



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A92-686
	)	
KAANAPALI LAND MANAGEMENT	)	OFFICE OF PLANNING AND
CORPORATION AND HAWAII HOUSING	)	SUSTAINABLE DEVELOPMENT'S
AND DEVELOPMENT CORPORATION	)	RESPONSE TO MINUTE ORDER FOR
	)	STATUS REPORT; CERTIFICATE OF
To Amend the Agricultural Land Use District	)	SERVICE; EXHIBITS 1-3
Boundary into the Urban Land Use District	)	
for Approximately 298.992 Acres at	)	
Hanakaoo, Lahaina, Island and County of	)	
Maui, State of Hawaii, Formerly Bearing	)	
TMK Nos.: (2) 4-4-02:02 (por.) and 4-4-	)	
06:01 (por.) and now bearing TMK Nos. (2)	)	
4-4-15: parcels 1 through 29, (2) 4-4-15:32,	)	
and (2) 4-4-15:33 (por.)	)	
	)	
	)	
	)	

**OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT'S RESPONSE TO MINUTE ORDER FOR STATUS REPORT**

On May 8, 2024, the Land Use Commission (“LUC”) held a Status Report Hearing (“Status Hearing”) on the above-captioned matter. On July 1, 2024, the LUC issued a Minute Order for Status Report (“Minute Order”) in LUC Docket No. A92-686 Kaanapali Land Management Corporation (“Petitioner”) and Hawaii Housing and Development Corporation. The Office of Planning and Sustainable Development (“OPSD”) provides the following information in compliance with, and correction of, the Minute Order.

**I. CLARIFICATION OF REQUESTS MADE TO OPSD**

The Minute Order states that the LUC requested that OPSD: (1) provide the LUC, for the record, any written comments from State agencies as referenced in OPSD’s testimony; (2)

provide information on OPSD’s activities in disaster recovery that affect the development of the petition area in LUC Docket No. A92-686 (“Petition Area”); and (3) discuss with and provide an update from the State Department of Transportation (“DOT”) on the development of the Lahaina Bypass Road in proximity to the Petition Area. OPSD notes for the record that, contrary to the Minute Order, the LUC did not ask OPSD to provide additional or follow-up information on OPSD’s activities in the Lahaina disaster recovery that affect the development of the Petition Area during the Status Hearing. This is explained in further detail in Section III below.

## **II. WRITTEN COMMENTS FROM STATE AGENCIES**

In response to the first request in the Minute Order, the solicitations for comments from relevant State agencies in preparation for the May 8, 2024 LUC Status Hearing and responses received are attached as Exhibit 1. Additionally, the following is a summary of the solicitations and responses.

On April 4, 2024, OPSD sent emails to DOT, the Department of Health (“DOH”), the Department of Education (“DOE”), and the Hawaii Emergency Management Agency (“HI-EMA”), the four State agencies other than the Hawaii Housing and Finance Development Corporation with jurisdiction over conditions imposed in the LUC Docket No. A92-686 1993 Decision and Order, notifying them of the Status Hearing and requesting comments on the status of the relevant conditions by April 26, 2024. On April 18, 2024, OPSD sent follow-up emails to DOT, DOH, DOE, and HI-EMA reminding them of the April 26, 2024 deadline for comments. On May 1, 2024, OPSD sent an email to the Commission on Water Resource Management (“CWRM”) regarding the Petition Area.

The responses from the agencies solicited are as follows:

1. On April 18, 2024, DOT responded that it had no comment on DOT-related Conditions Nos. 4, 5, 8, 8a, 8b, 9, and 10.
2. On April 26, 2024, DOH commented on the five DOH-related Conditions.
3. On May 3, 2024, CWRM stated that it had received an existing water permit application from Hawaii Water Service for Kaanapali Land Management but that only one of the parcels that are part of the Puukoolii Mauka development is listed in the existing water permit application, and as of May 3, 2024, CWRM had not received a new water use permit application for the remaining Puukoolii Mauka parcels.
4. On June 19, 2024, DOE commented that it had no comments or concerns regarding the school site in Condition No. 22. DOE expects to receive an estimated date for conveyance of the school site after Petitioner attains the necessary development approvals.
5. No comments were received from HI-EMA regarding the civil defense measures in Condition No. 24.

### **III. LAHAINA DISASTER RECOVERY**

In response to questions asked by Commissioners, OPSD testified at the Status Hearing regarding OPSD's participation in meetings with Governor Green's Lahaina Disaster Recovery Team ("Governor's Team") along with other State agencies. Katia Balassiano, OPSD's Planning Program Administrator, described how the Governor's Team works with the County of Maui, the Federal Emergency Management Agency, and others to identify priority projects in Maui to respond to the wildfire disaster, discuss the status of such projects, and discuss what

can be done to expedite their completion. Ms. Balassiano testified that the Governor's Team is aware of the Puukolii Mauka and Puukolii Triangle projects and its existing entitlements, but that she did not know why the projects were not chosen for expediting. OPSD was not asked to provide additional or follow-up information on OPSD's activities in the Lahaina disaster recovery that affect the development of the Petition Area. The LUC instead asked that OPSD convey to the Governor's Team: (1) that the Petitioner represented to the LUC that they were prepared and nearly ready to construct housing; and (2) the need to give more priority to considering new applications for water for the Puukolii projects. (*Status Hearing transcript at 1:40:09 - 1:41:53, 1:43:12 – 1:43:47, and 1:45:06 – 1:46:06*). Therefore, OPSD requests that the Minute Order be revised to correctly reflect what the LUC requested.

As requested by the LUC, OPSD informed the Governor's Team in writing of the LUC's request that CWRM give priority to the Petitioner's water use permits and that the Petitioner has represented it is prepared and ready to start its housing project. In addition, OPSD emailed CWRM on May 13, 2024, to convey the LUC's concern over the status of Petitioner's water use permits and the need to prioritize these. Copies of OPSD's communications to the Governor's Team and to CWRM are attached as Exhibit 2.

OPSD notes that CWRM staff confirmed the information provided in their May 3, 2024 email comment at the in-person briefing CWRM provided to the LUC on July 10, 2024, that included an overview of CWRM, its programs, and its duties and responsibilities under the Hawaii water laws and the Public Trust Doctrine in water management and permitting. During the presentation on CWRM's water use permits in Lahaina Aquifer Sector Water Management Area, the LUC raised questions concerning the processing of existing and new water use permit

applications, and if there is any prioritizing of existing or new applications. CWRM stated that its current policy is to process existing and new applications simultaneously. In the Lahaina Aquifer Sector Water Management Area, CWRM started with the Honokowai Aquifer where Petitioner's land is situated and reviewed all existing water use permit applications; it has not yet received any new applications. Consequently, OPSD believes no further comment from CWRM is necessary at this time.

**IV. LAHAINA BYPASS ROAD STATUS**

In response to the third request in the Minute Order, attached as Exhibit 3 is a copy of a letter from DOT reporting the status of the Lahaina Bypass Road Extension. DOT states that there is currently no funding available for the project.

DATED: Honolulu, Hawaii, Dec 3, 2024.

OFFICE OF PLANNING AND  
SUSTAINABLE DEVELOPMENT

*Mary Alice Evans*

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MARY ALICE EVANS  
Director

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A92-686  
)  
KAANAPALI LAND MANAGEMENT ) CERTIFICATE OF SERVICE  
CORPORATION AND HAWAII HOUSING )  
AND DEVELOPMENT CORPORATION )  
)  
To Amend the Agricultural Land Use District )  
Boundary into the Urban Land Use District )  
for Approximately 298.992 Acres at )  
Hanakao, Lahaina, Island and County of )  
Maui, State of Hawaii, Formerly Bearing )  
TMK Nos.: (2) 4-4-02:02 (por.) and 4-4- )  
06:01 (por.) and now bearing TMK Nos. (2) )  
4-4-15: parcels 1 through 29, (2) 4-4-15:32, )  
and (2) 4-4-15:33 (por.) )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

I hereby certify that due service of a copy of the OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT'S RESPONSE TO MINUTE ORDER was made by depositing the same with the U. S. mail, postage prepaid, addressed to:

KATE BLYSTONE, DIRECTOR  
Department of Planning  
County of Maui  
2200 Main Street, One Main Plaza, Suite 315  
Wailuku, Hawaii 96793

SCHNEIDER TANAKA RADOVICH ANDREW & TANAKA  
LLLP  
1100 Alakea Street, Suite 2100  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, Dec 3, 2024

OFFICE OF PLANNING AND  
SUSTAINABLE DEVELOPMENT

*Mary Alice Evans*

---

MARY ALICE EVANS  
Director

OPSD Exhibit 1

**Setogawa, Aaron H.**

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**From:** Thirugnanam, Jeyan  
**Sent:** Thursday, April 18, 2024 3:12 PM  
**To:** Setogawa, Aaron H.; DOT ADMIN Land Use  
**Cc:** Balassiano, Katia; Kato, Alison S; Tatsuguchi, Ken  
**Subject:** Re: A92-686 Puukolii Mauka/Triangle Comments for LUC Status Hearing

Hi Aaron,

No comments.

Thanks,  
Jeyan

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**From:** Setogawa, Aaron H. <aaron.h.setogawa@hawaii.gov>  
**Sent:** Thursday, April 18, 2024 9:15 AM  
**To:** DOT ADMIN Land Use <DOT.LandUse@hawaii.gov>  
**Cc:** Thirugnanam, Jeyan <jeyan.thirugnanam@hawaii.gov>; Lee, Jenny S <jenny.s.lee@hawaii.gov>; Balassiano, Katia <katia.balassiano@hawaii.gov>; Kato, Alison S <alison.s.kato@hawaii.gov>  
**Subject:** A92-686 Puukolii Mauka/Triangle Comments for LUC Status Hearing

Aloha,

Just a reminder that if the Department of Transportation, Highways Division has any comments or concerns regarding the status of the conditions that Kaanapali Land Management Corp. is required by the Land Use Commission to perform, please share them with the Office of Planning and Sustainable Development (OPSD) by next week Friday, April 26, 2024. The Commission is holding a hearing on the project's status on May 8, 2024, and OPSD will inform the Commission of your concerns at that time.

Thank you.

**Aaron Setogawa**  
Senior Planner  
Office of Planning and Sustainable Development  
Email: [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)  
Phone: 808-587-2883



**Setogawa, Aaron H.**

---

**From:** Setogawa, Aaron H  
**Sent:** Monday, April 8, 2024 10:18 AM  
**To:** DOT ADMIN Land Use  
**Cc:** Thirugnanam, Jeyan, Lee, Jenny S; Balassiano, Katia  
**Subject:** A92-686 Puukoli Mauka & Triangle Comments  
**Attachments:** A92-686 AR 20230714 pdf, A92-686-Order-Granting-Motion-March-9-2009.pdf, A92-686-FOF-COL-DO-1993.pdf

Aloha,

The Land Use Commission (LUC) has scheduled a status hearing on the subject project for May 8, 2024. Attached for your reference is the Petitioner Kaanapali Land Management Corp's (KLMC) most recent 2022 Annual Report on the project. LUC conditions on the project related to the Department of Transportation concern only the Highways Division. DOT-HWY conditions are nos. 4, 5, 8, 8a, 8b, and 10 found on pages 4 – 8 in the attached Annual Report. Also attached for your information are the LUC's 1993 Decision and Order (D&O – DOT-HWY-related conditions 4, 5, 8, & 10) and 2009 Amended D&O (DOT-HWY-related conditions 2, 4, 6, and 8).

If you have any concerns/comments on KLMC's representation of the status of these conditions or have more recent information on their current status, including the Lahaina Bypass Highway, please let me know by April 26, 2024 so that we may inform the LUC. FYI: OPSD is aware that there have been discussions between FEMA, the State, and the Maui County about using Kaanapali 2020 (TMK no. (2) 4-4-002:039) for temporary housing and that HDOT has agreed to install a traffic signal for the project.

Thank you,

**Aaron Setogawa**  
Senior Planner  
Office of Planning and Sustainable Development  
Email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)  
Phone 808-587-2883

**Setogawa, Aaron H.**

---

**From:** Lum, Darryl C  
**Sent:** Friday, April 26, 2024 2:15 PM  
**To:** Setogawa, Aaron H  
**Cc:** Balassiano, Katia; Kato, Alison S, Seto, Joanna L; Rossio, Marianne Fuji, Nagato, Jonathan; Ichinotsubo, Lene K; Otsu, Lane M; Racoma, Robin K  
**Subject:** FW A92-686 Puukoliu Mauka and Triangle Comments

Hi Aaron,

Please see below for Department of Health, Environmental Management Division responses to Condition Nos. 12, 15, 19, 20, and 21.

No	Condition	Status	Response
12	<p><u>As to Pu'ukoli'i Triangle only</u></p> <p>Petitioner shall work out its agreement with the County of Maui to ensure that there is adequate capacity at the existing Lahaina Wastewater Treatment Plant for the Project. Should it be required, Petitioner shall fund its proportionate share to expand or improve the existing Lahaina Wastewater Treatment Plant to the satisfaction of the State Department of Health and the County of Maui. In addition, Petitioner shall fund and construct transmission facilities to service the Project.</p>	<p>The requirements set forth in the first two sentences of this condition have been satisfied. The County and an affiliate of KLMC have entered into an agreement that reserves sufficient capacity at the Lahaina Wastewater Treatment Plant for various KLMC and affiliated properties, including Pu'ukoli'i Triangle, among others. In addition, KLMC will comply with any requirements imposed in connection with the approval and implementation of the K2020 Master Plan.</p>	<p><u>Wastewater Branch (WWB) response</u> No comments</p>
15	<p>Petitioner shall submit a final detailed drainage and</p>	<p>This condition is acknowledged. KLMC has</p>	<p><u>Clean Water Branch (CWB) response</u> We no longer require the submittal of a drainage and erosion control</p>

<p>erosion control plan to the State Department of Health and County of Maui Department of Public Works for review and approval, and fund and construct the necessary drainage improvements. Petitioner shall provide verification that the grading and runoff water generated by the Project shall not have an adverse effect on adjacent and downstream properties.</p>	<p>submitted final plans and has received the National Pollution Discharge Elimination System (NPDES) Permit for Pu'ukoli'i Mauka. With respect to Pu'ukoli'i Triangle, KLMC will comply with any requirements imposed in connection with the approval and implementation of the K2020 Master Plan.</p>	<p>plan, unless requested. Instead, applicants must prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Hawaii Administrative Rules (HAR) Chapter 11-55 Appendix C, Part 7 requirements prior to submitting a Notice of Intent. The Permittee is required to keep a current hard copy or electronic copy of the SWPPP at the site or at an easily accessible location so that it can be made available upon request.</p> <p>We received KLMC's renewal application for Pu'ukoli'i Village, File No. HIR10G142, Submission No. HQ1-QY08-BKQY5 for coverage under the NPDES general permit authorizing the discharge of storm water associated with construction activity (i.e., HAR Chapter 11-55 Appendix C). CWB has processed KLMC's NPDES permit coverage renewal request and, as a result, KLMC continues to be covered under the HAR Chapter 11-55 Appendix C NPDES general permit.</p> <p>With respect to Pu'ukoli'i Triangle, NPDES permit coverage which authorizes the discharge of storm water associated with construction activity is required for activities that disturb one (1) acre or more of total land area. NPDES permit coverage is also required for activities that disturb less than one (1) acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more of total land area [40 CFR 122.26(b)(15)].</p> <p>Land disturbance includes, but is not limited to clearing, grubbing, grading, excavation, demolition (even if leaving foundation), uprooting of vegetation, equipment staging on grassed areas or bare ground, equipment staging on a paved roadway (only if area</p>
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			<p>blocked off from public usage), storage areas, and roadway work that touches the base course</p> <p>Additionally, for both projects, if the projects involve hydrotesting and/or construction activity dewatering, coverage under HAR Chapter 11-55 Appendices F and/or G, respectively may also be required</p>
19	Petitioner shall implement effective soil erosion and dust control measures both during and after construction of the Project to the satisfaction of the State Department of Health	This condition is acknowledged With respect to Pu'ukoli'i Triangle, KLMC will comply with any requirements imposed in connection with the approval and implementation of the K2020 Master Plan	<u>Clean Water Branch (CWB) response</u> Requirements involving effective soil erosion control measures are incorporated into HAR Chapter 11-55 Appendix C (i e , NPDES general permit authorizing the discharge of storm water associated with construction activity) Those covered under this general permit are required to implement Best Management Practices to minimize soil erosion both during and after construction
20	Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health	The DOH has advised KLMC and its affiliates that it does not have an air quality monitoring program specific to the West Maui area KLMC will comply with all applicable DOH rules relating to air quality, including those rules requiring the use of "best management practices" to control fugitive dust during construction	<u>Clean Air Branch (CAB) Response</u> - The DOH has advised KLMC and its affiliates that it does not have an air quality monitoring program specific to the West Maui area KLMC shall comply with all applicable DOH rules relating to air quality, including those rules as specified in Hawaii Administrative Rules §11-60 1-33 (see fugitive dust (2-8-24) pdf) relating to the generation of visible fugitive dust during construction
21	Petitioner shall cooperate with the State Department of Health and the County of Maui Department of Public Works to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, HRS	This condition is acknowledged With respect to Pu'ukoli'i Triangle, KLMC will comply with any requirements imposed in connection with the approval and implementation of the K2020 Master Plan	<u>Solid and Hazardous Waste Branch (SHWB) response</u> The Integrated Solid Waste Management Act (HRS CH 3242G) applies to State and County government and requires each to have waste management plans in place and to periodically revise those plans The statute does not apply to private entities such as Kaanapali Land Management Corp and, as such, doesn't require any coordination of activities or plan submittals with SHWB

Sincerely,

**Darryl Lum**

Program Manager | Environmental Management Division/Clean Water Branch  
Hawai'i State Department of Health | Ka 'Oihana Olakino  
2827 Waimano Home Road #225 | Pearl City, HI 96782

Office: (808) 586-4309

<https://health.hawaii.gov/cwb/>

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**From:** Setogawa, Aaron H. <[aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)>

**Sent:** Monday, April 8, 2024 11:03 AM

**To:** Seto, Joanna L <[joanna.seto@doh.hawaii.gov](mailto:joanna.seto@doh.hawaii.gov)>; Ichinotsubo, Lene K <[lene.ichinotsubo@doh.hawaii.gov](mailto:lene.ichinotsubo@doh.hawaii.gov)>

**Cc:** Balassiano, Katia <[katia.balassiano@hawaii.gov](mailto:katia.balassiano@hawaii.gov)>; Kato, Alison S <[alison.s.kato@hawaii.gov](mailto:alison.s.kato@hawaii.gov)>

**Subject:** A92-686 Puukolii Mauka and Triangle Comments

Aloha,

The Land Use Commission (LUC) has scheduled a status hearing on the subject project for May 8, 2024. Attached for your reference is the Petitioner Kaanapali Land Management Corp's (KLMC) most recent 2022 Annual Report on the project. LUC Condition Nos. 12, 15, 19, 20, and 21 in the 2022 Annual Report mention the Department of Health. Also attached for your reference are the LUC's 1993 Decision and Order and the 2009 Amended D&O that amended Condition No. 12.

If you have any concerns/comments on KLMC's representation of the status of the conditions or have more recent information on the current status of compliance with the conditions, please let me know by April 26, 2024 so that we may inform the LUC.

Thank you,

**Aaron Setogawa**

Senior Planner

Office of Planning and Sustainable Development

Email: [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)

Phone: 808-587-2883

**Setogawa, Aaron H.**

---

**From:** Setogawa, Aaron H  
**Sent:** Thursday, April 18, 2024 9:19 AM  
**To:** Seto, Joanna L, Ichinotsubo, Lene K  
**Cc:** Balassiano, Katia, Kato, Alison S  
**Subject:** Puukoliu Mauka/Triangle Comment for LUC Status Hearing

Aloha,

Just a reminder that if the Department of Health has any comments or concerns regarding the status of the conditions that Kaanapali Land Management Corp. is required by the Land Use Commission to perform, please share them with the Office of Planning and Sustainable Development (OPSD) by next week Friday, April 26, 2024. The Commission is holding a hearing on the project's status on May 8, 2024, and OPSD will inform the Commission of your concerns at that time.

Thank you.

**Aaron Setogawa**  
Senior Planner  
Office of Planning and Sustainable Development  
Email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)  
Phone 808-587-2883

**Setogawa, Aaron H.**

---

**From:** Balassiano, Katia  
**Sent:** Thursday, June 20, 2024 2:24 AM  
**To:** Rich Kiyabu; Ikeda, Roy  
**Cc:** Setogawa, Aaron H  
**Subject:** Re: [EXTERNAL] Fw: LUC Annual Report w/ Condition re: DOE

Hello Rich and Roy,  
Thank you for sharing your thoughts on this matter.  
Katia

---

**From:** Rich Kiyabu <richard.kiyabu@k12.hi.us>  
**Sent:** Wednesday, June 19, 2024 2:47 PM  
**To:** Ikeda, Roy <roy.ikeda@k12.hi.us>  
**Cc:** Balassiano, Katia <katia.balassiano@hawaii.gov>; Setogawa, Aaron H <aaron.h.setogawa@hawaii.gov>  
**Subject:** Re: [EXTERNAL] Fw: LUC Annual Report w/ Condition re: DOE

Hi Roy,

There were no comments or concerns from our branch on policies for LUC's 2022 Annual Report, Condition 22, on Kaanapali Land Management Corp's representation of the status of the proposed school site condition. It's my understanding that DOE will receive an estimated date for conveyance of the school site when developers attain development approvals.

Katia Balassiano, Land Use Division Planning Program Administrator, inquired whether conveyance would be expedited or a change in response to the Maui wildfires. To the best of my knowledge, there has not been a request to expedite conveyance at this location in response to Maui wildfires.

Mahalo,

Richard N. Kiyabu  
Work Program Specialist  
Hawai'i State Department of Education



Facilities Development Branch  
3633 Wai'alaie Ave.  
Honolulu, HI 96816  
Tel (808) 784-5062  
FAX (808) 733-2100

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**Setogawa, Aaron H.**

---

**From:** Setogawa, Aaron H  
**Sent:** Thursday, April 18, 2024 9:08 AM  
**To:** Rich Kiyabu, cori china@k12 hi.us  
**Cc:** Balassiano, Katia, Kato, Alison S  
**Subject:** Puukolii Mauka/Triangle Comment for LUC Status Hearing

Aloha,

Just a reminder that if you have any comments or concerns regarding the current status of the school site that Kaanapali Land Management Corp. is required to provide please share them with the Office of Planning and Sustainable Development (OPSD) by next week Friday, April 26, 2024. The Land Use Commission is holding a status hearing on the project on May 8, 2024, and we will share your concerns with the Commission at that time. Thank you.

**Aaron Setogawa**  
Senior Planner  
Office of Planning and Sustainable Development  
Email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)  
Phone 808-587-2883

**Setogawa, Aaron H.**

---

**From:** Setogawa, Aaron H  
**Sent:** Monday, April 8, 2024 10:41 AM  
**To:** richard.kiyabu@k12.hi.us; cori.china@k12.hi  
**Cc:** Balassiano, Katia; Kato, Alison S  
**Subject:** A92-686 Puukoliu Mauka and Triangle Comments  
**Attachments:** A92-686 AR 20230714.pdf, A92-686-Order-Granting-Motion-March-9-2009.pdf, A92-686-FOF-COL-DO-1993.pdf

Aloha,

The Land Use Commission (LUC) has scheduled a status hearing on the subject project for May 8, 2024. Attached for your reference is the Petitioner Kaanapali Land Management Corp's (KLMC) most recent 2022 Annual Report on the project. LUC Condition No. 22 concerns the provision of an 8-acre school site to the Department of Education (see Condition No. 22, pgs. 11-12, in the attached Annual Report). Also attached for your reference are the LUC's 1993 Decision and Order and 2009 Amended D&O.

If you have any concerns/comments on KLMC's representation of the status of the school site condition or have more recent information on the current status of the conveyance of the site to DOE, please let me know by April 26, 2024 so that we may inform the LUC.

Thank you,

**Aaron Setogawa**

Senior Planner  
Office of Planning and Sustainable Development  
Email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)  
Phone 808-587-2883

## Setogawa, Aaron H.

---

**From:** Setogawa, Aaron H  
**Sent:** Monday, April 8, 2024 10:56 AM  
**To:** cori.china@k12.hi.us  
**Subject:** FW: A92-686 Puukoliu Mauka and Triangle Comments  
**Attachments:** A92-686 AR 20230714.pdf; A92-686-Order-Granting-Motion-March-9-2009.pdf, A92-686-FOF-COL-DO-1993.pdf

Sorry,  
The following email was sent to an incomplete address.  
Aaron

**From:** Setogawa, Aaron H  
**Sent:** Monday, April 8, 2024 10:41 AM  
**To:** richard.kiyabu@k12.hi.us; cori.china@k12.hi.us  
**Cc:** Balassiano, Katia <katia.balassiano@hawaii.gov>; Kato, Alison S <alison.s.kato@hawaii.gov>  
**Subject:** A92-686 Puukoliu Mauka and Triangle Comments

Aloha,  
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If you have any concerns/comments on KLMC's representation of the status of the school site condition or have more recent information on the current status of the conveyance of the site to DOE, please let me know by April 26, 2024 so that we may inform the LUC.  
Thank you,

**Aaron Setogawa**  
Senior Planner  
Office of Planning and Sustainable Development  
Email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)  
Phone 808-587-2883

**Setogawa, Aaron H.**

---

**From:** Setogawa, Aaron H.  
**Sent:** Monday, April 8, 2024 1 14 PM  
**To:** Wong Lau, Lorinda G  
**Cc:** Lopez, David A; Aweau, Donald S, Balassiano, Katia; Kato, Alison S  
**Subject:** A92-686 Puukoliu Mauka and Triangle Comments  
**Attachments:** A92-686 AR 20230714.pdf; A92-686-FOF-COL-DO-1993 pdf

Aloha,

The Land Use Commission (LUC) has scheduled a status hearing on the subject project for May 8, 2024. Attached for your reference is the Petitioner Kaanapali Land Management Corp's (KLMC) most recent 2022 Annual Report on the project. LUC Condition No. 24 in the 2022 Annual Report references the Hawaii Emergency Management Agency. Also attached for your reference is the LUC's 1993 Decision and Order.

If you have any concerns/comments on KLMC's representation of the status of the condition or have more recent information on the current status of compliance with the condition, please let me know by April 26, 2024 so that we may inform the LUC.

Thank you,

**Aaron Setogawa**  
Senior Planner  
Office of Planning and Sustainable Development  
Email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)  
Phone 808-587-2883

**Setogawa, Aaron H.**

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**From:** Setogawa, Aaron H  
**Sent:** Thursday, April 18, 2024 9 22 AM  
**To:** Wong Lau, Lorinda G  
**Cc:** Lopez, David A, Aweau, Donald S, Balassiano, Katia, Kato, Alison S  
**Subject:** Puukoliu Mauka/Triangle Comments for LUC Status Hearing

Aloha,

Just a reminder that if the Hawaii Emergency Management Agency has any comments or concerns regarding the status of Condition No. 24 that Kaanapali Land Management Corp. is required by the Land Use Commission to perform, please share them with the Office of Planning and Sustainable Development (OPSD) by next week Friday, April 26, 2024. The Commission is holding a hearing on the project's status on May 8, 2024, and OPSD will inform the Commission of your concerns at that time.

Thank you.

**Aaron Setogawa**

Senior Planner

Office of Planning and Sustainable Development

Email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov)

Phone 808-587-2883

## Setogawa, Aaron H.

---

**From:** Balassiano, Katia  
**Sent:** Monday, October 7, 2024 8:44 AM  
**To:** Setogawa, Aaron H.  
**Subject:** FW: Maui Permitting - Kaanapali 2020

**From:** Balassiano, Katia  
**Sent:** Monday, May 13, 2024 2:02 PM  
**To:** Uyeno, Dean D <dean.d.uyeno@hawaii.gov>  
**Subject:** RE: Maui Permitting - Kaanapali 2020

Hello Dean,

As discussed, I recommended to the developer of Puukolii Mauka that they contact Ryan to better understand what you folks had/needed in order to facilitate their permit. They didn't respond to my email, so I'm not exactly sure what they did with my recommendation.

At last week's Land Use Commission Status Hearing on 5/8 (Kaanapali Land Management Corp's Docket A92-686 Puukolii Mauka and Triangle), the Petitioner suggested that all approvals were in place but for CWRM's. The Commission asked that I convey to CWRM the urgency of the matter, i.e., that the developer was prepared and ready to build housing on Maui. Our Attorney General shared with the LUC the large quantity of permits you were currently processing – as you had described your process to me in the email below. However, the Commission requested that OPSD obtain and submit to the LUC a response in writing from CWRM as to the status of Petitioner's water use permits and if the application for water for Puukolii Village can be expedited or prioritized given the need for housing.

You're not being singled out. They also requested that we secure a letter from the DOT that documents the status of the Bypass Highway and why it is not being built.

I'd suggest that you either address the letter to my supervisor, OPSD Director Mary Alice Evans, or directly to LUC Chair Dan Giovanni. If you email me the letter, I'll forward it to the LUC. Please let me know if you need this request submitted to you or your Director more formally on letterhead from the OPSD. The LUC provided no deadline, but expects the matter to return to the LUC in a few months.

Please let me know if you have any questions or would like to talk.

Thank you,

Katia

**From:** Uyeno, Dean D <[dean.d.uyeno@hawaii.gov](mailto:dean.d.uyeno@hawaii.gov)>  
**Sent:** Friday, May 3, 2024 2:59 PM  
**To:** Balassiano, Katia <[katia.balassiano@hawaii.gov](mailto:katia.balassiano@hawaii.gov)>  
**Subject:** RE: Maui Permitting - Kaanapali 2020

Yes, that would be fine. My guess is that they'll be seeking groundwater for the project, so I would refer them to our Ground Water Regulation Branch. They can email Ryan Imata at [ryan.r.imata@hawaii.gov](mailto:ryan.r.imata@hawaii.gov), who is the Ground Water Regulation Program Manager, or contact the Branch at (808) 587-0225.

Mahalo,  
Dean

**From:** Balassiano, Katia <[katia.balassiano@hawaii.gov](mailto:katia.balassiano@hawaii.gov)>  
**Sent:** Friday, May 3, 2024 2:46 PM  
**To:** Uyeno, Dean D <[dean.d.uyeno@hawaii.gov](mailto:dean.d.uyeno@hawaii.gov)>  
**Subject:** RE: Maui Permitting - Kaanapali 2020

Sorry, Dean, one more question: would it be ok if I recommend that the developer of Puukolu Mauka contact CWRM? If they think you folks are reviewing their application and, in fact, you have no application to review – they'll be waiting a long time for approval! I know that you likely don't need another entity asking for guidance, but for the purpose of expediting housing production, they should at least get a complete application submitted to you.

Thanks,

Katia

**From:** Uyeno, Dean D <[dean.d.uyeno@hawaii.gov](mailto:dean.d.uyeno@hawaii.gov)>  
**Sent:** Friday, May 3, 2024 2:35 PM  
**To:** Balassiano, Katia <[katia.balassiano@hawaii.gov](mailto:katia.balassiano@hawaii.gov)>  
**Subject:** RE: Maui Permitting - Kaanapali 2020

Sounds good. Mahalo, Katia! And have a great weekend!  
Dean

**From:** Balassiano, Katia <[katia.balassiano@hawaii.gov](mailto:katia.balassiano@hawaii.gov)>  
**Sent:** Friday, May 3, 2024 2:21 PM  
**To:** Uyeno, Dean D <[dean.d.uyeno@hawaii.gov](mailto:dean.d.uyeno@hawaii.gov)>  
**Subject:** RE: Maui Permitting - Kaanapali 2020



Hello Dean,

Thank you for your email. I heard you this morning talk about the 100+ permits you're processing and thought to myself "He's likely got 100+ emails with requests similar to mine ..." So, I do appreciate your research and response.

Should anything new emerge pertaining to CWRM from the LUC Status Hearing on 5/8, I'll let you know.

Thank you,

Katia

**From:** Uyeno, Dean D <[dean.d.uyeno@hawaii.gov](mailto:dean.d.uyeno@hawaii.gov)>  
**Sent:** Friday, May 3, 2024 2:07 PM  
**To:** Balassiano, Katia <[katia.balassiano@hawaii.gov](mailto:katia.balassiano@hawaii.gov)>  
**Subject:** RE: Maui Permitting - Kaanapali 2020

Aloha Katia,

My apologies for the delay in responding. As you are likely aware, the Commission on Water Resource Management designated the Lahaina Aquifer Sector Area as a ground- and surface water management area effective August 2022. Existing water users had one (1) year to file for an existing water use permit. All others would have to apply for a new water use permit.

At this time, we have received an existing water use permit application from Hawai'i Water Service for Kā'anapali Land Management. However, I believe, only one of the parcels that are part of the Puukolii Mauka development are listed in the existing water use permit application. Thus, for the development to have some assurance of water, they would need to file a new water use permit for Puukolii Mauka.

CWRM staff are in the process of reviewing over 100 water use permit applications and we are working on getting letters out for incomplete applications (i.e., missing, incorrect, or insufficient information). We anticipate bringing the first permit applications to the Commission for decision-making in late 2024. We are working in a prioritized manner by location, then by use, as we will need to address the public trust use applications first.

Bottom line, as of now, we have not received a water use permit application for the Puukolii Mauka parcels.

I hope this helps. Should you have any questions, please let me know.

Mahalo,  
Dean

**From:** Balassiano, Katia <[katia.balassiano@hawaii.gov](mailto:katia.balassiano@hawaii.gov)>  
**Sent:** Wednesday, May 1, 2024 10:24 AM

**To:** Uyeno, Dean D <[dean.d.uyeno@hawaii.gov](mailto:dean.d.uyeno@hawaii.gov)>

**Subject:** Maui Permitting - Kaanapali 2020

Hello Dean,

I don't think we've previously met, but we both participate in the Friday morning Maui Temporary Housing meetings run by Luke and Craig. I wanted to reach out in regards to a Land Use Commission hearing on 5/8 involving the Kaanapali Land Management Corp's Docket A92-686 Puukolu Mauka and Triangle <https://luc.hawaii.gov/wp-content/uploads/2014/02/A92-686-FOE-COL-DO-1993.pdf>. OPSD represents the State's interests before the LUC, which means they ask us if any State agencies have concerns or needs associated with proposals to convert State Ag lands to Urban.

I recently spoke with the developer, and suspect the LUC may have questions regarding CWRM's position regarding water for this area (TMKs: 4-4-02:02 (por.) and 4-4-06: 01 (por.)). The developer is suggesting that all Master Plans for infrastructure have been approved for the mauka area of the site plans and the Hawaii Water Service Co. on Maui has indicated they have the water capacity, but that CWRM has not confirmed that the project may commence.

I was hoping that you could either look into this matter for me, or point me in the direction of someone who can. I know there's not much time between today and 5/8, but I'd certainly appreciate your input. Please let me know if you need more info or would like to talk.

Thank you,

Katia

**Katia Balassiano, AICP**  
Planning Program Administrator I, Land Use Division  
State of Hawaii | Office of Planning & Sustainable Development  
Dept. of Business, Economic Development & Tourism  
235 S. Beretania Street, 6th Floor  
Honolulu, Hawaii 96813  
(808) 587-2885

OPSD Exhibit 2

**Setogawa, Aaron H.**

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**From:** Balassiano, Katia  
**Sent:** Tuesday, August 6, 2024 4:01 PM  
**To:** Setogawa, Aaron H  
**Subject:** FW Land Use Commission Status Hearing Kaanapali 2020

For the LUC's records.  
Katia

**From:** Balassiano, Katia  
**Sent:** Tuesday, May 14, 2024 1:54 PM  
**To:** Meyers, Luke P <luke.p.meyers@hawaii.gov>, Clouet, Craig <craig.clouet@hawaii.gov>  
**Cc:** Evans, Mary Alice <maryalice.evans@hawaii.gov>, Primiano, Lauren M <lauren.m.primiano@hawaii.gov>, Setogawa, Aaron H <aaron.h.setogawa@hawaii.gov>; Kobayashi, David RZ <david.rz.kobayashi@hawaii.gov>; Uyeno, Dean D <dean.d.uyeno@hawaii.gov>  
**Subject:** Land Use Commission Status Hearing: Kaanapali 2020

Hello Luke and Craig,

At last week's 5/8 Land Use Commission (LUC) Status Hearing, the Petitioner (Kaanapali Land Management Corp) suggested that all approvals were in place, apart from CWRM's, such that they could begin construction on the 240 acre Puukolii Mauka section. Full buildout would result in approx. 940 housing units. Dean and I have been in communication about this matter. I understand that CWRM has a large quantity of permits they're currently processing. The Petitioner has been told to contact CWRM, because CWRM's records suggest they have not received a water use permit application from the Petitioner. The LUC asked OPSD to secure from CWRM the status of the Petitioner's water use permits in writing and if the application for water can be expedited or prioritized, given the urgency associated with housing production.

I was also asked to convey to the Gov's Disaster Recovery Team that the Petitioner represented to the LUC that they were prepared and nearly ready to build housing.

As a reminder, the "Kaanapali 2020" temp housing project discussed Friday mornings differs from the "Kaanapali 2020 Plan" discussed in the LUC Docket A92-686 Puukolii Mauka and Triangle, although the areas are not physically far apart.

I'm not sure that there's anything you need to do in response to the LUC's discussions. However, given that it was a public meeting, I thought I'd bring these matters to your attention.

Please let me know if you've got questions.

Katia

**Katia Balassiano, AICP**  
Planning Program Administrator I, Land Use Division  
State of Hawai'i Office of Planning & Sustainable Development  
Dept. of Business, Economic Development & Tourism  
235 S. Beretania Street, 6th Floor  
Honolulu, Hawaii 96813  
(808) 587-2885

OPSD Exhibit 3

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'OKELE

Deputy Directors  
Nā Hope Luna Ho'okele  
DREANALEE K. KALILI  
TAMMY L. LEE  
CURT T. OTAGURO  
ROBIN K. SHISHIDO

IN REPLY REFER TO:

DIR0000791  
HWY-PL 24-2.35128

August 27, 2024

TO: JAMES KUNANE TOKIOKA, DIRECTOR  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND  
TOURISM

ATTENTION: MARY ALICE EVANS, DIRECTOR  
OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT

FROM: EDWIN H. SNIFFEN   
DIRECTOR OF TRANSPORTATION

SUBJECT: LAHAINA BYPASS ROAD EXTENSION  
FROM KEAWE ROAD (PHASE 1C)  
REQUEST FOR PROJECT STATUS  
PUUKOLII DEVELOPMENT  
LAHAINA, MAUI  
TAX MAP KEY NO. (2) 4-4-015: 1 TO 29, 32, AND 042

The Hawaii Department of Transportation (HDOT) has reviewed your email regarding the status of the subject project. We apologize for the delay in response.

We understand that the Office of Planning and Sustainable Development is compiling a response to the Land Use Commission Minute Order for a Status Report, Docket A92-686, dated July 1, 2024, which requires input from the HDOT.

The existing Lahaina Bypass from Hokiokio Place to Keawe Street is State Route 3000. The extension of Lahaina Bypass north of Keawe Street is included in Phase 1C of the Lahaina Bypass Project. Currently, there is no funding available for the project.

If you have any questions, please contact Jeyan Thirugnanam, Land Use Planning Engineer, Planning Branch at (808) 587-6336 or by email at [jeyan.thirugnanam@hawaii.gov](mailto:jeyan.thirugnanam@hawaii.gov). Please reference file review number PL 2024-143.