



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

ORIGINAL

In The Matter Of The Petition Of	)	DOCKET NO. A10-786
)	
LOWALU TOWN LLC AND	)	ORDER DETERMINING (1) THAT THE
LOWALU EKOLU LLC	)	LAND USE COMMISSION AGREES TO
	)	BE THE ACCEPTING AUTHORITY
To Amend The Agricultural Land Use	)	PURSUANT TO CHAPTER 343, HAWAII
District Boundary Into The Rural And	)	REVISED STATUTES; AND (2) THAT
Urban Land Use Districts For	)	THE PROPOSED ACTION MAY HAVE A
Approximately 320 Acres Of Land At	)	SIGNIFICANT EFFECT UPON THE
Olowalu, Island Of Maui, State Of	)	ENVIRONMENT TO WARRANT THE
Hawai'i, Tax Map Key: 4-8-03: Pors. 84,	)	PREPARATION OF AN
98 Through 118, And 124	)	ENVIRONMENTAL IMPACT
_____	)	STATEMENT

ORDER DETERMINING (1) THAT THE LAND USE COMMISSION
AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343,
HAWAII REVISED STATUTES; AND (2) THAT THE PROPOSED ACTION MAY
HAVE A SIGNIFICANT EFFECT UPON THE ENVIRONMENT TO WARRANT THE
PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT

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.

June 22, 2010 by


 Executive Officer



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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OLOWALU TOWN LLC AND) ORDER DETERMINING (1) THAT THE
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ORDER DETERMINING (1) THAT THE LAND USE COMMISSION
AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343,
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HAVE A SIGNIFICANT EFFECT UPON THE ENVIRONMENT TO WARRANT THE
PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT

On May 13, 2010, Olowalu Town LLC and Olowalu Ekolu LLC

("Petitioner"), filed a Petition For District Boundary Amendment ("Petition") to reclassify approximately 320 acres of land at Olowalu, Island of Maui, State of Hawai'i, identified as Tax Map Key: 4-8-03: 84, 98 through 118, and 124, from the State Land Use Agricultural District to the State Land Use Rural and Urban Districts for the proposed

Olowalu Town Master Plan (“Project”). An Environmental Assessment/Environmental Impact Statement Preparation Notice (“EA/EISPN”) was included with the Petition.¹

The Project is subject to the environmental review process as it proposes to amend the West Maui Community Plan, the use of State lands, the use of Conservation lands, and the construction of wastewater treatment facilities, pursuant to subsections 343-5(a)(1), (a)(2), (a)(6), and (a)(9)(A), Hawai`i Revised Statutes (“HRS”), and subsections 11-200-6(b)(1)(A), (1)(B), and (2)(A), Hawai`i Administrative Rules (“HAR”).

On June 4, 2010, by videoconference, Chair Ransom Piltz conducted a meeting in the video conference room at the Wailuku Judiciary Building, 2145 Main Street, First Floor, Wailuku, Hawai`i; at the Keoni Ana Building, 1177 Alakea Street, Room 302, in Honolulu, Hawai`i; and at the State Office Building, 3060 `Eiwa Street, Basement, Līhu`e, Hawai`i, to determine (i) whether the Land Use Commission (“Commission”) should be the accepting authority pursuant to chapter 343, HRS; and (ii) whether the Project may have a significant effect upon the environment to warrant the preparation of an EIS. Blaine J. Kobayashi, Esq., and Bill Frampton appeared on behalf of Petitioner. Also present at the meeting were James Giroux, Esq., and Jeff Hunt

¹ By preparing the EA/EISPN, Petitioner has already acknowledged that the Project may have a significant effect upon the environment, and therefore will require the preparation of an Environmental Impact Statement (“EIS”).

on behalf of the County of Maui Department of Planning ("DP") and Bryan C. Yee, Esq., and Abbey Mayer on behalf of the State Office of Planning ("OP").

At the meeting, the Commission heard public testimony from John F. Crinion, Irene Bowie, Randy Ragon, and Lucienne DeNaie.² Upon completion of the public testimony, Petitioner provided a background of the Project. Petitioner noted that this Commission is the appropriate accepting authority for the EIS as the filing of the Petition represented the earliest practicable time to determine whether an EIS is warranted, and further that the Project may have a significant effect upon the environment to warrant the preparation of an EIS.

The DP and OP had no objections to this Commission serving as the accepting authority for the EIS and the preparation of an EIS for the Project.

Following discussion, a motion was made and seconded to have this Commission agree to be the accepting authority pursuant to chapter 343, HRS, and to have the Commission find that the Project may have a significant effect upon the environment to warrant the preparation of an EIS. There being a vote tally of 7 ayes, 0 nays, and 2 absent, the motion carried.

ORDER

This Commission, having duly considered Petitioner's EA/EISPN, the arguments by DP and OP in this proceeding, and a motion having been made at a video

² The Commission also received written testimony from John F. and Erin C. Crinion and Mike Foley. Docket No. A10-786 Olowalu Town LLC and Olowalu Ekolu LLC
Order Determining (1) That The Land Use Commission Agrees To Be The Accepting Authority Pursuant To Chapter 343, Hawai'i Revised Statutes; And (2) That The Proposed Action May Have A Significant Effect Upon The Environment To Warrant The Preparation Of An Environmental Impact Statement

conferencing meeting on June 4, 2010, in the video conference room at the Wailuku Judiciary Building, 2145 Main Street, First Floor, Wailuku, Hawai`i; at the Keoni Ana Building, 1177 Alakea Street, Room 302, in Honolulu, Hawai`i; and at the State Office Building, 3060 `Eiwa Street, Basement, Līhu`e, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that it agrees to be the accepting authority pursuant to chapter 343, HRS, and that the Project may have a significant effect upon the environment to warrant the preparation of an EIS.

IT IS FURTHER ORDERED that Petitioner shall make the EA/EISPN available for a 30-day public review and comment period pursuant to subsection 343-5(c), HRS, and subsection 11-200-15(b), HAR.

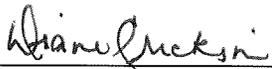
ADOPTION OF ORDER

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

Done at Kona, Hawai'i, this 17th, day of JUNE, 2010, per motion on JUNE 4, 2010.

LAND USE COMMISSION

APPROVED AS TO FORM


Deputy Attorney General

STATE OF HAWAII

By 
RANSOM PILTZ
Chairperson and Commissioner

Filed and effective on:

June 22, 2010

Certified by:


ORLANDO DAVIDSON
Executive Officer



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OLOWALU TOWN LLC AND) CERTIFICATE OF SERVICE
OLOWALU EKOLU LLC)
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To Amend The Agricultural Land Use)
District Boundary Into The Rural And)
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Approximately 320 Acres Of Land At)
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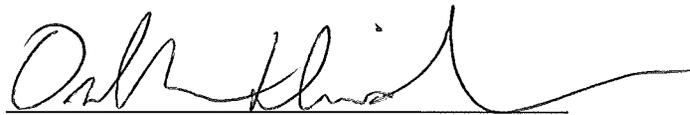
CERTIFICATE OF SERVICE

I hereby certify that an ORDER DETERMINING (1) THAT THE LAND USE COMMISSION AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343, HAWAII REVISED STATUTES; AND (2) THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT EFFECT UPON THE ENVIRONMENT TO WARRANT THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
ABBEY SETH MAYER, DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai'i 96813	X		

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
BRYAN YEE, ESQ. Deputy Attorney General Hale `Auhau, Third Floor 425 Queen Street Honolulu, Hawai`i 96813		X	
Blaine J. Kobayashi, Esq. Carlsmith Ball, LLP One Main Plaza, Suite 400 2200 Main Street Wailuku, Hawaii 96793-1691			X
Mr. William Frampton Olowalu Town LLC 2073 Wells Street, Suite 101 Wailuku, Hawaii 96793		X	
Kathleen Ross Aoki, Director of Planning Department of Planning County of Maui 250 South High Street Wailuku, Hawaii 96793		X	
MICHAEL HOPPER, Esq. JAMES GRIoux, Esq. Corporation Counsel County of Maui 250 South High Street Wailuku, Hawaii 96793			X

Honolulu, Hawai`i, June 22, 2010.



ORLANDO DAVIDSON

Executive Officer