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LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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September 18, 2015

Jennifer A. Lim, Esq.
Carlsmith Ball LLP
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawai'i 96813

Dear Ms. Lim:

Subject: Docket No. A15-799 Makila Land Co., LLC

This is to acknowledge receipt of the following documents filed on September 11, 2015:

- 1) Petition for Land Use District Boundary Amendment ("Petition");
- 2) Exhibits "1" through "7";
- 3) Verification of Jennifer A. Lim
- 4) Affidavit of Jennifer A. Lim Attesting to Service of Petition; and
- 5) Affidavit of Jennifer A. Lim Attesting to Mailing of the Notification of Petition Filing;
- 6) Certificate of Service;
- 7) 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;
- 8) Memorandum in Support of Motion;
- 9) Appendix "A"; and
- 10) Certificate of Service.

In addition, the following document was filed on September 14, 2015:

- 11) Revised Table of Contents for Petition.

We understand that the Petition, as stated, proposes the reclassification of approximately 271 acres of land from the State Land Use Agricultural District into the State Rural and Urban Districts.

We have reviewed the Petition and have deemed it defective at this time because it does not meet the content requirements outlined pursuant to Hawai'i Administrative Rules (HAR), Section §15-15-50, for a properly filed petition. Your Petition may be deemed a proper filing and accepted for processing upon our review of any additional information that you submit to address the matters identified below:

- 1) The current Petition as submitted recognizes the preliminary nature of many of the responses to information requirements of the LUC's administrative rules. The Petitioner has also stated that more detailed information will be filed as part of an amended petition filing at the conclusion of the environmental review process. More complete and detailed information is required in accordance with Sections §§15-15-50(a)(2); 15-15-50(b); 15-15-50(c)(3), (4), (7), (9), (11), (12), and (14) through (21), HAR.
- 2) We recognize that Petitioner is in the process of the environmental review process as required under Chapter 343, Hawai'i Revised Statutes (HRS) and that successful completion of that process will address many of the informational deficiencies identified.

Finally, in the event a notice of intent to intervene is filed with the LUC pursuant to Section §15-15-52(b), HAR, the Petition should be served upon the potential intervenor and an affidavit of petitioner or his agent attesting to his compliance with Section §15-15-48(b), HAR, should be filed.

Please address the above matters as soon as possible. Should you require clarification or further assistance in this matter, please contact Scott Derrickson, AICP, of my staff at 587-3921.

Sincerely,



Daniel Orodener
Executive Officer

c: Office of Planning
County of Maui, Department of Planning