

DAVID M. LOUIE 2162
Attorney General of Hawai'i

WILLIAM J. WYNHOFF 2558

LINDA L.W. CHOW 4756

AMANDA J. WESTON 7496

CINDY YOUNG 7443

Deputy Attorneys General
Department of the Attorney
General, State of Hawaii
Room 300, Kekuanao'a Building
465 South King Street
Honolulu, Hawaii 96813
Telephone: (808) 587-2985

Attorneys for
STATE OF HAWAI'I DEPARTMENT
OF LAND AND NATURAL RESOURCES;
STATE OF HAWAI'I BOARD OF LAND
AND NATURAL RESOURCES; and
WILLIAM AILA, JR., in his official capacity
as chair of the State of Hawai'i Board of
Land and Natural Resources

2014 OCT 28 P 12:33
LAND USE COMMISSION
STATE OF HAWAII

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition	)	DOCKET NO. DR14-51
)	
of	)	STATE OF HAWAI'I DEPARTMENT
	)	OF LAND AND NATURAL
MAUI LANI NEIGHBORS, INC.,	)	RESOURCES; STATE OF HAWAI'I
	)	BOARD OF LAND AND NATURAL
For Declaratory Order to Under §§15-15-98	)	RESOURCES; and WILLIAM AILA,
et. seq. of the Land Use Commission Rules	)	JR., in his official capacity as chair of the
and Hawai'i Revised Statutes §91-8.	)	State of Hawai'i Board of Land and
	)	Natural Resources' MOTION TO
Affected Landowner and Property:	)	INTERVENE; CERTIFICATE OF
State of Hawai'i by and through ITS BOARD	)	SERVICE
OF LAND & NATURAL RESOURCES; Lot)	
12-A-3 of the Maui Lani Subdivision; Subd.)	
File No.: 3.2226; TMK No.: (2) 3-8-007:104)	

**STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES;
STATE OF HAWAII BOARD OF LAND AND NATURAL RESOURCES; and
WILLIAM AILA, JR., in his official capacity as chair of the State of Hawai'i Board of
Land and Natural Resources' MOTION TO INTERVENE**

The STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES; STATE OF HAWAII BOARD OF LAND AND NATURAL RESOURCES; and WILLIAM AILA, JR., in his official capacity as chair of the State of Hawai'i Board of Land and Natural Resources ("The State") hereby move to intervene in the above-referenced matter pursuant to sections 15-15-37 and 15-15-52, of the Hawaii Administrative Rules ("HAR").

The State is the owner of subject property and has a critical interest in the determination of the case. The State's involvement will assist the Land Use Commission in its consideration of the matter.

I. LOCATION OF PROPERTY AND TMK INFORMATION

On August 25, 2010, Alexander & Baldwin ("A & B") filed a Petition for Land Use District Boundary Amendment to amend the land use district boundary to reclassify approximately 545.229 acres of land located in Wailuku, Maui, TMK 3-8-05: portion of 23 and 37 and 3-8-07:71 portion of 101 and 104 from the State Land Use Agricultural District to the State Land Use Urban District. The LUC issued Findings of Fact, Conclusions of Law and Decision and Order on June 21, 2012 approving the petition.

A & B conveyed the subject property identified as TMK (2) 3-8-007:104 to the State of Hawaii on June 26, 2014. The State of Hawaii is developing and constructing a sports park on the property.

Petitioner is a group of neighboring homeowners opposed to the construction of the park. The State's use of the property as a sports park is consistent with the Land Use Commission's Decision and Order entered June 21, 2012.

II. THE NATURE AND EXTENT OF THE STATE'S INTEREST

The State of Hawaii owns the property located at TMK (2) 3-8-007:104. The property is being developed into a sports park with multiple sports fields for use by children, youths and adults.

In addition to the subject Petition for Declaratory Order before the Land Use Commission, Petitioner filed a Complaint for Declaratory Judgment and a Motion for Preliminary Injunction in Second Circuit Court in September requesting the Court to stop construction of the park. The Court stayed the case on October 15, 2014 pending a decision on Petitioner's Petition for Declaratory Order before the LUC.

Petitioner is ultimately trying to stop the construction through its petition to the LUC.

III. EFFECT OF ANY DECISION ON THE STATE'S INTERESTS

The Second Circuit Court recognized that the LUC's decision regarding the Petition For Declaratory Order was important to enough to stay the entire case until such decision is reached. The LUC's decision is critical to the State's property interest and construction of the park.

If the LUC finds that there has been a violation of the LUC D & O, it is possible that the construction of the park will be significantly delayed. The cost to the state as well as the injustice to the Maui community would be enormous.

IV. CONCLUSION

For all the aforementioned reasons, The State respectfully requests the LUC to grant its petition to intervene.

DATED: Honolulu, Hawai'i, October 28, 2014.

DAVID M. LOUIE
Attorney General of Hawai'i



AMANDA J. WESTON
LINDA CHOW
Deputy Attorneys General
Attorneys for STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL
RESOURCES; STATE OF HAWAI'I BOARD
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and WILLIAM AILA, JR., in his official
capacity as chair of the State of Hawai'i Board
of Land and Natural Resources'

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition	)	DOCKET NO. DR14-51
)	
of	)	CERTIFICATE OF SERVICE
)	
MAUI LANI NEIGHBORS, INC.,)	
)	
For Declaratory Order to Under §§15-15-98)	
et. seq. of the Land Use Commission Rules)	
and Hawai'i Revised Statutes §91-8.)	
)	
Affected Landowner and Property:)	
State of Hawai'i by and through ITS BOARD)	
OF LAND & NATURAL RESOURCES; Lot)	
12-A-3 of the Maui Lani Subdivision; Subd.)	
<u>File No.: 3.2226; TMK No.: (2) 3-8-007:104</u>)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a true and correct copy of *STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES; STATE OF HAWAII BOARD OF LAND AND NATURAL RESOURCES; and WILLIAM AILA, JR., in his official capacity as chair of the State of Hawaii Board of Land and Natural Resources' Motion to Intervene* was duly served upon the following parties via email and by depositing the same in the U.S. Mail, postage prepaid, as follows:

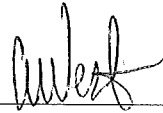
TOM PIERCE, ESQ.
PETER N. MARTIN, ESQ.
P.O. Box 798
Makawao, HI 96768
tom@maulandlaw.com

Attorneys for Petitioner
MAUI LANI NEIGHBORS, INC.

PATRICK K. WONG
Corporation Counsel
KRISTIN K. TARNSTROM
RICHARD B. ROST
Deputies Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793
Kristin.tarnstrom@co.maui.hi.us

Attorneys for COUNTY OF MAUI;
COUNTY OF MAUI PLANNING COMMISSION;
COUNTY OF MAUI DEPARTMENT OF
PLANNING; and WILLIAM SPENCE AS
PLANNING DIRECTOR

DATED: Honolulu, Hawaii, October 28, 2014.



AMANDA J. WESTON
LINDA L.W. CHOW
Deputy Attorneys General

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