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LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

October 30, 2017

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Ms. Moana Kinimaka Palama
Hawaii Management Services LLC
P. O. Box 1630
Koloa, Hawai'i 96756

Dear Mr. Matsubara and Ms. Palama:

Subject: Docket No. A17-803/Kealia Properties, LLC

This is to acknowledge receipt of the following documents from Kealia Properties, LLC ("Petitioner"), filed on October 16, 2017:

- 1) Petition for Land Use District Boundary Amendment (Petition);
- 2) Verification;
- 3) Exhibits "1" through "5";
- 4) Affidavit of Service of Petition for Land Use District Boundary Amendment;
- 5) Affidavit of Sending of Notification of Petition Filing;
- 6) Certificate of Service; and
- 7) Petitioner's 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 Preparation Notice ("Motion to Designate").

We understand that Petitioner proposes the reclassification of lands from the State Land Use Agricultural District to the State Land Use Urban District. We further understand that the Motion to Designate has also been filed to request that the Land Use Commission ("LUC") issue an order to (1) determine that it will be the accepting authority and the approving agency for the environmental impact statement ("EIS") under Hawai'i Revised

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Statutes chapter 343; (2) determine that an EIS is likely to be required; and (3) authorize Petitioner to prepare an EIS Preparation Notice.

With this understanding, we shall not deem the Petition a proper filing and accept it for processing until the LUC accepts the Final EIS and the other petition content requirements are met pursuant to Hawai'i Administrative Rules ("HAR") §15-15-50.

Accordingly, we will defer our comprehensive review of the Petition for completeness at this time. However, we would like to point out the following areas that should be addressed as part of the technical requirements for all petitions:

- 1) In accordance with HAR §15-15-48, the Petitioner shall serve copies of the Petition to all persons with a property interest in the subject property (i.e., Petition Area) as recorded in the county's real property tax records at the time the Petition is filed. Although not identified in the tax records, RKL Ranch, LLC ("RKL"), licenses the Petition Area for cattle ranching according to the Petition. If appropriate, RKL should be served with a copy of the Petition with an amended/supplemental Certificate of Service and Affidavit of Service of Petition filed accordingly.
- 2) In accordance with HAR §15-15-50(c)(3), if the Petition Area is a portion of one or more lots, a metes and bounds map and description prepared by a registered professional land surveyor is required. We acknowledge the Petition includes a metes and bounds map and description of the Petition Area. However, we note that the map is not signed and stamped by a registered professional land surveyor. The map is also reduced to such an extent as to render the metes and bounds information on it illegible. A full size metes and bounds map should be provided. A full size copy of the tax map with the Petition Area delineated should similarly be provided.
- 3) In accordance with HAR §15-15-50(c)(9), a statement describing the financial condition together with a current certified balance sheet and income statement as of the end of the last calendar year, or if the Petitioner is on a fiscal year basis, as of the end of the Petitioner's last fiscal year, and a clear description of the manner in which the Petitioner proposes to finance the proposed use or development. We acknowledge that Petitioner intends to amend the Petition with Petitioner's financial statements towards the end of the EIS process. Clarification should be provided as to whether Petitioner also intends to include the provision of the required project financing description.


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Finally, please be advised that in the event a notice of intent to intervene is filed with the LUC pursuant to HAR §15-15-52(b), the Petition should be served upon the potential intervenor and an affidavit of petitioner or his agent attesting to his compliance with HAR §15-15-48(b) should be filed.

We have no further comments to offer at this time. Your attention to these matters is requested.

Please feel free to contact Bert Saruwatari of our office at 587-3822 should you require clarification or any further assistance.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

DANIEL E. ORODENKER
Executive Officer

c: Office of Planning
County of Kaua'i Planning Department