

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

November 14, 2025

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Maui

Consent to: (1) Construction of Workforce Housing and Specialty Clinic; (2) Placement of a Notice of Federal Interest on the Leasehold Improvements (Specialty Clinic); and (3) Further Amendment of General Lease No. S-5548, Hana Health, a Hawai'i nonprofit corporation, formerly known as Hana Community Health Center, Inc., Lessee, Kawaipapa, Hana, Maui, Tax Map Keys: (2) 1-4-003:022 and 024.

APPLICANT:

Hana Health, a Hawaii non-profit corporation, formerly known as Hana Community Health Center, Inc. ("Hana Health" or Lessee").

LEGAL REFERENCE:

Section 171-22, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kawaipapa, Hana, Maui, identified by Tax Map Keys: (2) 1-4-003:022 and 024, as shown on the attached maps labeled **Exhibit 1**.

AREA:

Parcel 22 - approximately 10.070 acres  
Parcel 24 - approximately 2.035 acres  
TOTAL: approximately 12.105 acres

ZONING:

State Land Use District: Rural<sup>1</sup>  
County of Maui CZO: Interim

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_  
NO X

CHARACTER OF USE:

Providing health care services to the Hana community as set forth in Lessee's articles of incorporation and other services commonly provided by government.

TERM OF LEASE:

Fifty-five (55) years, commencing on July 1, 1997, up to and including June 30, 2052.

ANNUAL RENTAL:

\$1.00.

USE OF FEDERAL GRANT FUNDS:

To construct the Specialty Clinic portion of the Project on Parcel 22, pursuant to the plans and specifications submitted for review and approval.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO __
Registered business name confirmed:	YES <u>X</u>	NO __
Applicant in good standing confirmed:	YES <u>X</u>	NO __

STATE LAND USE DISTRICT BOUNDARY AMENDMENT:

See discussion in Remarks section below.

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<sup>1</sup> Prior to September 26, 2025, a large portion of Parcel 22 was in the Agricultural District and a smaller portion was in the Rural District, as shown on **Exhibit 2**. As discussed in the Remarks, below, Hana Health succeeded in obtaining a District Boundary Amendment for Parcel 22, which is now entirely in the Rural District, as is Parcel 24.

## CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See discussion in Remarks section below.

### BACKGROUND:

The district of Hana is federally designated as a Medically Under-Served Population and a Primary Care Health Professional Shortage Area. Pursuant to Act 263, Session Laws of Hawaii 1996, an affiliation was established between the State (through its Department of Health) and the community of Hana (through a yet-to-be formed Hana non-profit health care organization), to support the development of a community-based health care program to take over the operation of the Hana Medical Center from the Department of Health. Hana Health was formed and became the Lessee of GL No. S-5548. Hana Health is a Federally Qualified Health Center and is the only health care provider in the District of Hana (which comprises 37% of the area of Maui Island). It provides primary medical care, dental health services, behavioral health care and urgent care to the resident population (which is more than 50% Native Hawaiian), and also to any of the 600,000 annual visitors to Hana who find themselves in need of medical care. Additionally, Hana Health is often called upon to provide ancillary and specialty care. In early 2023, it completed construction of a rehabilitation center so community members can get physical therapy without having to travel for hours. Staffing has presented challenges for Hana Health due to the lack of housing in Hana and Hana Health remains unable to adequately address the need for specialty care due to lack of appropriate facilities.

### THE PROJECT:

To better serve the health care needs of the Hana Community, Hana Health plans to construct six units of workforce housing and a specialty clinic on Parcel 22 (Project). The site plan for the proposed Project is attached as **Exhibit 3**. The conceptual plans for the workforce housing and specialty clinic are attached as **Exhibits 4 and 5**, respectively.

Providing workforce housing to healthcare professionals and administrators is crucial to maintain and grow Hana Health. Hana has a housing shortage which, coupled with the isolation, has had debilitating effects on Hana Health's ability to attract and retain healthcare employees, resulting in inadequate staffing for operations. The situation is so dire that Hana Health purchased a home in 2021 to rent back to one of its healthcare providers and, since then, two physicians declined employment with Hana Health due to lack of housing options. Recently, the salary of a physical therapy hire had to be increased by \$30,000 annually to help with the cost of a \$4,800/month rental. To accommodate differing employee needs and family sizes, Hana Health plans to construct 2 units each of studio (500 sf), 2-bedroom (750 sf), and 3-bedroom (1,100 sf) housing. See Exhibits 3, 4.

Furthermore, providing specialty care is essential to closing the health equity gap in this isolated region. To do so, Hana Health plans to construct a 1,900 square foot specialty clinic that will include exam rooms, a small clinical lab, restrooms, a reception area, and an office. *See Exhibits 3, 5.* The specialty services provided will initially include gynecology, cardiology, dermatology, and pediatric dentistry. As the only health care provider in the Hana District, Hana Health is responsible for meeting the majority of each patient's physical and mental health needs. The integration of specialty care into the primary care setting is critical to improving patient outcomes, a fact recognized by the American College of Physicians.

REMARKS:

Hana Health has taken steps to assure that the Project is permissible within the State Land Use District boundary classification and County zoning, and complies with HRS Chapter 343. Hana Health worked with the Maui Planning Department (County), which determined that the Project was permissible under County zoning. With respect to the State Land Use District classification, however, the majority of Parcel 22 was in the Agricultural district, with a small portion in the Rural district. *See Exhibit 2.* The County recommended that Hana Health seek a County Council-initiated District Boundary Amendment (DBA) so that the entirety of Parcel 22 would be in the Rural District (as is Parcel 24) to accommodate the workforce housing component. Hana Health worked with its Council Member on the DBA, which was unanimously recommended by the Hana Advisory Committee and the Maui Planning Commission, and has unanimously passed both its first reading and second reading in the County Council (on September 8, 2025, and September 26, 2025, respectively). The DBA was signed by the Mayor as Ordinance 5857, which took effect September 26, 2025. *See Exhibit 6.* The Unilateral Agreement authorized by this Board at its July 11, 2025 meeting (Item D-2) was recorded on September 12, 2025. *Id.*

Regarding compliance with HRS, Chapter 343, in May 2000, the County published the Final Environmental Assessment (EA) and issued a Finding of No Significant Impact (FONSI) for the Hana Community Healthcare Campus which included 9,800 square feet of employee housing in addition to medical facilities. However, the project had gone under programmatic and design changes since the initial approval and thus the Applicant prepared a revised EA which was finalized in 2004 and a FONSI issued by the Department of Land and Natural Resources in November 2004.

Further, in January 2025, the County determined that no further environmental review is required for the construction of the Project, pursuant to Hawaii Administrative Rules (HAR) Section 11-200.1-11 which describes the conditions under which an agency can rely on a "Prior Determination" without requiring further environmental review. The County's determination, with a link to its analysis (as well as the prior FEA/FONSIs), was published in The Environmental Notice on February 8, 2025. *See Exhibit 7.*<sup>2</sup>

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<sup>2</sup> This Board was the first agency to apply HAR Section 11-200.1-11, shortly after it was adopted in 2019. It did so  
Page 4 of 6



THE FEDERAL GRANT AND NOTICE OF FEDERAL INTEREST:

By Notice of Award dated September 19, 2024, Hana Health was awarded a federal grant of \$1.44 million for the construction of the Specialty Clinic. This grant resulted from an “earmark” by Representative Tokuda, *i.e.*, Congressionally Directed Spending (CDS Grant), and is administered by the Health Resources and Services Administration (HRSA) under its Community Project Funding/Congressionally Directed Spending (CPF/CDS)-Construction Projects program. As with all HRSA grants, use of the federal funds creates a federal interest in the Project (*i.e.*, the Specialty Clinic), which must be acknowledged in a recorded Notice of Federal Interest (NFI).<sup>3</sup> A NFI is required for each federal grant.

FURTHER AMENDMENT OF LEASE:

When discussing this Project with Hana Health, staff raised concerns whether the Lease permitted residential use. Staff recommends a clarifying amendment to the Lease to make clear that workforce housing for employees of Hana Health is not prohibited by the Lease. Staff requests that Condition No. 14 of GL No. S-5548 be amended by adding the italicized language below (or something similar):

14. The Lessee shall not rent or sublet the whole or any portion of the premises, *provided that nothing in this Lease shall be deemed to prohibit Lessee from providing on-site living accommodations in the workforce housing units to employee(s) of the Lessee and the employees' immediate families as part of the employee's compensation.*

Staff will work with the Attorney General on the specific language of the amendment. Hana Health is in compliance with the lease terms.

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at its December 13, 2019 meeting (Item D-7) to determine that no further environmental review was required for Hana Health's Rehabilitation Center.

<sup>3</sup> When Hana Health received its first federal grant, for the construction of the Rehabilitation Center, the Lease was amended to include terms required by HRSA, including that “The Lessor also acknowledges that there will be a federal interest in the premises as a result of the proposed improvements and that the Lessor agrees to file a Notice of Federal Interest prior to work commencing, if required by HRSA.” See **Exhibit 8**, Cond. 50.

RECOMMENDATION: That the Board:

- A. Consent to the construction of the Project in accordance with the plans and specifications submitted by Hana Health;<sup>4</sup> and
- B. Authorize the recordation of a Notice of Federal Interest in the Specialty Clinic, as required by HRSA in connection with its Community Project Funding/Congressionally Directed Spending: Construction Projects program's Grant No. 1CE2CS53316-01-00; and
- C. Authorize amendment of Condition No. 14 of the Lease to clarify that the Lease does not prohibit the Lessee from providing on-site living accommodations to an employee of the Lessee and the employee's family as part of the employee's compensation, further subject to the following:
  - 1. The standard terms and conditions of the most current amendment of lease document form, as may be amended from time to time;
  - 2. Review and approval by the Department of the Attorney General; and
  - 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,




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Andrew R. Tellio  
Appraisal and Real Estate Specialist

APPROVED FOR SUBMITTAL:



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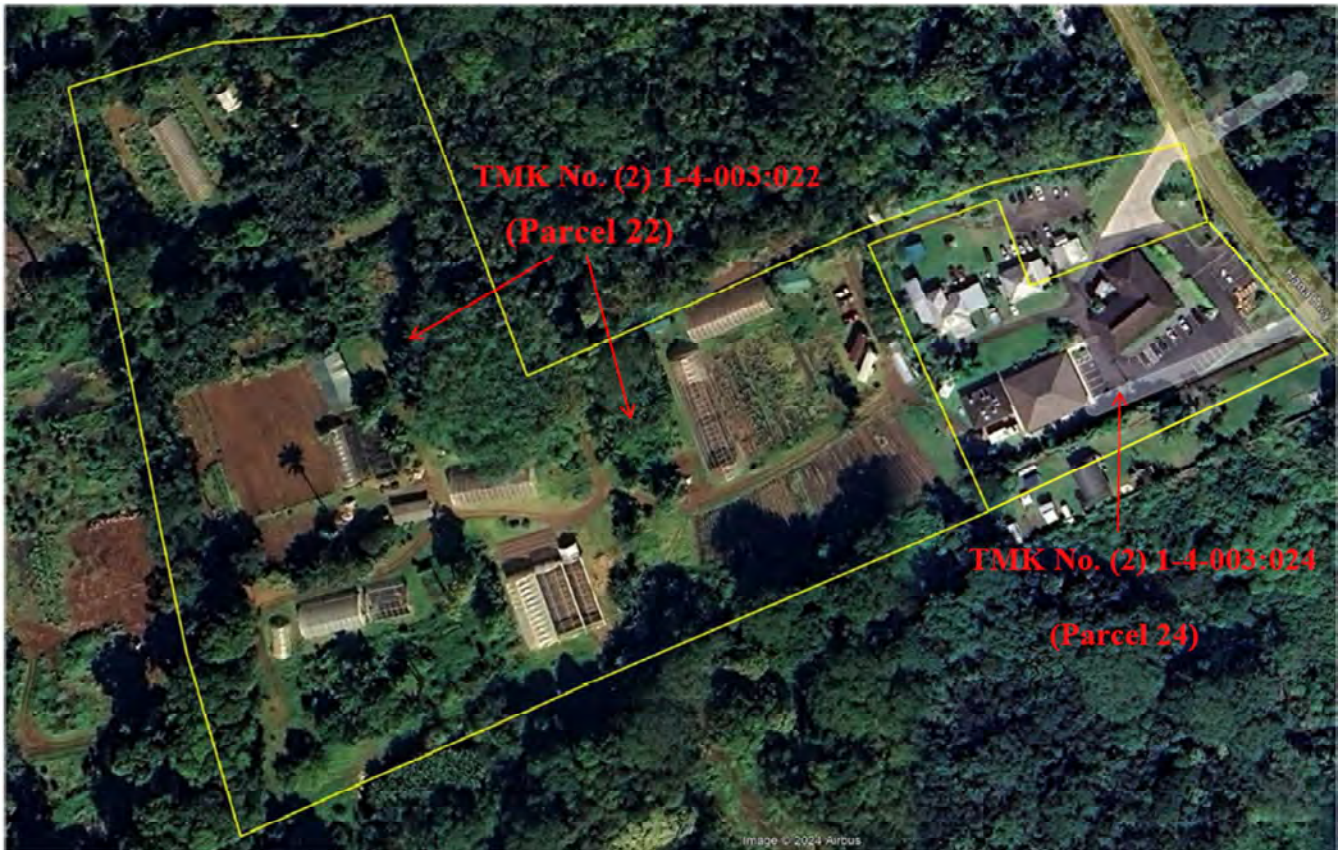
 Dawn N.S. Chang, Chairperson

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<sup>4</sup> The Project shall comply with all municipal, state, and federal rules and/or regulations applicable to the premises.

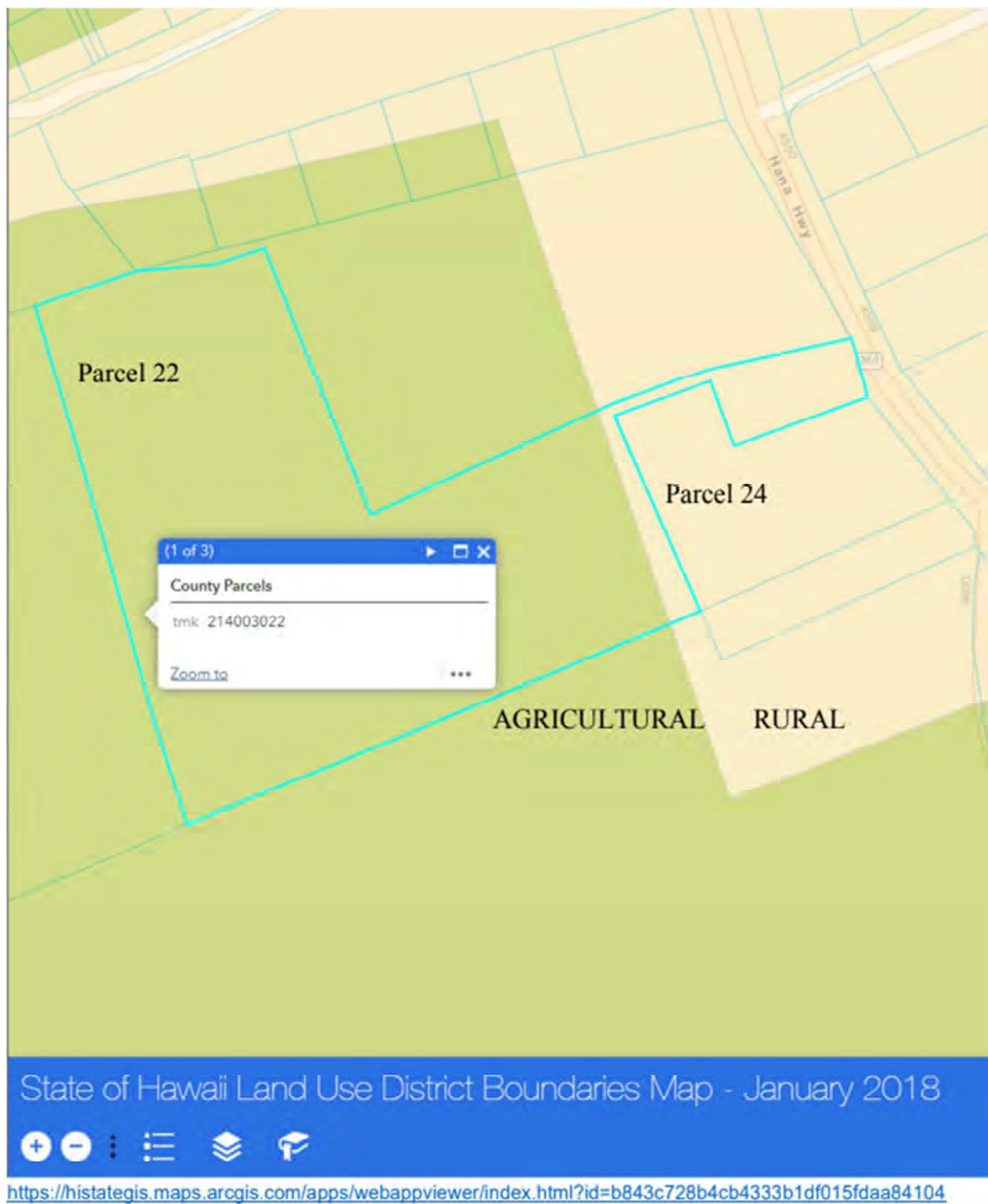


**Exhibit 1(a)**



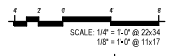
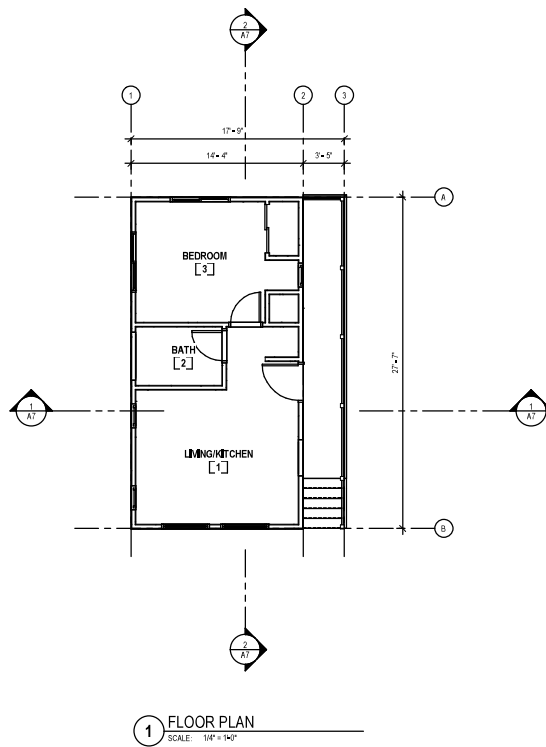
**Exhibit 1(b)**



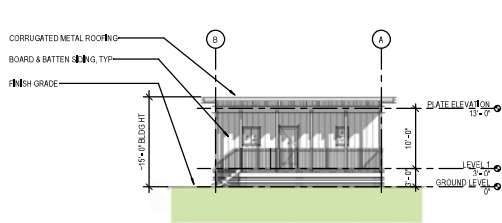


**Exhibit 2**

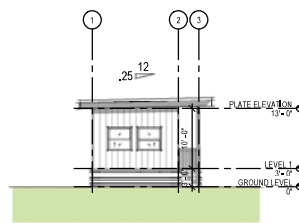




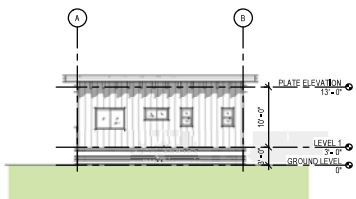
'Hillside' Prefab House Floor Plan



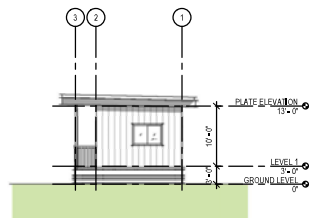
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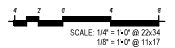
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3 HILLSIDE REAR ELEVATION  
SCALE: 1/8" = 1'-0"

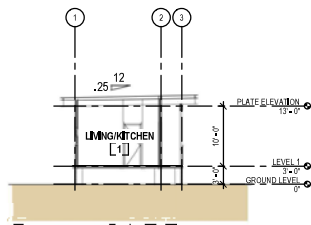


4 HILLSIDE RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

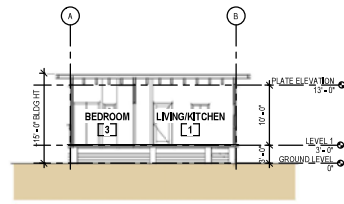


## 'Hillside' Prefab House Exterior Elevations

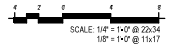




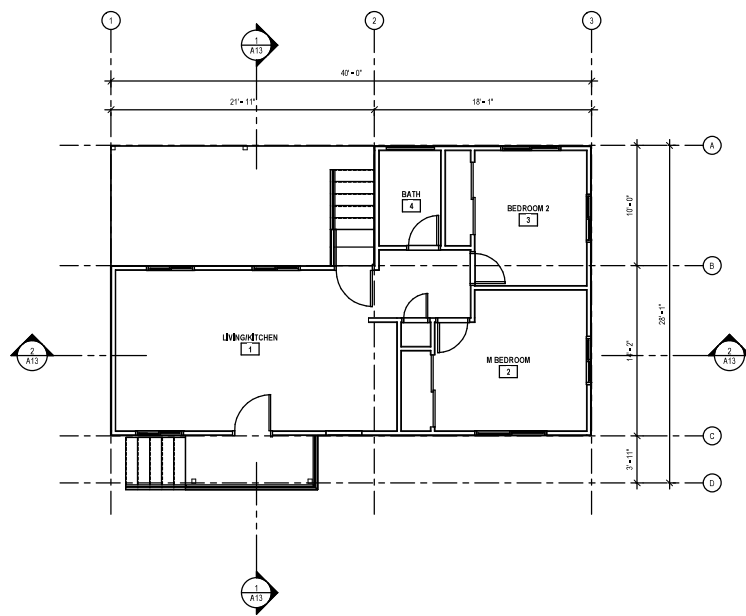
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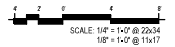
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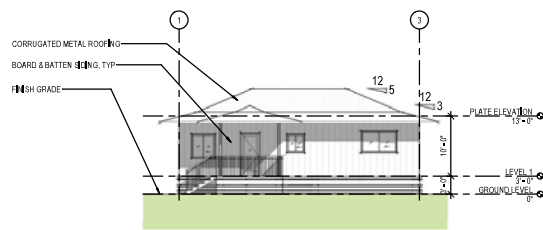
## 'Hillside' Prefab House Sections



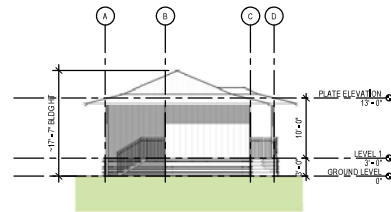
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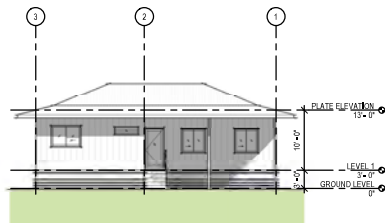
## 'Hale Iki' Prefab House Floor Plan



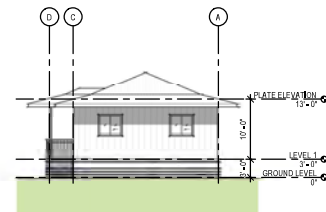
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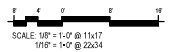
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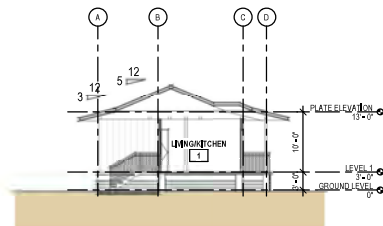
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SCALE: 1/8" = 1'-0"



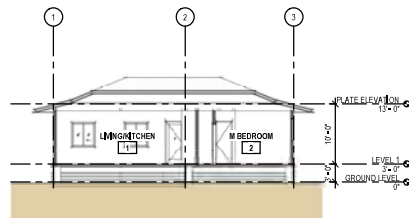
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## 'Hale Iki' Prefab House Exterior Elevations



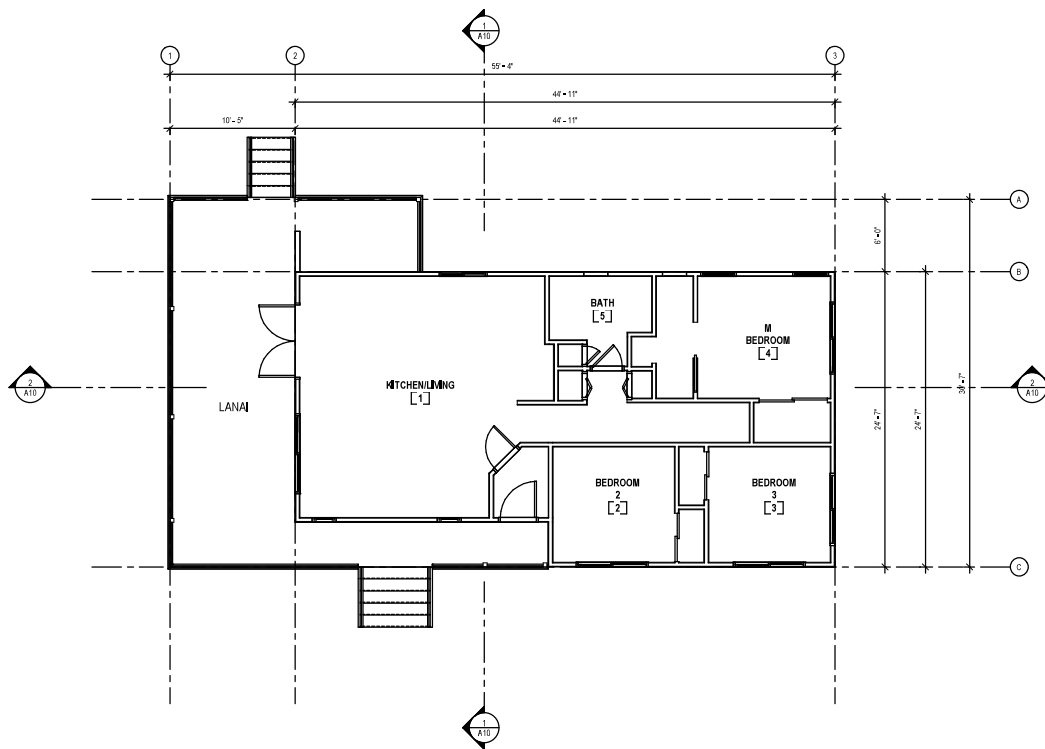
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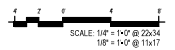
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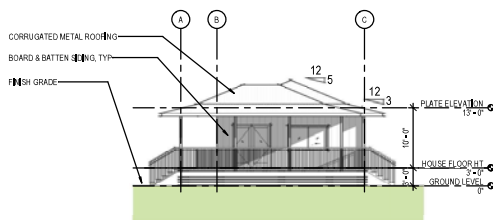
## 'Hale Iki' Prefab House Sections



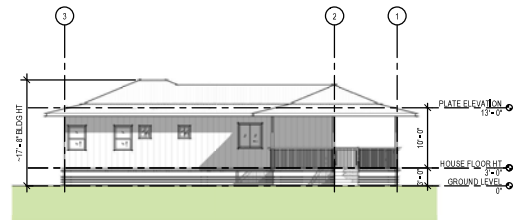
1 FLOOR PLAN  
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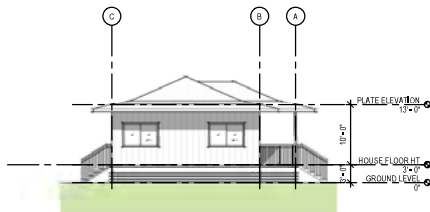
'Ikaika' Prefab House Floor Plan



1 IKAIA FRONT ELEVATION  
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2 IKAIA LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



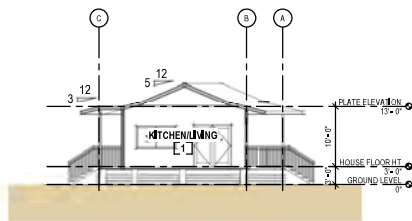
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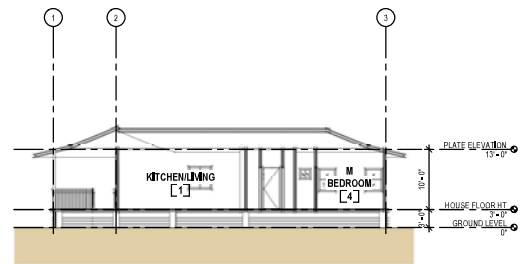
4 IKAIA RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"



## 'Hale Iki' Prefab House Exterior Elevations



1 SECTION A  
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2 SECTION B  
SCALE: 1/8" = 1'-0"

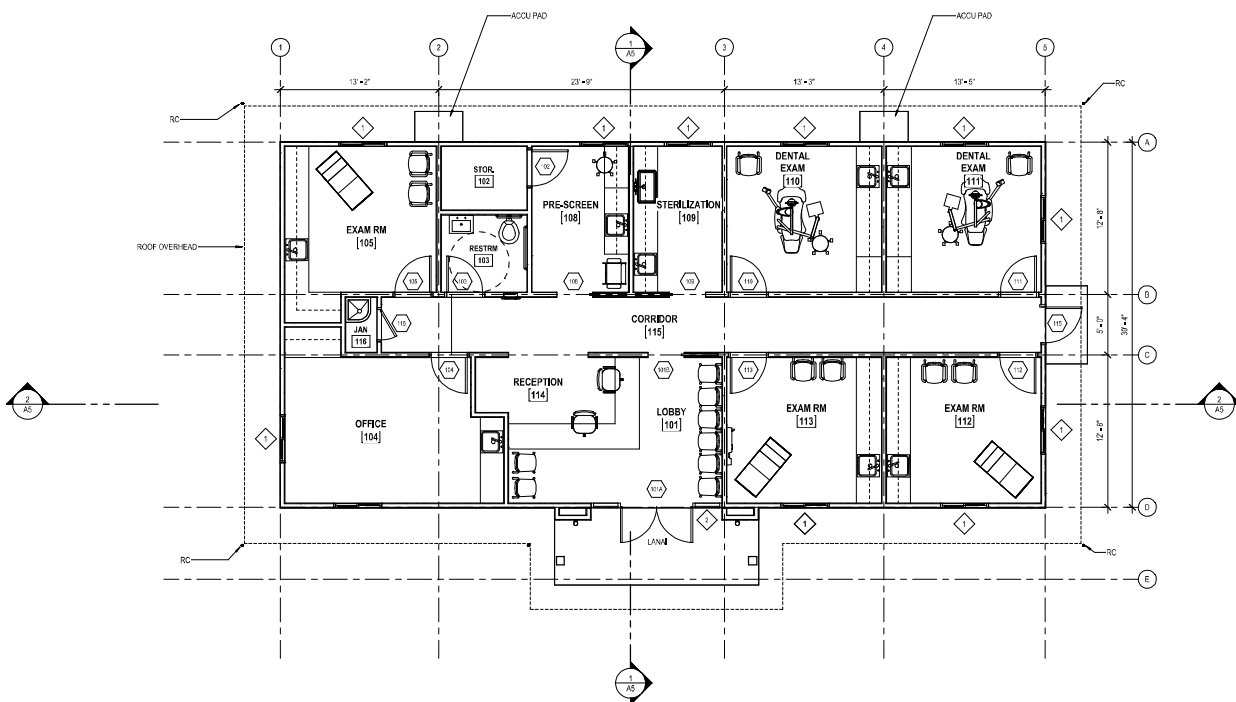


## 'Hale Iki' Prefab House Sections



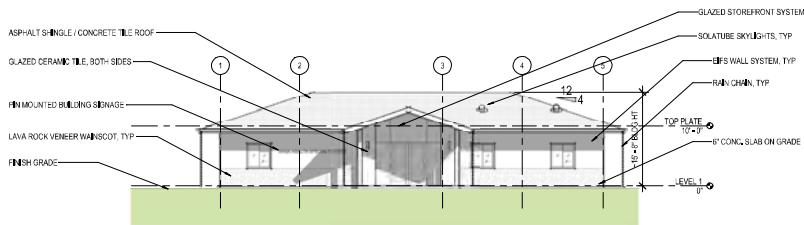
## EXHIBIT 5



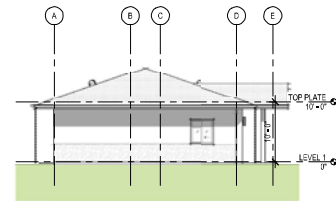


**1 FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

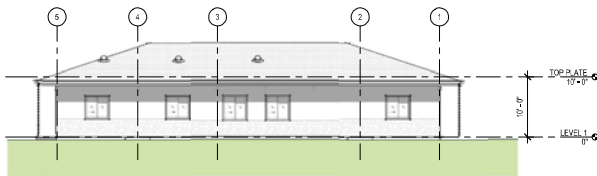




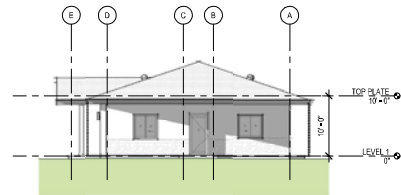
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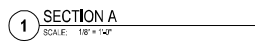
2 LEFT ELEVATION - CONCEPT  
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3 REAR ELEVATION  
SCALE: 1/8" = 1'-0"



4 REAR ELEVATION  
SCALE: 1/8" = 1'-0"



ORDINANCE NO. 5857

BILL NO. 120 (2025)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION (CONDITIONAL DISTRICT BOUNDARY AMENDMENT) FROM THE AGRICULTURAL DISTRICT TO THE RURAL DISTRICT FOR A PORTION OF TAX MAP KEY (2) 1-4-003:022, HANA, MAUI, HAWAII (HANA HEALTH)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

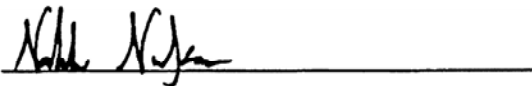
SECTION 1. By Resolution 24-138, FD1, adopted on August 13, 2024, the Council referred a proposed bill to amend the State Land Use District Classification (Conditional District Boundary Amendment) from the Agricultural District to the Rural District for a portion of Tax Map Key (2) 1-4-003:022, Hana, Maui, Hawaii. By County Communication 163-25, dated August 8, 2025, the Planning Director transmitted the Maui Planning Commission's recommendations on the bill to the Council.

SECTION 2. Under Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from the Agricultural District to the Rural District (Conditional District Boundary Amendment) for a 9.501-acre portion of property situated at Hana, Maui, Hawaii, identified for real property tax purposes as Tax Map Key (2) 1-4-003:022, and more particularly described in and attached as Exhibit "A", and in Land Use District Boundary Amendment Map 305, attached as Exhibit "B."

SECTION 3. Under Section 19.68.040, Maui County Code, the State Land Use District classification granted by this Ordinance is subject to the conditions in Exhibit "C," as attached, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached as Exhibit "D," which must be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii.

SECTION 4. This Ordinance takes effect on approval.

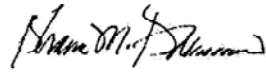
APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel  
County of Maui

paf:cmn:25-231a

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Shane M. Sinenci". The signature is fluid and cursive, with the first name "Shane" being the most prominent.

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SHANE M. SINENCI

DESCRIPTION  
PORTION OF GRANT 1906 TO KAHOOILIMOKU  
PORTION OF PARCEL 22 OF TAX MAP KEY: (2) 1-4-003

All of that certain parcel of land, being a Portion of Grant 1906 to Kahoolimoku, being a portion of Parcel 22 of Tax Map Key: (2) 1-4-003, also being a portion of Part 1 of the Hana Community Health Center Site, (C.S.F. 22,667), situated at Kawaipapa, Hana, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a found 2-inch pipe at the south corner of this parcel of land, on the northeasterly boundary of a Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003, said point also being the east corner of a Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

2,864.09 feet North  
5,306.70 feet West

and running by azimuths measured clockwise from true South:

- |                 |        |  |
|-----------------|--------|--|
| 1. 161° 01' 00" | 183.53 | feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;  |
| 2. 163° 17' 00" | 122.03 | feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;  |
| 3. 162° 41' 00" | 153.75 | feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;  |
| 4. 162° 02' 00" | 329.60 | feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003, to a found ¾-inch pipe at the southeasterly boundary of a Portion of Royal Patent 7604, Land Commission Award 4566 to Wahineaa, being Parcel 20 of Tax Map Key: (2) 1-4-003;   |
| 5. 250° 45' 00" | 153.93 | feet along said Portion of Royal Patent 7604, Land Commission Award 4566 to Wahineaa, being Parcel 20 of Tax Map Key: (2) 1-4-003, to the south corner of Lot A-7 of the Subdivision of Royal Patent 6447, Land Commission Award 4846 to Kaholokai and the west corner of a Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003; |

6. 262° 54' 00" 117.11 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003, to a found 2-inch pipe;
7. 250° 48' 00" 77.04 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;
8. 336° 42' 00" 416.80 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003, to a found ½-inch pipe;
9. 244° 01' 00" 385.40 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;
10. 335° 49' 00" 324.98 feet along the remainder of said Portion of Grant 1906 to Kahoolimoku, being Parcel 22 of Tax Map Key: (2) 1-4-003, to a found ½-inch pipe at to the west corner of a Portion of Grant 1819 to Kahananui, being Parcel 25 of Tax Map Key: (2) 1-4-003 and the north corner of said Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003;
11. 65° 48' 30" 807.40 feet along said Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003, to the point of beginning and containing an area of 9.501 Acres, more or less.

Prepared by:

**NEWCOMER-LEE**  
**LAND SURVEYORS, INC.,** a Hawai'i Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.

*Bruce R. Lee* 04/08

**BRUCE R. LEE**  
 Licensed Professional Land  
 Surveyor Certificate No. 5983-LS

3/24/06  
 GYA/HANA  
 File 02-5592  
 02-5592 GYA-Hana Medical Center Portion Parcel 22



SCALE: 1" = 200'

VICINITY MAP



**EXHIBIT "B"**

TMK (2) 1-4-003:023

TMK (2) 1-4-003:022 (por.)  
STATE OF HAWAII

9.501 Acres  
AG to RURAL

TMK (2) 1-4-003:041

TMK (2) 1-4-003:024

TMK (2) 1-4-003:025

TMK (2) 1-4-003:009

HANA HIGHWAY

**TAX MAP KEY**

**AREA**

TMK (2) 1-4-003:022  
(POR.)

9.501 Acres

## LAND USE DISTRICT BOUNDARY AMENDMENT MAP NO. 305

DISTRICT BOUNDARY AMENDMENT - HANA, MAUI, HAWAII  
FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT

### **Exhibit "C"**

As used in these conditions, "petition area" means the 9.501-acre portion of Tax Map Key (2) 1-4-003:022.

1. There shall be a prohibition on any action that would interfere with or restrain farming operations adjacent to the petition area provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district.
2. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of land that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosures required for the sale or transfer of real property or any interest in real property.

EXHIBIT "D"

THE ORIGINAL OF THE DOCUMENT  
RECORDED AS FOLLOWS:  
STATE OF HAWAII  
BUREAU OF CONVEYANCES

DOCUMENT NO. \_\_\_\_\_ Doc A 9386001251 \_\_\_\_\_  
DATE - TIME \_\_\_\_\_ 9/12/2025 12:48 PM \_\_\_\_\_

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail ( X ) Pickup ( ): To:

Office of the County Clerk  
County of Maui  
200 South High Street  
Wailuku, Hawai'i 96793

Total Number of Pages: 10

(Including exhibits, notary certification pages, and all other components)

Affects Tax Map Key (2) 1-4-003:022 (portion)

UNILATERAL AGREEMENT AND DECLARATION OF CONDITIONS FOR STATE LAND  
USE DISTRICT BOUNDARY AMENDMENT

THIS INDENTURE, referred to as "Declaration" or "Unilateral Agreement," is made this 22<sup>nd</sup> day of July, 2025, by Hana Health, formerly known as Hana Community Health Center, Inc., whose principal address is at 4590 Hana Highway, Hana, Hawai'i, 96713, referred to as "Hana Health"; and by the State of Hawaii, through the Board of Land and Natural Resources, whose principal place of business is located in Honolulu, Oahu, Hawaii, and whose mailing address is 1151 Punchbowl Street, Honolulu, Hawai'i, 96813, referred to as the "State." Hana Health and the State shall hereinafter be referred to collectively as the "Declarant."

WITNESSETH

WHEREAS, the State is the owner of that certain 9.501-acre portion of real property located at Kawaipapa, Hana, Maui, and identified for real property tax purposes as tax map key (2) 1-4-003:022, referred to as "the Property"; and

WHEREAS, the State's authorized signatory is the Chairperson of the Board of Land and Natural Resources, State of Hawai'i, who is currently Dawn N. S. Chang; and

WHEREAS, Hana Health is the lessee of the Property, and its authorized contact person is the Executive Director, who is currently Cheryl Vasconcellos; and

WHEREAS, a letter of authorization, dated August 8, 2024, and signed by Dawn N. S. Chang, authorized the initiation of proceedings regarding a State Land Use District Boundary Amendment for the Property; and

WHEREAS, the Council is considering a bill for an ordinance to amend the State Land Use District Boundary for the Property, described in Exhibit "1" and more particularly identified in Exhibit "2," State Land Use District Boundary Amendment Map 305; and

WHEREAS, the Declarant has agreed to execute this Unilateral Agreement in accordance with Section 19.68.040, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. In accordance with Maui County Code. That this Declaration is made in accordance with the provisions of Section 19.68.040, Maui County Code, relating to State Land Use District Boundary Amendments;

2. Binding until Maui County written release. That until written release by the County of Maui, (a) the Property, and all its parts, are held subject to this Declaration's covenants, conditions, and restrictions, which are effective as to and run with the Property, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, without the execution, delivery, or recordation of any further deed, instrument, document, agreement, declaration, covenant, or the like with respect to the Property by the Declarant, the County of Maui, or any successor or assign; (b) the acquisition of any right, title, or interest in or with respect to the Property by any person or entity constitutes acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity; and (c) upon any transfer of any right, title, or interest in or with respect to the Property, the transferee assumes, is bound by, and is obligated to observe and perform all of the covenants, conditions, and restrictions of this Declaration;

3. Running with the Land. That this Declaration and all of its covenants, conditions, and restrictions contained are effective as to and run with the land in perpetuity, or until the Declarant notifies the County Department of Planning that any of the covenants, conditions, and restrictions are satisfied by the Declarant, and the Department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;

4. Hana Health and the State as Declarant. That the term "Declarant" and any pronoun in reference to it, wherever used in this Declaration, means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and includes any corporation or any other entity, and means and includes Declarant and the Declarant's successors and assigns;

5. Effective as of date State Land Use District Boundary Amendment ordinance approved. That this Declaration is fully effective on the effective date of the State Land Use District Boundary Amendment ordinance approving the establishment of a State Land Use reclassification from the Agricultural District to the Rural District for the Property;

6. Develop consistent with State Land Use District Boundary Amendment conditions. That the Declarant agrees to develop the Property in conformance with the conditions stated in Exhibit "3" and in the State Land Use District Boundary Amendment ordinance;

7. Conditions reasonable and rationally related to public health, safety, and welfare. That the conditions imposed are reasonable and rationally related to the objective of preserving the public health, safety, and general welfare and fulfill the need for the public service demands created by the Property's proposed use;

8. Conditions enforceable by County of Maui. AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County of Maui, the conditions imposed in this Declaration run with the land identified in this Declaration and bind and constitute notice to all subsequent owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property. The Declarant further understands and agrees that the County of Maui has the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, with the understanding the Declarant or its successors and assigns may at any time file a petition with the County Department of Planning for the removal of the conditions and termination of this Unilateral Agreement, which will be processed in the same manner as petitions for State Land Use District Boundary amendments.


This Declaration may be executed in counterparts, each of which will be deemed to be an original, but all of which, taken together, constitute one and the same Declaration.


Any persons signing this Unilateral Agreement represent that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents to the other that the execution and delivery of this Unilateral Agreement and the performance of the party's obligations have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on the party and enforceable in accordance with its terms.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

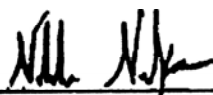
IN WITNESS WHEREOF, the undersigned has executed this Declaration on the day and year indicated on the following notary public certification pages.

DECLARANT:

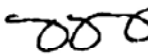
By:   
CHERYL VASCONCELLOS  
Hana Health  
Executive Director

By:   
DAWN N. S. CHANG  
State of Hawaii  
Board of Land and Natural Resources  
Chairperson

Approved as to Form and Legality:

By:   
Deputy Corporation Counsel  
County of Maui

Approved as to form:

By:   
Deputy Attorney General  
State of Hawaii

STATE OF HAWAII

COUNTY OF MAUI

SS.

On this 17 day of July, before me personally appeared Cheryl Valencicolas to me personally known, who being by me duly sworn, did say that he/she is the Executive Director of Hama Health, and that said instrument was signed on behalf of Hama Health, and Cheryl Valencicolas, as decharmt, Executive Director, acknowledged said instrument to be the free act and deed of Cheryl Valencicolas.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Notary Public, State of Hawaii

Print Name: Joanna Paman

My Commission Expires: 07.25.2015

NOTARY PUBLIC CERTIFICATION

Doc Date: 07.17.2015 # Pages: 10

Notary Name: Joanna Paman Judicial Circuit: 2

Document Description: Unilateral Agreement and Declaration of Intent for State Land Use District Disengagement

Notary Signature: Joanna Paman

Date: 07.17.2015



STATE OF HAWAII )  
 ) SS.  
CITY & COUNTY OF HONOLULU )

On JUL 22 2025, before me personally appeared  
Drum N.E. Chang, to me personally known,  
who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing  
instrument as the free act and deed of such person(s), and if applicable, in the capacity/capacities  
shown, having duly authorized to execute such instrument in such capacity/capacities.



(Signature)

**KAYO WATANABE**  
Expiration Date: September 2, 2028

(Typed / Stamped Name)

**FOR HAWAII NOTARIES ONLY**

Doc Date: JUL 22 2025 # Pages 10

Notary Name: Kayo Watanabe 1st Circuit

Doc Description: Unilateral Agreement and Declaration of Conditions for  
State Land Use District Boundary Amendment

Notary Signature **KAYO WATANABE**  
Expiration Date: September 2, 2028

JUL 22 2025

Date





# EXHIBIT "1"

## DESCRIPTION

### PORTION OF GRANT 1906 TO KAHOOILIMOKU PORTION OF PARCEL 22 OF TAX MAP KEY: (2) 1-4-003

All of that certain parcel of land, being a Portion of Grant 1906 to Kahoolimoku, being a portion of Parcel 22 of Tax Map Key: (2) 1-4-003, also being a portion of Part 1 of the Hahaione Community Health Center Site, (C.S.F. 22,667), situated at Kawaipapa, Hahaione, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a found 2-inch pipe at the south corner of this parcel of land, on the northeasterly boundary of a Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003, said point also being the east corner of a Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

2,864.09 feet North  
5,306.70 feet West

and running by azimuths measured clockwise from true South:

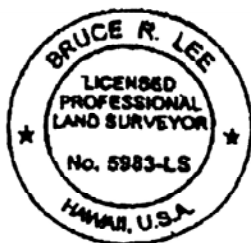
1. 161° 01' 00" 183.53 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;
2. 163° 17' 00" 122.03 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;
3. 162° 41' 00" 153.75 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;
4. 162° 02' 00" 329.60 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003, to a found ¾-inch pipe at the southeasterly boundary of a Portion of Royal Patent 7604, Land Commission Award 4566 to Wahineaa, being Parcel 20 of Tax Map Key: (2) 1-4-003;
5. 250° 45' 00" 153.93 feet along said Portion of Royal Patent 7604, Land Commission Award 4566 to Wahineaa, being Parcel 20 of Tax Map Key: (2) 1-4-003, to the south corner of Lot A-7 of the Subdivision of Royal Patent 6447, Land Commission Award 4846 to Kaholokai and the west corner of a Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;

# EXHIBIT "1"

6. 262° 54' 00" 117.11 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003, to a found 2-inch pipe;
7. 250° 48' 00" 77.04 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;
8. 336° 42' 00" 416.80 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003, to a found 1/2-inch pipe;
9. 244° 01' 00" 385.40 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;
10. 335° 49' 00" 324.98 feet along the remainder of said Portion of Grant 1906 to Kahoolimoku, being Parcel 22 of Tax Map Key: (2) 1-4-003, to a found 1/2-inch pipe at to the west corner of a Portion of Grant 1819 to Kahananui, being Parcel 25 of Tax Map Key: (2) 1-4-003 and the north corner of said Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003;
11. 65° 48' 30" 807.40 feet along said Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003, to the point of beginning and containing and area of 9.501 Acres, more or less.

Prepared by:

NEWCOMER-LEE  
LAND SURVEYORS, INC., a Hawai'i Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.

*Bruce R. Lee* 04/08

BRUCE R. LEE  
Licensed Professional Land  
Surveyor Certificate No. 5983-LS

3/24/06  
GYA/HANA  
File 02-5592  
02-5592 GYA-Hana Medical Center Portion Parcel 22

SCALE: 1" = 200'

VICINITY MAP



**EXHIBIT "2"**

TMK (2) 1-4-003:023

TMK (2) 1-4-003:022 (por.)  
STATE OF HAWAII

9.501 Acres  
AG to RURAL

TMK (2) 1-4-003:024

TMK (2) 1-4-003:025

TMK (2) 1-4-003:041

TMK (2) 1-4-003:009

HANA HIGHWAY

**TAX MAP KEY**

T.M.K. (2) 1-4-003:022  
(POR.)

**AREA**

9.501 Acres

## LAND USE DISTRICT BOUNDARY AMENDMENT MAP NO. 305

DISTRICT BOUNDARY AMENDMENT - HANA, MAUI, HAWAII  
FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT

## EXHIBIT '3'

As used in these conditions, "petition area" means the 9.501-acre portion of tax map key (2) 1-4-003:022

1. There shall be a prohibition on any action that would interfere with or restrain farming operations adjacent to the petition area provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district.
2. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of land that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosures required for the sale or transfer of real property or any interest in real property.
- ~~3. To the extent practicable while serving the staffing needs of the center, priority for housing shall be given to Hana residents.~~

WE HEREBY CERTIFY that the foregoing BILL NO. 120 (2025)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 26th day of September, 2025, by the following vote:

Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U- HODGINS
Aye 'Ae	Aye 'Ae	Excused Ho'oku'u 'ia	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae	Aye 'Ae

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 26th day of September, 2025.

DATED AT WAILUKU, MAUI, HAWAII, this 26th day of September, 2025.

RECEIVED

'25 SEP 26 P 2:32

OFFICE OF THE MAYOR

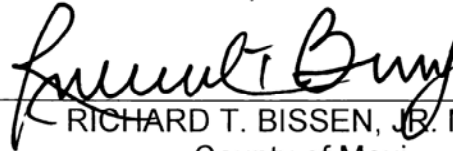


ALICE L. LEE, CHAIR  
Council of the County of Maui



MOANA M. LUTEY, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 26th DAY OF September, 2025.



RICHARD T. BISSEN, JR. MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 5857 of the County of Maui, State of Hawaii.



MOANA M. LUTEY, COUNTY CLERK  
County of Maui

Passed First Reading on September 8, 2025  
Effective date of Ordinance September 26, 2025

RECEIVED

2025 SEP 29 AM 8:34

OFFICE OF THE  
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 5857, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

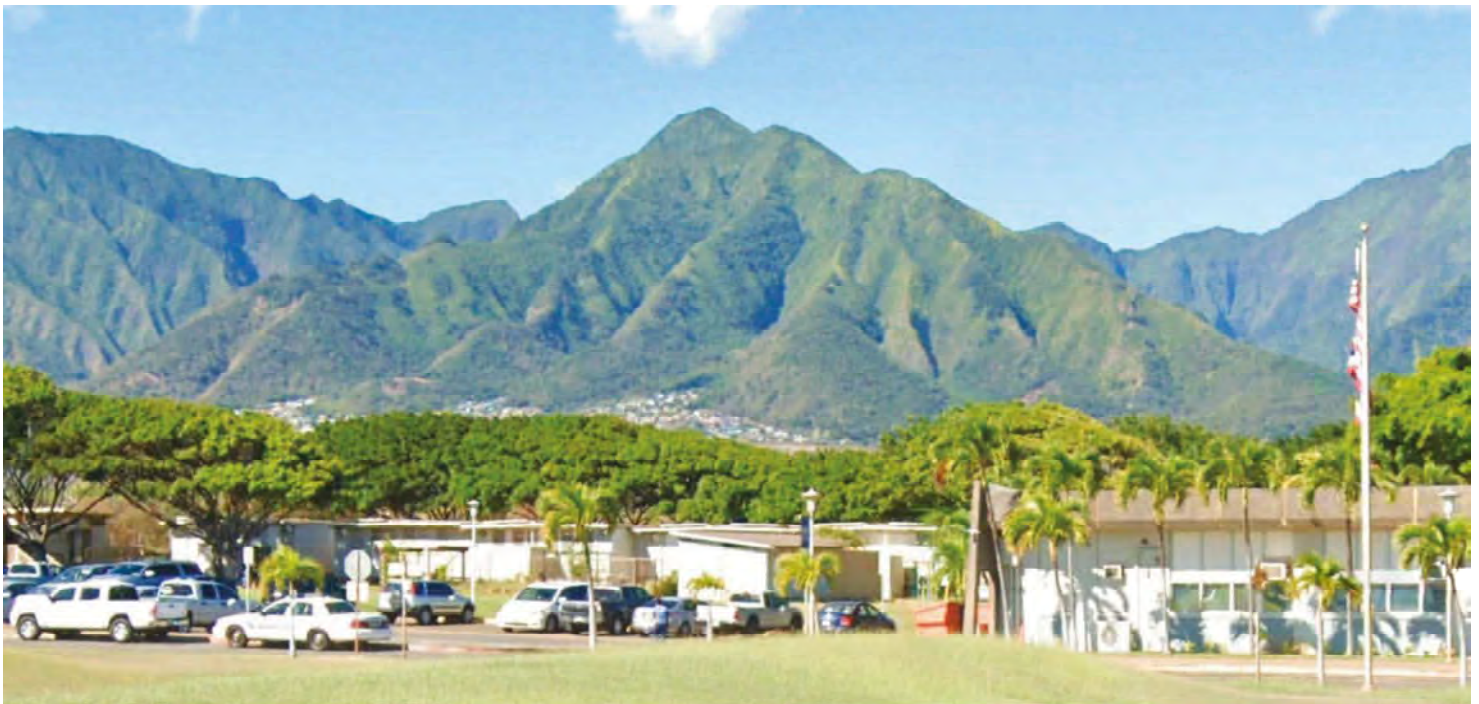


Josh Green, M.D., Governor  
Mary Alice Evans, Director

# The Environmental Notice

February 8, 2025

*The Environmental Notice* provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.



DOE will relocate and develop two new buildings on an undeveloped area used by Maui High School.

photo from the [project's Final EA](#)

235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • [dbedt.opsd.erp@hawaii.gov](mailto:dbedt.opsd.erp@hawaii.gov) • <https://planning.hawaii.gov/erp/>

**EXHIBIT 7**



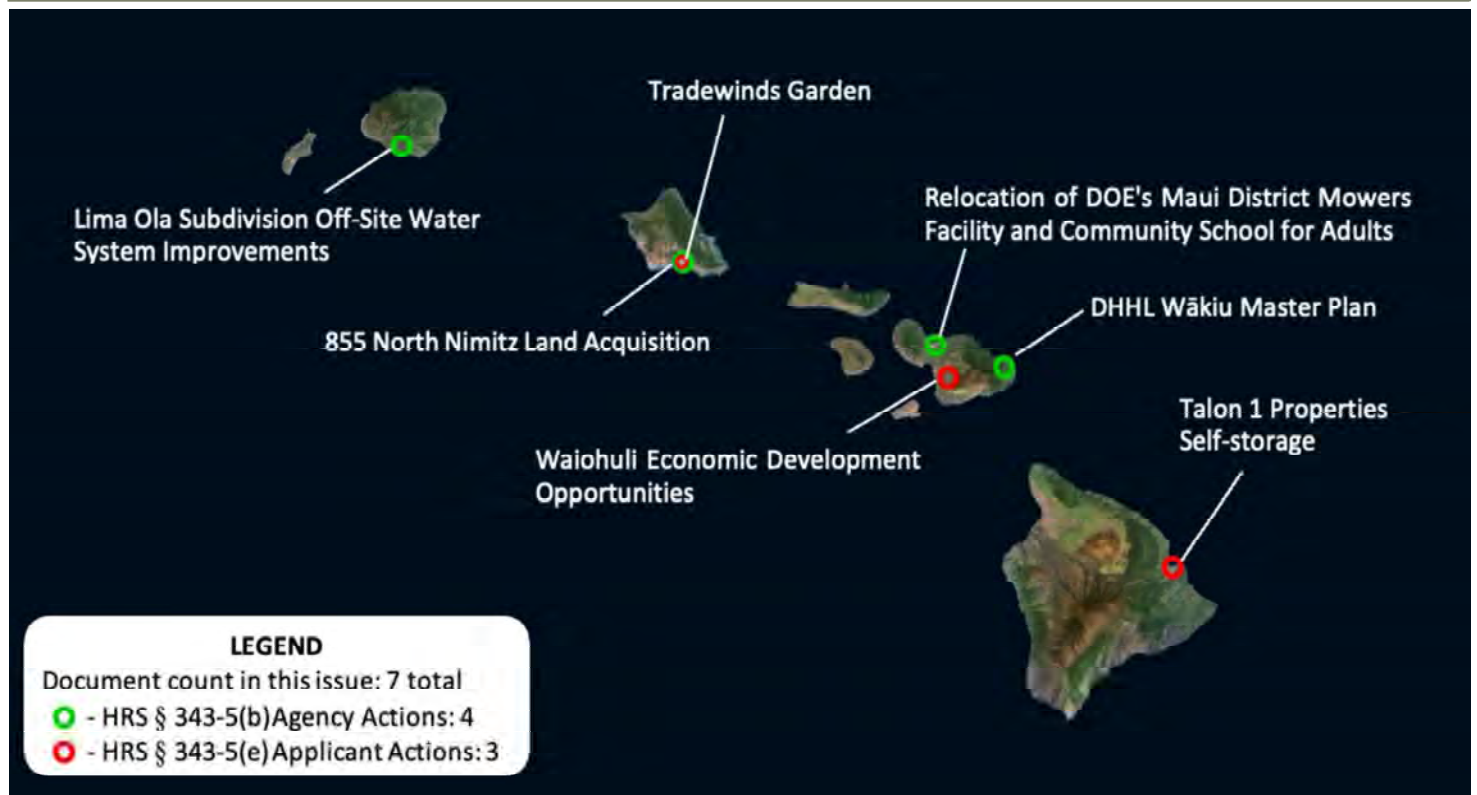
## TABLE OF CONTENTS

ANNOUNCEMENTS .....	2	KAUA'I EAs/EISs .....	6
STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS....	2	<b>Lima Ola Subdivision Off-Site Water System Improvements – Final EA (FONSI).....</b>	<b>6</b>
HAWAII EAs/EISs.....	3	PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT.....	6
<b>Talon 1 Properties Self-storage Warehouse – Draft EA (AFNSI) .....</b>	<b>3</b>	EXEMPTION NOTICES.....	6
MAUI EAs/EISs .....	3	LISTS OF EXEMPTION NOTICES .....	7
<b>Relocation of DOE's Maui District Mowers Facility and Community School for Adults - Final EA (FONSI).....</b>	<b>3</b>	PRIOR DETERMINATION .....	7
<b>DHHL Wākiu Master Plan – Draft EA (AFNSI) .....</b>	<b>4</b>	COASTAL ZONE MANAGEMENT NOTICES .....	7
<b>Waiohuli Economic Development Opportunities – Final EA (FONSI).....</b>	<b>4</b>	Special Management Area (SMA) Minor Permits.....	7
O'AHU EAs/EISs.....	5	SHORELINE NOTICES.....	8
<b>855 North Nimitz Land Acquisition - Final EA (FONSI) .....</b>	<b>5</b>	Applications for Shoreline Certification.....	8
<b>Tradewinds Garden – Final EA (FONSI) .....</b>	<b>5</b>	Proposed Shoreline Certifications and Rejections .....	8
		FEDERAL NOTICES.....	8
		GLOSSARY OF TERMS AND DEFINITIONS .....	9

## ANNOUNCEMENTS

- For purposes of the submission deadline in HAR Section 11-200.1-5(a), the term "close of business" means 11:59 P.M.
- The Environmental Advisory Council (EAC) is still seeking new members. To learn more about the work of the EAC, visit their [webpage](#). To apply to be on the EAC, submit this [online application](#) under Department of Business, Economic Development & Tourism - Environmental Advisory Council.

## STATEWIDE MAP OF EA/EIS DOCUMENTS AND DETERMINATIONS



## LISTS OF EXEMPTION NOTICES

Pursuant to [HAR § 11-200.1-17](#), State and county agencies that have determined specific actions to be exempt from the requirement to prepare an EA are required to submit a listing of such exemptions made during the previous month. Following are Lists of Exemption Notices submitted by various agencies for **January 2025, unless noted otherwise**; contact the identified agency contact on each list for additional information about any specific exemption:

### State of Hawai'i

[Department of Accounting and General Services](#)

[Department of Land and Natural Resources](#)

[Natural Energy Laboratory of Hawai'i](#)

[University of Hawai'i](#)

### City and County of Honolulu

[Department of Design and Construction](#)

[Department of Environmental Services](#)

## PRIOR DETERMINATION

The County of Maui, Department of Planning [has determined](#), pursuant to HAR Section 11-200.1-11, that additional environmental review is not required for construction of six units of Workforce Housing and a Specialty Clinic at the Hana Health facility in Hana, on TMK No. (2) 1-4-003:022. The determination is based on Environmental Assessments (EAs) prepared in [2000](#) and [2004](#), which were issued Findings of No Significant Impact (FONSIs) by the Office of the Mayor of the County of Maui and the State Department of Land and Natural Resources (DLNR), respectively. Both previous EAs analyzed projects much larger and more intensive than what Hana Health is currently proposing. Both project included a similar number of residential units of a similar size as the proposed workforce housing, and facilities similar in size and function to the proposed specialty clinic. The Project was within the range of alternatives considered in the prior EAs, and will have no greater direct, indirect, and cumulative effects.

## COASTAL ZONE MANAGEMENT NOTICES

### SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

The SMA Minor permits below have been approved ([HRS § 205A-30](#)). For more information, contact the relevant county/state planning agency: Honolulu [(808) 768-8015]; Hawai'i [East (808) 961-8288], [West (808) 323-4770]; Kaua'i [(808) 241-4050]; Maui [(808) 270-7735]; Kaka'ako or Kalaeloa Community Development District [(808) 587-2846]

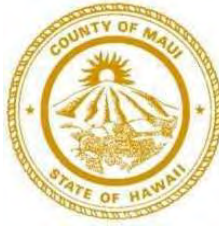
Location (TMK)	Description (File No.)	Applicant/Agent
Kaua'i: 'Ele'ele (2-1-003:038)	Construction of a ground mounted sign. (SMA(M)-2025-10)	Pape Machinery/ Ramsay Signs
Maui: Ha'ikū (2-7-007:003)	Peahi Reserve Water Well Installation (SM22025-00001)	Will Spence
Maui: Kihei (4-7-001:999)	17th Maui Oceanfront Marathon on January 19, 2025. Route along South Kihei Rd, North Kihei Rd and Honoapi'iani Hwy (SM22024-00064)	Alfred Wright
Maui: Lāhainā (4-6-028:001)	Puamana Entry Gate - After The Fact Approval of an existing entry gate and 10 proposed public beach access parking stalls and 1 proposed beach access loading zone with signage (SM22025-00003)	Dean Frampton
Maui: Lāhainā (4-6-032:001)	Puamana Berm - Cobble Berm Coastal Erosion Mitigation at south end of Puamana property. Project has been approved by the State DLNR-OCCL and will occur on approximately 330 linear feet of shoreline (SM22025-00002)	Trevor Guernsey
Maui: Kihei (2-1-008:154; 2-1-008:127)	Ledcor Kalai Wa'a Baseyard - portion of vacant land to be used as a temporary offsite construction staging area for Four Seasons improvements (SM22025-00004)	Four Seasons Maui Casey Lamb
O'ahu: Makaha (8-4-010:014)	Construction of a new two-story single-family dwelling (2024/SMA-127)	Jonathan C. and Jennifer K.L. Narvaes



**RICHARD T. BISSEN, JR.**  
Mayor

**KATE L. K. BLYSTONE**  
Director

**ANA LILLIS**  
Deputy Director



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

January 29, 2025

Ms. Mary Alice Evans, Director  
Office of Planning and Sustainable Development  
State of Hawai'i  
P.O. Box 2359  
Honolulu, Hawai'i 96804-2359

Dear Ms. Evans:

**SUBJECT: DETERMINATION OF NO ADDITIONAL ENVIRONMENTAL REVIEW NEEDED TO SATISFY CHAPTER 343, HAWAII REVISED STATUTES FOR HĀNA HEALTH'S WORKFORCE HOUSING AND SPECIALTY CLINIC PROJECT (PROJECT), LOCATED AT 4590 HĀNA HIGHWAY, HĀNA, ISLAND OF MAUI, HAWAII; TMK: (2) 1-4-003:022 (ZPA2024-00003)**

Pursuant to Section 11-200.1-4, Hawai'i Administrative Rules (HAR), this letter serves as notification and a request for publication in the next available edition of *The Environmental Notice* of the determination by the County of Maui, Department of Planning (Department), made pursuant to Section 11-200.1-11, HAR, that no additional environmental review is required for construction of the Project.

The Project consists of six units of workforce housing (6,800 square feet total, including lanais) and a 1,900 square foot specialty clinic at the Hāna Health Center at Kawaipapa, Hāna, Maui, located on TMK: (2) 1-4-003:022 (Parcel 22). The Department carefully reviewed and analyzed (1) the Final Environmental Assessment/Finding of No Significant Impact (FEA/FONSI) that was published in *The Environmental Notice* on December 8, 2004, for a much larger Community Health and Wellness Village that would have added more than 70,000 square feet of new buildings on Parcel 22 and an adjacent parcel designated as TMK: (2) 1-4-003:024 (Parcel 24), and (2) the May 2000 FEA/FONSI approved by the Office of the Mayor of the County of Maui for an earlier action that would have added more than 30,000 square feet of new buildings on Parcels 22 and 24. Both the 2000 and 2004 FEAs analyzed actions that would have included residential units of a number and size similar to those included in the Project as well as facilities similar in size and function to the proposed specialty clinic, and both FEAs included the current Project within the alternatives analyzed. Neither of the earlier

Ms. Mary Alice Evans  
January 29, 2025  
Page 2

proposed projects was built. The Project, which is limited to Parcel 22 and totals 8,700 square feet, is anticipated to have direct, indirect, and cumulative effects less than the proposed projects analyzed in the 2000 and 2004 FEAs. (See Attachment for further details.)

If additional clarification is required, please contact Staff Planner Wilton Leauanae at [wilton.leauanae@co.maui.hi.us](mailto:wilton.leauanae@co.maui.hi.us) or at (808) 270-8036.

Sincerely,



*for* KATE L. K. BLYSTONE  
Director

Attachment: Analysis

xc: Danny A. Dias, Planning Program Administrator (PDF)  
Jordan E. Hart, Planning Program Administrator (PDF)  
Wilton Leauanae, Staff Planner (PDF)  
Will Spence, William Spence & Associates, Consultant (PDF)  
Pamela Bunn, Counsel for Applicant (PDF)  
Cheryl Vasconcellos, Hāna Health Center

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## ATTACHMENT

### COUNTY OF MAUI, DEPARTMENT OF PLANNING, ANALYSIS OF HĀNA HEALTH'S SPECIALTY CLINIC & WORKFORCE HOUSING PROJECT UNDER SECTION 11-200.1-11, HAWAI'I ADMINISTRATIVE RULES (HAR)

#### INTRODUCTION

The Planning Department has determined that Hāna Health's proposed Specialty Clinic & Workforce Housing Project (the Project) at 4590 Hāna Highway, Hāna HI 96713, TMK No. (2) 1-4-003:022 (Parcel 22) satisfies the requirements of Section 11-200.1-11(a), HAR, and therefore no further environmental review of the Project is required under HRS Chapter 343. The Planning Department's determination is based on Final Environmental Assessments (FEAs) prepared in 2000 and 2004, which were issued Findings of No Significant Impact (FONSIs) by the Office of the Mayor of the County of Maui and the State of Hawai'i Department of Land and Natural Resources (DLNR), respectively (see December 8, 2004 *The Environmental Notice*). Both of the previous FEAs analyzed projects much larger and more intensive than what Hāna Health is currently proposing, and both projects were determined to have no significant environmental impacts. Neither of the projects for which FONSIs were issued was built.

#### COMPARISON OF PROJECTS PREVIOUSLY ANALYZED AND CURRENTLY PROPOSED PROJECT

Act 263, Session Laws of Hawai'i 1996, established an affiliation between the State (through its Department of Health) and the community of Hāna (through a to-be-formed Hāna non-profit health care organization) to support the development of a community-based health care program. Hāna Health was formed as the non-profit organization and, in 1998, the State leased the Hāna Medical Center to Hāna Health for a term of 55 years. In addition to the 10.071-acre Parcel 22, the leased premises includes TMK. No. (2) 1-4-003:024, the 2.035-acre parcel where the current buildings are located ("Parcel 24").

The premises were antiquated and inadequate when Hāna Health took possession from the Department of Health, and Hāna Health worked with the community to plan a facility that would meet the community's healthcare needs. The initial effort resulted in a plan that included, as described in the 2000 FEA/FONSI:

- Construction of a 10,850 sf Community Healthcare Center housing facilities for medical and ancillary services, as well as shared administrative and support uses;
- Construction of a 10,360 sf Health and Wellness Center housing a conference center, gym, pool, and office;
- Construction of 9,800 sf of employee housing for the executive director, on-site physician, and staff nurses;
- Renovation of the existing health center building;
- Construction of a total of approximately 104 parking stalls;
- Establishment of a future garden area; and
- Demolition of all existing structures with the exception of the original health center building.

See 2000 FEA/FONSI at 1-8.

In its discussion of the alternatives to the proposed action, the 2000 FEA/FONSI considered “Alternative Site Development Concept,” and anticipated there would be modifications to the proposed project as design development progressed. *Id.* at 5.1.

There were, in fact, subsequent modifications. In the ongoing community planning process, many wanted to see a more comprehensive facility, and Hāna Health retained consultants to prepare a revised EA reflecting the changes. The result was the far more ambitious proposed Hāna Community Health and Wellness Village (“Wellness Village”) analyzed in the 2004 FEA/FONSI (published in the December 8, 2004 *The Environmental Notice*), which explained that, “since the issuance of the [2000] FONSI, programmatic and design requirements for the project have been modified, incorporating a revised site plan and additional facility uses.” 2004 FEA/FONSI at 1.

The Wellness Village analyzed in the 2004 FEA/FONSI included 33 new buildings (with the existing Health Center potentially to be expanded by approximately 5,924 sf and the other existing buildings retained). The new buildings ranged from approximately 694 square feet to approximately 24,352 square feet, totaling 72,235 sf spread over both parcels. The buildings included an Administrative Office Building, a Conference and Technology Center, a Physical Therapy/Fitness Center, a Nutrition Training Center, six units of Kupuna Housing, twenty Wellness Cottages, a Reception/ Information Area, a Traditional Healing Center, and Maintenance and Laundry buildings. 2004 FEA/FONSI at 6-9.

Hana Health never built the Wellness Village. After the 2004 FONSI was issued, Hāna Health sought a District Boundary Amendment (DBA) for Parcel 22 to change the Agricultural portion to Rural to accommodate the Wellness Village. Facing the expiration of grant funding prior to the completion of the DBA, Hāna Health moved forward only with the construction of the 1,200 sf Nutrition Center on Parcel 24 (which is already in the State Rural District and thus did not require a DBA). The Nutrition Center was completed in 2012. The only other new building at the Hāna Health facility is a Rehabilitation Center completed in early 2023, also on Parcel 24.

Hāna Health now proposes to construct six units of workforce housing and a specialty clinic on Parcel 22, and the Maui County Council has initiated a DBA for that parcel to accommodate the Project. To mitigate the effect that Hāna’s decades-long housing shortage has had on its ability to attract and retain healthcare employees, Hāna Health proposes to build 4,700 square feet of workforce housing: 2 units each of studio (500 sf), 2 BR (750 sf), and 3 BR (1,100) housing. Hāna Health also plans a 1,900 sf specialty clinic that will include exam rooms, a small CLIA waived lab, restrooms, a reception area, and an office. Specialty services will initially include OB/GYN, cardiology, dermatology, and pediatric dentistry.

## ANALYSIS

Hāna Health’s proposed Specialty Clinic and Workforce Housing Project satisfies the three-prongs of HAR Section 11-200.1-11(a) as follows:

- (1) The proposed action was a component of, or is substantially similar to, an action that received an exemption, FONSI, or an accepted EIS (for example, a project that was analyzed in a program EIS)

The proposed workforce housing will comprise six housing units totaling 4,700 square feet (6,800 square feet under roof including lanais). Workforce housing – five units totaling 9,800 sf -- was a component of the action analyzed in the 2000 FEA/FONSI. *Id.* at 1-8. The workforce housing is also substantially similar

to the Kupuna Housing (6 units totaling 4,906 sf) that was a component of the action analyzed in the 2004 FEA/FONSI (which also included 20 Wellness Cottages totaling 15,210 sf). *Id.* at 8.

The facilities included in the 1,900 sf specialty clinic (i.e., exam rooms, office, reception, restrooms, etc.) were components of the actions analyzed in both FEA/FONSIs. The action considered in the 2000 FEA/FONSI included a 10,850 sf Community Healthcare Center to house facilities for medical and ancillary services, as well as shared administrative and support uses. *Id.* at 1-8. The action considered in the 2004 FEA/FONSI included 9 treatment rooms of unspecified size and an administrative office building, *id.* at 6-8, and potentially an almost 6,000 sf expansion of the existing Health Center building, which would house, among other things, an expanded Urgent Care Clinic, *id.* at 11-14.

(2) The proposed action is anticipated to have direct, indirect, and cumulative effects similar to those analyzed in a prior exemption, final EA, or accepted EIS

The 2000 FEA/FONSI considered an action that would have added more than 30,000 sf of new buildings. *Id.* at 1-8. The 2004 FEA/FONSI analyzed the Wellness Village, an action that would have added more than 70,000 sf of new buildings. *Id.* at 8-9. Those actions were determined, by the Maui Mayor's Office and the DLNR, respectively, to have no significant environmental impacts. The much smaller proposed Project -- which would add 8,700 sf under roof -- is anticipated to have similar direct, indirect, and cumulative effects, i.e., none. Like the Wellness Village and the initial plan, the workforce housing and specialty clinic will have unavoidable construction-related impacts, including noise and air quality impacts associated with the construction equipment and dust, but those impacts will be temporary and the construction will take far less time to complete than the projected eight years to construct the Wellness Village. The proposed Project will also use less land (the Wellness Village would have had approximately 5.7 acres under roof or paved over, see 2004 FEA at 37), energy, and water, and will generate less wastewater, and less traffic, than the Wellness Village.

(3) In the case of a final EA or an accepted EIS, the proposed action was analyzed within the range of alternatives

The alternatives analyzed in the 2000 FEA/FONSI were the "No Action" alternative and an "Alternative Site Development Concept," which became the Wellness Village analyzed in the 2004 FEA/FONSI. The alternatives analyzed in the 2004 FEA/FONSI ranged from the Wellness Village (the "Preferred Alternative") to the "No Action" alternative, differentiated primarily by the number and size of the buildings. 2004 FEA/FONSI at 58-61. The first alternative was the original plan analyzed in the 2000 FEA/FONSI, which included two large (approximately 10,500 square foot) new buildings and five modest residential units for executive staff and nurses. *Id.* at Figure 3 and p. 58. The second alternative was a "Modified Alternative" that modified the preferred alternative by reducing the size of some of the buildings and would also have included 6 units of workforce housing as well as the expansion of the existing health center. *Id.* at Figure 3 and pp. 59-61. The proposed Project falls between the Modified Alternative and the No Action Alternative.

Accordingly, the Planning Department has determined that no additional environmental review is required for the Project.

LAND COURT SYSTEM

Tax Map Key Nos. (2) 1-4-003:022 and 024

THIS AGREEMENT, made and entered into this 15th day of March, 2017, by and between the State of Hawaii, by its Board of Land and Natural Resources, hereinafter referred to as the "Lessor," and HANA HEALTH, a Hawaii nonprofit corporation, whose address is P.O. Box 807, Hana, Hawaii 96713, hereinafter referred to as the "Lessee";

WHEREAS, unrecorded General Lease No. S-5548 dated August 7, 1998, was leased to Hana Community Health Center, Inc., a Hawaii nonprofit corporation; and

WHEREAS, the Lessee is now known as Hana Health, a Hawaii nonprofit corporation by name change filed in the State of Hawaii Department of Commerce & Consumer Affairs on December 7, 2005; and

WHEREAS, the Lessee desires that the general lease be amended; and

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## EXHIBIT 8

WHEREAS, the Board of Land and Natural Resources, at its meeting held on May 8, 2015, as amended, has approved the amendment to General Lease No. S-5548, for the purposes of amending condition no. 11, Liens and condition no. 20, Mortgage to accommodate the building of the rehabilitation center and to add in additional conditions to address federal funds.

NOW, THEREFORE, the Lessor and Lessee covenant and agree that General Lease No. S-5548, is hereby amended as follows:

1. Condition no. 11, Liens, the following is added:

"Notwithstanding the foregoing, the Lessee may, with the prior written consent of the Lessor, through its Board of Land and Natural Resources, allow a federal interest under the Health Infrastructure Investment Program of the Health Resources and Services Administration to encumber the premises to the extent necessary to secure grant moneys to fund the construction of improvement to the premises."

2. Condition no. 20, Mortgage, the following is added:

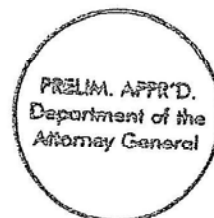
"Notwithstanding the foregoing, the Lessee may, with the prior written consent of the Lessor, through its Board of Land and Natural Resources, allow a federal interest under the Health Infrastructure Investment Program of the Health Resources and Services Administration to encumber the premises to the extent necessary to secure grant moneys to fund the construction of improvement to the premises."

3. Condition no. 50, Restrictive terms, is added as follows:

"50. The Lessor is in full agreement of the proposed improvements to the leased property as part of the Health Resources and Services Administration (HRSA) funding opportunity, and grants permission to Lessee to undertake the proposed improvements.

The Lessee as recipient of federal funds agrees to the following:

(a) The Lessee agrees not to sublease, assign, or otherwise transfer the premises, or use the premises for a non-grant-related purpose(s) without the written approval from HRSA (at any time during the term of the lease, whether or not grant



support has ended).

(b) The Lessor will inform HRSA of any default by the Lessee under the lease.

(c) HRSA shall have sixty (60) days from the date of receipt of the Lessor's notice of default in which to attempt to eliminate the default, and that the Lessor will delay exercising remedies until the end of the sixty (60) day period.

(d) HRSA may intervene to ensure that the default is eliminated by the Lessee or another recipient named by HRSA.

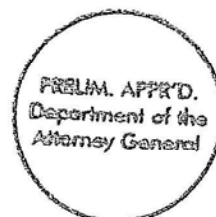
(e) The Lessor shall accept payment of money or performance of any other obligation by the HRSA's designee, for the Lessee, as if such payment of money or performance had been made by the Lessee.

(f) In the event that the Lessee defaults, the grant is terminated, or the Lessee vacates the premises before the end of the lease term, HRSA shall have the right to designate a replacement for the recipient for the balance of the lease term, subject to approval by the Lessor, which will not be withheld except for good reason.

The Lessor also acknowledges that there will be a federal interest in the premises as a result of the proposed improvements and that the Lessor agrees to file a Notice of Federal Interest prior to work commencing, if required by HRSA."

IN CONSIDERATION THEREOF, the Lessor and Lessee further agree that this Amendment of Lease Agreement is subject to all the covenants and conditions in the General Lease No. S-5548, except as herein provided.

This Amendment, read in conjunction with the General Lease No. S-5548 sets forth the entire agreement between the Lessor and Lessee; and the general lease as amended and modified hereby shall not be altered or modified in any particular except by a memorandum in writing signed by the Lessor and Lessee.






IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused these presents to be executed the day, month, and year first above written.


Approved by the Board of  
Land and Natural Resources  
at its meeting held on  
May 8, 2015.

STATE OF HAWAII


By   
SUZANNE D. CASE  
Chairperson  
Board of Land and  
Natural Resources

LESSOR


HANA HEALTH, a Hawaii nonprofit  
corporation

By   
Its Executive Director

APPROVED AS TO FORM:

  
LINDA L. W. CHOW  
Deputy Attorney General

Dated: Aug. 1, 2016

By   
Its ~~Witness~~

LESSEE



STATE OF HAWAII

COUNTY OF MAUI

)  
) SS.  
)

On this 16<sup>th</sup> day of August, 20 16, before me appeared Cheryl Vasconcellos and William R. Kalani Jr, to me personally known, who, being by me duly sworn, did say that they are the Executive Director and Treasurer, respectively of HANA HEALTH, a Hawaii nonprofit corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and the said Executive Director and Treasurer acknowledged said instrument to be the free act and deed of said corporation.

Jeanna Paman  
Notary Public, State of Hawaii  
Jeanna Paman

My commission expires: August 20, 2017

Doc. Date: <u>Undated</u>	# Pages: <u>5</u>
Notary Name: <u>Jeanna Paman</u> 2nd Circuit	
Doc. Description: <u>Amendment</u>	
Notary Signature: <u>Jeanna Paman</u>	Date: <u>08/16/16</u>

