

Waiko Industrial Investment, LLC



April 23, 2025

Daniel E. Orodener, Executive Officer
Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii
P.O. Box 2359
Honolulu, HI 96804-2359

Re: 2025 Annual Report - Docket No. A12-796 – Waiko Light Industrial

Dear Mr. Orodener:

Waiko Industrial Investment, LLC ("Waiko") submits this Annual Report in accordance with Condition No. 23 of the State Land Use Commission Findings of Fact, Conclusions of Law and Decision and Order, dated on May 3, 2013, in Docket No. A12-796, to report on the status of the development of the light industrial subdivision (the "Project"). The enclosed document outlines Waiko's compliance with each of the 26 conditions of approval.

Waiko has been diligently pursuing the development of the Project. Construction is completed for the Project.

Please feel free to contact Noah Walin at (808) 270-5943 or noahw@pacificrimland.com should you have any questions or require any additional information.

Sincerely,
Waiko Industrial Investment, LLC

A handwritten signature in black ink, appearing to read "Noah Walin".

Noah Walin
Its Project Coordinator

c: Mary Alice Evans, Director, State Office of Planning and Sustainable Development
Kate Blystone, Director, County of Maui, Planning Department

**WAIKO INDUSTRIAL INVESTMENT, LLC
WAIKO LIGHT INDUSTRIAL
DOCKET A12-796**

State Land Use Commission Condition Status

Condition 1: Highway and Road Improvements. The Petitioner shall abide by, complete and/or submit the following:

Condition 1 Status: Satisfied to date and ongoing.

Condition 1a.: The TIAR shall be revised and resubmitted to the DOT Highways Division for review and acceptance prior to zone change approval.

Condition 1a. Comments: A final TIAR was approved by DOT on June 13, 2014.

Condition 1b: Petitioner shall fund, construct and implement the Project's local/direct access improvements recommended in the TIAR accepted by the DOT for the Waiko Road intersections with Honoapiilani Highway and Kuihelani Highway

Condition 1b. Comments: Construction is completed for the Kuihelani Highway intersection as approved by DOT. No improvements were required by DOT for Honoapiilani Highway intersection.

Condition 1c.: Petitioner shall provide its fair share contribution to the cost of regional improvements to State highways. These improvements could be on Honoapiilani Highway and/or on Kuihelani Highway.

Condition 1c. Comments: See 1b. comments above.

Condition 1d.: The revised TIAR shall be updated every three (3) years until build out. If the Project is delayed beyond 2015, trips generated by A&B Properties, Inc.'s development and any other committed developments in the vicinity that are developed before the build out of the Project shall be included as background traffic in the updated TIAR.

Condition 1d. Comments: An updated TIAR was submitted to DOT on April 17, 2018, with no response from DOT. On April 29, 2021, a supplemental letter was submitted to DOT as an update to the TIAR, indicating no significant increase in traffic volumes. On April 19, 2022, DOT confirmed that no update to the TIAR is required until 2024, see Exhibit A. On March 11, 2024, DOT confirmed that an update letter similar to the letter supplied in 2021 would satisfy the TIAR condition, see Exhibit B. On April 15, 2024, a supplemental letter was submitted to DOT as an update to the TIAR indicating no traffic was generated at the project, and therefore, an updated TIAR is not needed at this time, see Exhibit C. Buildout of the subdivision is completed, but no baseyard uses or buildings have started.

To note, the A&B Properties (A&B) development has started construction as well as other significant development projects in the vicinity. In fact, A&B sold their property to the County of Maui for cultural preservation purposes.

Condition 1e: Petitioner shall include a provision in each of its sales, lease, and conveyance documents, whereby each person who may from time to time own the Petition Area, any portion thereof, or hold any other interest therein or occupy any improvements thereon, makes the same acknowledgement and the following agreements in favor of the State of Hawaii: (a) such person assumes complete risk of and forever releases the State of Hawaii from all claims for damages

and nuisances occurring on the Petition Area and arising out of or related highway traffic noise from Kuihelani Highway and (b) such person waives any right to (i) require the State of Hawaii to take any action to eliminate or abate any highway traffic noise from Kuihelani Highway; and (ii) file any suit or claim against the State of Hawaii for injunction or abatement of any highway traffic noise from Kuihelani Highway and for any damages or other claims related to or arising there-from. The provision shall be incorporated into the appropriate title documents and recorded at the Bureau of Conveyances.

Condition 1e Comments: This language is included in the conveyance documents of the property.

Condition 2: Notification of Proximity to Kahului Airport. Petitioner and all subsequent owners shall notify and disclose to all prospective developers, purchasers, and/or lessees within the Project, as part of any conveyance document (deed, leases, etc.) required for the sale or transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from Kahului Airport such as noise, right of flight, emissions, vibrations, and other incidences of aircraft operations.

Condition 2 Status: Satisfied.

Condition 2 Comments: This language is included in the conveyance documents notifying potential purchases.

Condition 3: Hazardous Wildlife Attractants on or Near Kahului Airport. As deemed necessary by the DOT to minimize the hazards to aircraft operations from Kahului Airport, Petitioner shall fund and implement a program to control any birds nesting or occupation and any insect, pest, or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities, or associated settling ponds) serving the Project. Petitioner shall enter into a Memorandum of Agreement with the DOT to document hazardous wildlife attractant mitigation prior to the granting of tentative subdivision approval.

Condition 3 Status: Satisfied

Condition 3 Comments: DOT Airports executed a Memorandum of Agreement in 2018 that includes a Wildlife Hazardous Prevention Program.

Condition 4: Water Conservation. Petitioner shall implement water conservation measures, including the use of endemic, indigenous, and drought-tolerant plants and turf, and incorporate such measures into the Petition Area's site design and landscaping.

Condition 4 Status: Satisfied.

Condition 4 Comments: Water conservation measures have been integrated into the landscape design (minimal landscaping and use of drip irrigation) of the subdivision which has been approved by the County of Maui. Installation of the approved subdivision landscaping was completed in January 2025.

Condition 5: Wastewater System and Facilities. Petitioner shall comply with chapter 11-62, HAR, entitled "Wastewater Systems" and any IWS shall be approved by the DOH. Petitioner

shall construct internal sewer lines in accordance with County of Maui standards and provide stub outs for future sewer connection as may be required by the County.

Condition 5 Status: Satisfied.

Condition 5 Comments: Construction plans for the wastewater system were approved by the DOH on December 7, 2017. Construction of the wastewater system was completed in November 2024.

Condition 6: Stormwater Management and Drainage. Petitioner shall construct and maintain stormwater and drainage system improvements as designed in compliance with applicable federal, State, and County laws and rules. To the extent feasible, Petitioner shall implement BMPs and incorporate Low Impact Development practices for onsite stormwater capture and reuse into the Petition Area's site design and landscaping to control water quality and mitigate nonpoint sources of pollution.

Condition 6 Status: Satisfied.

Condition 6 Comments: A stormwater and drainage system have been designed, approved by the County of Maui on December 22, 2017, and constructed for the Project. Construction of the stormwater and drainage system was completed in January 2023.

Condition 7: Civil Defense. Petitioner shall fund and install one (1) civil defense warning siren as specified by and in a location approved by the SCD and County of Maui Civil Defense Agency.

Condition 7 Status: Satisfied.

Condition 7 Comments: Construction of the emergency siren was completed in August 2024.

Condition 8: Archaeological and Historic Preservation. Petitioner shall comply with mitigation measures recommended by the DLNR, SHPD. Archaeological monitoring shall be conducted during all ground disturbing activities on the Petition Area and a report of monitoring activities shall be submitted to the SHPD upon the completion of the fieldwork.

Condition 8 Status: Satisfied to date and ongoing.

Condition 8 Comments: An archaeological monitoring plan was approved by SHPD on May 31, 2012, and Petitioner complied with the plan during subdivision construction.

Condition 9: Previously Unidentified Burials and Archaeological/Historic Sites. In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the DLNR, SHPD, Maui Island Section, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, paving, and walls not previously identified in studies referred to herein, are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the DLNR, SHPD, that mitigation measures have been implemented to its satisfaction.

Condition 9 Status: Ongoing

Condition 9 Comments: Petitioner has complied with this condition on inadvertent finds during construction of the subdivision.

Condition 10: Infrastructure Deadline. Petitioner shall complete construction of the proposed backbone infrastructure, which consists of the primary roadways and access points, internal roadways, on- and offsite water and electrical system improvements, and stormwater/drainage and other utility system improvements, within ten (10) years from the date of the Decision and Order granting the requested reclassification.

Condition 10 Status: Satisfied

Condition 10 Comments: Petitioner has substantially completed the backbone infrastructure.

Condition 11: County Access to Waikapu Landfill Site. Petitioner will provide continued access to the County of Maui Waikapu Landfill site as shown on the conceptual plan, page 2, of Petitioner's Exhibit "53" ("Access Easement"). Acceptable alternatives for County access are: (a) over existing Easement "C"; (b) over the Project's internal roadways in combination with the proposed temporary access over Lot 12-A; or (c) over permanent roads within A&B Properties, Inc.'s future Waiale master-planned community. With the consent of the County, Easement "C" may be released before the development of an alternate, permanent route provided the proposed temporary access easement is in place or Petitioner has provided alternate access to the County over Lot 1-C to the satisfaction of the DEM.

Condition 11 Status: Satisfied

Condition 11 Comments: County of Maui has executed an access easement to their property.

Condition 12: County Conditions Related to Access Easement. Within the Access Easement area, Petitioner shall ensure that: (1) all turning radii in the Access Easement accommodate large vehicles accessing the landfill; (b) the replacement roadway surface in the Access Easement area is sufficient to handle the weight of the large vehicles that access the landfill; (c) the continuity of flow from Waiko Road to the remainder of the landfill Access Easement is preserved; and (d) there is a formal, written easement recorded against the Petition Area to document the Access Easement, the terms of which shall be reviewed and approved by the DEM, Solid Waste Division.

Condition 12 Status: Satisfied

Condition 12 Comments: County of Maui has executed an access easement to their property.

Condition 13: Condition Relating to Light Industrial and Commercial Uses. The uses in the area shown on the conceptual plan referenced in the Commission's proceedings as Petitioner's Exhibit "55" will be limited to the uses described in Exhibit "55". No residential or apartment uses are planned or will be built within the Petition Area. Uses within the 8.5-acre portion of the Petition Area fronting Kuihelani Highway as also shown on Petitioner's Exhibit "55" are limited to B-1, B-2, and B-3 zoning district uses except that no apartment uses are allowed.

Condition 13 Status: Ongoing

Condition 13 Comments: Encumbrance on the property restricting the uses have been recorded as part of the D&O.

Condition 14: Water Service. A private water system shall be developed for the Petition Area which shall be approved by the DOH, Safe Water Drinking Division, and the DLNR for well drilling and pump installation requirements. Petitioner shall construct internal water lines in accordance with County of Maui standards and will include a stub out for future connection should County of Maui water service becomes available to the Petition Area. At such time, Petitioner and/or its successors shall apply to the DWS for connection and service.

Condition 14 Status: Satisfied

Condition 14 Comments: DOH and DLNR has approved the construction of the private water system and pump installation permits, respectively. County of Maui has approved the internal water lines. The water system has been constructed.

Condition 15: Solid Waste. Petitioner shall comply with solid waste disposal as required by the DEM.

Condition 15 Status: Satisfied to date and ongoing.

Condition 15 Comments: Petitioner has comply with this condition throughout the construction of the subdivision.

Condition 16: Dust Control Measures. In addition to the Stormwater Management and Drainage Condition recommended by OP, Petitioner shall use BMPs to implement dust control measures during and after the development process in accordance with the DOH guidelines.

Condition 16 Status: Satisfied to date and ongoing.

Condition 16 Comments: Throughout subdivision construction, BMPs approved by the County of Maui and DOH NPDES permit were used.

Condition 17: Hazardous Materials. Storage and/or disposal of hazardous materials shall be approved by the DOH prior to their establishment within the Petition Area.

Condition 17 Status: Satisfied to date & Ongoing.

Condition 17 Comments: Petitioner has and will comply. Future owners will be notified of this condition.

Condition 18: Energy Conservation Measures. Petitioner, where feasible, shall implement energy conservation measures such as use of solar energy and solar heating and incorporate such measures into the proposed development.

Condition 18 Status: Ongoing – post construction

Condition 18 Comments: Energy conservation measures will be incorporated into the project by the individual building owners.

Condition 19: Established Access Right Protected. Pursuant to Article XII, section 7, of the Hawaii State Constitution, Petitioner shall preserve any established access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, and religious practices, or for access to other areas.

Condition 19 Status: Ongoing

Condition 19 Comments: Petitioner acknowledges this condition.

Condition 20: Compliance with Section 205-3.5 HRS, Related to Agricultural Uses on Adjacent Agricultural Land. For all land in the Petition Area or any portion thereof that is adjacent to land in the State Land Use Agricultural District, Petitioner shall comply with the following:

a. Petitioner and its successors and assigns shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District. For the purpose of these conditions, “farming operations” shall have the same meaning as provided in section 165-2, HRS; and

b. Petitioner shall notify all prospective developers or purchasers of land or interest in land in the Petition Area, and provide or require subsequent notice to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under chapter 165, HRS, the Hawaii Right to Farm Act. The notice shall disclose to all prospective buyers, tenants, or lessees of the Petition Area that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. The notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

Condition 20 Status: Satisfied

Condition 20 Comments: Petitioner included these provisions into conveyance documents notifying potential purchasers of Hawaii Right to Farm Act.

Condition 21: Compliance with Representations to the Commission. Petitioner shall develop the Petition Area in substantial compliance with representations made to the Commission as reflected in this Decision and Order. Failure to so develop the Petition Area may result in reversion of the Petition to its former classification, or change to a more appropriate classification.

Condition 21 Status: Satisfied to date and ongoing.

Condition 21 Comments: The construction of the subdivision are consistent with what was represented to the Commission.

Condition 22: Notice of Change of Ownership. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter the ownership interests in the Petition Area at any time, prior to completion of development of the Petition Area.

Condition 22 Status: Ongoing

Condition 22 Comments: Petitioner acknowledges this condition.

Condition 23: Annual Reports. Petitioner shall timely provide without any prior notice, annual reports to the Commission, OP, and the DP, and their respective successors, in connection with

the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be in a form prescribed by the Executive Officer of the Commission. The annual report shall be due on or before the anniversary date of the Decision and Order for the reclassification of the Petition Area.

Condition 23 Status: Ongoing

Condition 23 Comments: Petitioner has submitted annual reports to comply.

Condition 24: Release of Conditions. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Petition Area upon timely motion and upon provision of adequate assurance of satisfaction of these conditions by Petitioner or its successors or assigns.

Condition 24 Status: Ongoing

Condition 24 Comments: Petitioner acknowledges this condition.

Condition 25: Notice of Imposition of Conditions. Within seven days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances of the State of Hawai'i a statement that the Petition Area is subject to conditions imposed herein by the Commission in the reclassification of the Petition Area; and (b) file a copy of such recorded statement with the Commission.

Condition 25 Status: Satisfied

Condition 25 Comments: The D&O was recorded on July 18, 2013, and filed with the commission.

Condition 26: Recordation of Conditions. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92, HAR.

The limitations, restrictions, covenants and conditions of this Declaration shall continue and remain in full force and effect at all times with respect to the Reclassified Area included in this Declaration until such time that the Commission removes or releases the conditions relating to the Reclassified Area established through its Decision and Order filed May 3, 2013, as amended, in Docket No. A 12-796.

Condition 26 Status: Satisfied

Condition 26 Comments: The D&O was recorded on July 18, 2013, and filed with the commission.

Exhibit A

Noah Walin

From: Thirugnanam, Jeyan <jeyan.thirugnanam@hawaii.gov>
Sent: Tuesday, April 19, 2022 10:12 AM
To: Tyler Fujiwara; Shishido, Robin K
Cc: Lee, Jenny S
Subject: Re: Waiko Light Industrial Status

[EXTERNAL EMAIL]

Hi Tyler,

My responses are below.

1. Waiko Light Industrial subdivision is still currently unoccupied, so I wouldn't think a TIAR or traffic letter is needed for the 2022 compliance report. Do you concur? **Yes, concur.**
2. Do you consider the 2021 traffic letter as satisfying the TIAR requirement (in other words, next updated TIAR would not be required until Year 2024 – three (3) years from Year 2021)? **Yes**

If there are any unanticipated changes to the traffic conditions, please let me know.

Best,
Jeyan

From: Tyler Fujiwara <tfujiwara@atahawaii.com>
Sent: Thursday, April 7, 2022 3:52 PM
To: Shishido, Robin K <robin.k.shishido@hawaii.gov>; Thirugnanam, Jeyan <jeyan.thirugnanam@hawaii.gov>
Cc: Lee, Jenny S <jenny.s.lee@hawaii.gov>
Subject: [EXTERNAL] Waiko Light Industrial Status

Hi Robin/Jeyan,

Pac Rim is finalizing their annual 2022 compliance report for their Waiko Light Industrial development.

Per zoning condition No. 1, the TIAR shall be updated every three (3) years. The last updated TIAR was done in 2018, so another updated TIAR would have been required in 2021. ATA prepared a letter justifying that an updated TIAR was not needed for Year 2021, which is Exhibit A in the attached annual 2021 compliance report. I sent you the letter via email below and the compliance report was filed with State Office of Planning April 2021. I had a couple questions:

1. Waiko Light Industrial subdivision is still currently unoccupied, so I wouldn't think a TIAR or traffic letter is needed for the 2022 compliance report. Do you concur?
2. Do you consider the 2021 traffic letter as satisfying the TIAR requirement (in other words, next updated TIAR would not be required until Year 2024 – three (3) years from Year 2021)? Note, I was told that the Project is currently under construction, but remains unoccupied.

Please advise. Thanks!



Tyler K. Fujiwara, P.E.

Chief Transportation Manager - Maui

Austin, Tsutsumi & Associates, Inc. | <https://atahawaii.com>

From: Tyler Fujiwara
Sent: Friday, April 30, 2021 2:54 PM
To: Shishido, Robin K <robin.k.shishido@hawaii.gov>; Thirugnanam, Jeyan <jeyan.thirugnanam@hawaii.gov>
Cc: noahw@pacificrimland.com
Subject: Waiko Light Industrial TIAR Status

Hi Robin & Jeyan,

Pacific Rim Land Co. currently has entitlements to develop the future Waiko Light Industrial Park off Waiko Road. They have a list of conditions from State LUC, one of which is to update the TIAR every three years. We prepared the attached letter outlining our reasons why a TIAR would not be needed at this time.

Pacific Rim Land Co. has filed their annual report to the State Office of Planning, which includes the attached letter. I think it should get routed to your departments at some point. Anyway, let me know if you have any questions or require more background on this development. Thanks and have a good weekend!

Tyler

This message from Austin, Tsutsumi & Associates, including any attachments, is intended solely for the recipient identified above and should not be opened, read, or utilized by any other party. This message is as intended above and shall not be construed as official project information or direction except as expressly provided in the contract documents. If you received this message in error, please immediately delete it and all copies, and promptly notify the sender. Thank you.

Exhibit A



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

CONTINUING THE ENGINEERING PRACTICE FOUNDED BY H. A. R. AUSTIN IN 1934

TERRANCE S. ARASHIRO, P.E.
ADRIENNE W.L.H. WONG, P.E., LEED AP
DEANNA M.R. HAYASHI, P.E.
PAUL K. ARITA, P.E.
ERIK S. KANESHIRO, L.P.L.S., LEED AP
MATT K. NAKAMOTO, P.E.
GARRETT K. TOKUOKA, P.E.

April 26, 2021

Mr. Robin Shishido, Maui District Engineer
State of Hawaii
Department of Transportation
Highways Division – Maui District Office
650 Palapala Drive
Kahului, Hawaii 96732

Dear Mr. Shishido:

**Subject: Status of TIAR Update
For Waiko Light Industrial
Waikapu, Maui, Hawaii**

This letter was written to discuss the status of the TIAR update for the Waiko Light Industrial development (hereinafter referred to as “Project”), in accordance with Condition 1.d of the State Land Use Commission Findings of Fact, Conclusions of Law and Decision and Order, dated May 3, 2013, in Docket No. A12-796, which states “*The revised TIAR shall be updated every three (3) years until build-out.*”

A final TIAR for the Project was completed by Phillip Rowell and Associates, dated January 31, 2014 (hereinafter referred to as “DOT Approved 2014 Project TIAR”) and was approved by the State of Hawaii Department of Transportation (HDOT) on June 13, 2014. Austin, Tsutsumi & Associates, Inc. (ATA) subsequently prepared the first revised TIAR dated April 4, 2018, consistent with Condition 1.d. It's our understanding that a second revised TIAR is required for Year 2021 to fulfill Condition 1.d. However, ATA believes that for the following reasons, an updated TIAR prepared in Year 2021 will not yield any changes from the first revised 2018 TIAR and is therefore not needed at this time:

- Based on HDOT's COVID-19 Average Daily Traffic (ADT) Traffic Volume Comparison from pre-COVID-19 2019 levels to current April 2021 levels, traffic along Honoapiilani Highway near Wailuku Town is currently 9% less and traffic along Kuihelani Highway is the same as 2019 levels.
- Nearby schools in the Wailuku and Kahului areas are still only partial reopened due to COVID-19. Therefore, weekday AM peak volumes are likely still much lower than pre-COVID-19 levels.
- The Project currently remains unoccupied, so there is no existing traffic generated at the Project site.

Mr. Robin Shishido, Maui District Engineer
State of Hawaii
Department of Transportation

April 26, 2021

We appreciate the opportunity to prepare this Status Update Letter. If you have any questions or require additional information, please contact me at (808) 244-8044.

Sincerely,

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

_____**f**

By

TYLER K. FUJIWARA, P.E.
Chief Transportation Manager - Maui

TF

Exhibit B

Noah Walin

From: Tyler Fujiwara <tfujiwara@atahawaii.com>
Sent: Monday, March 11, 2024 4:32 PM
To: Noah Walin
Cc: Kelcee A. Mira
Subject: FW: Waiko Light Industrial - TIAR condition

Hi Noah,

See Jeyan's email below. Letter is good to go. Thanks.

Tyler

From: Thirugnanam, Jeyan <jeyan.thirugnanam@hawaii.gov>
Sent: Monday, March 11, 2024 4:20 PM
To: Tyler Fujiwara <tfujiwara@atahawaii.com>; Matsuda, Annette DH <annette.dh.matsuda@hawaii.gov>
Cc: Lee, Jenny S <jenny.s.lee@hawaii.gov>; Shishido, Robin K <robin.k.shishido@hawaii.gov>; Kelcee A. Mira <kamira@atahawaii.com>
Subject: Re: Waiko Light Industrial - TIAR condition

[EXTERNAL EMAIL]

Hi Tyler,

Another status letter, similar to the April 2021 letter, satisfies the TIAR requirement.

Best,
Jeyan

From: Tyler Fujiwara <tfujiwara@atahawaii.com>
Sent: Friday, March 8, 2024 9:53 AM
To: Thirugnanam, Jeyan <jeyan.thirugnanam@hawaii.gov>; Matsuda, Annette DH <annette.dh.matsuda@hawaii.gov>
Cc: Lee, Jenny S <jenny.s.lee@hawaii.gov>; Shishido, Robin K <robin.k.shishido@hawaii.gov>; Kelcee A. Mira <kamira@atahawaii.com>
Subject: [EXTERNAL] Waiko Light Industrial - TIAR condition

Hi Annette/Jeyan,

For Annette's info, we previously worked with Robin, Jeyan and Jenny on this Waiko Light Industrial Project. They have received all entitlements and ATA is just assisting with their conditions of zoning, one of which requires an updated TIAR every three (3) years. I've attached the last updated TIAR done in April 2018 and a status letter in April 2021. Based on the email string below, we determined that an updated TIAR was not needed in April 2021 since Waiko Industrial was still undeveloped.

As we approach the 3-year mark, another updated TIAR is required for 2024. However, the Waiko Industrial site is still undeveloped. Based on the Pac Rim Land's current status, they have installed the majority of the backbone infrastructure; water, sewer, electric, and drainage has been completed. However, there are a couple of construction items they are waiting for SHPD determination on to fully complete the construction. They do not have a clear timeline from SHPD on when they will receive approval to move forward and complete construction.

Since the Project site is still undeveloped, we don't think a TIAR would yield any new info. Will another status letter, similar to the April 2021 letter, satisfy the TIAR requirement? Let me know if you have any questions or need any more info. Thanks!



Tyler K. Fujiwara, P.E.

Chief Transportation Engineer - Maui

Austin, Tsutsumi & Associates, Inc. | <https://atahawaii.com>

1871 Wili Pa Loop, Ste A | Wailuku, Hawaii 96793

Email: tfujiwara@atahawaii.com | Phone: 808 244-8044

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Subject: Re: Waiko Light Industrial Status

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1871 Wili Pa Loop, Ste A | Wailuku, Hawaii 96793

Email: tfujiwara@atahawaii.com | Phone: 808 244-8044

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Exhibit C



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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CONTINUING THE ENGINEERING PRACTICE FOUNDED BY H. A. R. AUSTIN IN 1934

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March 4, 2024

Ms. Annette Matsuda, Maui District Engineer
State of Hawaii
Department of Transportation
Highways Division – Maui District Office
650 Palapala Drive
Kahului, Hawaii 96732

Dear Ms. Matsuda:

**Subject: Status of TIAR Update
For Waiko Light Industrial
Waikapu, Maui, Hawaii**

This letter was written to discuss the status of the TIAR update for the Waiko Light Industrial development (hereinafter referred to as “Project”), in accordance with Condition 1.d of the State Land Use Commission Findings of Fact, Conclusions of Law and Decision and Order, dated May 3, 2013, in Docket No. A12-796, which states “*The revised TIAR shall be updated every three (3) years until build-out.*” Below is a timeline of submittals related to the TIAR.

- January 2014 – A final TIAR for the Project was completed by Phillip Rowell and Associates, dated January 31, 2014 (hereinafter referred to as “DOT Approved 2014 Project TIAR”) and was approved by the State of Hawaii Department of Transportation (HDOT) on June 13, 2014.
- April 2018 – Austin, Tsutsumi & Associates, Inc. (ATA) submitted the first revised TIAR dated April 4, 2018, consistent with Condition 1.d.
- April 2021 – ATA submitted a Status Update Letter dated April 26, 2021, indicating that the Project remained unoccupied, so there was no traffic generated at the Project site. Correspondence with HDOT confirmed that the next revised TIAR would not be required until May 2024 (three years after the April 2021 submittal).

Based on the above timeline, a second revised TIAR is required for Year 2024 to comply with Condition 1.d. However, the Project currently remains unoccupied, so there is no existing traffic generated at the Project site. Therefore, ATA believes that an updated TIAR for Year 2024 is not needed at this time.



Ms. Annette Matsuda, Maui District Engineer
State of Hawaii
Department of Transportation

March 4, 2024

We appreciate the opportunity to prepare this Status Update Letter. If you have any questions or require additional information, please contact me at (808) 244-8044.

Sincerely,

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Tyler K. Fujiwara', is positioned above the printed name.

By

TYLER K. FUJIWARA, P.E.
Chief Transportation Engineer - Maui

TF