

**OFFICE OF PLANNING AND  
SUSTAINABLE DEVELOPMENT**  
Leiopapa a Kamehameha, Room 600  
235 South Beretania Street  
Honolulu, Hawaii 96813  
Telephone: (808) 587-2846  
Facsimile: (808) 587-2824



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A19-809
	)	
PULAMA LANAI	)	OFFICE OF PLANNING AND
	)	SUSTAINABLE DEVELOPMENT'S
To Amend the Land Use District Boundary	)	TESTIMONY IN SUPPORT WITH
of Approximately 200 Acres of Land from	)	CONDITIONS AND EXHIBITS;
the Agricultural District into the Urban	)	CERTIFICATE OF SERVICE
District at Lanai City, Island of Lanai,	)	
County of Maui, State of Hawaii, Tax Map	)	
Key No. (2) 4-9-002:061(por.)	)	
	)	
	)	

---

**OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT'S TESTIMONY IN  
SUPPORT WITH CONDITIONS AND EXHIBITS**

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

## **PETITION OVERVIEW**

### **General Information**

The Petitioner Lanai Resorts LLC dba Pulama Lanai (“Petitioner”) requests that the Land Use Commission (“Commission”) reclassify approximately 200 acres of land from the State Agricultural District to the State Urban District at Lanai City, Island of Lanai (“Petition”).

The Petitioner, a Hawaii limited liability company, is the fee owner of the land being proposed for reclassification under this Petition located at Tax Map Key (“TMK”) No. (2) 4-9-002:061(por.) (“Petition Area”).

### **Proposed Use of the Petition Area**

Petitioner proposes to develop the Miki Basin Industrial Park that includes:

- 127 acres for solar energy production (photovoltaic panels and battery storage).
- 12.5 acres for the relocation of an existing asphalt plant.
- 14.5 acres for the relocation of existing concrete batch plant, recycling and rock crushing facility, and storage and stocking of aggregate and construction materials.
- 26 acres for new light and heavy industrial use.
- 20 acres for major common infrastructure (internal roads, electrical and water lines, etc.)

### **Petition Area Description**

The Petition Area is shown in Petitioner’s Exhibit 1 and Exhibit 2, Figures. 1 and 2. The Petition Area, formerly used for pineapple, has lain fallow for decades with no plans for cultivation. The lands in the Area are classified as “unique” on the Agricultural Lands of Importance to State of Hawaii (“ALISH”) maps as the land supported mainly unirrigated pineapple production at the time of classification, and Petition Area soils are classified as primarily “D” with a small area “E” under the Land Study Bureau’s rating system (“LSB”).

Adjacent to the Area is the Lanai Airport, the Miki Basin Industrial Condominium, and the Hawaiian Electric Company fossil fuel power plant – all within the State Land Use Urban District. Other lands surrounding the Area are vacant and within the State Agricultural District.

## **KEY ISSUES OF CONCERN TO THE STATE**

The following summarizes key issues related to areas of State concern in HRS §§ 205-16 and 205-17.

### **Impacts on Areas of State Concern**

#### **Natural Systems and Habitats**

##### *Flood, Tsunami Hazards and Sea Level Rise*

The Petition Area is located within Zone X on the Flood Insurance Rate Map for the County of Maui, an area of minimal flood hazard higher than the elevation of the 0.2% annual chance flood. The Area is approximately 3.5 miles inland from the shoreline and not within the tsunami inundation zone. The project is outside of the 3.2-foot sea level rise hazard area. (Petition Exhibit 2, IIA.5.)

##### *Flora and Fauna*

A terrestrial vegetation and wildlife study was conducted for the Petition Area. (Petition Exhibit 2, Appendix C.) No listed threatened or endangered species rare or rare native Hawaiian plant species were found in the Area. No listed endangered Hawaiian hoary bats were observed but the potential for its occasional presence was noted. Two native bird species were recorded, the indigenous and migratory kolea (Pacific golden plover) and the endemic pueo (Hawaiian owl). The study recommended that outdoor lights should be shielded and directed downwards to minimize impacts to seabirds. Petitioner also consulted with the U.S. Fish and Wildlife Service which recommended avoidance and minimization measures related to the endangered Hawaiian petrel, the Hawaiian hoary bat, Blackburn's sphinx moth, and Hawaiian seabirds that may occur or transit through the Petition Area.

The State Department of Land and Natural Resources, Division of Forestry and Wildlife ("DOFAW") memorandum dated August 3, 2022 stated that due to the potential presence of the Hawaiian hoary bat in the project area care should be taken to avoid the removal of any trees during the bat breeding season. In addition, DOFAW expressed concern that nighttime lighting be shielded to prevent adverse impacts to seabirds, and that the movement of plant or soil materials between worksites be minimized to prevent the spread of invasive pathogens. See OPSD Exhibit 3.

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

#### *Carbon Footprint*

Petitioner used the U.S. Environmental Protection Agency Greenhouse Gas (“GHG”) Calculator to determine the estimated carbon footprint for the project. (Petition, pgs. 28-35.) A calculation of the estimated GHG emission impact for the project’s renewable energy component determined that it would displace the Carbon Dioxide Equivalent (Metric Tons/year) (“CO<sub>2</sub>E”) of 25,382. Calculations for the existing concrete batch plant and the asphalt plant found that the facilities produce a CO<sub>2</sub>E of 79.57 and 52, respectively. The calculation of the GHG emission impact for the 26-acre, new industrial uses component was done based on a range of CO<sub>2</sub>E for building types. Assuming full buildout of the 26 acres, the CO<sub>2</sub>E range for this component would be 421 to 7,155. Petitioner states that when the renewable energy component comes into service in 2025, the electricity used by the new industrial uses is likely to be 95 percent renewable, lowering the CO<sub>2</sub>E range to 21 to 358. Based on Petitioner’s calculations the GHG emissions generated by the relocated, existing concrete and asphalt plants and the anticipated new industrial uses are expected to be displaced by the renewable energy component, with an overall reduction of CO<sub>2</sub>E per year.

#### *Drainage*

There are no surface water bodies or wetlands in the Petition Area, and the Area is 3.5 miles from the shoreline. Petitioner proposes to collect the surface water runoff generated by the proposed project onsite with an underground stormdrain system of pipes and inlets and discharge to existing drainageways that drain to the Miki and Palawai Basins. Runoff from the relocated concrete and asphalt plants and the renewable energy area will be directed to the Miki Basin and runoff from the new industrial area will drain to the Palawai Basin. Petitioner’s Drainage Report estimated the amount of increased runoff generated by the project and found that the Miki and Palawai Basins have the capacity to receive the increased runoff. Thus, the project will not have any adverse impacts. (Petition, Appendix J.)

*Mitigation.* OPSD is recommending a condition to minimize the impact of stormwater runoff.

### *Wastewater*

There is no existing County or private wastewater system in the vicinity of the Petition Area. Petitioner proposes onsite Individual Wastewater Systems, decentralized Wastewater Treatment Plants, and collection systems. Each tenant within the industrial park will be required to provide its own wastewater treatment system and associated wastewater collection system. The asphalt and concrete facilities will have an Individual Wastewater System septic system. Wastewater generated by the concrete recycling and rock crushing operations will be recycled back into production via a fully integrated system and in conformance with the rules and regulations of the Clean Water Act. It is anticipated that the new light and heavy industrial area within the park will require a decentralized Wastewater Treatment Plant and collection system. Petitioner has not provided a timetable for construction of this infrastructure for the new heavy and light industrial uses.

OPSD is concerned that infrastructure for the new heavy and light industrial uses should be provided on a timely basis.

### Archaeological, Historic, and Cultural Resources

The Petitioner prepared an Archaeological Impact Survey (“AIS”) for the project. (Petition Exhibit 2, Appendix D.) The AIS recommended a data recovery plan for two sites, and that this plan be implemented prior to construction within the parcel. The State Historic Preservation Division (“SHPD”) accepted the AIS and concurred with the recommended mitigation. Petitioner has prepared an Archeological Data Recovery Plan and Archeological Data Recovery Report and submitted them to SHPD for review and acceptance. SHPD has determined that there are no historic properties affected for the Petition Area as the two sites previously identified are near but outside of the Area. (Petition Exhibit 8.)

Petitioner also prepared a cultural resources assessment. (Petition Exhibit 2, Appendix D-4.) One of those interviewed during the assessment indicated that the Petition Area had been used for gathering of aalii, uhaloa, and laau lapaau. Both aalii and uhaloa are common throughout the Palawai-Miki Region of Lanai and prevalent in surrounding areas. Thus, while the Petition Area has been used for traditional practices, the project will not affect the availability of these cultural resources or the access to these resources in the region. The assessment found

that no impact on native Hawaiian traditional and cultural practices is anticipated. (Petition Exhibit 2, II.A.9. and Petition, Section XV.)

#### Natural Resources Relevant to Hawaii's Economy

Lanai has two aquifers, the Leeward aquifer system and the Windward system, each with a sustainable yield of 3 million gallons per day ("MGD"). Thus, the sustainable yield of Lanai's combined aquifers is estimated at 6 MGD, and the State Commission on Water Resources Management has established a guideline of 4.3 MGD as the trigger to designate the island as groundwater management area. The total daily demand for Lanai as of August 2021 was 1.517 MGD. At full build out, the water demand for Miki Basin Industrial Park is estimated at 0.159 MGD. Other proposed or approved projects is estimated to add 0.260 MGD to the total demand. Thus, the total forecasted water demand for Lanai with the project is estimated at 1.936 MGD, below the CWRM 4.3 MGD trigger and the 6 MGD sustainable yield for Lanai. (Petition pgs. 17-19.)

Water for the project will come from the Lanai Water Company that privately owns the domestic water system on Lanai through its Lanai City Water System (Public Water System 237 – "PWS 237") and its Manele Bay Water System ("PWS 238). PWS 238 provides water service to the Petition Area. PWS 238 has an existing average daily water usage of 433,000 gallons per day ("GPD"). Petitioner's Water Master Plan estimates that at full buildout the industrial park's water demand on PWS 238 will be 163,125 GPD, with the new light and heavy industrial area accounting for 156,000 GPD of the new demand. Petitioner has stated that water usage for the project will not exceed the maximum daily usage calculations provided in the Water Master Plan. The Water Master Plan determined that PWS 238's existing water storage tank and reservoir have the capacity to support the full buildout of the industrial park, but that there is insufficient well-pump capacity and a new well will be necessary. Petitioner's New Well Supply Alternatives study evaluated three alternative sites and recommended one to meet the needs of the project. The Petitioner has not stated a commitment to construct a new well or provided a timetable for securing it.

*Mitigation.* OPSD is recommending two conditions to conserve water resources. OPSD is also concerned that Petitioner should indicate when the new well will be operational and provide water for the Petition Area.

## Commitment of State Funds and Resources

### *Transportation Facilities*

The Petition Area is adjacent to the Lanai Airport, a State Department of Transportation (HDOT) facility. Federal Aviation Administration (“FAA”) regulations require submittal of FAA Form 7460-1 Notice of Proposed Construction prior to construction if the construction is within 20,000 feet of a public use airport. Other State concerns arise from the project’s proximity to the airport. Consideration must be given to the placement and heights of buildings to ensure they do not obstruct aircraft approach and departure operations. Any stormwater detention basins provided must be designed to minimize hazardous wildlife attractants due to standing water. Finally, photovoltaic (“PV”) systems located in or near the approach path of aircrafts can create hazardous glint and glare conditions for pilots. PV systems may also emit radio frequency interference (“RFI”) to aviation radio signals. See OPSD Exhibit 2.

The main access to the proposed industrial park will be from Miki Road, a two-way privately-owned roadway that intersects with Kaunalapau Highway, a State Highway facility (State Route 440). Petitioner prepared a Traffic Impact Analysis Report (“TIAR”). (Petition Exhibit 2, II.D.1 & Appendix G.) Current level of service at the Kaunalapau Highway/Miki Road intersection is “B”, reasonably free-flow traffic conditions. The TIAR recommended mitigation measures to reduce the industrial park’s impact on Kaunalapau Highway.

*Mitigation.* OPSD is recommending several conditions to address HDOT concerns.

## **Other Areas of Concern**

### Development Timetable

HAR § 15-15-50(c) (20) requires that Petitioner represent that development of the Petition Area will be accomplished within ten years after the date of Commission approval. Petitioner’s timetable for development of the Petition Area is as follows:

Year 1-2	August 2025 or sooner	Year 11-20
Concrete plant, recycling and rock crushing facility (14.5 acres)	Solar energy facility (127 acres)	New light and heavy industrial uses (26 acres)
Asphalt plant (12.5 acres)		
Common infrastructure (20 acres)		

Petitioner represents that the project will be substantially completed within ten years after the date of the Commission’s approval (approximately 85% of the Petition Area). In the event that the new industrial uses are not developed in ten years, development of the 26 acres will be completed within the following ten-year period. (Petition, pgs. 9-11.) OPSD is recommending a condition to assure that the solar energy facility is constructed within the timeframe represented by the Petitioner.

Development of the new light and heavy industrial uses does not appear to be closely connected to the development of the solar energy facility, and the new light and heavy industry uses portion of the project will not be substantially completed within ten years. OPSD has typically considered completion of a project’s “backbone infrastructure” (water, sewer, electrical utilities, common roads, and access driveways, etc.) sufficient to satisfy HAR § 15-15-50(c) (20). In this case, the Petitioner has not provided a more specific timetable for development of the backbone infrastructure for the entire project (including the new light and heavy industrial uses) other than a general intent to provide 20 acres of “common infrastructure” over a period of 20 years.

On the other hand, there are aspects of this development that are unique. Pulama Lanai is the sole major landowner of the Island of Lanai. All the land adjacent to the Petition Area, with the exception of the Lanai Airport, Kaunalapau Highway, and possibly the Hawaiian Electric fossil fuel plant, is owned by the Petitioner. Similarly, the surrounding lands in the State Agricultural District are vacant and owned by the Petitioner. No adjacent properties would be adversely affected if the light and heavy industrial area remained undeveloped after the initial



10-year period. And there is no other landowner that would be deprived of the opportunity to develop the light and heavy industrial area. Thus, the adverse impact on land use that the 10-year substantial completion requirement is intended to minimize does not exist here because of the unique nature of the project and Pulama Lanai's ownership status.

Consequently, while OPSD would like to see a more detailed timetable for the development of the project's common infrastructure, we find that the Petition satisfies HAR § 15-15-50(c) (20) and no incremental redistricting is required.

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

### Hawaii State Plan and State Functional Plans

The project conforms to the Hawaii State Plan, HRS Chapter 226, especially HRS §§ 226-4, 226-5, 226-6, 226-10, 226-11, 226-13, 226-14, 226-15, 226-16, 226-18, 226-103, 226-104, and 226-108, and to the State Employment, Energy, and Historic Preservation Functional Plans.

### Coastal Zone Management Objectives and Policies, HRS Chapter 205A

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

### Hawaii 2050 Sustainability Plan

The project aligns with the *Hawaii 2050 Sustainability Plan: Charting a Course for a Decade of Action (2020-2030)* Focus Areas for the Decade of Action by 2030. The project furthers Priority Action Area 3, Reduce Reliance on Fossil (carbon-based) Fuels, and Area 5, Develop a More Diverse and Resilient Economy, due to the renewable energy component.

### Climate Change (HAR § 15-15-50 (c) (24))

#### *Sea Level Rise*

The Petition Area is between 1,000 and 1,250 feet above sea level, approximately 3.5 miles from the shoreline. The Area is outside the Sea Level Rise Exposure Area and the

predicted three- to six-foot increase in sea level is not expected to have an impact. No mitigation is necessary.

#### *Infrastructure*

Because there will be no sea level rise impacts, infrastructure adaptations to address sea level rise will not be needed. Buildings will comply with County requirements for low-flow fixtures and fittings. Because of the industrial uses, no landscaping is anticipated.

#### *Carbon Footprint*

As discussed previously, Petitioner has calculated the GHG emissions for each component of the industrial park. The renewable energy component of the project will provide a displacement in CO<sub>2</sub>E of 25,382. This offsets the carbon footprint of the other components of the project and is expected to result in an overall reduction of CO<sub>2</sub>E per year.

#### Sustainability Principles and Priority Guidelines (HAR § 15-15-50 (c) (25))

##### *Walkability*

Pedestrian walkability is not applicable to this stand-alone industrial development. Accessibility to Alternate Forms of Transportation/Transit Oriented Development  
Lanai does not have a public transportation system therefore there are no Transit Oriented Development opportunities. Similarly, access to alternate forms of transportation is limited.

##### *Green Infrastructure*

The renewable energy component is the primary energy conservation and sustainability element. Wastewater generated from the concrete recycling and rock crushing operations will be recycled back in the production.

##### *Mitigation of Heat Island Effect*

Landscaping is one of the major ways to mitigate Heat Island Effect. However, landscaping, trees in particular, is not appropriate for the solar energy facility. Also, little to no landscaping is planned for the other industrial uses. Given the industrial park's proximity to the Lanai Airport, landscaping is a potential attractant to wildlife hazards to aircraft operations.

### *Urban Agricultural Opportunities*

Petitioner already maintains community gardens in Lanai City to encourage urban agriculture. A community garden in the industrial park would not be compatible with the industrial uses.

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

The soil quality of the agricultural lands in the Petition Area is poor and there is an abundance of higher quality agricultural lands on Lanai. The reclassification of the Petition Area from the State Agricultural District to the Urban District will not result in a loss of quality lands for agricultural use. The Department of Agriculture has also commented that the District Boundary Amendment would not adversely affect the agricultural resources or agricultural use potential of surround lands. See OPSD Exhibit 7.

### County Plans

The project is consistent with the objectives and policies of the Maui Countywide Policy Plan and the Lanai Community Plan. The Lanai Community Plan Land Use Map designates the Petition Area for existing and future industrial uses. (Petition, Exhibit 11.)

The Petition Area is mainly zoned “Agricultural” with a small portion zoned “Interim” under Maui County Zoning. Petitioner will seek a Change in Zoning from the Maui County Council for “M-1, Light Industrial” and “M-2, Heavy Industrial” designation consistent with the Lanai Community Plan. (Petition, pg. 47.)

## **STANDARDS FOR DETERMINING URBAN DISTRICT BOUNDARIES**

The Petition conforms to the standards for determining Urban District boundaries as set forth in HAR § 15-15-18.

The project will create a “city-like” concentration of industrial uses by adding to the existing Lanai Airport, Miki Industrial Condominium, and HECO fossil fuel power plant. The Petition Area is located in Flood Zone X, not within a tsunamic inundation zone, approximately 4.3 miles from the shoreline, and outside the 3.2-foot sea level rise hazard area. Reclassification of the Petition Area to the Urban District would extend the existing, adjacent urban use. The

project is consistent with State and county plans and will not contribute to scattered spot urban development. Most of the Petition Area has slopes of less than 4%, and there are no identified areas with 20% slope. Consequently, the Petition is consistent with HAR §§ 15-15-18(1), 15-15-18(2), 15-15-18(3), 15-15-18(4), 15-15-18(5), 15-15-18(6), 15-15-18(7), and 15-15-18(8).

## **RECOMMENDATION**

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

1. **Preserving Water Resources.** The Petitioner shall install water efficient fixtures and implement water efficient practices throughout the development to reduce the increased demand on the area's freshwater resources. Alternative water sources shall be used wherever practicable. The Petitioner shall adopt landscape irrigation conservation BMPs endorsed by the Landscape Industry Council of Hawaii.
2. **Stormwater Management.** The Petitioner shall implement BMPs for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site filtration and preventing polluted runoff from storm events.
3. **CWRM Water Audit Program.** Petitioner shall expand its participation in the State Commission of Water Resources Management's Water Audit Program to include the Miki Basin Industrial Park and update its water usage data.
4. **FAA Notice of Construction.** Prior to construction, the Petitioner shall submit to the FAA, FAA Form 7460-1 Notice of Construction or alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9. Construction equipment and staging area

heights, including heights of temporary construction cranes, shall be included in the submittal.

5. **Notification of Proximity to Lanai Airport.** The Petitioner shall notify and disclose to all prospective lessees within the Project, as part of any conveyance document (lease, rental agreement, etc.) required for the transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Lanai Airport such as noise, right of flight, emissions, vibrations, and other incidences of aircraft operations.

6. **Hazards to Aircraft Operations.**

- a. The Petitioner shall not provide landscape or vegetation that will create a wildlife attractant. Stormwater retention basins shall be designed, engineered, constructed, and maintained to prevent standing water from accumulating for periods longer than 48 hours after a storm event so as to avoid attracting wildlife. If the development creates a wildlife attractant that can potentially become a hazard to aircraft operations, the developer shall immediately mitigate the hazard upon notification by the HDOT-A and/or FAA.
- b. Petitioner shall conduct a glint and glare analysis for the solar energy photovoltaic (PV) system. Petitioner shall also submit to the FAA a separate FAA Form 7460-1 for the solar energy PV system. After the FAA determination of the Form 7460-1 and the glint and glare analysis, a copy shall be provided to the HDOT-A by the owner of the solar energy PV system. The owner of the PV system shall immediately mitigate glint and glare hazards and any radio frequency interference (RFI) hazards emitted by the solar energy PV system upon notification by the HDOT-A and/or FAA. In addition, the PV system battery storage facility shall have sufficient firefighting/fire suppressant capability to prevent thick smoke from an uncontrolled fire creating a hazard to airport operations.

- c. During construction, the developer shall mitigate any fugitive dust from construction activities to prevent dust hazards to flight operations.

7. **Kaunalapau Highway Impact Mitigation.** The Petitioner shall improve the Kaunalapau Highway approach on Miki Road prior to any occupancy of the site or submit a schedule acceptable to HDOT-HWY, Maui District Engineer. Petitioner shall implement, at no cost to the State, all recommended improvement referenced in the Traffic Impact Analysis Report dated June 3, 2021, as follows:

- a. Widen Miki Road to two lanes between the project site driveways and Kaunalapau Highway with intersection geometrics capable of accommodating turning movements.
- b. Add an exclusive westbound left-turn deceleration lane.
- c. Add an exclusive left-turn lane in the northbound direction.

Should traffic issues arise at any time up to one year after all lots sold, the Petitioner shall be responsible for mitigation of any traffic impacts and issues attributable to the industrial park, at no cost to the State, to the satisfaction of the HDOT-HWY, Maui District Engineer.

8. **Endangered Hawaiian Hoary Bat.** The Petitioner shall not remove any trees during the bat birthing and pup rearing season (June 1 through September 15). During this period woody plants greater than 15 feet (4.6 meters) tall shall not be disturbed, removed, or trimmed. Barbed wire should also be avoided for any construction because bats can become ensnared and killed by such fencing material during flight.
9. **Impacts to Seabirds.** For nighttime lighting that might be required, Petitioner shall install fully shielded lights to minimize the attraction of seabirds. Nighttime work that requires outdoor lighting shall be prohibited during the seabird fledging season from September 15 through December 15.
10. **Invasive Species.** The Petitioner shall minimize the movement of plant or soil material between worksites so as to prevent the spread of pathogens, pests, or

invasive plant parts that could harm native species and ecosystems. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.

11. **Infrastructure Deadline.** The Petitioner shall complete construction of the proposed solar energy project, which includes the primary roadways and access points, and other utility system improvements required for the solar energy project, within ten (10) years from the date of this Decision and Order approving the Petition.

DATED: Honolulu, Hawaii, this 18th day of October, 2022.

OFFICE OF PLANNING AND  
SUSTAINABLE DEVELOPMENT  
STATE OF HAWAII

*Mary Alice Evans*

---

MARY ALICE EVANS  
Director

**CERTIFICATE OF SERVICE**

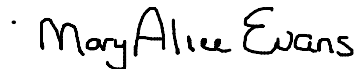
I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

CALVERT G. CHIPCHASE, ESQ.	cchipchase@cades.com
CHRISTOPHER T. GOODIN, ESQ.	cgoodin@cades.com
STACEY F. GRAY, ESQ.	sgray@cades.com
MOLLY A. OLDS, ESQ.	molds@cades.com
Cades Schutte LLP	
1000 Bishop Street, Suite 1200	
Honolulu, Hawaii 96813-4212	

MICHELE MCLEAN, AICP	michele.mclean@co.maui.hi.us
Director	
Department of Planning	
County of Maui	
2200 Main Street, Suite 315	
Wailuku, Hawaii 96793	

MOANA LUTEY	
Corporation Counsel	
MICHAEL HOPPER, ESQ.	michael.hopper@co.maui.hi.us
Deputy Corporation Counsel	
Department of the Corporation Counsel	
County of Maui	
200 South High Street, 3 <sup>rd</sup> Floor	
Wailuku, Hawaii 96793	

DATED: Honolulu, Hawaii, this 18th day of October, 2022.



---

MARY ALICE EVANS  
Director  
Office of Planning and Sustainable Development