

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2100
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE 808.523.2500 FAX 808.523.0842
WWW.CARLSMITH.COM

ORIGINAL

LAND USE COMMISSION
STATE OF HAWAII

2019 NOV 14 A 10:15

LETTER OF TRANSMITTAL

TO: Riley Hakoda
Chief Clerk
Land Use Commission
235 S. Beretania Street, Room 406
Honolulu, HI 96813

DATE: November 14, 2019

RE: Docket No. A87-610:
In the Matter of the Petition of Tom Gentry
and Gentry-Pacific, Ltd.

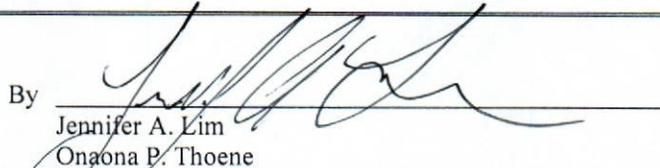
Mailed Hand Delivered

THE FOLLOWING IS TRANSMITTED HEREWITH:

<u>COPIES</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	11/13/19	Page 6 of KS Exhibit 46 - Executed signature page to Written Direct Testimony of Eric B. Guinther

- | | |
|--|--|
| <input type="checkbox"/> For Your Information | <input type="checkbox"/> For Review and Comment |
| <input type="checkbox"/> For Your Files | <input checked="" type="checkbox"/> For Necessary Action |
| <input checked="" type="checkbox"/> Per Your Request | <input type="checkbox"/> For Signature and Return (Black Ink) |
| <input type="checkbox"/> Per Our Conversation | <input type="checkbox"/> See Remarks Below |

REMARKS: Enclosed is a replacement to page 6 of KS Exhibit 46 (Written Direct Testimony of Eric B. Guinther). We filed an unsigned copy of Mr. Guinther's Written Direct Testimony with Successor Petitioner's First Amended List of Witnesses; First List of Rebuttal Exhibits; Exhibits 42-48 on November 4, 2019, because Mr. Guinther was traveling out of the country and unable to provide his signature at that time. Successor Petitioner requests that the Commission replace the unsigned copy of page 6 of Exhibit 46 with the enclosed executed and dated page 6. No other changes to KS Exhibit 46 are requested. Please feel free to contact me directly at (808) 523-2557 or Jeannie Hirabara at (808) 523-2683, if you have any questions or concerns. Thank you.

By 
Jennifer A. Lim
Onaona P. Thoene

Enclosure
cc w/encl.: Mary Alice Evans, Director, Office of Planning (via email and US Mail)
Dawn Takeuchi-Apuna, Esq., Deputy Attorney General (via email and US Mail)
Kathy K. Sokugawa, Director, Department of
Planning and Permitting (via email and US Mail)
Duane Pang, Esq., Deputy Corporation Counsel (via email and US Mail)

conducted during construction of the Project, all associated lighting should be shielded. Additionally, if large work lights are used, these must be placed on poles that are high enough to allow the lights to be pointed directly towards the ground.

If exterior facility lighting is installed, it is recommended that the lights be manual, timed, or motion sensor configured and downward shielded to reduce the potential for causing interactions between nocturnally flying seabirds and man-made structures.

19. **In your professional opinion, will the Project adversely impact any natural resources in or around the Project site?**

No. Due to the historical agricultural uses of the KS Property, including the Project site and the area along the gen-tie route, the lack of threatened or endangered species, and the lack of significant plants or animals on the KS Property, development of the Project will not have an adverse effect on any such resources. However, the recommended mitigation measures should be followed by the Project developer.

DATED: Honolulu, Hawai'i, November 13, 2019.

Respectfully submitted,



ERIC B. GUINTNER