforms to the following issues identified in the plan:

- Encourage economic diversity, environmental health, infrastructure, maintenance, and hazard preparedness to improve the community’s resiliency.
- Require developments to mitigate their impacts on historic, cultural, natural, and scenic resources.
- Support diversification of Lāna‘i’s economy.
- Encourage and support lease and fee simple land ownership options for residential commercial, and industrial properties.
- Support the increased use of renewable energy sources.
- Limit new residential, commercial, or industrial development to existing communities and proposed expansion areas as shown on the Lāna‘i Community Plan.
- Ensure all lands are zoned and zoning standards are consistent with Community Plan policies and land use designations.
- Relationship With Major Landowner: The relationship between the island’s previous major landowner and the community was historically difficult. Recent discussion with others and progress seen in community meetings, the involvement of Pūlama Lāna‘i has been helpful in improving relations between the residents and major landowner.

Further, the Project implements the Lāna‘i Community Plan by developing the 200-acre Petition Area for existing and future industrial uses. Section III.D.2 of the FEA provides further analysis of how the Project conforms to the policies of the Lāna‘i Community Plan. See Exhibit 11.

C. Conformity to County Zoning Designations

The land underlying the Petition Area is zoned “Agricultural,” with a small portion zoned “Interim” by Maui County Zoning. The Applicant will seek a Change in Zoning (“*CIZ*”) from the Maui County Council for “M-1, Light Industrial” and “M-2, Heavy Industrial” designation, which is identical to the designation called for in the Lāna‘i Community Plan.

Pūlama Lāna‘i will work with the County in establishing the allowable uses in the Miki Basin Industrial Park to conform to permitted uses allowed by the zoning. The Miki Basin Industrial Park will focus on Light and Heavy Industrial uses, including renewable energy, an asphalt plant, a concrete batch plant, recycling and rock crushing facility and materials storage and stockpiling of aggregate and construction materials. Possible new future industrial uses in the Petition Area may include a slaughterhouse, warehouse space for cold storage, laboratory/testing facilities, niche product development, automotive services, animal hospital, and other industrial uses allowed under “M-1, Light Industrial” and “M-2, Heavy Industrial” zoning.

XIV. CONFORMITY OF THE RECLASSIFICATION TO THE STANDARDS FOR DETERMINING URBAN DISTRICT BOUNDARIES

HAR § 15-15-18 sets forth the standards for determining Urban District boundaries. The proposed reclassification conforms to those standards, as explained below:

A. HAR § 15-15-18(1)

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

The Project will be characterized by “city-like” concentrations of people, structures, streets, urban level of services and other related land uses. The Project will support industrial uses and will be an extension of similar uses in the adjacent Lāna‘i Airport, Miki Industrial Condominium, and HECO fossil fuel power plant. *See Exhibit 2 at I.*

The Petition Area is approximately three (3) miles from Lānaʻi City, the primary business center of Lānaʻi, and contains 90 percent of the island’s population and two-thirds of the island’s economic activity. The site was chosen for its proximity to the workforce in Lānaʻi City and proximity to other industrial uses.

B. HAR § 15-15-18(2)

It shall take into consideration the following specific factors: (A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment; (B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection; and (C) Sufficient reserve areas for foreseeable urban growth.

The Project is located approximately three (3) miles from Lānaʻi City. The town center contains markets, shops, restaurants, banks, medical care, the only public school, a cultural center and more. As noted in Section VI, basic public services are available.

Additionally, sufficient reserve areas for foreseeable urban growth are available. The island is primarily rural, and vast portions of the formerly cultivated lands lay fallow. The Lānaʻi Community Plan contemplates housing and future developments in other areas, which will not be affected by the development of the Project. See Exhibit 11.

C. HAR §15-15-18(3)

It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects.

As explained in Section V, the Petition Area has satisfactory topography and drainage to accommodate development of the Project. The Petition Area is located between 1,000 and 1,250 feet above sea level, is not subject to tsunami inundation and is not within a tsunami evacuation zone identified by the National Oceanic and Atmospheric Administration. Located in Flood Zone X, the Petition Area has little

chance of flooding, and is outside the 0.2 annual chance floodplain. See Exhibit 2 at II.A.5.

D. HAR §15-15-18(4), (5)

Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, particularly when indicated for future urban use on state or county general plans or county community plans or development plans.

It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans or county community plans or development plans.

Reclassification of the Petition Area to the Urban District would be an extension of existing, adjacent urban use. The Project is contiguous with other existing urban areas and is an appropriate location for a new urban concentration.

An analysis of the Project's conformity with state and county plans is provided in Sections XI and XIII. As noted in those sections, the Project conforms to the objectives and policies of the applicable plans.

E. HAR §15-15-18(6)

It may include lands which do not conform to the standards in paragraphs (1) to (5): (A) When surrounded by or adjacent to existing urban development; and (B) Only when those lands represent a minor portion of this district.

As noted above, reclassification of the Petition Area conforms to the standards set forth in HAR §§ 15-15-18(1)-(5).

F. HAR §15-15-18(7)

It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services.

Reclassification of the Petition Area will not contribute toward scattered spot urban development. Rather, development of the Project in the Petition Area will be an extension of existing urban use and a consolidation of existing industrial uses,

which are currently dispersed throughout the island. As explained in Section VI, the Petition Area will provide infrastructure and support services.

G. HAR §15-15-18(8)

It may include lands with a general slope of twenty per cent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

The Project is situated on gently to moderately sloping lands. The approximate range of ground slopes and elevations of the Petition Area range from 0 percent (0% grade) to 15 percent (15% grade). Most of the Petition Area has slopes of less than 4 percent (4%) There are no identified 20 percent (20%) slope areas within the Petition Area. See Exhibit 2 at 15; *id.* at Figure 6; Exhibit 2 at Appendix B at 2–4; Exhibit 2 at Appendix C at 1.

XV. HAWAIIAN CUSTOMARY AND TRADITIONAL RIGHTS - HAR § 15-15-50(c)(21)

A written disclosure and analysis addressing Hawaiian customary and traditional rights under Article XII, section 7 of the Hawai'i State Constitution.

In *Ka Pa'akai O Ka 'Aina v. Land Use Commission*, the Hawai'i Supreme Court set forth an analytical framework to balance the protection of native Hawaiian customary and traditional rights with economic development and security. 94 Hawai'i 31, 7 P.3d 1068 (2000), *as amended* (Jan. 18, 2001). Under that framework, the Commission must, at a minimum, make specific findings and conclusions in its review of a petition for reclassification of district boundaries to fulfill its constitutional duty to preserve and protect customary and traditional rights. Such findings and conclusions must be made as to the following:

- (1) the identity and scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;

- (2) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- (3) the feasible action, if any, to be taken by the Commission to reasonably protect native Hawaiian rights if they are found to exist.

See id. at 47, 7 P.3d 1084.

The AIS and supporting documentation on Cultural Impact Assessment concluded that there are cultural resources and traditional practices in the Petition Area. Specifically, several native Hawaiian community members were interviewed in response to reported cultural practices in the area. One of the interviewees referenced the gathering of ‘a‘alii and ‘uhaloa for adornments and la‘au lapa‘au within the Petition Area.

The identified cultural resources and traditional practices will not be impacted by the Project, because both ‘a‘alii and ‘uhaloa are common throughout the Pālāwai-Miki Region of Lāna‘i and prevalent in the surrounding area of the Project. As a result, the Project is not anticipated to affect the availability of these cultural resources, and the Project will not affect access to these resources in the region. Therefore, the Project will not have an impact on this cultural resource or traditional practice.

Consequently, no customary or traditional native Hawaiian rights will be impacted by the reclassification, and no action is necessary to protect native Hawaiian rights in the Petition Area. *See Exhibit 2 at Appendix D-4 at 1–4.*

XVI. WRITTEN COMMENTS - HAR § 15-15-50(c)(22)

Any written comments received by the petitioner from governmental and non-governmental agencies, organizations, or individuals in regards to the proposed boundary amendment.


Written comments received during the environmental review process and Petitioner’s responses are attached to this Petition as Exhibit 2 at VIII–IX. Other written comments received are included in Exhibit 12. Petitioner acknowledges the comments made by community members and various agencies and, if the Petition is granted, will incorporate recommendations as stated in Petitioner’s response letters.

XVII. CONCLUSION

Reclassification of the Petition Area as Urban will benefit Lānaʻi in various ways. The Project will provide much needed and long-overdue light and heavy industrial zoned space on Lānaʻi. It will consolidate scattered industrial uses into an appropriate, central location and will implement the Lānaʻi Community Plan. Importantly, it will allow Lānaʻi to drastically decrease dependency on fossil fuel and reduce overall carbon emissions. Petitioner respectfully requests this Commission grant the reclassification of the Petition Area from Agricultural District to the Urban District.

DATED: Honolulu, Hawaiʻi, June 7, 2022.

CADES SCHUTTE
A Limited Liability Law Partnership



CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
STACEY F. GRAY
MOLLY A. OLDS
Attorneys for Petitioner
PŪLAMA LĀNAʻI



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
PŪLAMA LĀNA'I,

DOCKET NO. A19-809

VERIFICATION OF PETITION

To Amend The Agriculture Land Use District Boundaries Into the Urban Land Use District for approximately 200 acres of land, consisting of a portion of Tax Map Key No. (2) 4-9-002:061 (por.) at Lāna'i City, Island of Lāna'i, County of Maui, State of Hawai'i.

VERIFICATION OF PETITION

Kurt Matsumoto, being first duly sworn, on oath, deposes and says he is the President of LĀNA'I RESORTS, LLC dba PŪLAMA LĀNA'I and, as such, is authorized to make this verification on behalf of said entity; that he has read the foregoing Petition and knows the contents thereof; and that the same are true to the best of his knowledge and belief.

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DATED: Honolulu, Hawai'i June 3rd, 2022.

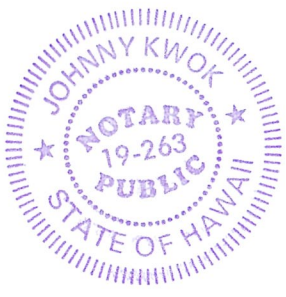
[Handwritten Signature]

Kurt Matsumoto
President
PŪLAMA LANAI

Subscribed and sworn before me
This 3rd day of June, 2022.

[Signature]
Print Name: Johnny Kwok
Notary Public, State of Hawaii

My commission expires: June 23, 2023



NOTARY CERTIFICATION STATEMENT

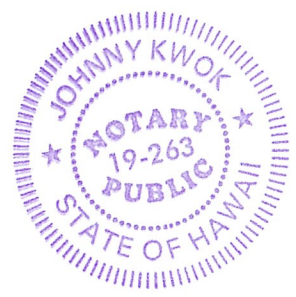
Document Identification or Description: Verification of Petition for
Land Use Commission District Boundary Amendment

Doc. Date: 6/3/2022 or Undated at time of
notarization

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

[Signature] 6/3/2022
Signature of Notary Date of Notarization and
Certification Statement

Johnny Kwok
Printed Name of Notary



(Official Stamp or Seal)

CADES SCHUTTE
A Limited Liability Law Partnership

CALVERT G. CHIPCHASE 7757
CHRISTOPHER T. GOODIN 8562
STACEY F. GRAY 11125
MOLLY A. OLDS 11330

Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4212
Telephone: (808) 521-9200
Fax: (808) 521-9210
Email: cchipchase@cades.com
cgoodin@cades.com
sgray@cades.com
molds@cades.com

Attorneys for Petitioner
PŪLAMA LĀNAʻI



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 200 acres
of land, consisting of a portion of Tax
Map Key No. (2) 4-9-002:061 at Lānaʻi
City, Island of Lānaʻi, County of Maui,
State of Hawaiʻi.

DOCKET NO. A19-809

**AFFIDAVIT OF STACEY F. GRAY
ATTESTING TO SERVICE OF A
LAND USE DISTRICT BOUNDARY
AMENDMENT PETITION**

**AFFIDAVIT OF STACEY F. GRAY ATTESTING TO SERVICE OF A
LAND USE DISTRICT BOUNDARY
AMENDMENT PETITION**

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

STACEY F. GRAY, being first duly sworn on oath, deposes and says:

1. I am counsel for LĀNA‘I RESORTS, LLC, dba Pūlama Lāna‘i, a limited liability company (“*Petitioner*”), and I am authorized to make this affidavit on behalf of *Petitioner*. I do so upon personal information.

2. This affidavit is made to comply with Section 15-15-48, Hawai‘i Administrative Rules (“*HAR*”), for the Land Use Commission of the State of Hawai‘i (“*Commission*”).

3. On June 7, 2022, *Petitioner* filed a Land Use District Boundary Amendment Petition (“*Petition*”) with the Commission.

4. On June 7, 2022, the same day that the *Petition* was filed with the Commission, pursuant to *HAR* Section 15-15-48(a), *Petitioner* served by mail and electronic mail a copy of the *Petition* on the State of Hawai‘i Office of Planning and Sustainable Development, the Planning Department of the County of Maui, the Maui Planning Commission and the Lāna‘i Planning Commission.

5. On June 7, 2022, pursuant to *HAR* § 15-15-48(a)(4), *Petitioner* mailed a copy of the *Petition* to the following entity, other than the *Petitioner*, that appears to have a recorded interest in the Tax Map Key parcel, of which comprise the *Petition Area*:

Lānaʻi Sustainability Research, LLC
1311 Fraser Avenue
Lānaʻi City, Hawaiʻi 96763
(Lease in portion of Tax Map Key No. (2) 4-9-002:061)

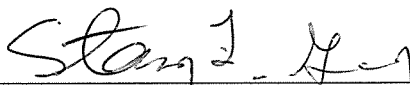
6. Lānaʻi Sustainability Research, LLC's interests do not relate to the Petition Area. Instead, the Exemption in favor of Lānaʻi Sustainability Research, LLC for a portion of Tax Map Key No. (2) 4-9-002:061 is for a lease that is not located on the Petition Area or within the boundaries of the proposed project. Moreover, Lānaʻi Sustainability Research, LLC is a wholly owned subsidiary of Petitioner and, therefore, is not entitled to separate notice.

7. Nevertheless, a copy of the Petition was served by mail on Lānaʻi Sustainability Research, LLC.

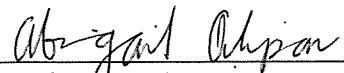
Further, Affiant sayeth naught.

Subscribed and sworn to before me this
7 day of June, 2022.

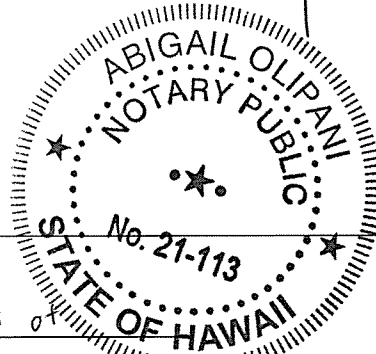
DATED: Honolulu, Hawaiʻi, June 7, 2022.



STACEY F. GRAY



Abigail Olipani
Notary Public, State of Hawaii
My commission expires: 08/29/2025



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Affidavit of Stacey F. Gray Attesting to service of a land use amendment petition district boundary

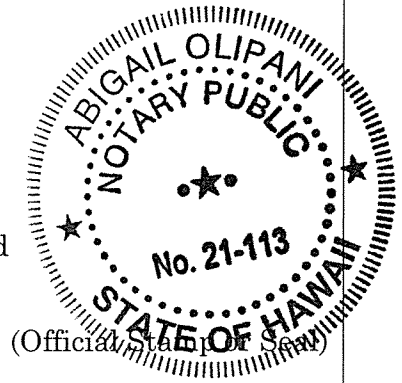
Doc. Date: 06/07/2022 or Undated at time of notarization.

No. of Pages: 4 Jurisdiction: First Circuit
Circuit

Abigail Olipani (in which notarial act is performed)
Signature of Notary 06/07/2022

Date of Notarization and Certification Statement

Abigail Olipani
Printed Name of Notary



CADES SCHUTTE
A Limited Liability Law Partnership

CALVERT G. CHIPCHASE 7757
CHRISTOPHER T. GOODIN 8562
STACEY F. GRAY 11125
MOLLY A. OLDS 11330

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cgoodin@cades.com
sgray@cades.com
molds@cades.com



Attorneys for Petitioner
PŪLAMA LĀNAʻI

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
PŪLAMA LĀNAʻI,
To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 200 acres
of land, consisting of a portion of Tax
Map Key No. (2) 4-9-002:061 at Lānaʻi
City, Island of Lānaʻi, County of Maui,
State of Hawaiʻi.

DOCKET NO. A19-809
**AFFIDAVIT OF STACEY F. GRAY
ATTESTING TO MAILING OF THE
NOTIFICATION OF PETITION
FILING**
EXHIBITS 1 - 5

**AFFIDAVIT OF STACEY F. GRAY ATTESTING TO MAILING OF THE
NOTIFICATION OF PETITION FILING**

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

STACEY F. GRAY, being first duly sworn on oath, deposes and says:

1. I am counsel for LĀNA'I RESORTS, LLC, dba Pūlama Lāna'i, a limited liability company ("**Petitioner**"), and I am duly authorized to make this affidavit on behalf of Petitioner. I do so upon personal information.

2. This affidavit is made to comply with Sections 15-15-50(c)(23) and 15-15-50(d)(10), Hawai'i Administrative Rules ("**HAR**") for the Land Use Commission of the State of Hawai'i ("**Commission**").

3. On June 7, 2022, the same day that the Petition for Land Use District Boundary Amendment for the Miki Basin Industrial Park Project ("**Petition**") was filed with the Commission, pursuant to HAR Section 15-15-50(d), Petitioner mailed copies of the Notification of Petition Filing to persons included on the Statewide and County of Maui mailing lists provided to Petitioner by the Commission. A copy of the Notification of Petition Filing is attached as Exhibit 1. Copies of the Statewide and County of Maui mailing lists are attached as Exhibits 2 and 3, respectively.

4. On June 7, 2022, the same day that the Petition was filed with the Commission, Petitioner sent by electronic mail a copy of the Notification of Petition Filing to persons included on the Statewide and County of Maui e-mailing lists provided to Petitioner by the Commission, copies of which are attached as Exhibits 4 and 5, respectively.

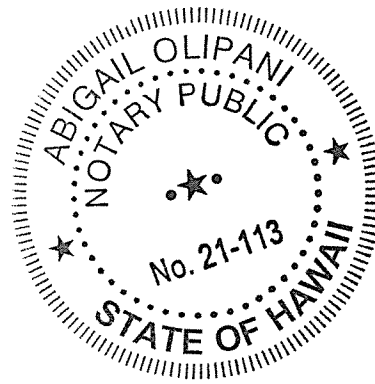
Further, Affiant sayeth naught.

DATED: Honolulu, Hawai'i, June 7, 2022.

Stacey F. Gray
STACEY F. GRAY

Subscribed and sworn to before me this
1 day of June, 2022.

Abigail Olipani
Abigail Olipani
Notary Public, State of Hawaii
My commission expires: 08/29/2025



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Affidavit of Stacey

F. Gray Attesting + Mailing of the Notification of Petition Filing

Doc. Date: 06/07/2022 or Undated at time of notarization.

No. of Pages: 14 Jurisdiction: First Circuit
Circuit

(in which notarial act is performed)

Abigail Olipani
Signature of Notary

06/07/2022
Date of Notarization and
Certification Statement

Abigail Olipani
Printed Name of Notary

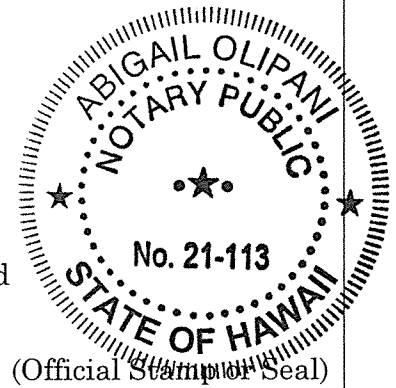


Exhibit 1

June 7, 2022

Notification of Petition Filing

This is to advise you that a petition to amend the State Land Use District Boundaries with the following general information has been submitted to the State of Hawai'i Land Use Commission ("**Commission**") pursuant to section 15-15-50(d) of the Hawaii Administrative Rules:

Docket No.: A19-809

LĀNA'I RESORTS, LLC dba Pūlama Lāna'i
Address: 733 Bishop Street, Suite 1500, Honolulu, Hawai'i 96813

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

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

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

**Requested
Reclassification:** Agricultural to Urban

Acreage: 200 acres

Proposed Uses: The Miki Basin Industrial Park Project ("**Miki Basin Industrial Park**"), will consist of 200 acres for light and heavy industrial use for rent. One hundred and twenty-seven (127) acres will be utilized for renewable energy projects (e.g., photovoltaic plus battery storage), twenty (20) acres for infrastructure purposes (roads, common areas and other related uses), twelve and a half (12.5) acres for the relocation of an existing asphalt plant from its current location near Kaumālapa'u Harbor and twenty-six acres for new industrial uses. The remaining fourteen and a half (14.5) acres will be used for the relocation of an existing concrete batch plant, recycling and rock crushing facility and for the storage and stockpiling of aggregate and construction materials.

You may review detailed information regarding the petition and maps on file on the Commission's website at www.luc.hawaii.gov or at the Commission office from 8:00 a.m. to 4:00 p.m. (except legal holidays), Monday through Friday, subject to the requirements for entrance to State facilities. The Commission office is located at 235 South Beretania Street, Room 406, Honolulu, Hawai'i 96813.

If you are interested in participating in the hearing by presenting testimony, orally or in writing, please contact the Commission by phone at (808) 587-3822 or write to the Commission at P.O. Box 2359, Honolulu, Hawai'i 96804-2359 or dbedt.luc.web@hawaii.gov. For persons requesting special accommodations due to disabilities, please contact the Commission at (808) 587-3822 or notify the Commission in writing at P.O. Box 2359, Honolulu, Hawai'i, 96804-2359, at least 10 days before the scheduled meeting.

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

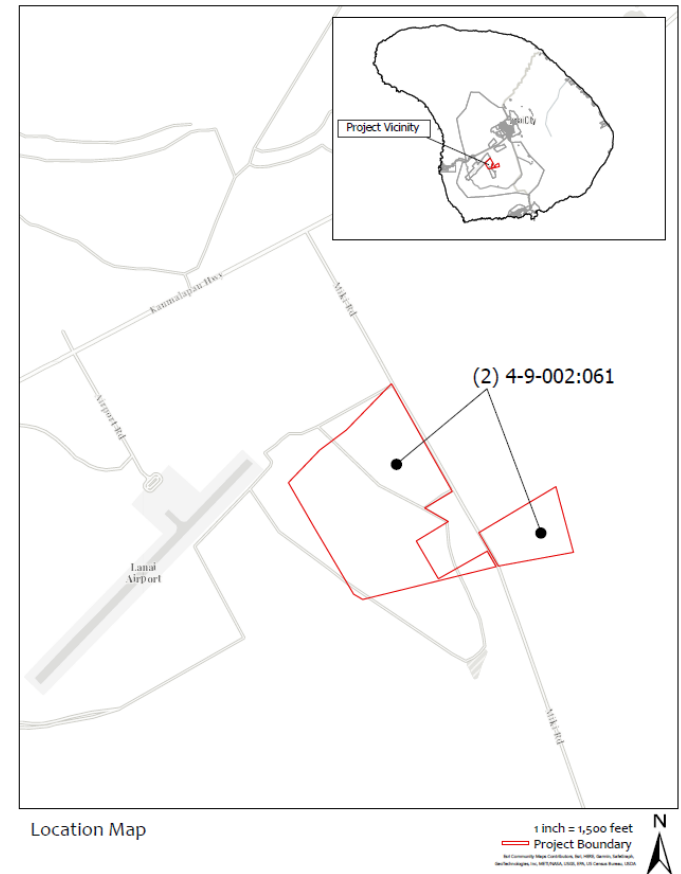


Exhibit 2

Ashford & Wriston Library
P.O. Box 131
Honolulu, HI 96810

Bansemmer Realty
Attn: John Bansemmer
78-7190 Kaleiopapa Street 5-29
Kailua Kona, HI 96740

Belles Graham LLP
Attn: Michael Belles
3135 Akahi Street, Suite A
Lihue, HI 96766-1191

Capitol Consultants of Hawaii LLP
Attn: Bruce A. Coppa
600 Queen Street, Unit 2808
Honolulu, HI 96813

Carlsmith Ball LLP
Attn: Derek Simon
1001 Bishop Street, Suite 1600
Honolulu, HI 96813

Damon Key Bocken Leong &
Kupchak
Attn: Gregory Kugle
1003 Bishop Street Suite 1600
Honolulu, HI 96813

Director of Government Relations
General Contractors Assoc. of
Hawaii, Attn: Ryan Sakuda
1065 Ahua Street
Honolulu HI 96819

Governor's Rep. East-Hawaii
75 Aupuni Street
Hilo, HI 96720

Haleakala Ranch Company
Attn: J. Scott Meidell
529 Kealaloa Avenue
Makawao, HI 96768

Hawaii Army National Guard
NEPA Coordinator Dawn T. Hegger-
Norblom
P.O. Box 1057
Kihei, HI 96753

STATEWIDE MAILING LIST
Last Updated: 06/02/2022
Est 79

He'e'ia Historical Society
Attn: Donna Ann Kamehaiku Ono
46-522 Kaiku Plantations Drive
Kaneohe, HI 96744

Honolulu Star Advertiser
City Desk Clerk- Public Hearings
500 Ala Moana Blvd # 1210
Honolulu, HI 96813-4914

Honolulu Star Advertiser
Mr. Gordon Pang
500 Ala Moana Blvd # 7-500
Honolulu, HI 96813

James Campbell Company, LLC
Attn: Steve Kelly
1001 Kamokila Boulevard, Suite 200
Kapolei, HI 96707

Land Use Research Foundation of
Hawaii
Attn: David Arakawa
1100 Alakea Street, Suite 408
Honolulu, HI 96813

Life of the Land
P.O. Box 37158
Honolulu, HI 96837

Nat. Resources Conservation Svc.
Pacific Islands Area State Office
Attn: PIA Soil Scientist
P.O. Box 50004
Honolulu, HI 96850-0050

Peter L. Fritz
2229 Cooper Road
Honolulu, HI 96822-1711

Stanford Carr Development LLC
Attn: Stanford S. Carr, President
1100 Alakea Street, 27th Floor
Honolulu, HI 96813

Volunteer Governor's Rep Lanai
Attn: Leticia "Letty" Castillo
P.O. Box 630806
Lanai City, HI 96763

Law offices of Kyong-Su Im LLLC
1608 Laukahi Street
Honolulu, HI 96821

Maitai Salon
Attn: Tai Duong
3611 S Harvard Ave.
Tulsa, OK 74135

Navy Region Hawaii
Attn: Commander
850 Ticonderoga Street, Suite 110
Honolulu, HI 96860-5101

Rush Moore LLP
Attn: Irene Anzai
737 Bishop Street, Suite 2400
Honolulu, HI 96813

U.S. Pacific Command
Commander in Chief
Box 64028
Camp H.M. Smith, HI 96816-4028

Volunteer Governor's Rep Molokai
Attn: Beverly Pauole-Moore
P.O. Box 88
Kaunakakai, HI 96748

Leeward Land LLC
Attn: Greg Apa, President
87-2020 Farrington Hwy
Waianae, HI 96792-3749

Matsubara, Kotake & Tabata
Attn: Benjabin M. Matsubara, Esq.
888 Mililani Street, Suite 308
Honolulu, HI 96813

Papakipuka
Attn: Donna Camvel
46-522 Haiku Plantations Drive
Kaneohe, HI 96744

Sierra Club, Kauai Group
P.O. Box 3412
Lihue, HI 96766

United States Marine Corps
Commander, Marine Forces Pacific
Attn: G4. Box 64118
Camp H.M. Smith, HI 96816-4118

Waikoloa Land Co.
Attn: Eleanor Mirikitani
150 Waikoloa Beach Drive
Waikoloa, HI 96783

Watanabe Ing LLP
Attn: Emi L.M. Kaimuloa, Esq.
999 Bishop Street, 23rd Floor
Honolulu, HI 96813

WRSA
Attn: Wesley Segawa
101 Silva Street Suite 201
Hilo, HI 96720

Crockett & Nakamura
38 S. Market Street
Wailuku, HI 96793

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Nathan Natori, Esq.
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Steven Strauss
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Hilo, HI 96720

Wesley R. Segawa & Associates
736 South Street, Suite 206
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Carol Evanson
P.O. Box 694
Makawao, HI 96720

Dwight Vicente
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Hilo, HI 96720

James M. Stone Jr.
142A Palapu Street
Kailua, HI 96734

Scott Carter
P.O. Box 384031
Waikoloa, HI 96738

Sue White
1118 Maunawili Road
Kailua, HI 96734

West Hawaii Today
Attn: Tom Hasslinger
P.O. Box 789
Kailua-Kona, HI 96745-0789

Claudia Rohr
369 Nene Street
Hilo, HI 96720

Gene Zarro
22 Ulunui Place
Pukalani, HI 96768

Janine Little Brave
P.O. Box 633
Pahoa, HI 96778

Steven Lee Montgomery, PhD
94-610 Palai Street
Waipahu, HI 96797-4535

County of Kauai Planning Dept.
Attn: Ka'āina S. Hull, Director
4444 Rice Street, Suite 473
Lihue, HI 96766

County of Kauai Planning
Commission
Attn: Chairman
4444 Rice Street, Suite 473
Lihue, HI 96766

County of Kauai DOT
Highways Division
1720 Haleukana Street
Lihue, HI 96766

Hawaii District Office
DOT Hwy Division
Engineer Program Manager
50 Makaala Street
Hilo, HI 96720

Dept. of the Corporation Counsel
City and County of Honolulu
530 S. King Street, Room 110
Honolulu, HI 96813

Dept. of Planning and Permitting
City and County of Honolulu
Attn: Eugene Takahashi
650 South King Street
Honolulu, HI 96813

DAGS Automotive Mgmt Div.
Parking Control Office
Attn: Brian Saito
P.O. Box 119
Honolulu, HI 96819-0119

DAGS – Public Works Div.
Attn: Gordon Matsuoka
P.O. Box 119
Honolulu, HI 96819-0119

Department of Health
Environmental Planning Office
Attn: Laura McIntyre, AICP
919 Ala Moana Blvd., Room 312
Honolulu, HI 96814

Russell Tsuji
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, HI 96813

Land Management Division
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 131
Honolulu, HI 96813

Deputy Director
Dept. of Land & Natural Resources
P.O. Box 621
Honolulu, HI 96809

Ms. Sara Collins
DLNR - Historical Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, HI 96707

Commission on Resource
Management
Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 227
Honolulu, HI 96813

Land Division
Dept. of Land & Natural Resources
Coastal Lands Program
PO Box 621
Honolulu, HI 96809-0621

Derek Chow, Deputy Director
DOT Harbors Division
79 S. Nimitz Highway
Honolulu, HI 96813-4898

Ronald F. Tsuzuki
DOT Hwys Div. Planning Branch
869 Punchbowl Street
Honolulu, HI 96813

Deputy Director
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813

DOT Highways / Oahu District Office
Engineer Program Manager
727 Kakoi Street
Honolulu, HI 96819

Ke'ala Nichols
Office of Hawaiian Affairs, Public
Policy
737 Iwilei Rd., Suite 200
Honolulu, HI 96817

The Honorable David Ige
Governor, State of Hawaii
State Capitol
Honolulu, HI 96813

Director
DBEDT - OPSD
P. O. Box 2359
Honolulu, HI 96804-2359

The Pele Defense Fund
P. O. Box 4969
Hilo, HI 96720

Representative Ryan I. Yamane
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415 South Beretania St., Room 420
Honolulu, HI 96813

Alison Kato, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, HI 96813

Hawaii Land Company
Attn: John M. White
P.O. Box 10
Honolulu, HI 96810

Senator Donovan M. Dele Cruz
Hawaii State Capitol
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Honolulu, HI 96813

Director
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County of Maui Planning
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Attn: Chairman
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Wailuku, HI 96793

Dept. of Land and Nat. Resources
Maui District Land Office
130 Mahalani Street
Wailuku, HI 96793

English Mountain Estates
R.M. Hughes, Vice President
P.O. Box 1203
Lahaina, HI 96767

Kula Community Association
Attn: Ron Montgomery/Richard
Mayer
P.O. Box 417
Lahaina, HI 96767

Kula Community Association
Attn: Carolyn Mosman, President
P.O. Box 417
Lahaina, HI 96767

Lanai Public & School Library
P.O. Box 630550
Lanai City, HI 96763

Maui Civil Defense Agency
200 South High Street
Wailuku, HI 96793

Maui County Farm Bureau
Attn: Warren Watanabe, President
P.O. Box 148
Kula, HI 96790

Maui District Health Office
Attn: Herbert Matsubayashi
54 High Street
Wailuku, HI 96793

USDA Natural Resources
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Exhibit 5

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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII



In the Matter of the Petition of
PŪLAMA LĀNAʻI,
To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 100 acres of
land, consisting of a portion of Tax Map
Key No. (2) 4-9-002:061 at Lānaʻi City,
Island of Lānaʻi, County of Maui, State of
Hawaiʻi.

DOCKET NO. A19-809

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certify that on this date, a copy of the foregoing document was duly served on the following persons by hand delivery: Office of the Attorney General and the State Office of Planning and Sustainable Development. A copy of the foregoing document was duly served to the County of Maui Corporation Counsel, County of Maui Planning Department and the County of Maui Planning Commission, the County of Lānaʻi Planning Commission, and Lānaʻi Sustainable Research LLC at their last known address by depositing a copy in the U.S. mail, postage prepaid:

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Department of Hawaiian Homelands

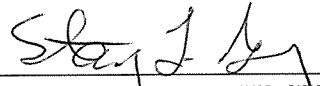
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