

CADES SCHUTTE  
A Limited Liability Law Partnership

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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

**PETITIONER'S FIRST AMENDED  
EXHIBIT LIST**

**CERTIFICATE OF SERVICE**

Hearing:

Date: November 16, 2022

Time: 9:00 a.m.



**PETITIONER PŪLAMA LĀNA‘I’S FIRST AMENDED EXHIBIT LIST**

Petitioner LĀNA‘I RESORTS, LLC dba PŪLAMA LĀNA‘I, a Hawai‘i limited liability company (“*Pūlama Lāna‘i*” or “*Petitioner*”), respectfully submits its First Amended Exhibit List to the Land Use Commission of the State of Hawai‘i in the 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 at Lāna‘i City, Island of Lāna‘i, County of Maui, State of Hawai‘i. The First Amended Exhibit List adds Exhibit 20, as reflected below. Petitioner reserves the right to amend, modify and revise this exhibit list as needed.

<b>Exhibit List</b>	
<b>Exhibit</b>	<b>Description</b>
1.	Map of Petition Area
2.	Final Environmental Assessment and Finding of No Significant Impact
3.	Tax Map Key Maps
4.	Land Ownership Documents
5.	Notification of Petition Filing
6.	Survey of Petition Area
7.	Conceptual Master Plan
8.	State Historic Preservation Division regarding 14.5 acres SUP2 2021/0008
9.	Private Funding Letter and Financing Statement
10.	Countywide Policy Plan
11.	Lāna‘i Community Plan
12.	Written Testimony
13.	State Historic Preservation Division Letter Accepting Archaeological Data Recovery Plan and Archaeological Data Recovery Report
14.	Resume of Ken Kawahara, P.E.

15.	Resume of Trisha Kehaulani Watson, JD, PhD
16.	Resume of Matt Nakamoto, P.E.
17.	Resume of Gordon Ring, P.E.
18.	Resume of Tom Nance
19.	Resume of Tessa Munekiyo-Ng
20.	Letter to Mr. David Tanoue Approving Land Use Commission SUP2 for the Miki Basin Interim Industrial Use Project Located on a Portion of Land at Miki Basin at, Lānaʻi, Hawaiʻi; TMK: (2) 4-9-022:061 (Por.) (SUP2 2021/0008)

The following appendices are included within Exhibit 2, the Final Environmental Assessment and Finding of No Significant Impact:

<b>Appendix</b>	<b>Description</b>
A.	Market Assessment
B.	Impacts on Agriculture Report
C.	Flora and Fauna Study
D-1.	Archaeological Inventory Survey
D-2.	State Historic Preservation Division Archaeological Inventory Survey Acceptance Letter
D-3.	Archaeological Data Recovery Plan and Archaeological Data Recovery Report
E.	Phase I Environmental Site Assessment
F.	Economic, Population and Fiscal Impacts Report
G.	Traffic Impact Analysis Report
H-1.	Water Master Plan
H-2.	New Well Supply Alternatives for the Mānele Bay Water Supply, Public Water System No. 238
I.	Wastewater Master Plan
J.	Drainage Report
K-1.	Hawaiʻi State Plan – Assessment of Project Applicability to Goals, Objectives, and Policies

Appendix	Description
K-2.	Countywide Policy Plan – Assessment of Project Applicability to Goals, Objectives, and Policies

DATED: Honolulu, Hawai'i, November 15, 2022.

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*/s/Molly A. Olds*

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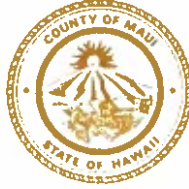
Attorneys for Petitioner  
PŪLAMA LĀNA'I

# **EXHIBIT 20**

MICHAEL P. VICTORINO  
Mayor

MICHELE CHOUTEAU MCLEAN, AICP  
Director

JORDAN E. HART  
Deputy Director



**DEPARTMENT OF PLANNING**  
COUNTY OF MAUI  
ONE MAIN PLAZA  
2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

March 21, 2022

Mr. David Tanoue  
Vice President  
R. M. Towill Corporation  
2024 North King Street, Suite 200  
Honolulu, Hawaii 96819

Dear Mr. Tanoue:

**SUBJECT: APPROVAL OF LAND USE COMMISSION SPECIAL PERMIT (SUP2) FOR THE MIKI BASIN INTERIM INDUSTRIAL USE PROJECT LOCATED ON A PORTION OF LAND AT MIKI BASIN AT, LĀNA‘I, HAWAI‘I; TMK: (2) 4-9-002:061 (POR.) (SUP2 2021/0008)**

At its regular meeting on March 16, 2022, the Lāna‘i Planning Commission (Commission) reviewed and granted approval of the State Land Use Commission Special Permit application for the Miki Basin Interim Industrial Use Project located on 14.5 acres of land. The approval is subject to the following conditions:

1. That the Land Use Commission Special Permit shall be valid until **March 31, 2027** (5 years), subject to extension by the Commission upon a timely request for extension filed 90 days prior to its expiration.
2. That to the satisfaction of the Department of Planning (Department), construction of the project shall be initiated by **March 31, 2023**. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occur first. Failure to comply within this one-year period will automatically terminate this Land Use Commission Special Permit approval unless a time extension is requested no later than 90 days prior to the expiration of said one-year period. The Planning Director shall review and approve a time-extension request for project initiation, but may forward said request to the Commission for review and approval.
3. That the Land Use Commission Special Permit Approval shall not be transferred without the prior written approval of the Commission.
4. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Land Use Commission Special Permit Approval and shall procure at its own cost and

expense, and shall maintain during the entire period of this Land Use Commission Special Permit Approval, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui (County) as an additional named insured, insuring and defending the Applicant and County against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming the County as an additional named insured shall be submitted to the Department within 90 calendar days from the date of transmittal of the decision and order. The insurance policy shall remain in full force and effect until the permitted work has been completed and accepted by the County.

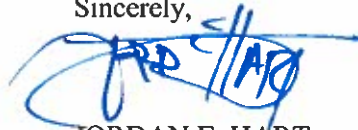
5. That full compliance with all applicable governmental requirements shall be rendered.
6. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Land Use Commission Special Permit Approval and shall submit to the Department a report addressing its compliance with the conditions established with the subject Land Use Commission Special Permit Approval upon project completion. Failure to so develop the property may result in the revocation of the permit.
7. That all exterior illumination shall consist of fully shielded downward lighting throughout the project, as applicable by law.
8. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.
9. That in the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, native sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the Department of Land and Natural Resources-State Historic Preservation Division, at (808) 652-1510.
10. That the Applicant shall use R-1 water if available and to the extent practicable.
11. That the Applicant shall provide the Commission with quarterly water usage reports for the project site including quantities of potable, brackish, and/or R-1 water used and the source of said water. The Applicant shall also include a statement on the availability of R-1 water at the project site.

Mr. David Tanoue  
March 21, 2022  
Page 3

The conditions of the Land Use Commission Special Permit Approval shall be enforced pursuant to HRS Chapter 205 and Commission Rules for Special Uses in the State Agricultural District.

Thank you for your cooperation. If additional clarification is required, please contact the Staff Planner Kurt Wollenhaupt by email at [kurt.wollenhaupt@mauicounty.gov](mailto:kurt.wollenhaupt@mauicounty.gov) or by phone at (808) 270-8205.

Sincerely,



JORDAN E. HART  
Deputy Director of Planning

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Jacky Takakura, Acting Planning Program Administrator (PDF)  
Kurt Wollenhaupt, Staff Planner (PDF)  
Keiki-Pua Dancil, PhD, Pulama Lanai (PDF)  
Kurt Matsumoto, Pulama Lanai (PDF)  
David Tanoue, R. M. Towill Corporation (PDF)  
Brian Takeda, R. M. Towill Corporation (PDF)  
Project File

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**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 at their last known address by depositing a copy in the U.S. mail, postage prepaid, and by e-mailing a courtesy copy:

*County of Maui Corporation Counsel*

MOANA LUTEY  
Corporation Counsel  
MICHAEL HOPPER  
Deputy Corporation Counsel  
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Kalana O Maui Bldg, 3rd Fl.  
Wailuku, HI 96793  
Email: [michael.hopper@co.maui.hi.us](mailto:michael.hopper@co.maui.hi.us)

*County of Maui Planning Department*

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*State Office of Planning and Sustainable Development*

MARY ALICE EVANS

Director

Office of Planning

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*Department of Hawaiian Homelands*

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DATED: Honolulu, Hawai'i, November 15, 2022.

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*/s/ Molly A. Olds*

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