

OF COUNSEL:
MATSUBARA, KOTAKE & TABATA
A Law Corporation

BENJAMIN M. MATSUBARA, #993-0
CURTIS T. TABATA, #5607-0
888 Mililani Street, Suite 308
Honolulu, Hawai'i 96813
Telephone: (808) 526-9566

Attorneys for Petitioner
HONUA'ULA PARTNERS, LLC

2017 JUL 10 A 10:51
LAND USE COMMISSION
STATE OF HAWAII

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In the Matter of the Petition of	)	Docket No. A94-706
)	
KAONOULU RANCH to Amend the	)	PETITIONERS' MOTION TO
Agricultural Land Use District Boundary into	)	DESIGNATE THE LAND USE
the Urban Land Use District for approximately	)	COMMISSION AS
88 acres at Kaonoulu, Makawao-Wailuku,	)	APPROVING AGENCY FOR
Maui, Hawaii; Tax Map Key Nos. 2-2-02:por.	)	ENVIRONMENTAL
of 15 and 3-9-01:16	)	STATEMENT UNDER HRS
	)	CHAPTER 343 AND FOR
	)	AUTHORITY TO PREPARE
	)	ENVIRONMENTAL IMPACT
	)	STATEMENT;
	)	MEMORANDUM IN SUPPORT
	)	OF MOTION; CERTIFICATE OF
	)	SERVICE
)	

PETITIONERS' MOTION TO DESIGNATE THE LAND
USE COMMISSION AS APPROVING AGENCY FOR
ENVIRONMENTAL STATEMENT UNDER HRS CHAPTER 343 AND FOR
AUTHORITY TO PREPARE ENVIRONMENTAL IMPACT STATEMENT

Comes now, HONUA`ULA PARTNERS, LLC ("HPL" or "Petitioner"), by and through its attorneys, MASUBARA, KOTAKE & TABATA, respectfully moves the Land Use Commission of the State of Hawaii ("Commission") for an order: (1) to determine that it will be the accepting authority and the approving agency for the environmental statement under Chapter 343 of the Hawai'i Revised Statutes ("HRS"); (2) to determine, through its judgment and experience, that an Environmental Impact Statement ("EIS") is likely to be required; and (3) to authorize Petitioners to prepare an Environmental Impact Statement Preparation Notice ("EISPN").

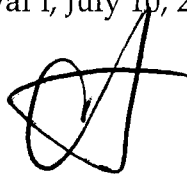
This motion is brought pursuant to HAR § 15-15- 70, HRS § 343-5, and § 11-200-12 of the Hawaii Administrative Rules.

In this docket, Petitioner seeks to amend the Findings of Fact, Conclusions of Law, and Decision and Order dated February 10, 1995 ("Motion to Amend"). The Project for which the Motion to Amend addresses will require the use of state or county lands which require compliance with HRS Chapter 343.

Further, Petitioners ask this Commission to exercise its discretion to determine, based upon its judgment and experience, that an EIS is needed for review of this Project as it will likely have significant impacts upon the environment.

Accordingly, Petitioners ask this Commission to determine that it act as the approving agency for compliance with HRS Chapter 343, that this Commission determine that an EIS shall be required, and that Petitioners should prepare an EISPN.

DATED: Honolulu, Hawai'i, July 10, 2017.



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HONUA'ULA PARTNERS, LLC

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In the Matter of the Petition of	)	Docket No. A94-706
)	
KAONOULU RANCH to Amend the	)	MEMORANDUM IN SUPPORT
Agricultural Land Use District Boundary into	)	OF MOTION
the Urban Land Use District for approximately)	
88 acres at Kaonoulu, Makawao-Wailuku,)	
Maui, Hawaii; Tax Map Key Nos. 2-2-02:por.)	
of 15 and 3-9-01:16)	
_____)	

MEMORANDUM IN SUPPORT OF MOTION

HONUA`ULA PARTNERS, LLC ("HPL" or "Petitioner") filed a Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order Dated February 10, 2017 on July 5, 2017 ("Motion to Amend"). Attached to the Motion to Amend as Exhibit "1" is the draft Environmental Impact Statement Preparation Notice ("EISPN") for the Proposed Honua`ula Offsite Workforce Housing Project.

The Project will require use of state or county lands. For example, the proposed Project will involve offsite improvements at Pi'ilani Highway, which is owned by the State of Hawai`i.

Use of state or county lands is an action which triggers an environmental assessment under § 343- 5(a)(1) of the Hawai`i Revised Statutes ("HRS")

Filing of the Motion to Amend is the earliest practicable time for an accepting agency to determine whether an Environmental Impact Statement (“EIS”) shall be required to assess the Project pursuant to HRS Chapter 343.

Under HRS Chapter 343, an action is reviewed by way of an environmental assessment to determine whether an EIS is needed. If, however, the agency determines that the project is likely to have a significant impact, then the environmental assessment step may be bypassed, and allow the applicant to go straight to the environmental impact statement process. See HRS § 343-5(e).

The determination of whether the project will likely have a significant impact is measured by the significance criteria under § 11-200-12(b) of the Hawai'i Administrative Rules (“HAR”).

The proposed Project is to provide 250 workforce housing units on approximately 13 acres of currently vacant land. The proposed Project would result in the loss of the natural landscape as it currently exists, may substantially affect the economic and social welfare of the community or State, and may involve secondary impacts, such as population changes or effects on public facilities. See HAR § 11-200-12(b)(1), (4) and (6).

Based on these potential impacts, the Commission, using its judgment and experience, can determine that an EIS is likely to be required.

For these reasons, Petitioners respectfully request that the Commission determine that it is the appropriate accepting authority and approving agency for review under HRS Chapter 343, that it authorize Petitioner to not prepare an environmental assessment, and that it authorize Petitioners to prepare an EIS beginning with the preparation of an EISPN pursuant to HRS § 343-5(e).

DATED: Honolulu, Hawai'i, July 10, 2017.



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A Law Corporation

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HONUULA PARTNERS, LLC

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of) Docket No. A94-706
)
KAONOULU RANCH to Amend the) CERTIFICATE OF SERVICE
Agricultural Land Use District Boundary into)
the Urban Land Use District for approximately)
88 acres at Kaonoulu, Makawao-Wailuku,)
Maui, Hawaii; Tax Map Key Nos. 2-2-02:por.)
of 15 and 3-9-01:16)
_____)

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that a true and correct file-marked copy of the foregoing document was duly served upon the following parties VIA ELECTRONIC MAIL and AS INDICATED BELOW at their last known address on July 10, 2017:

DAWN TAKEUCHI-APUNA, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

HAND-DELIVERY
Dawn.T.Apuna@hawaii.gov

LEO R. ASUNCION, JR., Director
Office of Planning, State of Hawai'i
235 South Beretania Street
Room 600, Leiopapa A Kamehameha Bldg.
Honolulu, Hawai'i 96813

HAND-DELIVERY
Leo.R.Asuncion@hawaii.gov

WILLIAM SPENCE, Director
Maui County Planning Department
County of Maui, State of Hawai'i
250 S. High Street, Suite 200
Wailuku, Maui, Hawai'i 96793

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
William.Spence@co.maui.hi.us

MICHAEL HOPPER, ESQ.
Deputy Corporation Counsel
Dept. of Corporation Counsel
County of Maui, State of Hawai'i
200 S. High Street, Floor 3
Wailuku, Maui, Hawai'i 96793

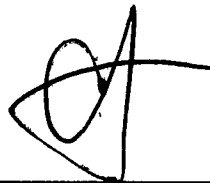
CERTIFIED MAIL
RETURN RECEIPT REQUESTED
michael.hopper@co.maui.hi.us

CLIFFORD J. MILLER, ESQ.
RANDALL F. SAKUMOTO, ESQ.
500 Ala Moana Boulevard
4th Floor, Five Waterfront Plaza
Honolulu, Hawai'i 96813

HAND-DELIVERY
miller@m4law.com
sakumoto@m4law.com

Attorneys for Piilani Promenade South, LLC and
Piilani Promenade North, LLC

DATED: Honolulu, Hawai'i, July 10, 2017.



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A Law Corporation

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