

**NEIL ABERCROMBIE**  
Governor

**SHAN S. TSUTSUI**  
Lieutenant Governor

**RICHARD LIM**  
Director

**MARY ALICE EVANS**  
Deputy Director



**LAND USE COMMISSION**

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

**DAN ORODENKER**  
Executive Officer

**BERT K. SARUWATARI**  
Planner

**SCOTT A.K. DERRICKSON, AICP**  
Planner

**FRED A. TALON**  
Drafting Technician

**RILEY K. HAKODA**  
Chief Clerk

---

June 18, 2013

Steven S.C. Lim, Esq.  
Jennifer A. Benck, Esq.  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawai'i 96813

Dear Ms. Benck:

Subject: Land Use Commission (LUC) Docket No. A13-797 CMBY 2011 Investment, LLC

This is to acknowledge receipt of the subject Petition For Land Use Boundary Amendment ("Petition") and Final Environmental Assessment ("FEA") seeking to reclassify approximately 86.03 acres of land from the State Land Use ("SLU") Agricultural District to the SLU Urban District for the development of a heavy industrial site consisting of up to 28 developable lots and related improvements (the "Project") situated at Pulehunui, Wailuku, TMK No.: (2) 3-8-008:019 (the "Petition Area") filed in the subject docket on May 3, 2013, by CMBY 2011 Investment, LLC ("Petitioner").

The following documents in the subject docket were filed with the LUC on May 3, 2013:

- 1) Petition for Land Use District Boundary Amendment;
- 2) Petitioner's Exhibits 1-11;
- 3) Verification of Jennifer A. Benck;
- 4) Affidavit of Jennifer A. Benck Attesting to Service of Petition;
- 5) Affidavit of Jennifer A. Benck Attesting to Mailing of the Notification of Petition Filing;
- 6) Certificate of Service.

The following documents were filed with the LUC on June 18, 2013:

- 1) Supplemental Certificate of Service;
- 2) Full-sized copy of R.T. Tanaka Engineers, Inc. easement map (Petitioner's Exhibit 1, Appendix D-1 filed May 3, 2013);
- 3) Full-sized tax map outlining Petition Area in red;
- 4) Page-sized tax map outlining Petition Area in red; and,
- 5) Digital copies of maps in item 2 and item 3 above.

Ms. Jennifer A. Benck, Esq.

June 18, 2013

Page 2

With the filing of the above documents the Petition for Land Use District Boundary Amendment is hereby deemed a proper filing and accepted for processing as of June 18, 2013.

Please be advised that in the event a notice of intent to intervene is filed with the LUC pursuant to §15-15-52(b), HAR, the Petitioner is required to serve a copy of the Petition upon the potential intervenor and file an affidavit of Petitioner or its agent attesting to its compliance with §15-15-48(b), HAR.

Should you require clarification or further assistance in this matter, please contact Scott Derrickson, AICP, of my staff at 587-3921.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dan Orodener', with a long horizontal line extending to the right.

Dan Orodener  
Executive Officer

c: Rodney Funakoshi, State Office of Planning  
Bryan Yee, State Attorney General  
Will Spence, Maui County Planning  
James Giroux, Maui County Corporation Counsel