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To: State of Hawaii
Land Use Commission

Fax #: (808) 587-3827

Date: 14 April 2011

of Pages (including cover sheet): 4

From: Likookalani, Martin

Phone #: (808) 587-3822

Subject: Docket No. A11-791, Notice of Intent to Intervene

Likookalani Martin
P.O. Box 564
Anahola, Kauai 96703
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April 14, 2011

State Of Hawaii
Land Use Commission
235 South Beretania Street, Room 406
Honolulu, Hawaii 96804-2359

Attn: Mr. O. Dan Davidson, Executive Officer

Subject: Docket No. A11-791, Petition For Land Use Boundary Amendment,
Notice Of Intent To Intervene

RE: In the Matter of the Petition of Kapaa Highlands, Phase II, Three Stooges, LLC, To Amend the Land Use District Boundary of Certain Lands Situated at Kapaa, Island of Kauai, State of Hawaii, Consisting of Approximately 97 Acres from the Agricultural and Rural District to the Urban District. Tax Map Key No. (4) 4-3-03; Por 1

Notice is hereby given of my intent to intervene in the subject matter.

My name and address are:

Likookalani Martin
P.O. Box 564
Anahola, HI 96703

The nature and extent of my interest in the petition:

- 1) My interest is to secure the rights of the successors, proper parties, heirs and assigns per Volume 1, Promulgated 1845-1846 Fundamental Laws, Hawaiian Laws 1841-1842 (Lahaina Luna) of His Majesty Kamehameha III, regarding Royal Patent No. 7373, L.C.A. No. 8559-B, Waipouli, Puna, Kauai, to William C. Lunalilo, referenced in the Notification of Petition Filing as TMK 4-3-03: Por 1, Kapaa, Hawaii. The interest of the successors, proper parties, heirs and assigns is clearly distinguishable from that of the general public;
- 2) Royal Patent No. 7373 (L.C.A. No. 8559-B) includes, and are significantly affected by the properties involved in the boundary amendment petition Docket No. A11-791. The

interest of the successors, proper parties, heirs and assigns is clearly distinguishable from that of the general public;

- 3) The successors, proper parties, heirs and assigns claim the interests and contracting authority of Royal Patent No. 7373, as an Agricultural Estate, with respect to the reservation of rights vested in Royal Patent No. 7373 (L.C.A. No. 8559-B) including, and not limited to the land and natural resources, watershed and water resources. These resources include the Kaloko Marsh, the Wailua-Opaekaa Watershed, and further affected watersheds, and water systems, traditional cultural properties, including all minerals, auwai, loi, kula, burials, archaeological and historic sites in the Ahupuaa of Waipouli, and Olohena affected by the petition to Amend the Land Use District Boundary in this matter. The interest of the successors, proper parties, heirs and assigns is clearly distinguishable from that of the general public;
- 4) The applicant of said Petition For Land Use Boundary Amendment, Docket No. A11-791, Three Stooges, LLC, proposes the use of these agricultural lands as urban for the development of Kapaa Highlands, Phase II, involving the conversion of 97 acres into 36 lots, 86 single family lots and 683 town houses, roads and additional infrastructure that would result in irreparable harm inconsistent with Hawaiian National usage. The interest of the successors, proper parties, heirs and assigns is clearly distinguishable from that of the general public;
- 5) Significant and cumulative impacts caused by the proposed Kapaa Highlands, Phase II, to the agricultural lands, watersheds, marshlands, archaeological, historical and cultural properties, and all minerals, flora and fauna, of Royal Patent No. 7373, in the ahupuaa of Waipouli and Olohena, including all apana, and ili affected, identified in the Petition as TMK 4-3-03: Per 1, Kapaa, Kauai, and surrounding and adjoining environmental, ecological, archaeological, historical and traditional cultural resources, would significantly affect the interests of the successors, proper parties, heirs and assigns of

Royal Patent No. 7373. The interest of the successors, proper parties, heirs and assigns is clearly distinguishable from that of the general public;

Based on the foregoing, it is my intent to intervene in the subject action.

Likookalani Martin *L. Martin*

This same Notice of Intent to Intervene was sent to:
Petitioner Attorney, Patrick J. Childs, ESQ.

Petitioner, Three Stooges, LLC.

Planning Director
County of Kauai Planning Department