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PROPERTY • LAND CONSERVATION • LAND USE • RENEWABLE ENERGY • NONPROFIT

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August 11, 2014

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

VIA EMAIL ONLY:

Daniel.E.Orodener@dbedt.hawaii.gov

*Re: Docket No. A10-789 (A&B Properties, Inc. Petition to Amend 545.229 Acres
at Wailuku, etc.)*

Dear Mr. Orodener:

I represent Maui Lani Neighbors, Inc., a Hawai'i nonprofit corporation ("MLN") whose mission is to support, promote and advocate for sustainable and appropriate community planning, and legal state and county zoning consistent therewith, for the Central Maui region of the Island of Maui.

The above referenced petition for a district boundary amendment ("DBA") was filed by A&B Properties, Inc. ("A&B") with respect to the reclassifying 545.229 acres of land (the "Petition Area") for a large residential project proposed for Central Maui entitled "Wai'ale."

The Hawai'i Land Use Commission ("LUC") granted A&B the requested DBA through the Findings of Fact, Conclusions of Law, and Decision and Order, filed June 21, 2012 ("D&O").

MLN is in the process of reviewing actions taken by A&B and/or its successors in interest subsequent to being granted the D&O. MLN has recently been informed that in

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or about June or July 2014, A&B sold a 65-acre portion of the Petition Area to the State of Hawai'i Department of Land and Natural Resources ("DLNR").

Section 23 of the D&O provides as follows: "*Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area, at any time prior to completion of development of the Petition Area.*"

A&B has not completed development of the Petition Area. Therefore, pursuant to D&O Section 23, A&B was required to give notice to the LUC *prior* to conveying any part of the Petition Area to DLNR.

I would appreciate your office's assistance in providing to me a copy of any notice submitted by A&B to the LUC with respect to the recent conveyance of a portion of the Petition Area. Would you also please provide a copy of the most recent annual report submitted by A&B with respect to the Petition Area, as required by D&O Section 24.

I thank you in advance for your assistance. Please call my office if we need to pay a copy fee.

Very Truly Yours,



Tom Pierce

cc: Maui Lani Neighbors, Inc.
Grant Chun, V.P., Maui, A&B Properties, Inc. (via email)
Deputy Attorneys General (W. Wynhoff, L. Chow, A. Weston) (via email)