



June 10, 2025

State of Hawaiʻi Land Use Commission  
Department of Business and Economic Development and Tourism  
P.O. Box 2359  
Honolulu, Hawaiʻi 96804-2359

Attention: Daniel E. Orodenker, Executive Officer  
By electronic mail: [daniel.e.orozenker@hawaii.gov](mailto:daniel.e.orozenker@hawaii.gov) and [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov)

Re: 2024 Annual Report to the Land Use Commission (Condition 18)  
Docket No. A19-809 (Pūlama Lānaʻi Miki Basin)

To Chairperson and Members of the Land Use Commission:

As required by Condition No. 18 of the Finding of Fact, Conclusion of Law, and Decision and Order, dated March 28, 2023 ("D&O"), in the above-described docket Lānaʻi Resorts, LLC (dba Pūlama Lānaʻi), hereby submits this annual report (**Exhibit A**) to the Land Use Commission ("Commission").

The Maui County Change in Zoning application (ZPA2022-00095) and County Special Use Permit (CSUP2023-00002) for the 200 acres in the subject docket was submitted to the County immediately after the D&O was issued and on August 16, 2023, the Lānaʻi Planning Commission recommended approval of the ZPA2022-00095 and CSUP2023-00002 to the Maui County Council. On September 27, 2024, the Maui County Council passed Bill No. 27 CD2 (2024) unanimously and the Bill was designated as Ordinance No. 5704.

Some of the conditions herein state deadlines of "ten years after D&O date." It should be noted that although the D&O was approved on March 28, 2023, the land was not fully entitled to permit the industrial activities until September 27, 2024, eighteen (18) months later.

Should you have any questions, please contact me at [kdancil@pulamalanai.com](mailto:kdancil@pulamalanai.com) or 808-237-2216.

Sincerely,

*Keiki-Pua Dancil*  
Keiki-Pua Dancil (Jun 9, 2025 19:14 HST)

Keiki-Pua S. Dancil, Ph.D.  
Senior Vice President

cc: Ms. Mary Alice Evans, Director, Office of Planning and Sustainable Development, State of Hawaiʻi,  
Ms. Kate Blystone, Director, County of Maui Planning Department

### EXHIBIT A: ANNUAL STATUS REPORT

#	Condition	Status
1	<b><u>Preserving Water Resources.</u></b> In consultation with the Commission on Water Resource Management, Petitioner shall install water efficient fixtures and implement water efficient practices throughout the development to reduce the increased demand on the area's freshwater resources. Alternative water sources shall be used wherever practicable.	Petitioner acknowledges the condition.
2	<b><u>Stormwater Management.</u></b> To the satisfaction of the County Department of Public Works, Petitioner shall implement BMPs for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site filtration and preventing polluted runoff from storm events.	Petitioner acknowledges the condition.
3	<b><u>CWRM Water Audit Program.</u></b> Petitioner shall expand its participation in the State Commission of Water Resources Management's Water Audit Program to include the Miki Basin Industrial Park and update its water usage data.	Petitioner acknowledges the condition.
4	<b><u>FAA Notice of Construction.</u></b> Prior to construction, Petitioner shall submit to the FAA, FAA Form 7460-1 Notice of Construction or alteration pursuant to the Code of Federal Regulations, Title 14, Part 77.9. Construction equipment and staging area heights, including heights of temporary construction cranes, shall be included in the submittal.	Petitioner acknowledges the condition.
5	<b><u>Notification of Proximity to Lānaʻi Airport.</u></b> Petitioner shall notify and disclose to all prospective lessees within the Project, as part of any conveyance document (lease, rental agreement, etc.) required for the transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Lānaʻi Airport such as noise, right of flight, emissions, vibrations, and other incidences of aircraft operations.	Petitioner acknowledges the condition.
6	<b><u>Hazards to Aircraft Operations</u></b>	
	a) Petitioner shall not provide landscape or vegetation that will create a wildlife attractant. Stormwater retention basins shall be designed, engineered, constructed, and maintained to prevent standing water from accumulating for periods longer than 48 hours after a storm event so as to avoid attracting wildlife. If the development creates a wildlife attractant that can potentially become a hazard to aircraft operations, the developer shall immediately mitigate the hazard upon notification by the HDOT-A and/or FAA.	Petitioner acknowledges the condition.

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	b) Petitioner shall conduct or require the photovoltaic (“PV”) developer to conduct a glint and glare analysis for the PV system. Petitioner shall also submit or require the PV developer to submit a submission to the FAA a separate FAA Form 7460-1 for the PV system. After the FAA determination of the Form 7460-1 and the glint and glare analysis, a copy shall be provided to the HDOT-A by the owner of the PV system. The owner of the PV system shall immediately mitigate glint and glare hazards and any radio frequency interference (“RFI”) hazards emitted by the PV system upon notification by the HDOT-A and/or FAA. In addition, the PV system and battery energy storage facility shall have sufficient firefighting/fire suppressant capability to prevent thick smoke from an uncontrolled fire creating a hazard to airport operations.	Petitioner acknowledges the condition.
	c) During construction, the developer shall mitigate any fugitive dust from construction activities to prevent dust hazards to flight operations.	Petitioner acknowledges the condition.
	d) Petitioner shall also work with HDOT-A regarding the widening of the portion of Miki Road (Easement 4) located within HDOT-A property. As such, design plans for the road widening shall be submitted to HDOT-A Engineering Branch for review and approval prior to construction. If additional HDOT-A land is required to accommodate the widening of Miki Road, Petitioner shall work with HDOT-A on revising the Memorandum of Agreement, dated November 23, 2021, and the Right of Entry Agreement, dated November 23, 2021.	Petitioner acknowledges the condition.
7	<b><u>Kaumālapaʻu Highway Impact Mitigation.</u></b> Petitioner shall improve the Kaumālapaʻu Highway approach on Miki Road prior to any new occupancy of the site or submit a schedule acceptable to HDOT-HWY, Maui District Engineer. Petitioner shall implement, when warranted, at no cost to the State, all recommended improvements referenced in the Traffic Impact Analysis Report dated June 3, 2021, as follows: a) Widen Miki Road to two lanes between the project site driveways and Kaumālapaʻu Highway with intersection geometrics capable of accommodating turning movements. b) Add an exclusive westbound left-turn deceleration lane on Kaumālapaʻu Highway at the intersection of Miki Road. Should traffic issues arise at any time up to one year after the full buildout of the Miki Industrial Park, Petitioner shall commence a Traffic Impact Analysis Report and shall be responsible for mitigation of any traffic impacts and issues attributable to the Miki Basin Industrial Park identified in the Traffic Impact Analysis Report, at no cost to the State, to the satisfaction of the HDOT- HWY, Maui District Engineer.	Petitioner acknowledges the condition.

#	Condition	Status
8	<b>Endangered Hawaiian Hoary Bat.</b> Petitioner shall not remove any trees during the bat birthing and pup rearing season (June 1 through September 15). During this period woody plants greater than 15 feet (4.6 meters) tall shall not be disturbed, removed, or trimmed. Barbed wire should also be avoided for any construction because bats can become ensnared and killed by such fencing material during flight.	Petitioner acknowledges the condition.
9	<b>Impacts to Seabirds.</b> For nighttime lighting that might be required, Petitioner shall install fully shielded lights to minimize the attraction of seabirds. Nighttime work that requires outdoor lighting shall be prohibited during the seabird fledgling season from September 15 through December 15 unless such work is necessitated by an emergency and cannot be performed during the daytime.	Petitioner acknowledges the condition.
10	<b>Invasive Species.</b> Petitioner shall minimize the movement of plant or soil material between worksites as to prevent the spread of pathogens, pests, or invasive plant parts that could harm native species and ecosystems. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species.	Petitioner acknowledges the condition.
11	<b>Infrastructure Deadline.</b> Petitioner shall require that the construction of the proposed PV and battery energy storage project, which includes the primary roadways and access points, and other utility system improvements required for the PV and battery energy storage project, be completed within ten (10) years from the date of this Decision and Order approving the Petition.	Petitioner acknowledges the condition.
12	<b>Previously Unidentified Burials and Archeological/Historic Sites.</b> In the event 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 SHPD shall be contacted immediately.	Petitioner acknowledges the condition.
13	<b>BMPs.</b> Petitioner shall implement all appropriate BMPs to minimize infiltration and runoff from construction and vehicle operations, reduce or eliminate soil erosion and ground water pollution and formulate dust control measures to be implemented during and after the development process in accordance with DOH guidelines and County ordinances and rules.	Petitioner acknowledges the condition.
14	<b>Compliance with Representations to the Commission.</b> Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification or change to a more appropriate classification.	Petitioner acknowledges the condition.

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15	<b><u>Backbone Infrastructure Deadline.</u></b> Petitioner shall complete construction of the proposed backbone infrastructure, which consists of the primary roadways, internal roadways, water supply, sewer, drainage and electrical infrastructure within ten years from the date of the Decision and Order approving the reclassification of the Petition Area.	Petitioner acknowledges the condition.
16	<b><u>Order to Show Cause.</u></b> If Petitioner fails to complete the proposed backbone infrastructure within ten years from the date of the Decision and Order approving reclassification of the subject Increment, the Commission may issue and serve upon Petitioner an Order to Show Cause and Petitioner shall appear before the Commission to explain why the Petition Area should not revert to its previous State Land Use Agricultural District classification or be changed to a more appropriate classification.	Petitioner acknowledges the condition.
17	<b><u>Notice of Change of Ownership.</u></b> 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.	Petitioner acknowledges the condition.
18	<b><u>Annual Reports.</u></b> Petitioner shall timely provide without any prior notice, annual reports to the Commission, OPSD, and the County, and their respective successors, in connection with the status of the development of the Petition Area and Petitioner's progress in complying with conditions imposed herein. The annual report shall be submitted 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	Petitioner acknowledges the condition. Exhibit A herein is the annual report.
19	<b><u>Release of Conditions.</u></b> 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 the provision of adequate assurance of satisfaction of these conditions by Petitioner or its successors and assigns.	Petitioner acknowledges the condition.
20	<b><u>Renewable Energy.</u></b> The 127 acres within the Project Area that have been planned for renewable energy will only be used for the technology of photo-voltaic and battery storage.	Petitioner acknowledges the condition.
21	<b><u>Consumer Cost Condition.</u></b> If an increase to rate payers will result from the removal of the two hotels from the existing grid, Petitioner will commit to either offset the increase or not remove the hotels from the grid.	Petitioner acknowledges the condition.