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

In the Matter of the Petition of

MAKILA LAND CO., LLC

To Amend The Agricultural Land Use District Boundaries Into The Rural Land Use District For Approximately 231 acres of land, consisting of Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012, And Into The Urban Land Use District For Approximately 40 acres of land, consisting of Tax Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) at Launiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawai‘i

DOCKET NO. A15-799

PETITIONERS' MOTION REQUESTING THE LAND USE COMMISSION TO BE THE ACCEPTING AUTHORITY FOR AN ENVIRONMENTAL IMPACT STATEMENT, AND REQUESTING THAT THE LAND USE COMMISSION DETERMINE THAT THE PROPOSED ACTION WARRANTS THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT, TO BE INITIATED WITH THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE; MEMORANDUM IN SUPPORT OF MOTION; APPENDIX "A"; CERTIFICATE OF SERVICE
Makila Land Co., LLC ("Petitioner"), by and through its counsel, respectfully asks this honorable Land Use Commission of the State of Hawai‘i (the "Commission"): (1) to determine that it will be the accepting authority for an environmental impact statement ("EIS") under Chapter 343, Hawaii Revised Statutes ("HRS"); and (2) to determine, through its judgment and experience, that an EIS is warranted and that the environmental review process should be initiated by the preparation of an Environmental Impact Statement Preparation Notice ("EISPN").

This Motion is brought pursuant to Chapter 205, and Hawaii Administrative Rules ("HAR") § 15-15-70, HRS § 343-5(a), HAR §§ 11-200-14, 11-200-4(b), 11-200-12, and HRS § 343-5(e). In this Docket Petitioner will seek (1) to amend the State Land Use Agricultural District boundaries into the State Land Use Rural and Urban District boundaries.

Pursuant to HAR § 15-15-70(c), Petitioner respectfully requests that the Commission hold a hearing on this Motion.

DATED: Honolulu, Hawai‘i, September 11, 2015.

JENNIFER A. LIM
Attorney for Petitioner
MAKILA LAND CO., LLC
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

MAKILA LAND CO., LLC

To Amend The Agricultural Land Use District Boundaries Into The Rural Land Use District For Approximately 231 acres of land, consisting of Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012, And Into The Urban Land Use District For Approximately 40 acres of land, consisting of Tax Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) at Launuiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawai‘i

DOCKET NO. A15-799
MEMORANDUM IN SUPPORT OF MOTION

MEMORANDUM IN SUPPORT OF MOTION

I. INTRODUCTION

As more fully described in Petitioner's Petition for Land Use District Boundary Amendment ("Petition"), filed concurrent with this Motion, Petitioner is requesting a Land Use District Boundary Amendment ("DBA") to allow the Petition Area to be developed as a rural residential community to be known as the Makila Rural Community. However, prior to implementing the proposed District Boundary Amendment request, Petitioner must first comply with the environmental review process established under HRS Chapter 343.

Petitioner's development plan calls for subdividing the Petition Area to provide approximately 150 rural residential lots that will range in size from one-half acre to one acre. Petitioner also plans a minimum of 50 single-family workforce housing units, with the potential of up to 75 single-family workforce housing units. The workforce housing units will be clustered
near a central "village core" that will offer basic conveniences and services for the Project, including a park, limited commercial space, a community center, and possibly a site for a fire and ambulance substation. In addition, approximately seven acres within the Petition Area will be made available to the Hawai‘i State Department of Transportation for the construction of the Lahaina Bypass.

II. ENVIRONMENTAL REVIEW

In addition to the proposed DBA, other major land use entitlements that will be required in order to develop the Project include an amendment to the West Maui Community Plan (a Community Plan Amendment, or "CPA") and a change in zoning. Because the Petitioner will be required to seek a CPA in order to develop the Project, the Petitioner’s request for a DBA must comply with HRS Chapter 343. In the general case, any action which proposes an amendment to a County plan must complete the environmental review process required under HRS Chapter 343. *See* HRS § 343-5(a)(6)("Except as otherwise provided, an environmental assessment shall be required for actions that: . . . Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county").

Another trigger requiring environmental review is the construction of a wastewater treatment facility. *See* HRS §343-5(a)(9). ("Except as otherwise provided, an environmental assessment shall be required for actions that: . . . (9) Propose any: (A) Wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent."). The development of the Makila Rural Community is anticipated to require the construction of suitable wastewater treatment facilities to support the
Community. Petitioner anticipates constructing a package wastewater treatment facility within the Petition Area.

A third possible trigger requiring environmental review is the use of State or County lands or State or County funds. See HRS §343-5(a)(1). Although no use of State or County lands is anticipated at this time, as with any project that will be constructing new infrastructure, especially roads and water systems, there is a reasonable possibility that easements within State and County lands, or the construction of connection points to State or County lands or within rights-of-way, may be required as part of the proposed development. At this stage Petitioner has no expectation of making use of any State or County funds in its construction of the Project.

A. HRS CHAPTER 343 PROCESS & ACT 172 (2012)

Often the environmental review process begins with the preparation of an Environmental Assessment ("EA"). An EA is "a written evaluation to determine whether an action may have a significant environmental effect." See HAR § 11-200-2. The EA process concludes in one of two ways. Either the approving agency issues a negative declaration determination (also referred to as a "finding of no significant impact"), or the approving agency determines that the proposed action may have a significant effect on the environment, it instructs the applicant to prepare an Environmental Impact Statement Preparation Notice ("EISPN"), and complete the environmental review process through the preparation and processing of an Environmental Impact Statement ("EIS"). See HAR § 11-200-9(b)(8).

However, as a result of the Hawai'i State Legislature's passage of Act 172 in 2012, the accepting authority may authorize an applicant to proceed directly to the preparation of an EISPN in cases where the agency determines, through its judgment and experience, that an EIS is likely to be required. HRS § 343-5(3)(e) states, in relevant part, as follows:
if the agency determines, through its judgment and experience, that an environmental impact statement is likely to be required, the agency may authorize the applicant to choose not to prepare an environmental assessment and instead prepare an environmental impact statement that begins with the preparation of an environmental impact statement preparation notice as provided by rules.

It should be duly noted that the purpose of Act 172, as set forth in the preamble, is:

to allow agencies to determine, based on their judgment and experience, that an environmental impact statement is likely to be required for a proposed action, and, therefore, choose not to prepare an environmental assessment or to allow an applicant not to prepare an environmental assessment, and instead proceed directly to the preparation of an environmental impact statement.

A copy of Act 172 is attached as Appendix A.

B. SIGNIFICANCE CRITERIA

An EIS is required when the approving agency or accepting authority determines that the proposed action may have a significant effect on the environment. A determination of whether a proposed action may have a significant effect on the environment requires an agency to review the significance criteria under HAR § 11-200-12(b). In most instances a proposed action will be determined to have a significant effect on the environment if it is anticipated to cause one or more of the following:

1. Involves in an irrevocable commitment to loss or destruction of any natural or cultural resource;

2. Curtails the range of beneficial uses of the environment;

3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereof to, court decisions, or executive orders;

4. Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;
5. Substantially affects public health;

6. Involves secondary impacts, such as population changes or effects on public facilities;

7. Involves a substantial degradation of environmental quality;

8. Is individually limited but cumulatively has a considerable effect upon the environment or involves a commitment for larger actions;

9. Substantially affects a rare, threatened, or endangered species, or its habitat;

10. Detrimentally affects air or water quality or ambient noise levels;

11. Affects or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal waters;

12. Substantially affects scenic vistas and view planes identified in county or state plans or studies; and

13. Requires substantial energy consumption.

In light of these considerations, and the fact that the proposed Makila Rural Community intends to provide for 150 rural residential lots, and 50, and perhaps as many as 75, single-family workforce housing units, within a 271-acre land area that is currently vacant, Petitioner does not believe it prudent to proceed under the assumption that development of the proposed Project could not have a significant effect on the environment.

The Petition Area was recently designated by the County of Maui as being within the Rural Growth Boundary under the Maui Island Plan, adopted by the County on December 28, 2012 ("MIP"), and is therefore in an area designated for "a mixture of agricultural activities, low-density residential areas and small villages" and which "may contain limited amounts of State and County urban designated lands including residential and small clusters of businesses and civic uses" (see MIP at Table 8-2). While the Makila Rural Community is clearly consistent
with the MIP, an assessment of the environmental impacts of implementing the MIP is needed. The MIP was prepared and adopted without the preparation of an EA or EIS, as allowed under HRS § 343-5(a)(6), which exempts amendments to such County plans if those amendments are initiated by a County. Therefore, the proposed DBA for the Makila Rural Community provides an opportunity for environmental review of the implementation of the vision expressed in the MIP.

It is anticipated that development of the Makila Rural Community will result in changes to population in the area, and those changes are likely to have effects on public facilities such as roads, schools, and recreational facilities. The development of the Makila Rural Community is also likely to require substantial energy consumption, both during the construction phase of the Project, and after full build out when homes and some businesses are operating within the Community.

The Makila Rural Community is also expected to substantially affect the economic and social welfare of the community, as will be thoroughly assessed in the Draft EIS. Anticipated impacts include capital investment, job creation, and tax revenue generation during both the build out and on-going operations of the community. Social welfare of the community is anticipated to experience a substantial positive effect through the provision of new housing opportunities, and particularly new workforce housing opportunities for Maui residents.

The extent of these effects, and an analysis of the means of mitigating these effects, will be fully addressed in the EIS. As explained under HAR § 11-200-16, which sets forth the content requirements for an EIS, an EIS should contain an explanation of the environmental consequences of a proposed action, and discuss all relevant and feasible consequences of the proposed action. An EIS must also include responsible opposing views, if any, on significant
environmental issues raised by the proposed action. An EIS will provide this Commission important information about the anticipated impacts of the requested DBA so that the Commission can better assess the proposed DBA against the criteria for a DBA under Chapter 205, HRS and the Commission's administrative rules.

C. **ACT 172 (2012) EISP**

The Hawai‘i Environmental Policy Act Citizen's Guide (October 2014), prepared by the State of Hawai‘i Office of Environmental Quality Control ("OEQC"), provides that an Act 172-12 EISP should at a minimum indicate in a concise manner the following: (1) identification of the applicant; (2) identification of accepting authority; (3) brief description of the proposed action; (4) determination; (5) reasons for supporting the determination; and (6) name, address and phone number of contact person for further information. Petitioner's Act 172-12 EISP provides this information and more. A copy of Petitioner's EISP was filed as an Exhibit to the Petition.

Should the Commission grant Petitioner's requested relief and agree that it is the appropriate accepting authority for this EISP, the EISP will be submitted to OEQC and published in The Environmental Notice. Publication of the EISP will start a public review and comment period of 30 days within which agencies, groups or individuals have an opportunity to request to become a consulted party and to make written comments regarding environmental effects of the proposed action. See HAR § 11-200-15(b).

**III. ENVIRONMENTAL REVIEW - AUTHORITY FOR RELIEF SOUGHT**

With respect to the preparation and processing of the EIS, the Commission has authority to take the requested action under HRS § 343-5(a), HAR §§ 11-200-14, 11-200-4(b), 11-200-12, and HRS § 343-5(e).

The Makila Rural Community cannot be developed as envisioned without a DBA. As
discussed above, should the DBA be approved, development of the Petition Area will include certain of the statutory triggers under HRS § 343-5(a). HRS Chapter 343 directs that the environmental review process should begin "at the earliest practicable time." HAR § 11-200-14 provides that "Agencies shall ensure that statements [Environmental Impact Statements] are prepared at the earliest opportunity in the planning and decision-making process. This shall assure an early open forum for discussion of adverse effects and available alternatives, and that the decision-makers will be enlightened to any environmental consequences of the proposed action." In light of these mandates, the appropriate time to prepare an EIS for the Makila Rural Community is now, before an acceptable Petition for District Boundary Amendment is filed with the Commission.

In light of the DBA, the Commission is the agency that will initially receive and process Petitioner's request for an approval. Thus, "the authority for requiring statements and for accepting any required statements that have been prepared" rests with this Commission. See HAR § 11-200-4(b). An EIS is required if a proposed action may have a significant effect on the environment. See HAR § 11-200-12. As addressed at length above, in light of Act 172 (2012) the Commission has the authority to authorize Petitioner to proceed directly to the preparation of an EISP if the Commission determines, through its judgment and experience, that an EIS is likely to be required. See HRS § 343-5(e).

IV. CONCLUSION

Petitioner respectfully requests that this Commission: (1) agree to be the accepting authority to determine the acceptability of the environmental impact statement that Petitioner shall prepare to assess the environmental effects of the proposed District Boundary Amendment and development of the Petition Area; and (2) direct Petitioner to initiate the environmental review process by proceeding directly to the preparation of an environmental impact statement
preparation notice rather than an environmental assessment because, in the Commission's judgment and experience, the proposed District Boundary Amendment and development of the Petition Area, if authorized, may have a significant effect on the environment.

DATED: Honolulu, Hawai‘i, September 11, 2015.

JENNIFER A. LIM

Attorney for Petitioner
MAKILA LAND CO., LLC
June 27, 2012

The Honorable Shan Tsutsui, President and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 27, 2012, the following bill was signed into law:

SB2281 SD1 HD1 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.
Act 172 (12)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that state agencies that have experience with environmental review in Hawaii are able to determine which projects are likely to require full environmental review and should proceed directly to the preparation of an environmental impact statement. While this omits one layer of public participation through the environmental assessment, opportunities for public participation remain in the environmental impact statement process. The legislature further finds that bypassing the environmental assessment in certain situations will improve the efficiency of the environmental review process and speed the progress of completing those proposed actions.

The purpose of this Act is to allow agencies to determine, based on their judgment and experience, that an environmental impact statement is likely to be required for a proposed action, and, therefore, choose not to prepare an environmental assessment or to allow an applicant not to prepare an
environmental assessment, and instead proceed directly to the
preparation of an environmental impact statement.

SECTION 2. Section 343-5, Hawaii Revised Statutes, is
amended to read as follows:

"§343-5 Applicability and requirements. (a) Except as
otherwise provided, an environmental assessment shall be
required for actions that:

(1) Propose the use of state or county lands or the use of
state or county funds, other than funds to be used for
feasibility or planning studies for possible future
programs or projects that the agency has not approved,
adopted, or funded, or funds to be used for the
acquisition of unimproved real property; provided that
the agency shall consider environmental factors and
available alternatives in its feasibility or planning
studies; provided further that an environmental
assessment for proposed uses under section 205-
2(d)(11) or 205-4.5(a)(13) shall only be required
pursuant to section 205-5(b);

(2) Propose any use within any land classified as a
conservation district by the state land use commission
under chapter 205;
(3) Propose any use within a shoreline area as defined in section 205A-41;

(4) Propose any use within any historic site as designated in the National Register or Hawaii Register, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E;

(5) Propose any use within the Waikiki area of Oahu, the boundaries of which are delineated in the land use ordinance as amended, establishing the "Waikiki Special District";

(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;

(7) Propose any reclassification of any land classified as a conservation district by the state land use commission under chapter 205;

(8) Propose the construction of new or the expansion or modification of existing helicopter facilities within
the State, that by way of their activities, may affect:

(A) Any land classified as a conservation district by the state land use commission under chapter 205;

(B) A shoreline area as defined in section 205A-41;

or

(C) Any historic site as designated in the National Register or Hawaii Register, as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E; or until the statewide historic places inventory is completed, any historic site that is found by a field reconnaissance of the area affected by the helicopter facility and is under consideration for placement on the National Register or the Hawaii Register of Historic Places; and

(9) Propose any:

(A) Wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent;

(B) Waste-to-energy facility;
(C) Landfill;

(D) Oil refinery; or

(E) Power-generating facility.

(b) Whenever an agency proposes an action in subsection (a), other than feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or other than the use of state or county funds for the acquisition of unimproved real property that is not a specific type of action declared exempt under section 343-6, the agency shall prepare an environmental assessment for [such] the action at the earliest practicable time to determine whether an environmental impact statement shall be required[\ldots]; provided that if the agency determines, through its judgment and experience, that an environmental impact statement is likely to be required, the agency may choose not to prepare an environmental assessment and instead shall prepare an environmental impact statement that begins with the preparation of an environmental impact statement preparation notice as provided by rules.

(c) For environmental assessments for which a finding of no significant impact is anticipated:
{(A)} (1) A draft environmental assessment shall be made available for public review and comment for a period of thirty days;

{(B)} (2) The office shall inform the public of the availability of the draft environmental assessment for public review and comment pursuant to section 343-3;

{(C)} (3) The agency shall respond in writing to comments received during the review and prepare a final environmental assessment to determine whether an environmental impact statement shall be required;

{(D)} (4) A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment; and

{(E)} (5) The agency shall file notice of [such] the determination with the office. When a conflict of interest may exist because the proposing agency and the agency making the determination are the same, the office may review the agency's determination, consult the agency, and advise the agency of potential conflicts, to comply
with this section. The office shall publish the
final determination for the public's information
pursuant to section 343-3.

The draft and final statements, if required, shall be
prepared by the agency and submitted to the office. The draft
statement shall be made available for public review and comment
through the office for a period of forty-five days. The office
shall inform the public of the availability of the draft
statement for public review and comment pursuant to section 343-
3. The agency shall respond in writing to comments received
during the review and prepare a final statement.

The office, when requested by the agency, may make a
recommendation as to the acceptability of the final statement.

[({2}]} (d) The final authority to accept a final statement
shall rest with:

[({A}]} (1) The governor, or the governor's authorized
representative, whenever an action proposes the
use of state lands or the use of state funds, or
whenever a state agency proposes an action
within the categories in subsection (a); or

[({B}]} (2) The mayor, or the mayor's authorized
representative, of the respective county
whenever an action proposes only the use of county lands or county funds.

Acceptance of a required final statement shall be a condition precedent to implementation of the proposed action. Upon acceptance or nonacceptance of the final statement, the governor or mayor, or the governor's or mayor's authorized representative, shall file notice of such determination with the office. The office, in turn, shall publish the determination of acceptance or nonacceptance pursuant to section 343-3.

Whenever an applicant proposes an action specified by subsection (a) that requires approval of an agency and that is not a specific type of action declared exempt under section 343-6, the agency initially receiving and agreeing to process the request for approval shall require the applicant to prepare an environmental assessment of the proposed action at the earliest practicable time to determine whether an environmental impact statement shall be required; provided that if the agency determines, through its judgment and experience, that an environmental impact statement is likely to be required, the agency may authorize the applicant to choose not to prepare an environmental assessment and instead prepare an environmental impact statement that begins with the
preparation of an environmental impact statement preparation
notice as provided by rules. For an action that proposes the
establishment of a renewable energy facility, a draft
environmental impact statement shall be prepared at the earliest
practicable time. The final approving agency for the request
for approval is not required to be the accepting authority.

For environmental assessments for which a finding of no
significant impact is anticipated:

(1) A draft environmental assessment shall be made
available for public review and comment for a period
of thirty days;

(2) The office shall inform the public of the availability
of the draft environmental assessment for public
review and comment pursuant to section 343-3; and

(3) The applicant shall respond in writing to comments
received during the review[7] and [the agency] the
applicant shall prepare a final environmental
assessment to determine whether an environmental
impact statement shall be required. A statement shall
be required if the agency finds that the proposed
action may have a significant effect on the
environment. The agency shall file notice of the
agency's determination with the office, which, in turn, shall publish the agency's determination for the public's information pursuant to section 343-3.

The draft and final statements, if required, shall be prepared by the applicant, who shall file these statements with the office.

The draft statement shall be made available for public review and comment through the office for a period of forty-five days. The office shall inform the public of the availability of the draft statement for public review and comment pursuant to section 343-3.

The applicant shall respond in writing to comments received during the review and prepare a final statement. The office, when requested by the applicant or agency, may make a recommendation as to the acceptability of the final statement.

The authority to accept a final statement shall rest with the agency initially receiving and agreeing to process the request for approval. The final decision-making body or approving agency for the request for approval is not required to be the accepting authority. The planning department for the county in which the proposed action will occur shall be a permissible accepting authority for the final statement.
Acceptance of a required final statement shall be a condition precedent to approval of the request and commencement of the proposed action. Upon acceptance or nonacceptance of the final statement, the agency shall file notice of the determination with the office. The office, in turn, shall publish the determination of acceptance or nonacceptance of the final statement pursuant to section 343-3.

The agency receiving the request, within thirty days of receipt of the final statement, shall notify the applicant and the office of the acceptance or nonacceptance of the final statement. The final statement shall be deemed to be accepted if the agency fails to accept or not accept the final statement within thirty days after receipt of the final statement; provided that the thirty-day period may be extended at the request of the applicant for a period not to exceed fifteen days.

In any acceptance or nonacceptance, the agency shall provide the applicant with the specific findings and reasons for its determination. An applicant, within sixty days after nonacceptance of a final statement by an agency, may appeal the nonacceptance to the environmental council, which, within thirty days of receipt of the appeal, shall notify the applicant of the
council's determination. In any affirmation or reversal of an
appealed nonacceptance, the council shall provide the applicant
and agency with specific findings and reasons for its
determination. The agency shall abide by the council's
decision.

[+e+] (f) Whenever an applicant requests approval for a
proposed action and there is a question as to which of two or
more state or county agencies with jurisdiction has the
responsibility of preparing the environmental assessment, the
office, after consultation with and assistance from the affected
state or county agencies, shall determine which agency shall
prepare the assessment.

[+e+] (g) In preparing an environmental assessment, an
agency may consider and, where applicable and appropriate,
incorporate by reference, in whole or in part, previous
determinations of whether a statement is required and previously
accepted statements. The council, by rule, shall establish
criteria and procedures for the use of previous determinations
and statements.

[+f+] (h) Whenever an action is subject to both the
National Environmental Policy Act of 1969 (Public Law 91-190)
and the requirements of this chapter, the office and agencies
shall cooperate with federal agencies to the fullest extent possible to reduce duplication between federal and state requirements. Such cooperation, to the fullest extent possible, shall include joint environmental impact statements with concurrent public review and processing at both levels of government. Where federal law has environmental impact statement requirements in addition to but not in conflict with this chapter, the office and agencies shall cooperate in fulfilling these requirements so that one document shall comply with all applicable laws.

[*] A statement that is accepted with respect to a particular action shall satisfy the requirements of this chapter, and no other statement for the proposed action shall be required."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

APPROVED this 27 day of JUN, 2012

[Signature]

GOVERNOR OF THE STATE OF HAWAII
BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of

MAKILA LAND CO., LLC

To Amend The Agricultural Land Use
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For Approximately 40 acres of land, consisting
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(por.), 008 (por.) at Launiupoko, Polanui,
Lahaina, Island and County of Maui, State of
Hawai‘i

DOCKET NO. A15-799

CERTIFICATE OF SERVICE

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 September 11, 2015,
addressed to:

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BY MAIL

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BY MAIL

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BY MAIL

KAUAULA LAND COMPANY LLC  
Attn: Glenn Tremble  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

BY MAIL

LAUNIUPOKO ASSOCIATES, LLC  
&  
MAKILA RIDGE PROPERTIES LLC  
Attn: Peter Martin  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

BY MAIL

DATED: Honolulu, Hawai‘i, September 11, 2015.

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Attorneys for Petitioner  
MAKILA LAND CO., LLC