



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

2015 NOV 30 P 12:08  
LAND USE COMMISSION  
STATE OF HAWAII

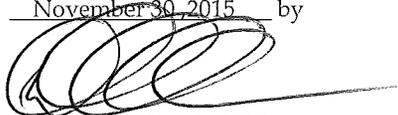
In The Matter Of The Petition Of	)	DOCKET NO. A10-786
	)	
OLOWALU TOWN, LLC, AND	)	ORDER GRANTING
OLOWALU EKOLU, LLC	)	PETITIONERS' MOTION TO EXTEND
	)	ACCEPTANCE PERIOD FOR A
To Amend The Agricultural Land Use	)	FINAL ENVIRONMENTAL
District Boundary Into The Rural And	)	IMPACT STATEMENT: AND
Urban Land Use Districts For	)	CERTIFICATE OF SERVICE
Approximately 320 Acres Of Land At	)	
Olowalu, Island Of Maui, State Of	)	
Hawai'i, Tax Map Key: 4-8-003:	)	
Portions Of 84, 98 Through 118, and	)	
124	)	
_____	)	

ORDER GRANTING PETITIONERS' MOTION TO EXTEND ACCEPTANCE PERIOD  
FOR A FINAL ENVIRONMENTAL IMPACT STATEMENT

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct copy of  
the document on file in the office of the State Land  
Use Commission, Honolulu, Hawai'i.

November 30, 2015 by  
  
Executive Officer



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ORDER GRANTING PETITIONERS' MOTION TO EXTEND ACCEPTANCE PERIOD  
FOR A FINAL ENVIRONMENTAL IMPACT STATEMENT

On November 18, 2015, the State of Hawai'i Land Use Commission ("LUC") met at the Maui Arts & Cultural Center, McCoy Studio Theater, in Kahului, Maui, Hawai'i,<sup>1</sup> to consider the acceptance of the proposed Final Environmental Impact Statement ("FEIS") filed by Olowalu Town, LLC, and Olowalu Ekolu, LLC (collectively

<sup>1</sup> The LUC's agenda had stated that the meeting would be at the Maui Arts & Cultural Center, Haynes Meeting Room. However, the location was changed to a more expansive room within the same facility to accommodate the large numbers of the public who were present.

“Petitioners”), in the above-entitled docket.<sup>2</sup> Jennifer A. Lim, Esq.; Onaona P. Thoene, Esq.; Bill Frampton; and David Ward appeared on behalf of Petitioners. Also present were Michael Hopper, Esq.; William Spence; and Danny Dias on behalf of the County of Maui Department of Planning (“DP”) and Bryan C. Yee, Esq., and Rodney Funakoshi on behalf of the State of Hawai`i Office of Planning (“OP”).

At the meeting, Petitioners filed a written request to extend the 30-day acceptance period for the FEIS by an additional 15 days (“Motion”), pursuant to Hawai`i Administrative Rules (“HAR”) §11-200-23(d). In their Motion, Petitioners stated that the 15-day extension is based on (1) the filing of a letter by OP on November 17, 2015, with the LUC in which OP raised various comments and concerns regarding the acceptability of the FEIS, including OP’s position that the public should have more time to review the Traffic Impact Analysis Report in the FEIS; (2) Petitioners’ expectation that public testimony on the matter will take a significant portion of the LUC’s time that has been scheduled to consider the acceptance of the FEIS; and (3) the unavailability of Petitioners’ marine water quality expert, Mr. Steven Dollar, Ph.D., to attend the meeting and respond to any questions the LUC may have regarding the assessment of marine water quality.

Following the receipt of the Motion, Chair Edmund Aczon announced that the LUC would receive public testimony on the acceptance of the FEIS, and that

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<sup>2</sup> Petitioners filed the proposed FEIS with the LUC on October 26, 2015.  
Docket No. A10-786 Olowalu Town LLC and Olowalu Ekoulu LLC  
Order Granting Petitioners’ Motion To Extend Acceptance Period For A Final Environmental Impact Statement

consideration of Petitioners' Motion would occur after all such testimony was completed. Approximately 81 individuals provided oral and/or written testimony on the matter.<sup>3</sup> Thereafter, Chair Aczon closed the public witness portion of the November 18 and 19, 2015, proceeding, and stated that the LUC would consider Petitioners' Motion on the following day, November 19, 2015.

On November 19, 2015, the LUC considered Petitioners' Motion at the same location and with the same representatives of Petitioners, DP, and OP present. At the meeting, Petitioners noted that the Motion was filed for Petitioners' benefit to address, among other things, concerns raised by OP as well as to ensure the availability of their marine water quality expert at the next LUC meeting to consider the acceptance of the FEIS. The DP had no objections to the Motion. OP stated that it supported the Motion.

Following discussion, a motion was made and seconded to grant Petitioners' Motion. After additional discussion, the motion and second were withdrawn. After further discussion, the motion was renewed and seconded to grant Petitioners' Motion. At this time, the LUC brought to Petitioners' attention concerns they had about the representations that were made before the County of Maui Planning Commission during the update of the Maui Island Plan regarding (1) Petitioners' plans

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<sup>3</sup> During the public witness testimony portion of the proceeding, Commissioner Kent Hiranaga disclosed that he served on the County of Maui Planning Commission when the Maui Island Plan was being reviewed, and that part of the review included Petitioners' proposed Olowalu Town Master Plan project. Docket No. A10-786 Olowalu Town LLC and Olowalu Ekoulu LLC

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for the lands makai of Honoapi`ilani Highway; (2) the amount of storm runoff that is retained onsite; and (3) Petitioners' plans for the Lower Honoapi`ilani Highway located north and south of the Petitioners' proposed Olowalu Town Master Plan project. The LUC also raised concerns for Petitioners to consider regarding traditional and cultural practices, including but not limited to fishing; impacts on water resources and the nearshore environment; impacts to the transportation infrastructure from brushfires in the area; the placement of the proposed wastewater treatment plant and its potential impacts on surfing spots; and the number of brown water incidents at Olowalu.

Following discussion by the Commissioners, a vote was taken on the motion. There being a vote tally of 6 ayes, 0 nays, and 2 excused,<sup>4</sup> the motion carried.

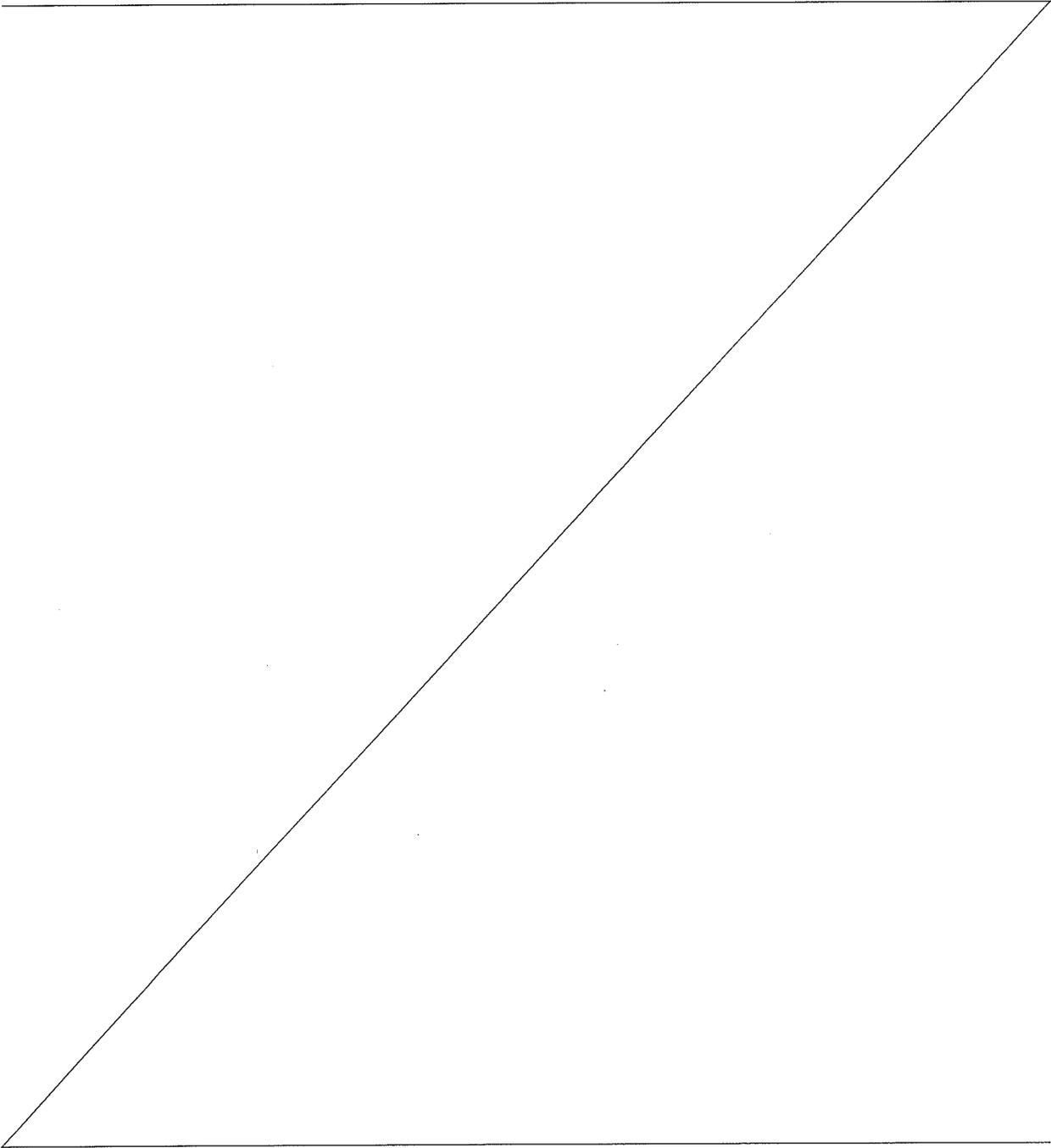
#### ORDER

The LUC, having duly considered the arguments presented by Petitioners and the record in this proceeding, and there being no objections from the DP and OP, and a motion having been made and seconded at a meeting held on November 19, 2015, in Kahului, Maui, Hawai'i, and the motion having received the affirmative votes required by HAR §15-15-13 and there being good cause for the motion,

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<sup>4</sup> There are currently eight sitting commissioners on the LUC. The one remaining seat is vacant.

HEREBY ORDERS that Petitioners' Motion be GRANTED. Accordingly, the 30-day acceptance period for Petitioners' FEIS is extended for an additional 15 days from November 25, 2015, to December 10, 2015.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 30<sup>th</sup>, day of November, 2015, per motion on November 19, 2015.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

*Diane Jackson*  
Deputy Attorney General

By *Edmund C. Aczon*  
EDMUND ACZON  
Chairperson and Commissioner

Filed and effective on:

11/30/15

Certified by:  
*[Signature]*  
DANIEL ORODENKER  
Executive Officer



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CERTIFICATE OF SERVICE

I hereby certify that due service of the within document was made by depositing the same with the United States Mail, postage prepaid, or by hand delivery, on November 30, 2015, addressed to:

LEO R. ASUNCION, JR., AICP  
Acting Director  
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State of Hawaii  
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Honolulu, Hawaii 96813

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Mr. William Frampton  
Olowalu Town LLC  
2035 Main Street, Suite 100  
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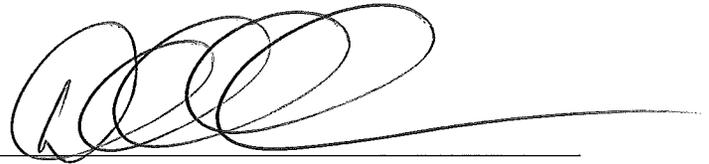
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BY CERTIFIED MAIL

DATED: Honolulu, Hawai'i, November 30, 2015.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

DANIEL ORODENKER  
Executive Officer  
State Land Use Commission