

Use Determination Application

LĀNA‘I HAPS DRONE PROJECT LĀNA‘I, HAWAI‘I (TMK NO. (2)4-9-002:061(por.))

Prepared for:

Research Corporation of the University of Hawai‘i

June 2019

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by Munekiyo Hiraga**



MUNEKIYO HIRAGA

Planning. Project Management. Sustainable Solutions.

Use Determination Application

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for
LĀNA‘I HAPS DRONE PROJECT
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**USE DETERMINATION CHECKLIST
AND ZONING AND FLOOD
CONFIRMATION FORM**

1

USE DETERMINATION APPLICATION CHECKLIST

Instructions:

- In developing the application packet, it is useful to keep in mind that submittal of a digital copy of the entire application packet in PDF format is required.
- Please label all documents and arrange them in the order they are listed below.
- All documents submitted shall be on standard sized 8½"x11" paper, except the **site plan** and **plans of the proposed development** which may be on 11"x17" paper, if needed. In the case of large parcels and plan areas, full-sized hard copies will be accepted along with the PDF of the plans
- All photos shall be numbered and labeled with content information, and shall be printed on 8½"x11" paper.
- All checklist items must be addressed in the manner indicated, and shall be complete at the time of application submittal. Incomplete applications will not be accepted, or may be returned, and/or could result in delayed processing.

Submit the following:

- ☒ 1. A **non-refundable** filing fee, payable to County of Maui, Director of Finance.
See Fee Schedule, Table B Use Determination (No Public Hearing Required). The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications, Reviews, and Variances" at www.mauicounty.gov.
- ☒ 2. Completed **Use Determination Checklist** (This Checklist) (Page 2)
- ☒ 3. Completed **Use Determination Application** (Page 3) **See Section 2.**
- ☒ 4. Fully processed **Zoning & Flood Confirmation Form** available at: <http://www.co.maui.hi.us/index.asp?NID=1402> or as a paper form from the Department. The form is returned to you by ZAED after processing and prior to assembling this Use Determination application packet. **See Section 1.**
- ☒ 5. **Owner authorization of the application.**
- ☒ A. Submit evidence that the Applicant is the owner or lessee of record of the real property, or
See Section 3.
- ☒ B. If the Applicant is not the owner or lessee of record, a notarized letter from the owner authorizing the Applicant to act on the owners behalf, and evidence that any authorization is from the legal owner.
See Section 4.
- ☒ 6. A **site plan of the subject property**. The plan shall define and show the location of the proposed use, the existing physical conditions of the land, including but not limited to, property boundaries, topography, all structures, and other natural and man-made features that may help the Commission make its determination. Said plans shall be drawn to scale, and measured in feet. **See Section 5.**
- ☒ 7. Any **plans of the proposed development** designating the location and dimensions of the proposed activity or development on the land. **Refer to Section 5.**
- ☒ 8. Numbered and labeled **photographs of the parcel** on which the use is proposed. The views should include the (1.) site, (2.) surrounding properties, and (3.) the relationship of the site to the nearest public roadway. Label all photographs with facing-direction information, and print on standard sized paper, 8½"x11".
See Section 6.
- ☒ 9. A **list of the zoning classifications of the directly adjacent parcels**. **See Section 7.**
- ☐ 10. **Any other information and documentation required by the Department of Planning** to properly process the application, and/or items you feel will aid the Department in its review of your project.
List all other submitted documents below.
- A) _____ C) _____
- B) _____ D) _____
- ☒ 11. A **Statement of Justification** of how the proposed use meets the intent of the applicable zoning district
Refer to Section 7.
- ☒ 12. An **electronic copy in PDF format** of the completed application packet on a compact disk. Arrange the PDF in the order of the Checklist including all of the submittals required in Checklist Items 1 – 11. In the case of 11"x17" and other large format plans a separate PDF is suggested.

Note: Any misrepresentation regarding this application may result in a determination denial, decision revocation, and other possible violations and/or fines.

RECEIVED

1911018

FEB 28 2019

COUNTY OF MAUI
DEPT OF PLANNINGCOUNTY OF MAUI
DEPARTMENT OF PLANNING
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793Zoning Administration and
Enforcement Division (ZAED)
Telephone: (808) 270-7253
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Munekiyo Hiraga (be) TELEPHONE 244-2015
 PROJECT NAME General Inquiry E-MAIL planning@munekiyohiraga.com
 PROPERTY ADDRESS Kaupili Road, Lanai (see attached map) TAX MAP KEY (2)4-9-002:061(por.)

☐ Yes ☒ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?

IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) ☐ Yes ☐ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?

IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law): _____

INSTRUCTIONS:

- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
- 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
- 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹

STATE DISTRICT: ☐ Urban ☐ Rural ☒ Agriculture ☐ Conservation

☐ (SMA)
Special
Management Area

MAUI
ISLAND
PLAN

Growth Boundary: ² ☐ Urban ☐ Small Town ☐ Rural ☐ Planned Growth Area ☐ Outside Growth Boundaries

Protected Area: ² ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☐ Outside Protected Areas

COMMUNITY PLAN: ²

COUNTY ZONING:

OTHER/COMMENTS:

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

FLOOD HAZARD AREA ZONES ³

& BASE FLOOD ELEVATIONS:

☐ FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH:

☐ (PD)
Planned
Development
☐ (PH)
Project District
☐ See
Additional
Comments (Pg.2)
☐ See
Attached LUD Map

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent, (LUDs appear to have NO permitted uses in common).

☐ Not Applicable, (Due to processing under consistency exemption No. ☐1, ☐2, ☐3, ☐4, ☐5).

(Signature)

☐ Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

☐ ⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

☐ ⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ ⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

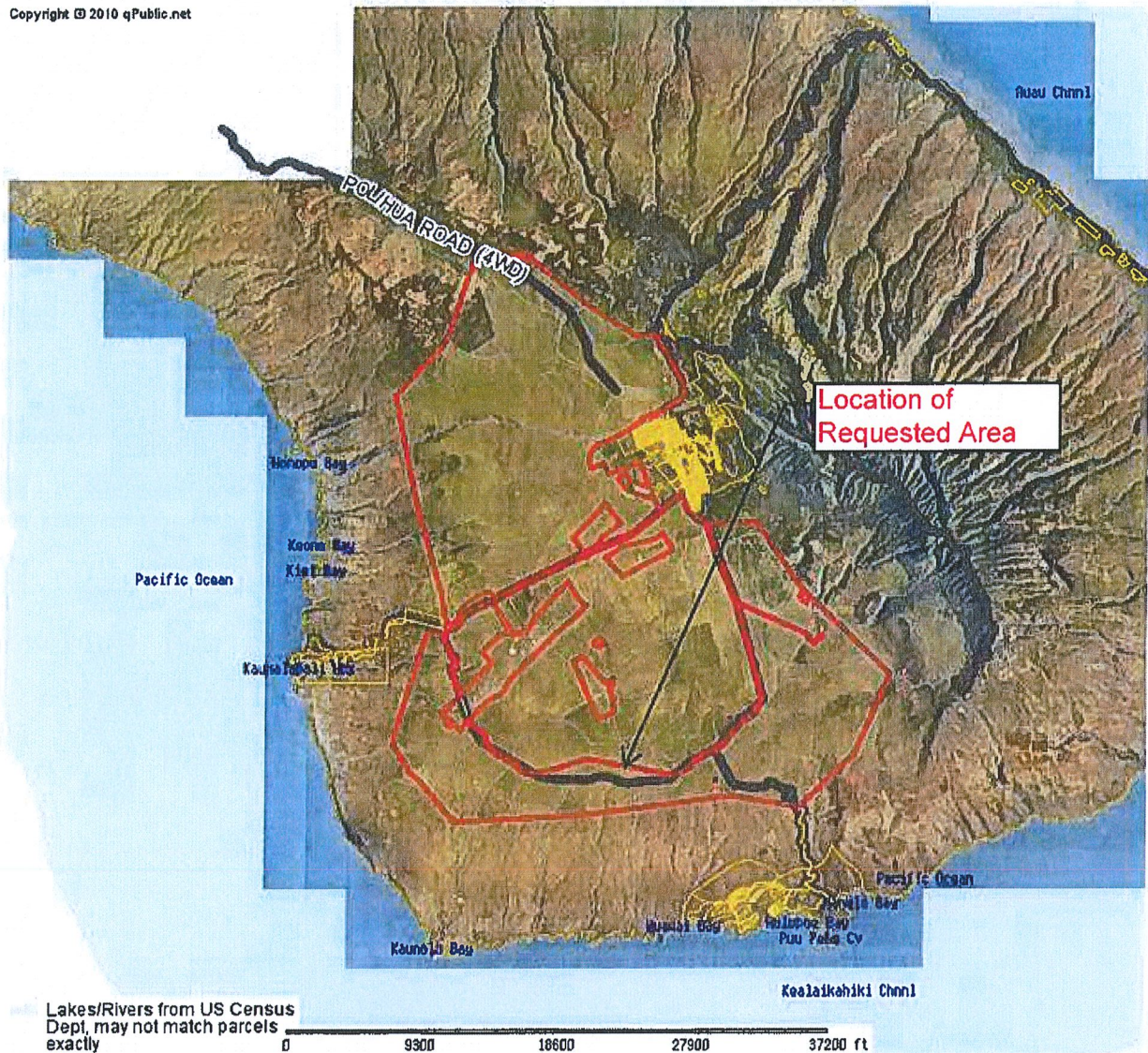
NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

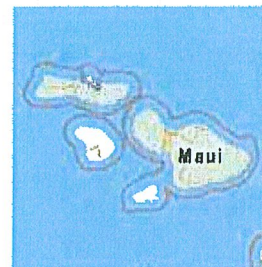
REVIEWED & CONFIRMED BY:

For: John S Rapacz (Signature) Planning Program Administrator, Zoning Administration and Enforcement Division

3/16/19 (Date)

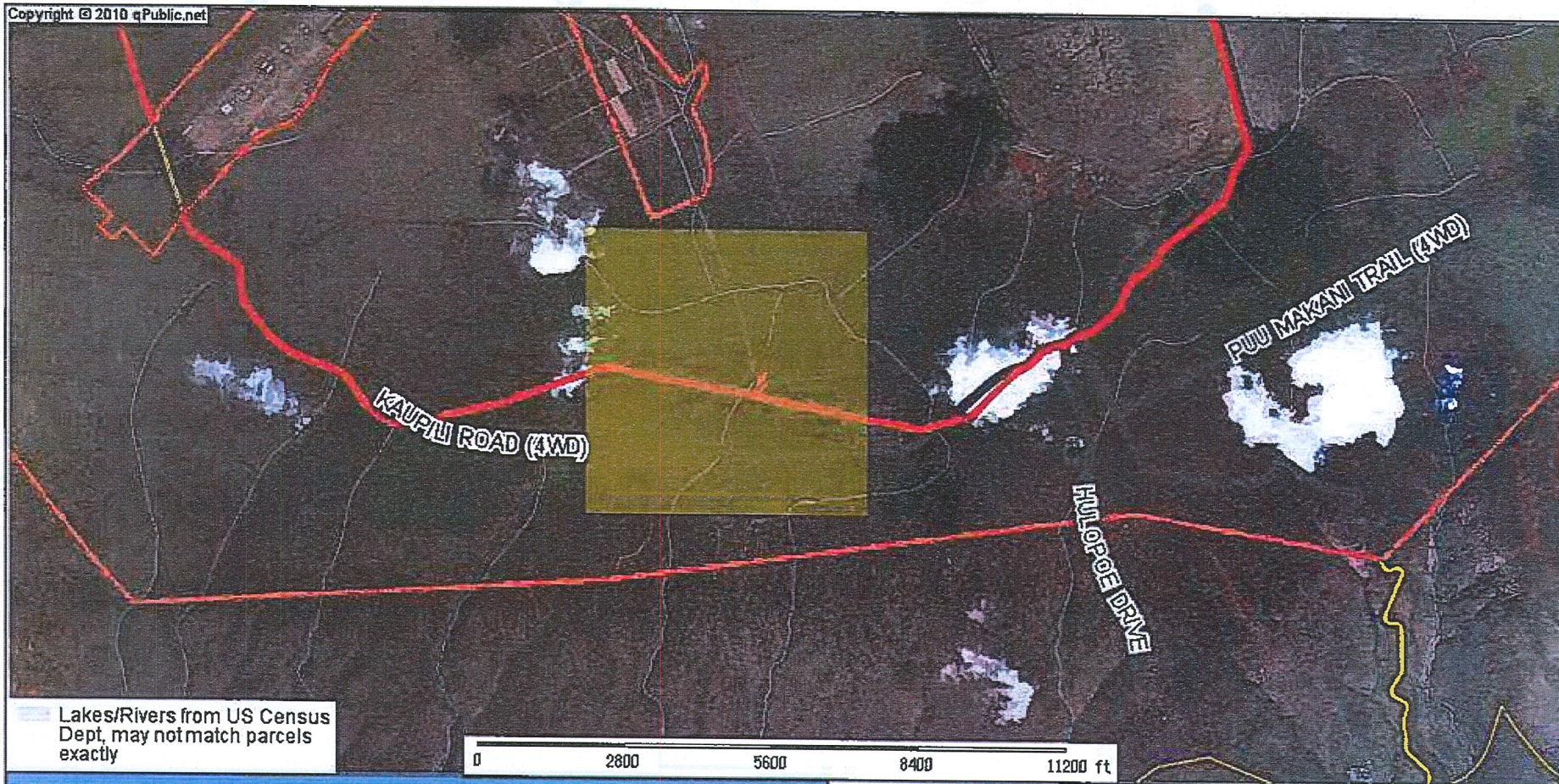


Maui County Assessor			
Parcel: 490020610000 Acres: 16124.19			
Name	LANAI RESORTS LLC	Land Value	\$5,538,500.00
Site	KAUMALAPAU HWY	Building Value	\$0.00
Sale		Misc Value	\$0.00
Mail	733 BISHOP ST, SUITE 2000 HONOLULU HI 96813	Just Value	\$0.00
		Assessed Value	\$5,538,500.00
		Exempt Value	\$0.00
		Taxable Value	\$5,538,500.00

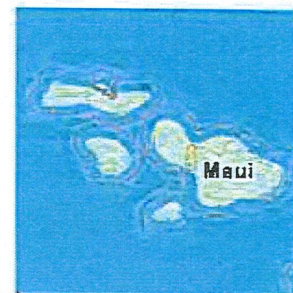


The Maui County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER MAUI COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 03/01/19 : 15 34 25



Maui County Assessor			
Parcel: 490020610000 Acres: 16124.19			
Name:	LANAI RESORTS LLC	Land Value	\$5,538,500.00
Site:	KAUMALAPAU HWY	Building Value	\$0.00
Sale:		Misc Value	\$0.00
Mail:	733 BISHOP ST, SUITE 2000 HONOLULU HI 96813	Just Value	\$0.00
		Assessed Value	\$5,538,500.00
		Exempt Value	\$0.00
		Taxable Value	\$5,538,500.00



The Maui County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER MAUI COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 02/26/19 : 18:21:11

**USE DETERMINATION
APPLICATION FORM**

2

USE DETERMINATION APPLICATION

County Use Only

Application Number: UD _____ - _____

Please print legibly or type in the information below.

PROPERTY ADDRESS/PROJECT INFORMATION

Name of Project: *(If project name is not provided, applicant's name will be used)* Lāna'i HAPS Drone Project

Tax Map Key No. (2)4-9-002:061(por.) Total Lot Area: 16,124.19 acres; Project Site: Approx. 215 Acres Valuation: \$ 440,000.00

Physical Address/Location of Project: Off Kaupili Road, Lāna'i, Hawai'i

Additional Location Information: _____

DESCRIPTION OF PROPOSED LAND USE

Provide a brief written description of the Existing and Proposed uses.

Describe the Existing Use: The area of the proposed use is currently vacant and undeveloped apart from a solar farm located in close proximity to the proposed launch site.

Describe the Proposed Use: See Attachment "A"

Include a description of all proposed uses for the parcel.


Related Permit Numbers: *(if applicable)* Not Applicable

CONTACT INFORMATION

APPLICANT INFORMATION

Applicant's Name(s): Tim Williams, Research Corporation of the University of Hawai'i Email: ---
Mailing Address: Mānoa Innovation Center, 2800 Woodlawn Drive, Suite 200, Honolulu, Hawai'i 96822
Phone Number(s): bus (808) 988-8300 hm --- cell --- fax ---
Signature(s): See Letter of Authorization, Section 4 Date: _____

CONSULTANT INFORMATION

Contact Name(s): Bryan Esmeralda, Munekiyo Hiraga Email: planning@munekiyohiraga.com
Mailing Address: 305 High Street, Suite 104, Wailuku, Hawai'i 96793
Phone Number(s): bus 244-2015 hm --- cell --- fax 244-8729
Signature(s):  Date: 6/18/19

OWNER INFORMATION

Owner's Name(s): Lanai Resorts, LLC, a Hawai'i limited liability company doing business as Pūlama Lāna'i Email: ---
Mailing Address: 733 Bishop Street, Suite 2000, Honolulu, Hawai'i 96813
Phone Number(s): bus (808) 237-2001 hm --- cell --- fax ---
Signature(s): See Letter of Authorization, Section 4 Date: _____

County Use Only
Initial Application Review by: _____

ATTACHMENT “A”

Described the Proposed Use:

The Applied Research Laboratory at the University of Hawai'i (ARLUH), a subset of the Research Corporation of the University of Hawai'i (the "Applicant"), is proposing to perform Stratospheric Unmanned Aircraft Systems (UAS) testing in Hawai'i's airspace at a test area (a.k.a. Kaupili Landing Field) on Lāna'i, on a portion of land identified by Tax Map Key (2)4-9-002:061. The purpose of the project is to implement test flights of solar-electric, long-endurance UAS drones at altitudes between 65,000 and 80,000 feet for low-cost global 5G wireless network coverage. In addition, the project is also anticipated to collect beneficial information for Lāna'i, including information relative to ungulate control, watershed characterization, and inshore water health.

**LAND OWNERSHIP
DOCUMENTATION**

3

LAND OWNERSHIP DOCUMENTATION INCLUDES:

Exhibit A-1. 1995 Deed

Exhibit A-2. Records of Company Name Change

Exhibit A-3 Articles of Amendment to Change Limited Liability Company Name

Exhibit A-4. Record of Lanai Resorts, LLC, a Hawai'i Limited Liability Company, doing business as Pūlama Lāna'i

The following outline describes the chain of applicant Lanai Resorts, LLC's title to the subject property:

- a. By Deed dated 12/8/1995 ***Hawaii Newsub, Inc.*** acquired title to the subject parcel. (See **Exhibit A-1**)
- b. On 12/08/1995, ***Hawaii Newsub, Inc.*** was renamed "***Lanai Company, Inc.***". (See **Exhibit A-2**)
- c. On 12/31/2000, ***Lanai Company, Inc.*** merged into "***Castle & Cooke Resorts, LLC***". (See **Exhibit A-2**)
- d. On 9/14/2012, ***Castle & Cooke Resorts, LLC*** was renamed "***Lanai Resorts, LLC***". (See **Exhibit A-3**)
- e. On 5/22/13, ***Lanai Resorts, LLC*** registered the name "***Pūlama Lāna'i***". (See **Exhibit A-4**)

1995 Deed

EXHIBIT

A-1

DOUBLE SYSTEM

15
26
10/10

L-323

STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

DEC 08, 1995 02:30 PM

Doc No(s) 2277111

on Cert(s) AS LISTED HEREIN

Issuance of Cert(s) 466,413

vs/ CARL T. WATANABE
ASSISTANT REGISTRAR

CONVEYANCE TAX: \$62808.30

LAND COURT SYSTEM

AFTER RECORDATION, RETURN BY MAIL () PICK-UP (X):

CASTLE & COOKS LAND COMPANY, INC.
P.O. Box 2990
Honolulu, Hawaii 96802

Electing 5484908

R-597

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

DEC 08, 1995 02:30 PM

Doc No(s) 95-159453

/s/ CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCE

REGULAR SYSTEM

WLOW

b/s

(11)

DEED

THIS DEED, made this 8th day of December,
1995, by and between LANAI RESORT PARTNERS, a California general
partnership, whose business and post office address is 650 Iwilei
Road, Honolulu, Hawaii 96817, hereinafter called the "Grantor",
and HAWAII NEWSUB, INC., a Hawaii corporation, whose business and
post office address is 650 Iwilei Road, Honolulu, Hawaii 96817,
hereinafter called the "Grantee",

A1050.21
12/14/95

W I T N E S S E T H:

For Ten Dollars (\$10.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby remise, release and quitclaim unto the Grantee, all of the Grantor's right, title and interest in and to the property described in Exhibit A attached hereto and made a part hereof (the "Property");

TOGETHER WITH all of the Grantor's rights and interests in and to any and all transferable covenants, warranties and assurances made in favor of or held by the Grantor, or given by or applicable to predecessors in title and/or other third parties, with respect to the Property or any part thereof or any interest therein, including but not limited to the right to recourse against Grantor's predecessors in interest and other third parties, excluding Grantor's affiliated entities but including the State of Hawaii pursuant to Hawaii Revised Statutes Chapter 501 and Grantor's actual title insurance coverage, if any;

TOGETHER with the rights and other matters listed in Exhibit B attached hereto and made a part hereof;

TO HAVE AND TO HOLD the same, together with all the buildings and improvements thereon, and the tenements, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee, its successors and assigns, forever.


The terms "Grantor" and "Grantee," as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and each of their respective successors, successors in trust, heirs, devisees, legal representatives and assigns, according to the context thereof.

IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents as of the day and year first above written.

LANAI RESORT PARTNERS,
a California general partnership


By Lanai Company, Inc.,
a Hawaii corporation,
Managing General Partner

By 
KEVIN R. SHANEY
Its Vice President

By 
BERT T. KIDO
Its Assistant Secretary

Grantor

HAWAII NEWSUB, INC.,
a Hawaii corporation

By 
KEVIN R. SHANEY
Its Vice President

By 
BERT T. KIDO
Its Assistant Secretary

Grantee

STATE OF HAWAII
CITY AND COUNTY OF HONOLULU

ss.

On this 8th day of December, 1995, before me appeared KEVIN R. SHANEY and BERT T. KIDO, to me personally known, who being by me duly sworn, did say that they are the Vice President and Assistant Secretary, respectively, of LANAI COMPANY, INC., a Hawaii corporation; the managing general partner of LANAI RESORT PARTNERS, a California general partnership; that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and said officers acknowledged the instrument to be the free act and deed of said partnership.

Cynthia Kadelman
Notary Public, State of Hawaii
My commission expires: 3/22/98

STATE OF HAWAII
CITY AND COUNTY OF HONOLULU

ss.

On this 8th day of December, 1995, before me appeared KEVIN R. SHANEY and BERT T. KIDO, to me personally known, who being by me duly sworn, did say that they are the Vice President and Assistant Secretary, respectively, of HAWAII NEWSUP, INC., a Hawaii corporation; that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and said officers acknowledged the instrument to be the free act and deed of said corporation.

Cynthia Kadelman
Notary Public, State of Hawaii
My commission expires: 3/22/98

EXHIBIT A

FIRST:

THOSE certain parcels of land situate on the (Island of Lual, State of Hawaii), being more particularly described as follows:

LOT	MAP NO.	LAND COURT APPLICATION NO.	TCT NO.
832	81	862	323848
839	81	862	323848
873	81	862	323848
879	81	862	323848
881	81	862	323848
904	81	862	323848
905	81	862	323848
924	81	862	323848
925	81	862	323848
929	81	862	323848
931	81	862	323848
932	81	862	323848
933	81	862	323848
934	81	862	323848
935	81	862	323848
936	81	862	323848
958	81	862	323848
959	81	862	323848
965	81	862	323848
967	81	862	323848
989	81	862	323848
1009	81	862	323848
1010	81	862	323848
1011	81	862	323848

SECOND:

THOSE certain parcels of land situate on the island of Lanai, State of Hawaii,
being more particularly described as follows:

LOT	MAP NO.	LAND COURT CONSOLIDATION NO.	TCT NO.
1	1	170	338411
3	1	170	387380
4	1	170	387380
10	2	170	387380
15	8	170	448153
16	8	170	448153
17	8	170	448153
18	8	170	448153
19	8	170	448153
20	8	170	448153
21	8	170	448153
22	8	170	448153
23	8	170	448153
24	8	170	448153
25	8	170	448153
26	8	170	448153
27	8	170	448153
28	8	170	448153
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31	8	170	448153
32	8	170	448153
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36	8	170	448153
37	8	170	448153
38	8	170	448153
39	8	170	448153
40	8	170	448153
41	8	170	448153
42	8	170	448153
43	8	170	448153
44	8	170	448153
45	8	170	448153
46	8	170	448153

THIRD:

Being all of Lot 1, area 425 square feet, of the tract of land known as LALAKOA, as shown on map filed in the Bureau of Conveyances of the State of Hawaii, as File Plan No. 1951. Situate on the Island of Lanai, State of Hawaii.

FOURTH:

THOSE certain premises comprising of THE VILLAS AT KOELE - PHASE I, described in and established by Declaration of Condominium Property Regime dated May 8, 1995, filed as Document No. 2238337, as amended, being more particularly described as follows:

APT NO.	CONDO MAP NO.	UNDIVIDED INTEREST	TCT NO.
7A	1089	4.492	448153
7B	1089	5.709	448153
7C	1089	6.019	448153
7D	1089	4.492	448153
12A	1089	5.709	448153
12B	1089	6.081	448153
12C	1089	6.081	448153
12D	1089	3.778	448153
12E	1089	3.107	448153
13A	1089	3.107	448153
13B	1089	6.081	448153
13C	1089	5.709	448153
14A	1089	3.778	448153
14B	1089	3.107	448153
14C	1089	6.019	448153
14D	1089	4.492	448153
15A	1089	4.492	448153
15B	1089	6.019	448153
15C	1089	6.019	448153
15D	1089	5.709	448153

The land upon which the hereinabove described premises is located is more particularly described as Lot 37, as shown on Map 8, filed with Land Court Consolidation No. 170, being a portion of the lands described in Transfer Certificate of Title No. 448153.

END OF EXHIBIT A

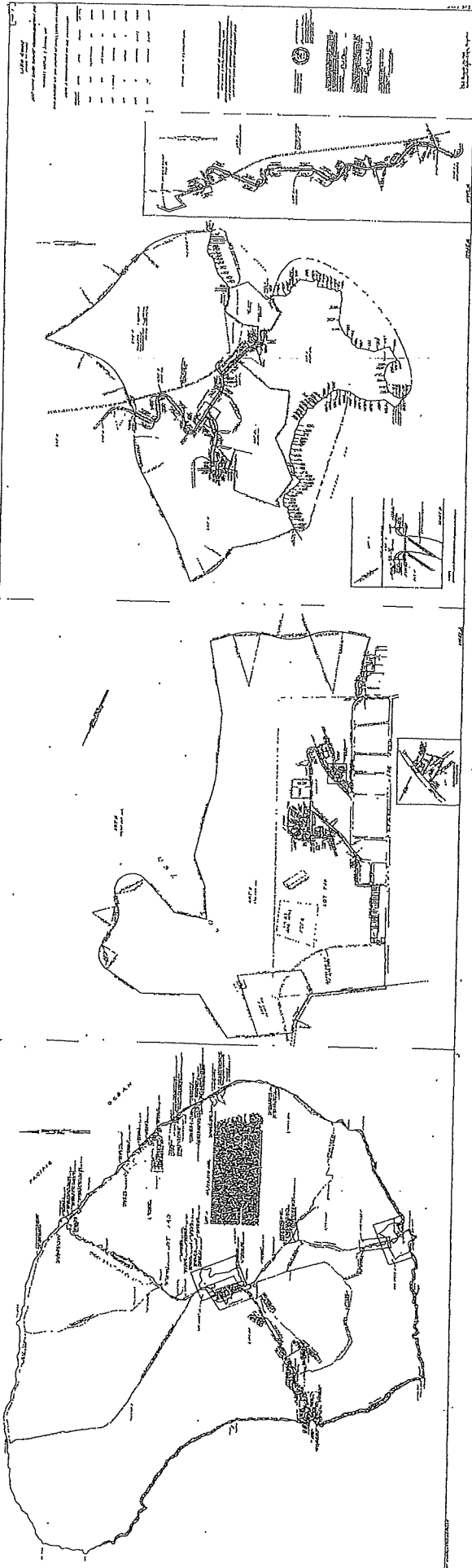
EXHIBIT B

I. All of Grantor's right, title and interest as "Declarant", "Developer" or otherwise under the following, as amended from time to time:

<u>NAME OF DOCUMENT</u>	<u>NAME OF DECLARANT/DEVELOPER</u>	<u>DATE OF DOCUMENT</u>	<u>DOCUMENT NUMBER</u>
Declaration of Covenants, Conditions and Restrictions for Koala	Lanai Resort Partners	12/22/94	2206277
Declaration of Restrictive Covenants	Lanai Resort Partners	4/17/89	1628206 L. 23088/P. 163
Declaration of Marger of Condominium Phases (The Villas at Koala)	Lanai Resort Partners	5/8/95	2238336
The Villas at Koala - Phase I Declaration of Condominium Property Regime	Lanai Resort Partners	5/8/95	2238337

II. All of Grantor's right, title and interest under any deeds, easements, reservations, covenants, other declarations and other recorded instruments relating to the Property, Lanai, Koala, Lalakoa III or any other development project of Grantor, as any are amended from time to time.

END OF EXHIBIT B



**Records of
Company Name
Change**

EXHIBIT

A-2

You are here: BREG Online Services

Begins with



Search

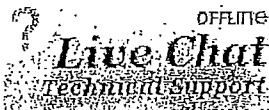


Cart

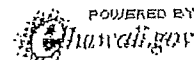
[Home - BREG](#)[BREG Online Services](#)[Annual Business Filing](#)[Search for a Business Entity](#)[Purchase Documents Online
NEW](#)[Purchase Certificate of Good
Standing](#)[Authenticate a Certificate of
Good Standing](#)[Register a Business](#)[Entity List Builder](#)[Contact BREG](#)[Technical Support](#)[Feedback](#)[Create an Account](#)**LANAI COMPANY, INC.**
DOMESTIC PROFIT CORPORATION[GENERAL INFO](#) [ANNUAL FILINGS](#) [OFFICERS](#) [STOCKS](#) [OTHER FILINGS](#)[BUY AVAILABLE DOCS](#)**Other Filings**

DATE ▼	DESCRIPTION ▼	REMARKS ▼
Dec 31, 2000	Merged By	0006495C5 CASTLE & COOKE RESORTS, LLC
Dec 8, 1995	Articles of Amendment / Name Change	FROM: HAWAII NEWSUB, INC.
Dec 6, 1995	Amendment	ARTICLES OF AMENDMENT
Nov 7, 1995	Articles of Incorporation	ARTICLES OF INCORPORATION

Note: Transactions may be available for purchase. Please see the **Buy Available Docs** tab for additional information.

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STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS



THE DIRECTOR'S OFFICIAL CERTIFICATION
APPEARS ON THE BACK OF THE FIRST PAGE OF THE
ATTACHED DOCUMENT.

**Articles of Amendment
to Change Limited
Liability Company
Name**

EXHIBIT

A-3

5236030 RVCN

www.BUSINESSREGISTRATIONS.COM

FORM LLC-2
7/2008

FILED 09/14/2012 11:19 AM
Business Registration Division
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
State of Hawaii

STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
335 Merchant Street
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810
Phone No. (808) 586-2727



ARTICLES OF AMENDMENT TO CHANGE LIMITED LIABILITY COMPANY NAME

(Section 428-204, Hawaii Revised Statutes)

6495 C5

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, for the purpose of amending the Articles of Organization, do hereby certify as follows:

1. The present name of the limited liability company is:

CASTLE & COOKE RESORTS, LLC

2. The name of the limited liability company is changed to:

LANAI RESORTS, LLC

3. The amendment was adopted with the consent of all, or a lesser number of, the members of the limited liability company as authorized by the operating agreement.

We certify, under the penalties set forth in the Hawaii Uniform Limited Liability Company Act, that we have read the above statements, we are authorized to make this change, and that the statements are true and correct.

Signed this 14th day of September 2012

Lanai Island Holdings, LLC, its Member
LIM Corporation, its Manager

PAUL T. MARINELLI, Vice President

(Type Print Name & Title)

(Signature)

Instructions: Articles must be typewritten or printed in *black ink*, and must be *legible*. The articles must be signed and certified by at least one manager of a manager-managed company or by at least one member of a member-managed company. All signatures must be in *black ink*. Submit original articles together with the appropriate fee.

Line 1. State the full name of the limited liability company prior to the change.

Line 2. State the new name of the limited liability company. The company name must contain the words *Limited Liability Company*, or the abbreviation, *L.L.C.* or *LLC*.

Filing Fees: *Filing fee (\$25.00) is not refundable.* Make checks payable to DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS. Dishonored Check Fee \$25.00.

For any questions call (808) 586-2727. Neighbor Islands may call the following numbers followed by 6-2727 and the # sign: Kauai 274-3141; Maui 984-2400; Hawaii 974-4000; Lanai & Molokai 1-800-468-4644 (toll free).
Fax, (808) 586-2733 Email Address: breg@dcca.hawaii.gov

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ALL BUSINESS REGISTRATION FILINGS ARE OPEN TO PUBLIC INSPECTION. (SECTION 91F-11, HRS)

09/17/2012 20062

09/17/2012 20062

I HEREBY CERTIFY that this is a true and correct copy of the official record(s) of the Business Registration Division.




DIRECTOR OF COMMERCE AND
CONSUMER AFFAIRS

Date: September 18, 2012

**Record of Lanai
Resorts, LLC
Doing Business as
Pūlama Lānaʻi**

EXHIBIT

A-4

You are here: BREG Online Services

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TRADE NAME

GENERAL INFO OTHER FILINGS BUY AVAILABLE DOCS**General Info**

TRADE NAME

PULAMA LANAI

FILE NUMBER

6495 C5

CERTIFICATE NUMBER

4117502

STATUS

Active

PURPOSE

OWNERSHIP, MANAGEMENT AND OPERATION OF LANAI
PROPERTIES AND FACILITIES

CATEGORY

NO CATEGORY SELECTED (0)

EXPIRATION DATE

May 21, 2018

REGISTRATION DATE

May 22, 2013

MAILING ADDRESS

700 BISHOP ST STE 2000
HONOLULU, Hawaii 96813
UNITED STATES

REGISTRANT

LANAI RESORTS, LLC

AGENT NAME

NATIONAL REGISTERED AGENTS OF HI, INC.

AGENT ADDRESS

1136 UNION MALL STE 301
HONOLULU, Hawaii 96813
UNITED STATES[Technical Support](#)[Subscription Services](#)[Terms of Use](#)[Privacy Policy](#)[ADA Compliance](#)[State Portal](#)[Comments](#)[Contact Us](#)

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PULAMA LANAI

LETTERS OF AUTHORIZATION

4

**RCUH LETTER TO BE PROVIDED
UNDER SEPARATE COVER**



June 4, 2019

Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaiʻi 96793

SUBJECT: Use Determination Application for Lānaʻi HAPS Drone Project;
TMK (2)4-9-002:061(por.); Lānaʻi, Hawaiʻi

Dear Ms. McLean:

This letter is being provided by Lanai Resorts, LLC, a Hawaiʻi limited liability company doing business at Pūlama Lānaʻi, owner of the above-referenced parcel, to confirm its authorization given to the Research Corporation of the University of Hawaiʻi, lessee of the subject project area, and its consultant, Munekiyo Hiraga, to prepare, file, process, and obtain all required applications and permits for the subject project including, but not limited to, a Use Determination application.

Should you have any questions, please feel free to contact me at (808) 237-2001.

Sincerely,

Kurt Matsumoto
Chief Operating Officer

cc: Bryan Esmeralda, Munekiyo Hiraga

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

On this 4th day of June, 2019, before me personally appeared Kurt Matsumoto, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Print Name: Barbi S. Shinno
Notary Public, State of Hawaii

My commission expires: August 11, 2022

Doc. Date: 06-04-19 # Pages: 2
Notary Name: Barbi S. Shinno First Circuit

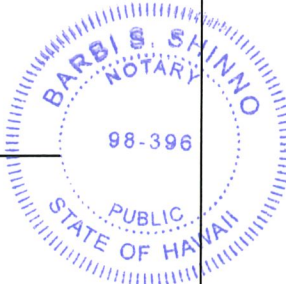
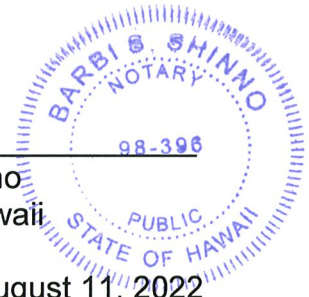
Doc. Description:

Letter of authorization – Lāna'i HAPS Drone Project TMK
(2) 4-9-002:061.

Notary Signature

06-06-19
Date

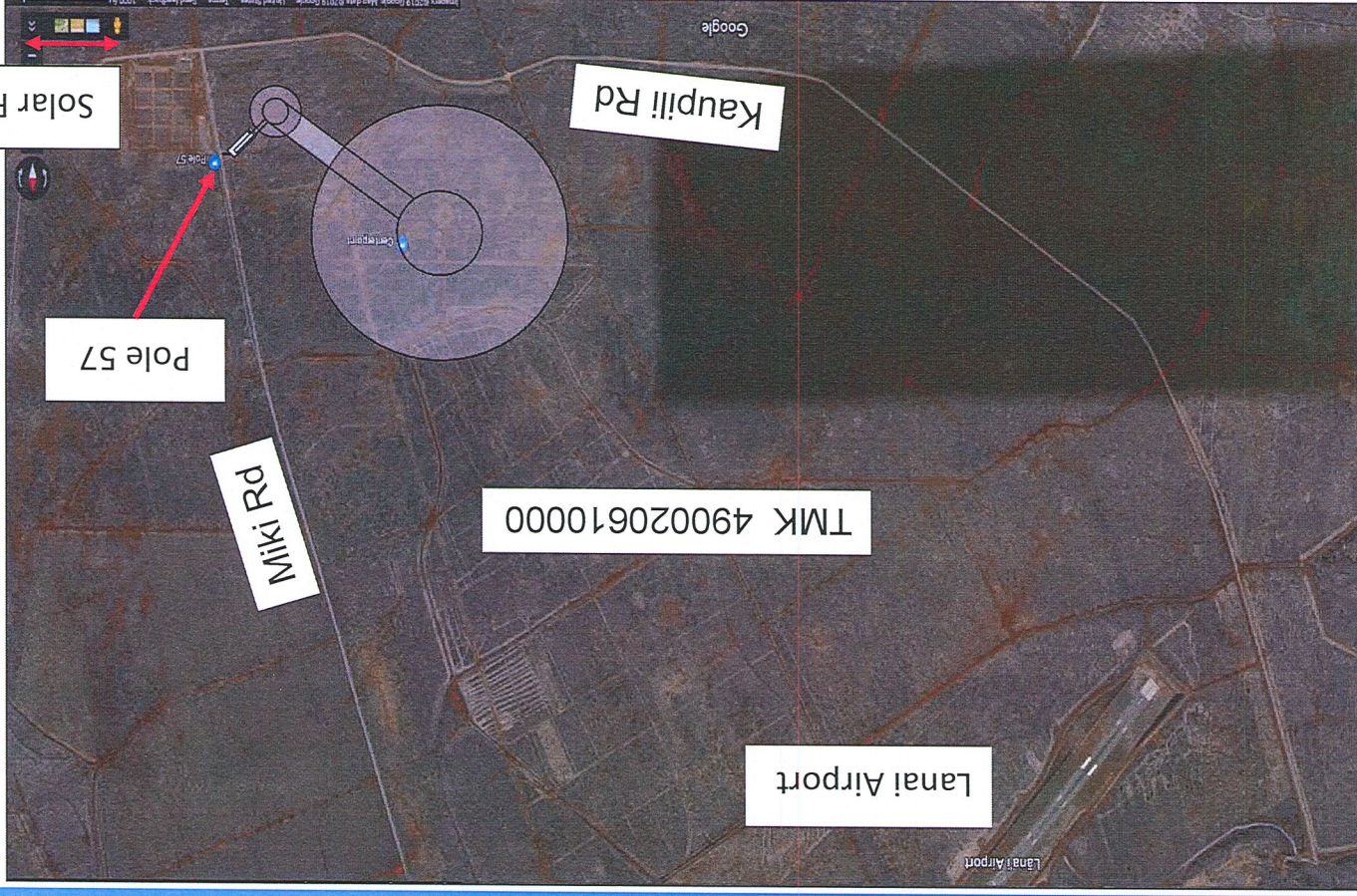
NOTARY CERTIFICATION



PROJECT AND SITE PLANS

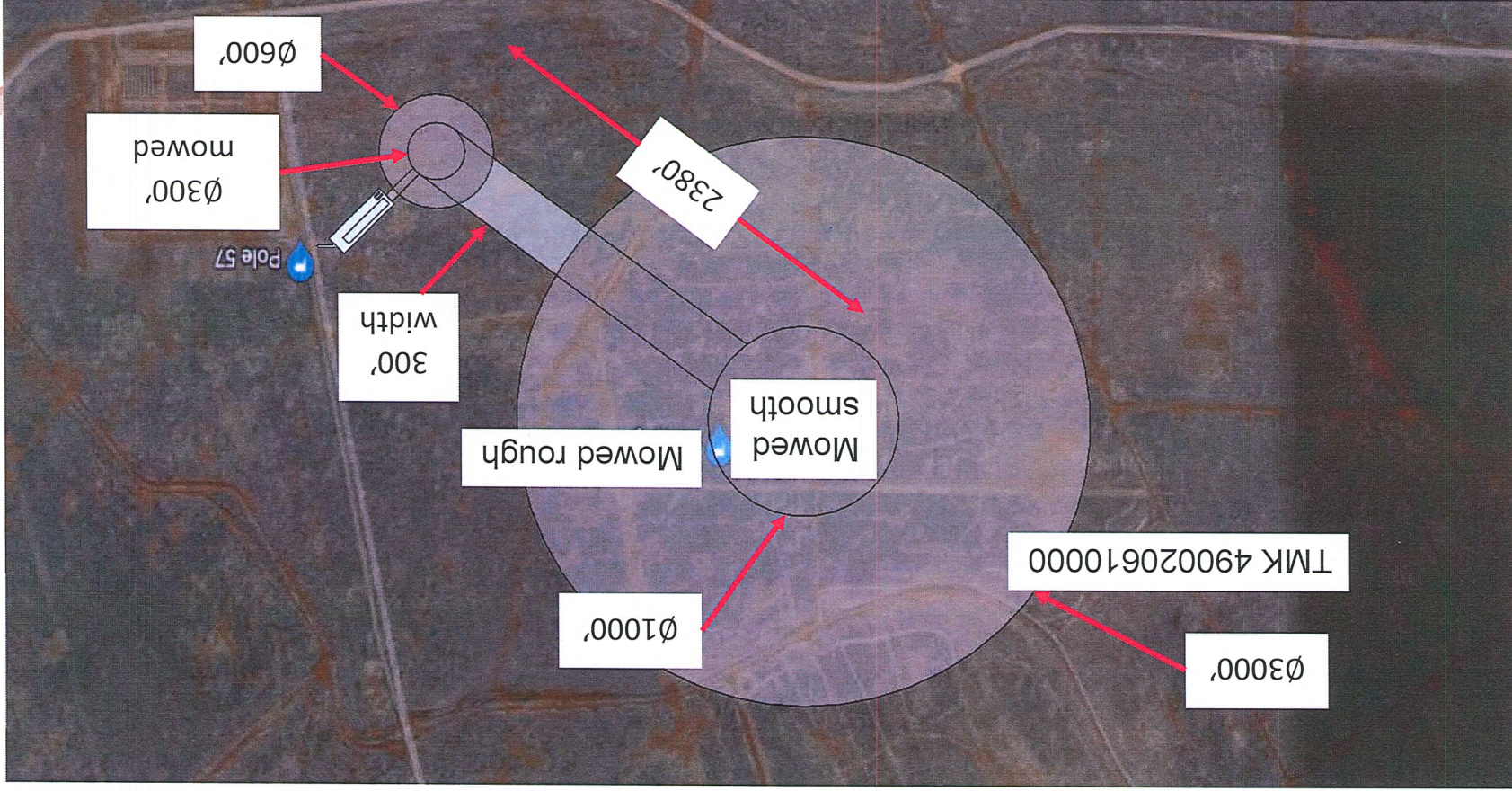
5

Locator view UAS landing field

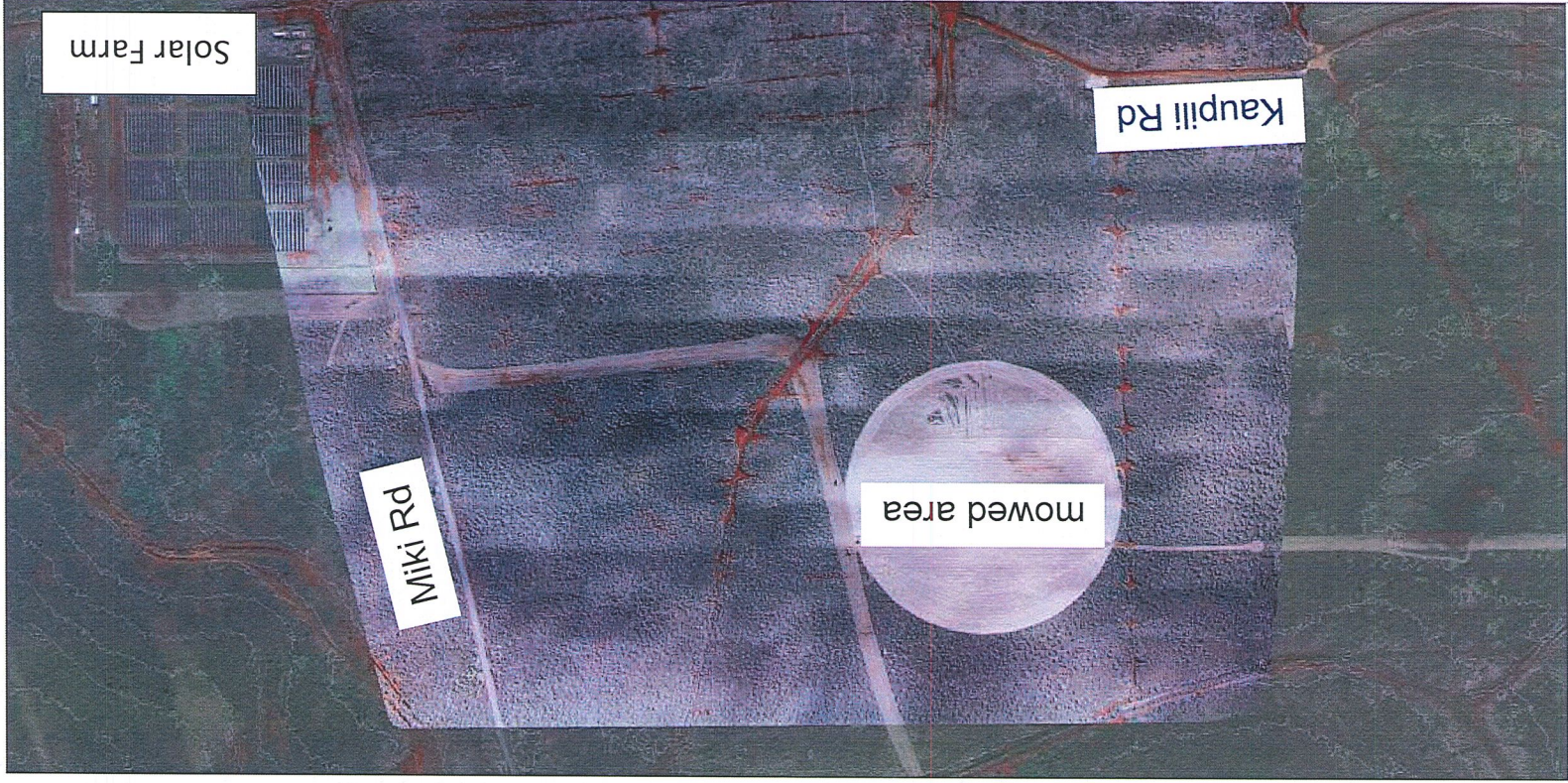


Hawaii Space Flight Laboratory

Site View Temporary Installation All surfaces Mowed and/or Soil Conditioned



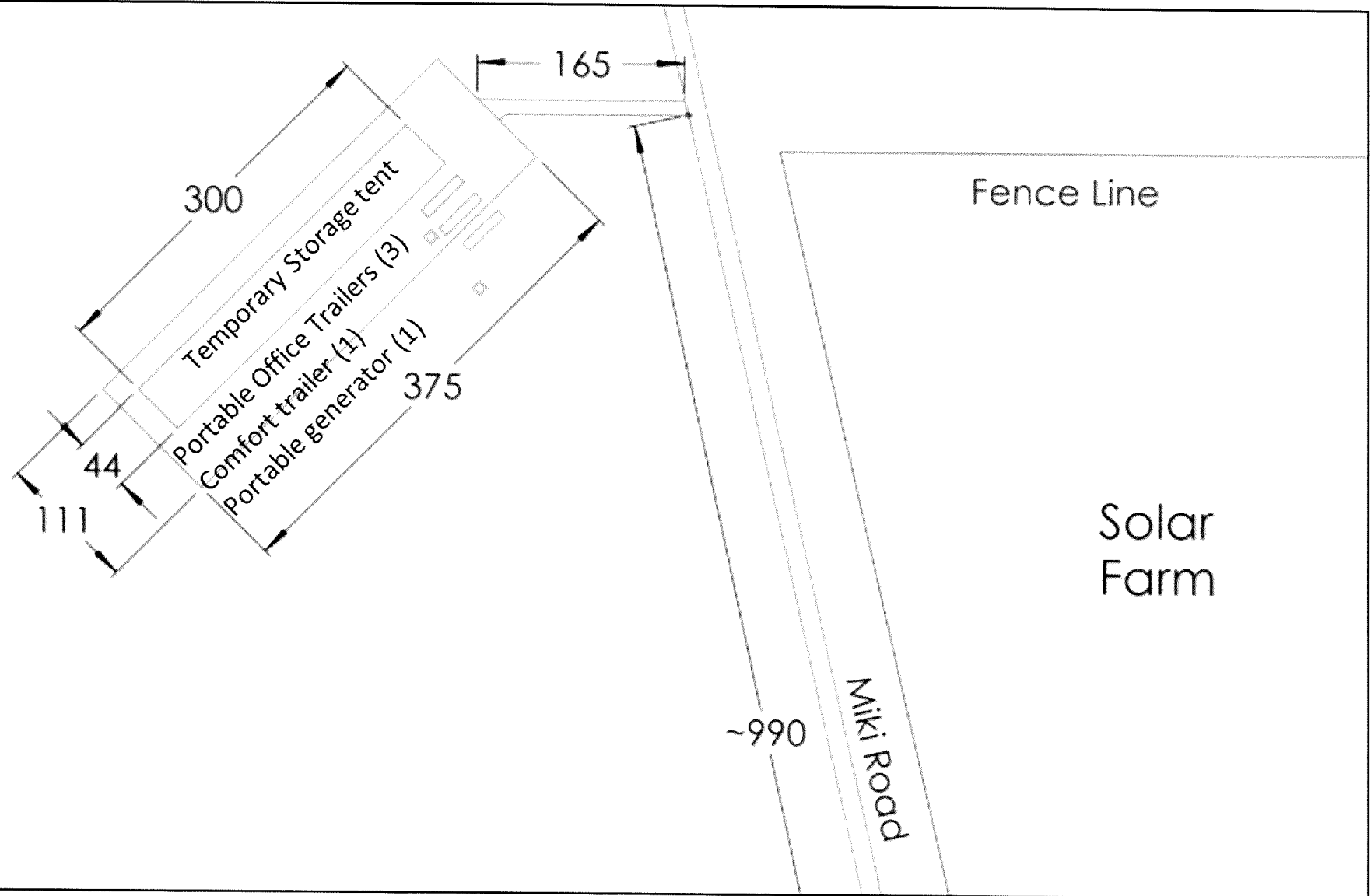
Overhead Drone View April 2019



Hawaii Space Flight Laboratory

of ###

Preliminary Equipment Site Plan



SITE PHOTOGRAPH | 6

Looking North-West

1000' landing circle (to be grass)

3000' over-run circle (stubble)

40' x 300' storage tent

3 @ container/trailer offices

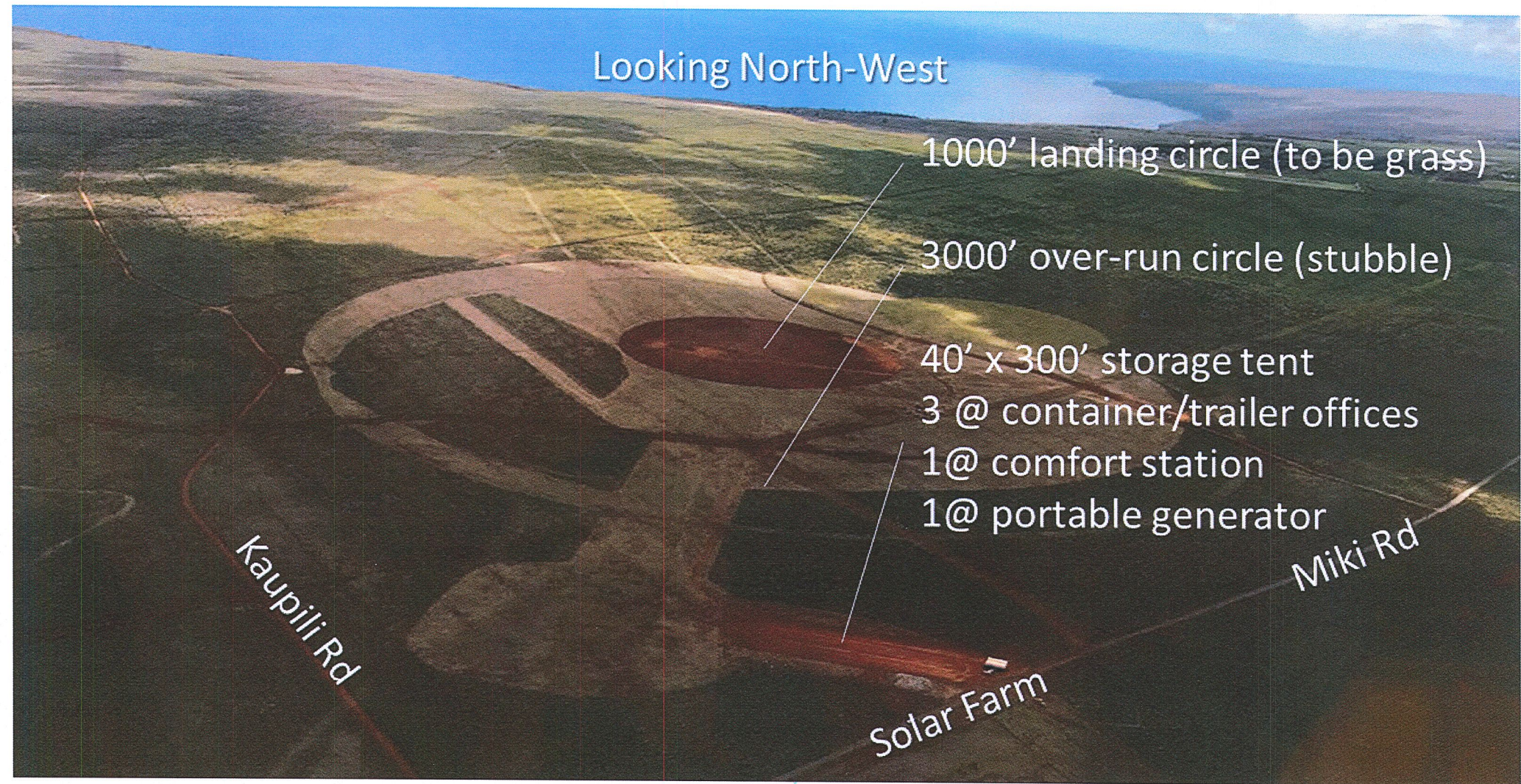
1@ comfort station

1@ portable generator

Kaupili Rd

Miki Rd

Solar Farm



STATEMENT OF JUSTIFICATION

7

STATEMENT OF JUSTIFICATION

Background

The University of Hawai'i (UH) is proposing to launch a program named HAWK30, a program sponsored by UH, SoftBank of Japan, AeroVironment of California, and Alphabet, the parent company of Google. The purpose of the HAWK30 program is to develop new airborne overhead 5G communication, which would provide strong wireless service over a large area, including deep valleys, remote lands, and over the ocean. The HAWK30 program is rooted in a prior-generation NASA "Helios" program tested off Kaua'i approximately 20 years ago. Watershed conservation and agricultural development are two (2) services to be provided by the HAWK30 program, along with personal cell and business services enhanced by 5G service.

Per the Research Corporation of the University of Hawai'i (RCUH or Applicant), the HAWK30 is a new type of airplane. It is an unmanned, low-speed, high-altitude, solar-powered long-endurance aircraft propelled by 10 electric fans and is designed to carry 5G communications relays to serve people and operations on the ground. The HAWK30 has the ability to fly above jet traffic at 65,000 to 80,000 feet for up to six (6) months. This continuous flight provides optimum wireless service to areas below the aircraft, including areas where cell phone service is currently unavailable. The RCUH believes that the HAWK30 will provide steady clear communication channels for personal use, business, public safety, disaster preparedness, wildfire research, search and rescue, educational programs, and continuous monitoring of environmental, agriculture, and watershed programs. The Applicant determined that Lāna'i is well-suited as a test and development location for the HAWK30 system and for the new applications it supports, particularly watershed health management and agricultural development.

The Applicant noted that radio relay on the HAWK30 projects cellular radio waves downward to the surface of the earth, with only one (1) Watt of transmit power required to cover a surface area equal to the entire island of Lāna'i, compared to 8 to 10 Kilowatts of power for normal cell towers transmitting horizontally. This low wattage reduces or eliminates health concerns associated with powerful radio transmission, according to the Applicant. To provide the solar power for the electric fan propellers, a very large wingspan of 260 feet is needed for the HAWK30 to contain all of the solar cells; however, the total weight of the aircraft is less than a small car. Further, the Applicant stated that the aircraft makes no noise, leaves no trail of exhaust, and will depart and land on Lāna'i at night between 11:00 p.m. and 6:00 a.m., when Lāna'i Airport has no flight operations. The HAWK30 would take off and land on a limited basis, when maintenance may be needed on the equipment. The HAWK30 is designed as an unmanned flying-wing aircraft, controlled by personnel in a station on the ground. The Applicant will have personnel monitor the aircraft at all times when it is airborne.

Solar cells on the upper surface of the aircraft's wings collect solar energy during the day, powering the propellers and charging the battery for night operations. The

HAWK30 climbs to 80,000 feet during the day and descends to 65,000 feet overnight, repeating the cycle each day. The Applicant noted that the high altitude for the aircraft is above jet traffic and the weather.

The solar-powered HAWK30 is designed to operate up to six (6) months in a single flight, with each airplane providing continuous service, covering approximately 150 square miles on the land. For the proposed project, two (2) airplanes will be utilized and will remain centered above Lānaʻi airspace.

The Applicant determined that the combination of flat land on Lānaʻi, the dominant southeasterly trade winds, and the clear airspace southwest of the island, result in a combination of factors well-matched for testing the HAWK30 system.

RCUH noted that the low-speed, the unmanned HAWK30 aircraft needs a flat grass surface for its short take-off and landing runs. It also needs a flight area within the Federal Aviation Administration (FAA) Air Traffic Control system and be free of conflict with other air traffic. 200 acres of agriculture-zoned land currently owned by Pūlama Lānaʻi and under Right of Entry to UH (hereafter referred to as the Kaupili Landing Field) are intended to serve as a smooth-grass takeoff and landing field for the one (1) to three (3) test flights planned in 2019. The site will also host a removable tent-storage facility for the two (2) test airplanes, three (3) temporary field work stations/office trailers, a portable comfort station, and a generator. No permanent changes are made to the land; everything will be removed by December 2019 following the conclusion of the testing period.

The Applicant proposes the anticipated flight plan with the aircraft departing from the Kaupili Landing Field southwest over unpopulated lands adjacent to the shoreline and out over the ocean. The flights will be commanded by a remote pilot team, on a continuous basis, in an operations trailer at the Kaupili Landing Field. As the HAWK30 departs or returns to Lānaʻi, a manned “chaseplane” will fly in formation with the HAWK30, acting as “human eyes” up to 18,000 feet.

For the initial testing, 30 to 40 specialists will form the flight-test team. The Applicant plans to utilize Lānaʻi residents to supplement this team in aviation technical, ground handling, drone operation, watershed knowledge, and animal control task areas.

RCUH submitted two (2) applications to the FAA for authorization to use the Lānaʻi airspace; the first of these authorizations has been granted. Prior to flight on Lānaʻi, the HAWK30 system will be subjected to a Safety Risk Management review, under the FAA Safety Management System procedure, conducted by Lānaʻi Airport safety personnel in compliance with FAA Federal Aviation Regulations (FAR) 139 airport requirements.

The HAWK30 program has been structured in phases, starting with Proof of Concept, or initial testing, in 2019 and extending to Operations in 2023, with watershed characterization as a continuous and growing component partner throughout.

Per the Applicant, Phase 1 is the Proof of Concept, intended to verify that the engineering basis is solid for the airplane, for FAA airspace management, for the 5G communications relay, for the watershed ground sensors, and for handheld cell phones designed to work in 5G. Phase 1 evaluation starts with low-altitude flight testing at NASA Armstrong Flight Research Center in California from July through August 2019. Once the HAWK30 is shown to meet NASA safety requirements, the airplanes will be disassembled for shipment to Lānaʻi. Once assembled on Lānaʻi, the Applicant plans to conduct one (1) to three (3) high-altitude flights from Lānaʻi to the stratosphere. The test flights are anticipated to be undertaken in September through October 2019. In this testing, evaluations will be conducted of airspace access, 5G cell connectivity, HAWK30 flight duration, and watershed sensors. Once an approximately 30 day continuous flight period has been accomplished, the Proof of Concept will be complete. This could be on the first flight, however, up to three (3) flights are being considered for planning purposes.

Phase 2 involves FAA and Federal Communications Commission (FCC) Certification and will follow Phase 1, allowing for time needed to incorporate any technical changes necessary based on findings from Phase 1. Phase 2 will last approximately two (2) years, involving additional long-duration flights with similar long-duration watershed sensor evaluations. Site installations for the ground team working on Phase 2 will be similar to Phase 1 and will be non-permanent and removable. The Applicant anticipates that Phase 2 would be initiated upon receipt of the FAA approvals.

Phase 3 follows Certification, as the Applicant anticipates that the HAWK30 program would become a commercial operation, beginning in 2023. In this Operational phase, HAWK30 aircrafts launched from Lānaʻi would make their way slowly to positions over lands throughout the Equatorial Belt, forming a mesh net network to provide 5G service to all lands below. The RCUH anticipates that should Lānaʻi be a viable location for HAWK30 operations during the testing period, then Lānaʻi will be selected as the location for permanent operations.

Purpose

In addition to testing the 5G technology, the HAWK30 system has the capability of providing land survey information relative to conserving and protecting the Lānaʻihale watershed. Thus, the proposed program includes applications for the HAWK30 in support of the Lānaʻihale Conservation Program. The continuous monitoring of watershed conditions available through the HAWK30 will create an ongoing understanding of the water cycle in Lānaʻihale.

The Applicant is also proposing that the HAWK 30 aircraft be utilized to support the information gathering process for Lānaʻihale and subterranean groundwater. Additionally, these components provide an opportunity for Lānaʻi students to gain hands-on experiences in Science Technology Engineering and Math (STEM) education.

Sensors and software applications for continuous monitoring of Lānaʻihale watershed characteristics are being developed as part of the proposed project, based on the HAWK30 communications capability. These sensors are derived from existing UH and commercial sensor systems, which the Applicant is modifying for 5G connectivity. The sensors, measurements, and information gathered will support the Pūlama Lānaʻi-Department of Land and Natural Resources (DLNR) Lānaʻihale Conservation Plan by providing continuous collection of vital watershed data where it cannot be collected by current means. As the HAWK30 aircraft orbits over Lānaʻi on its month-long Proof of Concept flight test, it will continuously receive data from sensors placed deep in Maunalei Valley reporting on water level, soil water content, local wind and weather, and water quality. This data collection will extend and expand into further phases of the project.

The following excerpts from the Lānaʻi Quarterly Watershed Management Report, submitted to DLNR in 2018, define focus areas that will be served by the HAWK30 system of 5G airplane and continuously reporting sensor systems placed deep in the watershed.

Watershed Protection Measures

The Lānaʻihale watershed area is an essential resource that supports the groundwater aquifers that provide all of Lānai's water needs. It is crucial that sufficient programmatic measures are diligently implemented to reestablish and protect the indigenous flora in the Lanaʻihale watershed area. Herbivores and invasive plants must be removed and effectively excluded from the watershed area. The following measures have been identified as essential program components to improve and maintain the integrity of the Lānaʻihale watershed area:

1. Development of a new publicly reviewed and supported comprehensive watershed protection plan incorporating the watershed protection provisions identified in Chapter 6 of the Supporting Documentation.

** * **

3. Review, funding and implementation of adequate fire protection measures for the Lānaʻihale watershed area.

4. Eradication or control and ongoing exclusion of invasive plants from the watershed area.

5. Investigation and implementation of reasonable erosion management and appropriate reforestation measures.

(Sprague and Sprague, 2018)

Through a parallel program created within the STEM program at Lānaʻi High School, analysis of this watershed data will occur by students. By connecting with a UH program called SmartCoastlines, the Lānaʻihale discoveries will be enhanced by sharing with partner watershed programs on the other islands. The school program will also introduce unmanned air systems (UAS, or Drones) to the curriculum and their use in watershed conservation as a way of encouraging the students toward STEM careers, aeronautics, and Lānaʻihale watershed awareness. Aeronautics and flight safety training is a necessary component of UAS operations and will be included in the program. The student program is anticipated to be initiated in August 2019 beginning with a month of student research. Assembly of the watershed sensors from kits supplied by UH and Softbank would follow in September, with placement in the Maunalei Valley. Flight testing in September and October will be the means by which data is collected from these sensors. Results will be assessed along the lines of the UH SmartCoastlines data protocols and reviewed with Lānaʻihale and Hawaiʻi watershed and tree specialists and included in the DLNR periodic report. From the status and results of the Phase 1 watershed sensing program, changes, as appropriate, will be made for Phase 2.

Typically, educational programs result in publications for the student teams involved in order to create formal interaction with peer groups and set the stage for sponsor funding and advanced study. This will be encouraged and supported with the technical assistance from UH research staff. It is anticipated that what is developed on Lānaʻi in terms of “5G assisted watershed technology” will have broad applications throughout the tropical belt, in particular in those areas likely to be hit first by the stresses of sea level rise and global warming.

The Applicant's intent of this effort to raise awareness and scientific understanding and interest in watershed health and protection in the younger generation of Lānaʻi residents through the educational connection between UH and Lānaʻi High School, both in the emerging capability of advanced collection of data by 5G, as well as the analysis of results, comparison to projects elsewhere, and projections for the future.

In addition to monitoring the surface watershed, subterranean ground water (SGW) characteristics can also be monitored by the HAWK30. SGW represents almost half of water runoff to the ocean and certainly influences marine life and reef health. SGW has a most unique chemical signature useful in tracing its origin and time in the ground, useful in developing a model for water flow and containment in the watershed.

Ungulate (hooved mammals, such as deer) presence, effects, and invasive species observation can be made by sensors designed for the purpose and also made accessible via the HAWK30 5G system.

Surrounding Land Uses and Project Compatibility

The majority of Parcel 61 in the vicinity of the project area is zoned for agricultural use. Although the main purpose of the proposed project is to conduct 5G feasibility test

flights via UAS, the potential for further understanding the state of and threats to natural systems on Lānaʻi is related to the underlying agricultural land use designations. Although not a specified use in either Hawaiʻi Revised Statutes (HRS), Section 205 or Maui County Code (MCC), Section 19.30A, understanding the watershed and the lay of the land is important knowledge, particularly in the context of agricultural productivity.

In reviewing the proposed project's purposes in relation to HRS, Section 205-4.5, Permissible uses within the agricultural districts, the proposed project can be considered to be in conformance with the following provision:

(18) Construction and operation of wireless communication antennas, including small wireless facilities; provided that, for the purposes of this paragraph, "wireless communication antenna" means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services; provided further that "small wireless facilities" shall have the same meaning as in section 206N-2; provided further that nothing in this paragraph shall be construed to permit the construction of any new structure that is not deemed a permitted use under this subsection;

Similarly, in reviewing the project within the context of the MCC, Section 19.30A.050, Permitted uses (within the Agricultural district), the following provision is applicable:

15. Other uses that primarily support a permitted principal use; however, such uses shall be approved by the appropriate planning commission as conforming to the intent of this chapter.

It is noted that the information gathered from the UAS flights relative to the Lānaʻi watershed, ungulate management, and inshore water resources will be shared with Pūlama Lānaʻi in order to assist them in the management of their agricultural and conservation lands.

REFERENCES | 8

References

Sprague and Sprague, Quarterly Watershed Management Status Report, 2018.