

WRIGHT & KIRSCHBRAUN
A Limited Liability Law Company
1885 Main Street, Suite 108
Wailuku, HI 96793
Telephone: (808)244-6644
Facsimile: (808)244-1013
E-Mail: firm@wkmaui.com

The information contained in this letter is intended for the personal and confidential use of the addressee. This letter is confidential and may be an attorney-client communication and, as such, is privileged. If you are not the addressee or an agent responsible for delivering it to the addressee, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this letter is strictly prohibited. Please call us immediately if you have received this communication in error.

September 24, 2015

*VIA U.S. POSTAL SERVICE FIRST CLASS
and ELECTRONIC SUBMISSION*

State Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804

Re: *In the Matter of the Petition of Makila Land Company, LLC*
Docket No. A 15-799

Dear Clerk:

Please find enclosed the original and one copy of the Certificate of Service of MAKILA PLANTATION HOMEOWNERS ASSOCIATION, INC.'S NOTICE OF APPEARANCE AND POSITION STATEMENT CONCERNING PETITIONER'S MOTION REQUESTING THE LAND USE COMMISSION TO BE THE ACCEPTING AUTHORITY FOR AN ENVIRONMENTAL IMPACT STATEMENT, AND REQUESTING THAT THE LAND USE COMMISSION DETERMINE THAT THE PROPOSED ACTION WARRANTS THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, TO BE INITIATED WITH THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE filed on behalf of Makila Plantation Homeowners Association, Inc.

Sincerely,

WRIGHT & KIRSCHBRAUN
A Limited Liability Law Company


DOUGLAS R. WRIGHT
Enc.

2015 SEP 28 A 9:16
LAND USE COMMISSION
STATE OF HAWAII

David Jenkins
74 S. Lauho'e Place
Lahaina HI 96761

For Board of Directors
MAKILA PLANTATION
HOMEOWNERS ASSOCIATION, INC.
Tel No.: (808) 661-0672

2015 SEP 28 A 9: 29

LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter of The Petition of) DOCKET NO. A 15-799
) CP 2014/0002
MAKILA LAND COMPANY, LLC) SUP2 2014/0006
)
To Amend The Agricultural Land Use District) MAKILA PLANTATION HOMEOWNERS
Boundaries Into The Rural Land Use District) ASSOCIATION, INC.'S NOTICE OF
For Approximately 231 Acres Of Land,) APPEARANCE AND POSITION
Consisting of Tax Map Key Nos. Nos. (2) 4-7-) STATEMENT CONCERNING
013:001, 002, 003, 004, 005, 006 (por.), 007) PETITIONER'S MOTION REQUESTING
(por.), 008 (por.), 009, 010, 011, 012, And) THE LAND USE COMMISSION TO BE
Into The Urban Land Use District For) THE ACCEPTING AUTHORITY FOR AN
Approximately 40 acres of land, consisting) ENVIRONMENTAL IMPACT
of Tax Key Nos. (2) 4-7-013: 006 (por.), 007) STATEMENT, AND REQUESTING THAT
(por.), 008 (por.) at Launiupoko, Polanui,) THE LAND USE COMMISSION
Lahaina, Island and County of Maui, State of) DETERMINE THAT THE PROPOSED
Hawai'i) ACTION WARRANTS THE
) PREPARATION OF AN
) ENVIRONMENTAL IMPACT
) STATEMENT, TO BE INITIATED WITH
) THE PREPARATION OF AN
) ENVIRONMENTAL IMPACT
) STATEMENT PREPARATION NOTICE;
) CERTIFICATE OF SERVICE
)
)

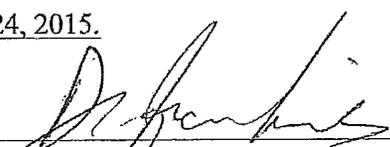
MAKILA PLANTATION HOMEOWNERS ASSOCIATION, INC.'S NOTICE OF
APPEARANCE AND POSITION STATEMENT CONCERNING PETITIONER'S MOTION
REQUESTING THE LAND USE COMMISSION TO BE THE ACCEPTING AUTHORITY
FOR AN ENVIRONMENTAL IMPACT STATEMENT, AND REQUESTING THAT THE
LAND USE COMMISSION DETERMINE THAT THE PROPOSED ACTION WARRANTS
THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, TO BE
INITIATED WITH THE PREPARATION OF AN
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

the residents adjacent to the proposed development within Makila HOA may be kept informed and included in the review and examination of the details and evidence presented to the LUC.

Makila HOA has no objection to the Motion requesting the LUC to exercise its discretion to bypass the preparation of an environmental assessment and move directly to starting the process of preparing environmental impact assessment report. Makila HOA believes it is abundantly clear that the scope of the proposed development is contrary to everything previously communicated to residents and will have a significant environmental impact, changing the character of not only the agricultural community but also the landscape and everything that interacts with it.

Respectfully submitted,

Dated: Lahaina, Maui, Hawaii, September 24, 2015.



David Jenkins, President
For Board of Directors for
MAKILA PLANTATION
HOMEOWNERS ASSOCIATION, INC.

DEBORAH K. WRIGHT 4444
KEITH D. KIRSCHBRAUN 4971
DOUGLAS R. WRIGHT 9643

WRIGHT & KIRSCHBRAUN
A Limited Liability Law Company
1885 Main Street, Suite 108
Wailuku, HI 96793
Telephone: 808-244-6644
Facsimile: 808-244-1013
Email: firm@wkmaui.com

Attorneys for MAKILA PLANTATION
HOMEOWNERS ASSOCIATION, INC.

2015 SEP 28 A 9: 16

LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter of The Petition of) DOCKET NO. A 15-799
)
MAKILA LAND COMPANY, LLC)
) CERTIFICATE OF SERVICE
To Amend The Agricultural Land Use District)
Boundaries Into The Rural Land Use District)
For Approximately 231 Acres Of Land,)
Consisting of Tax Map Key Nos. Nos. (2) 4-7-)
013:001, 002, 003, 004, 005, 006 (por.), 007)
(por.), 008 (por.), 009, 010, 011, 012, And)
Into The Urban Land Use District For)
Approximately 40 acres of land, consisting)
of Tax Key Nos. (2) 4-7-013: 006 (por.), 007)
(por.), 008 (por.) at Launiupoko, Polanui,)
Lahaina, Island and County of Maui, State of)
Hawai'i)
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the MAKILA PLANTATION
HOMEOWNERS ASSOCIATION, INC.'S NOTICE OF APPEARANCE AND POSITION
STATEMENT CONCERNING PETITIONER'S MOTION REQUESTING THE LAND USE
COMMISSION TO BE THE ACCEPTING AUTHORITY FOR AN ENVIRONMENTAL

IMPACT STATEMENT, AND REQUESTING THAT THE LAND USE COMMISSION DETERMINE THAT THE PROPOSED ACTION WARRANTS THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, TO BE INITIATED WITH THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE was duly served on the following parties, at their last known addresses indicated below, by depositing a copy with the U.S. Postal Service, Wailuku Branch, postage prepaid, first class mail, on September 24, 2015:

JENNIFER A. LIM
CARLSMITH BALL LLP
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawai'i 96813
Attorney for Petitioner
MAKILA LAND CO., LLC

LEO R. ASUNCION, JR., AICP
Acting Director
Office of Planning
State of Hawaii
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

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

RAY MCCORMICK
Highways Administrator
Department of Transportation
State of Hawaii
869 Punchbowl Street, Room 513
Honolulu, HI 96813

WILLIAM SPENCE
Director, County of Maui
Department of Planning
2200 Main St., Ste 315
Wailuku, HI 96793

PLANNING COMMISSION
County of Maui
2200 Main St., Ste 315
Wailuku, HI 96793

PATRICK K. WONG, ESQ.
Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 S. High St. Wailuku, HI 96793

DAVID GOODE
Director, County of Maui Department of Public Works
200 South High St.
Kalana O Maui Bldg 4th Fl
Wailuku, HI 96793

PIONEER MILL COMPANY, LLC
900 N. Michigan Avenue
Suite 1400
Chicago, IL 60611

MAUI ELECTRIC COMPANY, LIMITED
c/o Phil Hauret
Hawaiian Electric Company
1100 ASB Tower
1001 Bishop Street
Honolulu, HI 96813

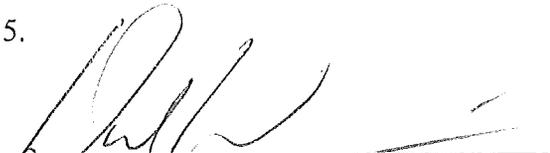
HAWAIIAN TELCOM, INC.
Attn: Legal Department
1177 Bishop Street
Honolulu, HI 96813

MAHANALUA NUI HOMEOWNERS ASSOCIATION, INC.
c/o Management Consultants of Hawaii
727 Waivee Street
Lahaina, HI 96761

KAUAULA LAND COMPANY LLC Attn: Glenn Tremble
305 E. Wakea Ave. Suite 100
Kahului, HI 96732

LAUNIUPOKO ASSOCIATES, LLC &
MAKILA RIDGE PROPERTIES LLC
Attn: Peter Martin
305 E. Wakea Ave. Suite 100
Kahului, HI 96732

DATED: Wailuku, Maui, Hawaii; September 24, 2015.



DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
DOUGLAS R. WRIGHT

Attorneys for MAKILA PLANTATION
HOMEOWNERS ASSOCIATION, INC.