

CARLSMITH BALL LLP

STEVEN S.C. LIM 2505
JENNIFER A. BENCK 8357
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Tel. No.: (808) 523-2500
Facsimile No.: (808) 523-0842

Attorneys for Petitioner
CMBY 2011 INVESTMENT, LLC

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

CMBY 2011 INVESTMENT, LLC

To Amend the Agricultural Land Use District
Boundaries into the Urban Land Use District
For Certain Lands Situate at Pulehunui,
District of Wailuku, Island and County of
Maui, State of Hawai'i, consisting of
approximately 86.030 acres, Tax Map Key No.
(2) 3-8-008:019

DOCKET NO. A13-797

PETITIONER'S EXHIBITS 13, 15, 17, 19,
21, 23, 25, 27, 29, 31, 33, 35, 37 AND 47
(WRITTEN DIRECT TESTIMONY);
PETITIONER'S FIRST AMENDED LIST
OF EXHIBITS; EXHIBIT 18A; ERRATA
TO EXHIBITS 40, 42; CERTIFICATE OF
SERVICE

**PETITIONER'S EXHIBITS 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37 AND 47
(WRITTEN DIRECT TESTIMONY); PETITIONER'S FIRST AMENDED LIST OF
EXHIBITS; EXHIBIT 18A; ERRATA TO EXHIBITS 40, 42; CERTIFICATE OF
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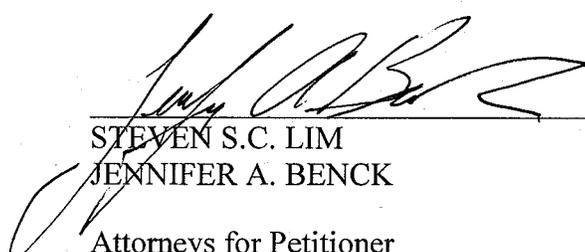
PETITIONER'S ERRATA TO EXHIBITS 40, 42

Petitioner hereby requests that pages 2, 6 and 16 of Petitioner's Exhibit 40 (Power point presentation "Puunene Heavy Industrial Subdivision"), which was filed on July 29, 2013, be replaced with the enclosed pages marked Exhibit 40 (errata).

Petitioner hereby requests that Petitioner's Exhibit 42 (Well Infrastructure Site Plan) be replaced with enclosed diagram marked Exhibit 42 (errata).

The purpose of these errata is to correct typographical errors in the originally filed documents.

DATED: Honolulu, Hawai'i, August 15, 2013.



STEVEN S.C. LIM
JENNIFER A. BENCK
Attorneys for Petitioner
CMBY 2011 INVESTMENT, LLC

**LAND USE COMMISSION DOCKET A13-797,
PETITIONER CMBY 2011 INVESTMENT LLC FIRST AMENDED LIST OF EXHIBITS¹**

EX NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
<p>Petitioner's Exhibits 1 - 11 were filed with the Petition For Land Use District Boundary Amendment in Docket A13-797 on May 3, 2013, and served on all parties.</p> <p>Petitioner's Exhibits 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 39, 40, 41, 42 in Docket A13-797 were filed with the Land Use Commission and copies served on all parties on July 29, 2013.</p> <p>Petitioner's Exhibits 43 - 46 in Docket A13-797 were filed with the Land Use Commission and copies served on all parties on August 8, 2013.</p>			
1.	Final Environmental Assessment		
2.	November 28, 2012, letter from County of Maui Department of Planning to Mr. Gary Hooser, Director, Office of Environmental Quality Control		
3.	Maui Island Plan, Maps I-12 and I-13		
4.	Authorization of CMBY 2011 Investment, LLC		
5.	Tax map showing Petition Area		
6.	Limited Warranty Deed dated March 17, 2011		
7.	Title Report dated March 1, 2013		
8.	Notification of Petition Filing		

¹ This Amendment is to add Petitioner's Exhibit 18A, which is an updated resume of Michael F. Dega.

EX NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
9.	Written Comments (Feb. 18, 2013 and March 7, 2013, Petitioner's correspondence to Kihei Community Association; March 11, 2013, Petitioner's correspondence to Director William Spence; March 22, 2013, Director William Spence's correspondence to Petitioner)		
10.	DLNR Staff Report, April 12, 2013		
11.	Balance sheet and income statement dated January 1, 2013		
12.	Resume of Phillip L. Bruner		
13.	Written direct testimony of Phillip L. Bruner		
14.	Resume of Robert W. Hobdy		
15.	Written direct testimony of Robert W. Hobdy		
16.	Resume of Maya LeGrande		
17.	Written direct testimony of Maya LeGrande		
18.	Resume of Michael F. Dega		
18A.	Updated Resume of Michael F. Dega		

EX NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
19.	Written direct testimony of Michael F. Dega		
20.	Resume of Yoichi Ebisu		
21.	Written direct testimony of Yoichi Ebisu		
22.	Resume of Barry Neal		
23.	Written direct testimony of Barry Neal		
24.	Resume of John S. Vuich		
25.	Written direct testimony of John S. Vuich		
26.	Resume of Glenn Kunihisa		
27.	Written direct testimony of Glenn Kunihisa		
28.	Resume of Stacy Otomo		
29.	Written direct testimony of Stacy Otomo		
30.	Resume of Phillip Rowell		

EX NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
31.	Written direct testimony of Phillip Rowell		
32.	Resume of Charles Jencks		
33.	Written direct testimony of Charles Jencks		
34.	Resume of Glenn Tadaki		
35.	Written direct testimony of Glenn Tadaki		
36.	Resume of Tom Nance		
37.	Written direct testimony of Tom Nance		
38.	June 13, 2013 letter from A&B Properties, Inc. regarding field inspection of Petition Area		
39.	Maui County Ordinance No. 3977		
40.	<p>Power point presentation "Puunene Heavy Industrial Subdivision"</p> <p>Pages 2, 6 and 16 of Exhibit 40 filed on July 29, 2013, are to be replaced with the pages marked Exhibit 40 (errata), filed on August 15, 2013.</p>		

EX NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
41.	November 8, 2012 Commission on Water Resource Management Well Construction Permit and Pump Installation Permit for CMBY Wells 1 & 2 (Nos. 6-4927-002 and 003)		
42.	Well Infrastructure Site Plan The Well Infrastructure Site Plan filed on July 29, 2013, is to be replaced with the diagram marked Exhibit 42 (errata), filed on August 15, 2013.		
43.	Plat Map showing Land of Pulehunui dated June 20, 2013		
44.	Topo Map showing stake points		
45.	Diagram "Puunene Heavy Industrial Subdivision Disposal Well Design"		
46.	Resume of Steven J. Dollar, Ph.D.		
47.	Written direct testimony of Steven J. Dollar, Ph.D.		

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DOCKET NO. A13-797

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that service of a copy of Petitioner's Exhibits 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37 and 47 (Written Direct Testimony); Petitioner's First Amended List of Exhibits; Exhibit 18A; Errata to Exhibits 40, 42, in the above-referenced Docket was made by depositing the same with the United States Mail, by certified mail, postage prepaid, or by hand delivery, on August 15, 2013, addressed to:

JESSE K. SOUKI
Director
Office of Planning, Land Use Division
State of Hawaii
235 South Beretania Street, Room 600
Honolulu, Hawaii 96813

BY HAND DELIVERY

BRYAN C. YEE, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

BY HAND DELIVERY

WILLIAM SPENCE
Director, Planning Department
County of Maui
250 South High Street
Wailuku, Hawaii 96793

BY MAIL

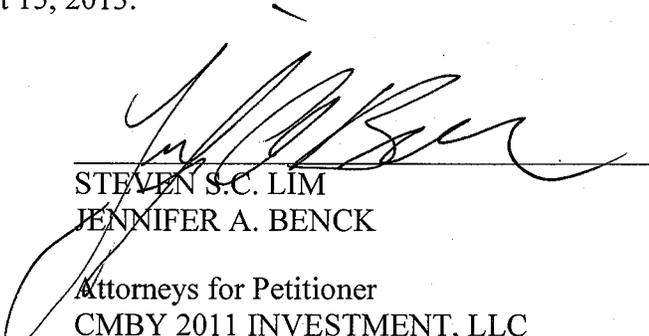
PLANNING COMMISSION
County of Maui
250 South High Street
Wailuku, Hawaii 96793

BY MAIL

JAMES A. GIROUX, ESQ.
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

BY MAIL

DATED: Honolulu, Hawai'i, August 15, 2013.



STEVEN S.C. LIM
JENNIFER A. BENCK

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