

DEPARTMENT OF THE CORPORATION COUNSEL

PATRICK K. WONG 5878  
Corporation Counsel  
CALEB P. ROWE 9520  
MICHAEL J. HOPPER 8568  
Deputy Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793  
Telephone No. (808) 270-7741  
Facsimile: (808) 270-7152

Attorneys for Respondent  
COUNTY OF MAUI

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of  
LANA'I RESORT PARTNERS

To consider further matters related to an Order To Show Cause as to whether certain land located at Manele, Lana'i, should revert to its former Agricultural and/or Rural land use classification due to Petitioner's failure to comply with Condition No. 10 of the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order filed April 16, 1991, Tax Map Key No. 4-9-002:049 (por.), formerly Tax Map Key No. 4-9-002:001 )por.)

DOCKET NO.: A89-649

RESPONDENT COUNTY OF MAUI,  
DEPARTMENT OF PLANNING'S  
RESPONSE TO PETITIONER LANA'I  
RESORTS, LLC'S EXCEPTIONS TO  
HEARING OFFICER'S RECOMMENDED  
FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND DECISION AND ORDER  
DATED APRIL 18, 2017; CERTIFICATE  
OF SERVICE

**RESPONDENT COUNTY OF MAUI DEPARTMENT OF PLANNING'S RESPONSE TO  
PETITIONER LANA'I RESORTS, LLC'S EXCEPTIONS TO THE HEARING  
OFFICER'S RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND DECISION AND ORDER DATED APRIL 18, 2017**

COMES NOW, Respondent COUNTY OF MAUI, DEPARTMENT OF PLANNING  
("County") by and through its attorneys, Patrick K. Wong, Corporation Counsel, Caleb P. Rowe  
and Michael J. Hopper, Deputies Corporation Counsel, and hereby responds to LANA'I

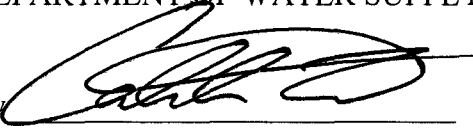
RESORTS, LLC'S ("petitioners") exceptions to the Hearing Officer's Recommended Findings of Fact, Conclusions of Law, and Decision and Order dated April 18, 2017.

The County supports and joins in petitioner's Exceptions to Hearing Officer's Recommended Findings of Fact, Conclusions of Law, and Decision and Order filed April 18, 2017.

DATED: Wailuku, Maui, Hawaii, April 25, 2017.

PATRICK K. WONG  
Corporation Counsel  
Attorney for Respondent  
COUNTY OF MAUI  
DEPARTMENT OF WATER SUPPLY

By

  
\_\_\_\_\_  
CALEB P. ROWE  
MICHAEL J. HOPPER  
Deputies Corporation Counsel

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of  
LANA'I RESORT PARTNERS

To consider further matters related to an Order To Show Cause as to whether certain land located at Manele, Lana'i, should revert to its former Agricultural and/or Rural land use classification due to Petitioner's failure to comply with Condition No. 10 of the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order filed April 16, 1991, Tax Map Key No. 4-9-002:049 (por.), formerly Tax Map Key No. 4-9-002:001 )por.)

DOCKET NO.: A89-649

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing document was served upon the following by depositing same via email and U.S. Mail, postage pre-paid on:

DANIEL E. ORODECNKER  
Executive Director  
Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804

(daniel.e.ordenker@hawaii.gov)

BRYAN C. YEE, ESQ.  
Department of the Attorney General  
State of Hawaii  
Hale Auhau, Third Floor  
425 Queen Street  
Honolulu, Hawaii 96813

(bryan.c.yee@hawaii.gov)

Attorney for the State Office of Planning

LEO R. ASUNCION, JR., AICP, Acting Director (leo.r.asuncion@hawaii.gov)  
Office of State Planning  
235 South Beretania Street, 6<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Acting Director for the State Office of Planning

DAVID KOPPER, ESQ.  
LIULA NAKAMA  
Native Hawaiian Legal Corporation  
1164 Bishop Street, Suite 1205  
Honolulu, Hawaii 96813

(david.kopper@nhlchi.org)  
(liula.nakama@nhlchi.org)

Attorneys for Intervenor, Lana'ians for Sensible Growth

BENJAMIN A. KUDO, ESQ.  
CLARA PARK, ESQ.  
Ashford & Wriston LLP  
999 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813

(bkudo@awlaw.com)

Attorneys for Lana'i Resorts, LLC

WILLIAM SPENCE  
Director  
Department of Planning  
County of Maui  
2200 Main Street, Suite 315  
Wailuku HI 96793

(william.spence@co.maui.hi.us)

DATED: Wailuku, Maui, Hawaii, April 25, 2017.

PATRICK K. WONG  
Corporation Counsel  
Attorney for Respondent  
COUNTY OF MAUI

By



CALEB P. ROWE  
Deputy Corporation Counsel