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September 25, 2015

2015 SEP 29 A 8:38
LAND USE COMMISSION
STATE OF HAWAII

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

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

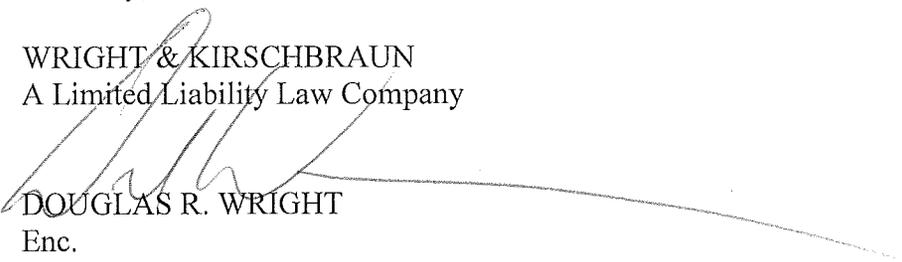
Re: *In the Matter of the Petition of Makila Land Company, LLC*
Docket No. A 15-799

Dear Clerk:

Please find enclosed the original and one copy of the Amended 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.

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2015 SEP 29 A 8:38
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)
) AMENDED 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

An error in the copying 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 may have resulted in the inadvertent omission of page 2 and, as a result and out of an abundance of caution, a true and correct copy of the foregoing document is being reserved 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 25, 2015:

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

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 homeowners of Makila Plantation represented by and through its Board of Directors, hereby submits its appearance before the Land Use Commission of the State of Hawaii ("LUC") and its 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 September 11, 2015 ("Motion").

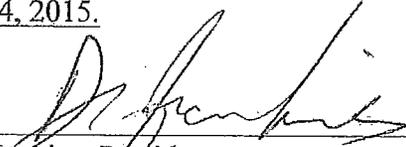
Makila HOA is an incorporated homeowners association, consisting of 73 agriculturally zoned lots adjacent to and west (mauka) of real the property which is the subject of the underlying Petition. In addition to County-wide, West Side and community concerns, the impacts of the proposed development will have immediate, first-hand and most severe consequences for the residents of the Makila HOA. Makila HOA did not receive a copy of the Motion being heard at this Sept.30 meeting until September 22, 2015. The first time that the developer presented and discussed the details of the proposed development with Makila HOA was not until September 17, nearly a week after it filed its Petition with the LUC on Sept 11. The petition for a DBA (Page 39) states that Makila Land had reached out to a number of organizations to explain their plan and had not received any written responses. In the case of Makila HOA this is clearly a materially misleading statement. With the limited time and information at present, Makila HOA submits it Notice of Appearance so that its board and, thus,

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.