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LAND USE COMMISSION  
STATE OF HAWAII  
2019 JAN 18 A 11: 11

Attorneys for Petitioners  
PIILANI PROMENADE SOUTH, LLC and  
PIILANI PROMENADE NORTH, 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	)	SUBMISSION OF ORIGINAL
Agricultural Land Use District Boundary	)	DECLARATION OF KENNETH F. GIFT
into the Urban Land Use District for	)	IN SUPPORT OF PETITIONERS'
Approximately 88 acres at Kaonoulu,	)	MEMORANDUM IN OPPOSITION TO
Makawao-Wailuku, Maui, Hawai'i; Tax	)	INTERVENORS' MOTION TO
Map Key Nos. (2) 2-2-02: por. 15 and 3-9-	)	CONDUCT PHASE II OF CONTESTED
01:16	)	CASE PENDING SINCE 2012, AND FOR
	)	FINAL DECISION FILED DECEMBER 3,
	)	2018, FILED ON JANUARY 10, 2019;
	)	CERTIFICATE OF SERVICE
	)	
	)	

SUBMISSION OF ORIGINAL DECLARATION OF  
KENNETH F. GIFT IN SUPPORT OF PETITIONERS'  
MEMORANDUM IN OPPOSITION TO INTERVENORS' MOTION TO CONDUCT  
PHASE II OF CONTESTED CASE PENDING SINCE 2012, AND FOR FINAL  
DECISION FILED DECEMBER 3, 2018, FILED ON JANUARY 10, 2019

Petitioners PIILANI PROMENADE SOUTH, LLC and PIILANI PROMENADE  
NORTH, LLC (collectively, "Piilani"), through its attorneys, McCorrison Miller Mukai  
MacKinnon LLP, hereby submits the original Declaration of Kenneth F. Gift, an electronically-

transmitted copy of which was attached as Exhibit 2 to the Declaration of Randall F. Sakumoto in support of its Memorandum in Opposition to Intervenor's Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision, Filed December 3, 2018, filed on January 10, 2019.

DATED: Honolulu, Hawai'i, JAN 18 2019.



RANDALL F. SAKUMOTO  
LISA W. CATALDO  
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Attorneys for PIILANI PROMENADE  
SOUTH, LLC and PIILANI PROMENADE  
NORTH, 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	)	DECLARATION OF
Agricultural Land Use District Boundary	)	KENNETH F. GIFT; EXHIBIT "J"
into the Urban Land Use District for	)	
Approximately 88 acres at Kaonoulu,	)	
Makawao-Wailuku, Maui, Hawai'i; Tax	)	
Map Key Nos. (2) 2-2-02: por. 15 and	)	
3-9-01:16	)	
	)	
	)	
	)	
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DECLARATION OF KENNETH F. GIFT

I, KENNETH F. GIFT, hereby declare that:

1. I am the Divisional Engineer for Hawaii for Goodfellow Bros. ("GBI").
2. This declaration is submitted in reference to the above-captioned case.
3. Unless otherwise indicated, all statements made herein are based on personal knowledge.
4. I am an individual over eighteen (18) years of age and under no legal or mental disability, and I am competent to testify, having personal knowledge of the matters set forth herein.
5. I am a graduate of Southern Methodist University, with a Bachelor of Arts degree in Social Studies.
6. In 2012, Piilani Promenade South, LLC and Piilani Promenade North, LLC (collectively, "Piilani") entered into two contracts with GBI for onsite and offsite construction work.

7. To my knowledge, the offsite construction work corresponded to the improvements required by the County of Maui pursuant to its final subdivision approval for the Kaonoulu Ranch (Large-Lot Subdivision No. 2, Subdivision File No. 2.2795, and Kaonoulu Ranch – Water Tank Subdivision, Subdivision File No. 2.2995).

8. From June through September 2012 GBI purchased materials for the offsite construction work on behalf of Piilani. True and correct copies of the purchase orders are attached hereto as Exhibit “J.” In summary, GBI purchased the following:

<i>Purchase Order No.</i>	<i>Vendor</i>	<i>Brief Description</i>
85052537	American Cast Iron	36” DIP, smaller size DIP and Misc.
85052922	Ferguson Enterprises, Inc.	36” BFV and Misc.
85056404	Ferguson Enterprises, Inc.	36” Adapters
85055165	Ferguson Enterprises, Inc.	Sewer Pipe, Fittings and Water Fittings
85055663	Geotech Solutions, Inc.	Geomat
85054180	Hawaii Concrete Products	CAP Pipe and Cap Manholes
85055245	Prinsco Inc.	HDPE Pipe
85054245	Walker Industries, Inc.	Pre-Cast Concrete Structures

9. The materials have been located on the parcels owned by Piilani since 2012, and remain located on site as of the date of this Declaration.

10. The total amount expended for materials for the offsite construction work was \$3,418,822.01. Piilani has reimbursed GBI for the purchased materials in the entirety.

11. A breakdown of GBI’s costs through August 2018 totaling \$5,225,159.06, which Piilani has paid in full, is provided below:

<i>Offsite Construction Work</i>		
\$3,418,822.01	Materials	Includes purchase price, shipping costs, markup and taxes
\$115,000.00	Mobilization	Costs to bring equipment to the site including transport from other islands and Washington

\$490,692.54	Startup costs incurred	Costs to plan, schedule and prepare for the work, bond and permit fees
\$581,159.94	Delay costs to March 2013	Equipment on standby, site maintenance, security, general expenses
\$60,750.31	Finance charges to March 2013	
\$282,474.26	Misc. services from March 2013 to August 2018	Includes inspection and protection of the purchased materials, dust fence replacement and removal as necessary

<i>Onsite Construction Work</i>		
\$255,860.00	BMP's	Primarily installation of the dust fence and silt fence
\$20,400.00	Grading (for BMP's)	Clearing and grading for the dust fence and silt fence, and preparation of the materials laydown area

I, KENNETH F. GIFT, declare under penalty of law that the foregoing is true and correct.

Executed this ninth day of January, 2019, at Kihei, Maui, Hawai'i.

  
 \_\_\_\_\_  
 KENNETH F. GIFT

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	Docket No. A94-706
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KAONOULU RANCH to Amend the	)	
Agricultural Land Use District Boundary	)	CERTIFICATE OF SERVICE
into the Urban Land Use District for	)	
Approximately 88 acres at Kaonoulu,	)	
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01:16	)	
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the date noted below, a true and correct copy of the foregoing document, was duly served upon the following person by hand-delivery (HD) or by mailing said copy, postage prepaid, first class, in a United States post office at Honolulu, Hawaii (M), addressed as set forth below:

DANIEL ORODENKER, Executive Officer Land Use Commission, State of Hawai'i 235 South Beretania Street Room 406, Leiopapa A Kamehameha Bldg. Honolulu, Hawai'i 96813	HD
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DAWN T. APUNA, Esq. Deputy Attorney General State of Hawaii Department of the Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813	M
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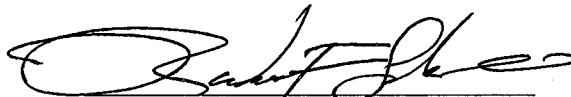
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DATED: Honolulu, Hawai'i, JAN 18 2019



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SOUTH, LLC and PIILANI PROMENADE  
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