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LAND USE COMMISSION
STATE OF HAWAII

2016 APR 15 P 3:15

April 15, 2016

VIA HAND DELIVERY

Daniel Orodenker
Executive Officer
Land Use Commission, State of Hawai'i
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street, Room 406
Honolulu, Hawai'i 96813

Re: LUC Docket A15-799 Makila Land Co., LLC
Termination of Docket and Environmental Review Process

Dear Mr. Orodenker:

We represent Makila Land Co., LLC, a Hawai'i limited liability company ("**Makila**"). As you know, on September 11, 2015, we filed with your office a Petition for Land Use District Boundary Amendment for the Makila project. Exhibit 1 to that Petition was the Makila Rural Community Environmental Impact Statement Preparation Notice ("**EISPN**").

By letter dated September 18, 2015, copy enclosed, you acknowledged receipt of the Petition, notified Makila that the Petition was deemed defective and therefore not accepted for processing, and stated an expectation that the informational deficiencies would be addressed through Makila's completion of the environmental review process under HRS Chapter 343. By Order dated October 22, 2015, the Commission agreed to be the accepting authority for the Makila Rural Environmental Impact Statement, and on November 8, 2015, the Office of Environmental Quality Control published notice of the Makila EISPN.

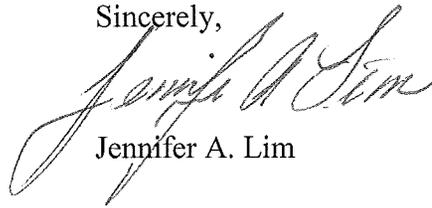
This is to inform you that Makila has decided not to pursue the Makila Rural project at this time, and that the Commission should close Docket A15-799. Because the State of Hawaii Land Use Commission was the proposed approving agency for the Makila Rural EIS, we ask that Commission staff kindly submit to OEQC a notice of Withdrawal of the EISPN, so that OEQC

Daniel Orodener
April 15, 2016
Page 2

may publish notice of the withdrawal. To that end, enclosed please find a completed OEQC Applicant Publication Form regarding the withdrawal, and a draft transmittal letter to OEQC. We note that OEQC's submittal deadline is April 27 for its May 8 publication.

We appreciate the time and effort that you, your staff, and the Commission put into this matter. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer A. Lim".

Jennifer A. Lim

JAL/jah

Enclosure

cc: Makila Land Co., LLC
PBR Hawaii

4853-2762-4495.1.054246-00005

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



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

**APPLICANT
PUBLICATION FORM**

Project Name:	Makila Rural Community
Project Short Name:	Makila Rural Community
HRS §343-5 Trigger(s):	§343-5(a) (1): Propose the use of state or county lands or the use of state or county funds; §343-5(a)(6): Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation; §343-5(a)(9)(A): Propose any wastewater treatment unit.t
Island(s):	Maui
Judicial District(s):	Lahaina
TMK(s):	TMK (2) 4-7-013:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, and 012
Permit(s)/Approval(s):	State Land Use District Boundary Amendment, Community Plan Amendment, Change in Zoning, Subdivision Approval, Building Permit, Grading Permit, NPDES Permit.
Approving Agency:	State of Hawai'i Land Use Commission
Contact Name, Email, Telephone, Address	Daniel Orodenker, Executive Officer Email: luc@dbedt.hawaii.gov Phone: (808) 587-3822 Address: P.O. Box 2359 Honolulu, Hawaii 96808-3822
Applicant:	Makila Land Co., LLC
Contact Name, Email, Telephone, Address	Heidi Bigelow Email: heidi@westmauiland.com Phone: (808) 877-4202 Address: 305 East Wakea Avenue, Suite 100 Kahului, HI 96732
Consultant:	PBR HAWAII & Associates, Inc.
Contact Name, Email, Telephone, Address	Tom Schnell, AICP, Principal Email: sysadmin@pbrhawaii.com Phone: (808) 521-5631 Address: 1001 Bishop Street, Suite 650, Honolulu, Hawaii 96813

Status (select one)

DEA-AFNSI

Submittal Requirements

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.

FEA-FONSI

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.

FEA-EISPN

Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.

Act 172-12
EISPN ("Direct to
EIS")

Submit 1) the approving agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.

- DEIS Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.
- FEIS Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.
- FEIS Acceptance Determination The approving agency simultaneously transmits to both the OEQC and the applicant a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.
- FEIS Statutory Acceptance The approving agency simultaneously transmits to both the OEQC and the applicant a notice that it did not make a timely determination on the acceptance or nonacceptance of the applicant's FEIS under Section 343-5(c), HRS, and therefore the applicant's FEIS is deemed accepted as a matter of law.
- Supplemental EIS Determination The approving agency simultaneously transmits its notice to both the applicant and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.
- Withdrawal Identify the specific document(s) to withdraw and explain in the project summary section.
- Other Contact the OEQC if your action is not one of the above items.

Project Summary

NOTICE TO WITHDRAW: Makila Rural Community Environmental Impact Statement Preparation Notice. Public notice of the EISPN was issued in the November 8, 2015 edition of *The Environmental Notice*. The Applicant, Makila Land Co., LLC, has decided not to pursue the Makila Rural Community project at this time, and therefore wishes to terminate the HRS Chapter 343 review process for the Makila Rural Community project.

As proposed, the Makila Rural Community would have been located on approximately 271 acres in West Maui. Elements of the community may have included: 150 rural residential lots; 50 to 75 single-family workforce housing units; a central "village core" with a park; limited commercial space; and a community center.

LUC Letterhead

April 26, 2016

Mr. Scott Glenn, Interim Director
State of Hawai'i Department of Health
Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, HI 96813

**SUBJECT: WITHDRAWAL OF MAKILA RURAL COMMUNITY ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE (TMK (2) 4-7-013:001, 002,
003, 004, 005, 006, 007, 008, 009, 010, 011, and 012, LAHAINA DISTRICT,
MAUI)**

Dear Mr. Glenn,

With this letter, the State of Hawai'i Land Use Commission (LUC), Department of Business, Economic Development & Tourism, transmits notice to withdraw the Environmental Impact Statement Preparation Notice ("EISPN") titled *Makila Rural Community Environmental Impact Statement Preparation Notice*. We transmitted this EISPN to your office on October 27, 2015. Public notice of the EISPN was issued in the November 8, 2015 edition of *The Environmental Notice*.

The Applicant, Makila Land Co., LLC, has decided not to pursue the Makila Rural Community project at this time.

Therefore, the LUC wishes to withdraw the subject EISPN for the Makila Rural Community, previously proposed to be situated at TMK (2) 4-7-013:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, and 012, Lahaina District, Island of Maui, and terminate the HRS Chapter 343 review process for the Makila Rural Community project at this time.

Enclosed is a completed OEQC Publication Form.

cc: PBR HAWAII & Associates, Inc.
Carlsmith Ball LLP