



LAND USE COMMISSION
STATE OF HAWAII

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December 5, 2022

Mr. Daniel E. Orodener
Executive Officer
Land Use Commission State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Mr. Orodener:

Re: Petition for Land Use Commission District Boundary Amendment for Property situated at Wailuku and Makawao Districts, Maui, Hawaii; Maui Electric Company, Limited; LUC Docket No. A97-722; TMK 3-8-03:23 and 24

Enclosed is the Twenty-Fourth Annual Report of Hawaiian Electric¹ (original and one copy).

We would appreciate receiving a file stamped copy of the above. Enclosed is a stamped, self-addressed envelope for this purpose.

Thank you for your consideration and assistance in this matter.

Sincerely yours,

DeCaprio, Michael

Digitally signed by DeCaprio,
Michael
Date: 2022.12.05 15:33:25 -10'00'

Enclosures

cc. Mary Alice Evans - Office of State Planning (Director)
Michele Chouteau McLean - County of Maui Planning Department (Director)
Daniel E. Orodener - Land Use Commission (Executive Officer), pdf version

¹ Hawaiian Electric Company, Inc., Maui Electric Company, Limited, and Hawai'i Electric Light Company, Inc. ("Company" or "Companies") are each doing business as "Hawaiian Electric" and have jointly registered "Hawaiian Electric" as a trade name with the State of Hawai'i Department of Commerce and Consumer Affairs, as evidenced by Certificate of Registration No. 4235929, dated December 20, 2019.

TWENTY-FOURTH ANNUAL REPORT OF HAWAIIAN ELECTRIC

and

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CERTIFICATE OF SERVICE

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)
 Maui Electric Company, Limited, a)
 Hawaii corporation)
)
)
 To Amend the Agricultural Land Use)
 District Boundary into the Urban)
 Land Use District for Approximately)
 65.7 acres of Land at Wailuku and)
 Makawao Districts, Island of Maui,)
 State of Hawaii, Tax Map Key No.)
 3-8-03:23 and 24)
 _____)

Docket No. A97-722

TWENTY-THIRD ANNUAL REPORT OF HAWAIIAN ELECTRIC

TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAII:

COMES NOW HAWAIIAN ELECTRIC, a Hawaii corporation, Petitioner herein, and pursuant to Condition No. 14 of the Findings of Fact, Conclusion of Law, and Decision and Order issued on June 22, 1998, hereby submits to the State Land Use Commission its twenty-third annual report of compliance with the conditions established by said approval as follows:

Report on Compliance with Conditions Imposed by the Land Use Commission

The following states whether the conditions in the Land Use Commission approval have been met:

1. Petitioner shall participate in an air quality monitoring program, coordinated with and approved by DOH to monitor air quality impacts attributable to the operations of the Waena Generating Station. Mitigation measures for air quality impacts attributable to the operations of the Waena Generating Station shall be implemented by Petitioner if, based on applicable State and Federal air quality standards, the results of the monitoring program warrant them.

Mitigation measures shall be developed in coordination with DOH and implemented by Petitioner.

Petitioner understands its obligation to comply with this condition.

2. Petitioner shall consult with DOH and, if necessary, Petitioner shall participate in a groundwater quality monitoring program in consultation with the county Department of Water and approved by DOH to monitor groundwater quality impacts directly attributable to the operations of the Waena Generating Station. Petitioner shall implement mitigation measures should the results of the monitoring program warrant them based on applicable State and Federal water quality standards. Mitigation measures shall be developed in coordination with DOH and implemented by Petitioner.

Petitioner understands its obligation to comply with this condition.

3. Petitioner shall provide at its own expense, adequate non-potable water source, storage, and transmission facilities and improvements to accommodate the proposed project.

The non-potable water improvements shall meet all applicable County, State, and Federal

Generating Station as determined by the State Department of Transportation (DOT) and the County of Maui.

Petitioner understands its obligation to comply with this condition.

8. Petitioner shall coordinate with the surrounding property owner to ensure that the proposed project will not adversely impact the use of cane haul roads and irrigation ditches or adversely impact the continued agricultural operation of adjoining sugar cane cultivation areas.

Petitioner understands its obligation to comply with this condition.

9. Petitioner shall participate in the pro rata funding and construction of adequate civil defense measures as determined by the State of Hawaii and County of Maui civil defense agencies.

Petitioner understands its obligation to comply with this condition.

10. Petitioner shall implement effective soil erosion and dust control measures during and after construction in compliance with the applicable rules and regulations of DOH and the County of Maui.

Petitioner understands its obligation to comply with this condition.

11. Should any human burials or any historic artifacts, such as charcoal deposits, stone platforms, pavings or walls be found, Petitioner shall stop work in the immediate vicinity and contact the State Historic Preservation Division (SHPD). The significance of these finds shall then be determined and approved by the SHPD and, if applicable, an acceptable mitigation plan shall be approved by the SHPD. The SHPD must verify that the fieldwork portion of the mitigation plan has been successfully executed prior to work proceeding in the immediate vicinity of the find. Burials must be treated under specific provisions of Chapter 6E, HRS.

Petitioner understands its obligation to comply with this condition.

for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

(a) Petitioner has recorded a Notice of Imposition of Conditions by the Land Use Commission pursuant to Commission Rule Section 15-15-92. The notice was dated June 25, 1998 and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 98-094602.

(b) A copy of the notice was transmitted to the Commission on July 1, 1998.

17. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92 Hawaii Administrative Rules.

Petitioner has recorded a Document Listing Conditions to Reclassification of Land pursuant to Section 15-15-92 of the State of Hawaii Land Use Commission Rules. The document was dated July 23, 1998 and recorded in said Bureau of Conveyances as Document No. 98-112111. A copy of the document was transmitted to the Commission on August 4, 1998.

CERTIFICATION OF SERVICE

I hereby certify that due service of a copy of the within document will be made by depositing the same with the U.S. mail, postage prepaid, within (5) days of the date on this report, addressed to:

MARY ALICE EVANS
Director
Office of State Planning
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

BY MAIL

MICHELE CHOUTEAU MCLEAN
Director
County of Maui Planning Department
2200 Main Street
One Main Plaza Building, Ste 315
Wailuku, Hawaii 96793

BY MAIL

Dated: Kahului, Hawaii, December 5, 2022.

DeCaprio, Michael

Digitally signed by DeCaprio,
Michael
Date: 2022.12.06 11:10:46 -10'00'

Michael R. DeCaprio
Vice President
Hawaiian Electric