

CARLSMITH BALL LLP

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Attorneys for Petitioner HANO HANO LLC

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition Of

HANO HANO LLC, a Hawaii Limited
Liability Company

To Amend the State Land Use Agricultural
District to the State Land Use Urban District
for approximately 28.695 acres of land at
Keahua, Kula, Island and County of Maui,
State of Hawaii, bearing Tax Map Key
Numbers 2-3-11:1 and 2-3-11:2 (Second
Taxation Division)

DOCKET NO. A03-745

**HANO HANO LLC'S SECOND LIST OF
EXHIBITS; AFFIDAVIT OF DEREK B.
SIMON; EXHIBITS "28" - "31";
CERTIFICATE OF SERVICE**

HANO HANO LLC'S SECOND LIST OF EXHIBITS

HANO HANO LLC, a Hawai'i Limited Liability Company ("**Petitioner**"), by and through its legal counsel, CARLSMITH BALL LLP, hereby respectfully submits to the Land Use Commission of the State of Hawai'i its *Second List of Exhibits* and Exhibits "28" through "31" in support of its *Motion to Release and Modify Conditions*, filed August 10, 2020.

Petitioner reserves the right to amend its list of exhibits and identify additional exhibits not expressly noted herein in response to any pleadings, arguments, exhibits or witnesses identified by any party.

DATED: Honolulu, Hawai'i, September 30, 2020.

A handwritten signature in black ink, appearing to be 'JAL', written over a horizontal line.

JENNIFER A. LIM
DEREK B. SIMON

Attorneys for HANO HANO LLC

PETITIONER'S EXHIBIT NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
*Petitioner Hanohano LLC's Exhibits "1" through "27" were filed with its <i>First List of Exhibits</i> on August 19, 2020.			
1	File Plan No. 2488		
2	Kualono Declaration of Covenants, Conditions, Easements and Restrictions, dated July 27, 2016		
3	Limited Warranty Deed with Covenants and Reservations (Common Area Lots), dated July 11, 2019 to Kualono Homeowners' Association		
4	Warranty Deed, dated June 20, 2019 to County of Maui		
5	Tentative Dedication Map for Lot 59, dated May 9, 2019		
6	Land Board Submittal from the State of Hawai'i Department of Transportation for agenda item M-6 re Dedication of Lot 59, dated July 21, 2020		
7	2019 Annual Report of Hanohano LLC, Docket No. A03-745, dated May 1, 2019		
8	Agreement for Affordable Housing Contribution, dated October 25, 2006		
9	Letter from Habitat for Humanity Maui, dated April 25, 2011		
10	Deed, dated February 8, 2011 to County of Maui		
11	County of Maui Department of Public Works, Development Services Administration Final Subdivision Approval Letter for File No. 2.2896, dated June 5, 2009		

PETITIONER'S EXHIBIT NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
*Petitioner Hanohano LLC's Exhibits "1" through "27" were filed with its <i>First List of Exhibits</i> on August 19, 2020.			
12	Kualono Subdivision Certified As-Built Plans, Sheet 14.02 (Old Haleakala Highway Striping Plan)		
13	Letter report from Vuich Environmental Consultants, Inc., dated June 6, 2005		
14	Letter from County of Maui Department of Water Supply, dated September 22, 2017		
15	Letter from State of Hawai'i Department of Defense, Hawai'i Emergency Management Agency, dated May 9, 2019		
16	Kualono Subdivision Certified As-Built Plans, Sheet 2.01 (Site Plan)		
17	Kualono Subdivision Certified As-Built Plans, Sheets 20.01 & 20.02 (Construction Notes)		
18	Kualono Subdivision Certified As-Built Plans, Sheets 15.01 (Erosion Control Plan) & 15.02 (Erosion Control Notes and Details)		
19	Photographs of common area landscaping for the Kualono Subdivision		
20	Public Offering Statement for the Kualono Subdivision		
21	Sample Limited Warranty Deed with Reservations and Covenants, dated July 14, 2017 (Redacted)		
22	Certificate of Conditions, dated May 20, 2005		
23	Letter on behalf of Hanohano LLC to the State of Hawai'i Land Use		

PETITIONER'S EXHIBIT NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
*Petitioner Hanohano LLC's Exhibits "1" through "27" were filed with its <i>First List of Exhibits</i> on August 19, 2020.			
	Commission with Exhibits A (email correspondence re curator selection) and B (Bylaws of the Kualono Heiau Curator Selection Committee), dated September 28, 2018		
24	Photographs of heiau informational signage installed at the Kualono Subdivision		
25	Final Preservation Plan for <i>Heiau</i> Site 50-50-05-2701 Located in Makaeha <i>Ahupua'a</i> , Makawao District, Island of Maui, TMK: 2-3-11:01 and 02, revised August 2008		
26	Letter from State of Hawai'i Department of Land and Natural Resources, State Historic Preservation Division, dated September 19, 2008		
27	Description and map of View Corridor Easement V-1, dated June 2, 2016		
28	Board of Land and Natural Resources submittal from the State of Hawai'i Department of Transportation for agenda item M-6 re Dedication of Lot 59, dated July 21, 2020, and marked approved by the Board of Land and Natural Resources at its August 14, 2020 meeting		
29	Email from Leilani Pulmano with attached draft Dedication Deed for Lot 59 to Scott Matsumoto of the State of Hawai'i Department of Transportation, dated September 15, 2020		
30	Email from Guy Miyashiro to Leilani Pulmano confirming installation of Siren MA155, dated September 17, 2020		

PETITIONER'S EXHIBIT NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
*Petitioner Hanohano LLC's Exhibits "1" through "27" were filed with its <i>First List of Exhibits</i> on August 19, 2020.			
31	Photograph showing Siren MA155 installed		

September 17, 2020.

6. Attached hereto as Petitioner's Exhibit 31 is a true and correct copy of a photograph showing Siren MA155 installed.

I make this affidavit under Hawai'i Administrative Rules, § 15-15-70(c).

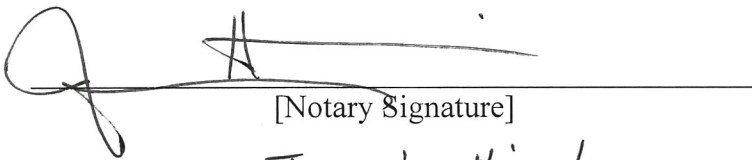
Further affiant sayeth naught.

DATED: September 30, 2020.



DEREK B. SIMON

The attached document:
Affidavit of Derek B. Simon,
dated this September 30, 2020,
which consists of two
(-2-) pages (including this page), was
executed by Derek B. Simon who was
subscribed and sworn to before me
this 30th day of September, 2020 in the First
Judicial Circuit of the State of Hawai'i.



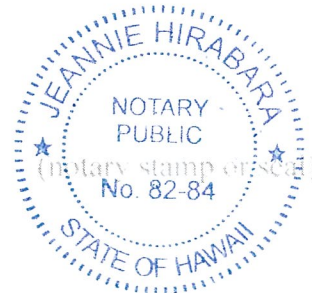
[Notary Signature]

Printed
Name:

Jeannie Hirabara

My commission expires:

2/7/22



DAVID Y IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T BUTAY
DIRECTOR

Deputy Directors
LYNN A S ARAKI-REGAN
DEREK J CHOW
ROSS M HIGASHI
EDWIN H SNIFFEN

IN REPLY REFER TO:
HWY-RM 3.96235

July 21, 2020

Ms. Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Ms. Case:

Subject: Land Board Submittal to the State of Hawaii
Board of Land and Natural Resources, Maui, Hawaii

MAUI:

Dedication of Land to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Haleakala Road Federal Aid Project (FAP) No. 5B, situate at Kehuna, Kula, Maui, Hawaii, Re: Tax Map Key (TMK) (2) 2-3-011-132.

APPLICANT:

DEPARTMENT OF TRANSPORTATION, Highways Division (DOT).

LEGAL REFERENCE:

Sections 107-10, 171-30 and Chapter 264, Hawaii Revised Statutes, as amended.

LOCATION:

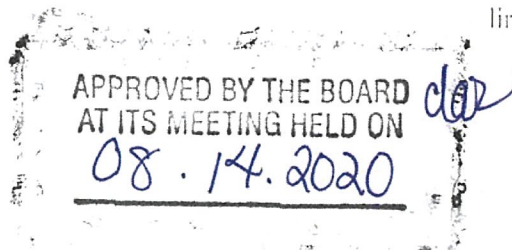
Land relating to Haleakala Highway, FAP No. 5B, situate at Kehuna, Kula, Maui, Hawaii, being all of Lot 59 of Kualono Subdivision, File Plan 2488, identified as TMK (2) 2-3-011-132, as shown and described on the attached maps labeled as Exhibit A.

AREA PARCEL:

Parcel 1=1,702 square feet or 0.039 acre

OWNERSHIP

Hanohano LLC, A Hawaii
limited liability company



ITEM M-6

EXHIBIT 28

ZONING:

Road.

CURRENT USE STATUS:

Hanohano LLC, a limited liability company.

Road, and encumbered by Certificate of Conditions, Document No. 2005-105309; Grant, Document No. 2008-186999, amended by Document No. A-69190506 and A-6919507; Kualono Declaration of Covenants, Conditions, Easements and Restrictions, Document No. A-60530533; Grant of Access Easement, Document No. A-60010656; and Grant, Document No. A-63730561.

COMPENSATION:

The DOT will be conveyed the above referenced property gratis.

CHAPTER 343-ENVIRONMENTAL ASSESSMENT:

A Phase I Environmental Site Assessment was conducted by Vulich Environmental Consultants, Inc. in accordance to American Society of Testing and Materials Publication E1527-00 and this assessment has revealed no evidence of recognized environmental conditions in connection with the property.

REMARKS:

The parcel was created as required by the Findings of Fact, Conclusions of Law, and Decision and Order For a State Land Use District Boundary Amendment of the Land Use Commission. "...6. Traffic Impact Mitigation. ... 6e. An extended separate right turn lane, approximately 150 feet long, on the makai bound approach of Haleakala Highway within the available right-of-way and within the constraints of the existing drainage ditch."

As of September 1, 2018, the Department of the Attorney General has mandated the DOT to obtain Board approval for all acquisitions in accordance with Section 171-30, Hawaii Revised Statutes.

RECOMMENDATION:

That the Board:

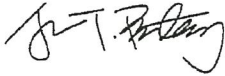
- A. Authorize the dedication of the subject land under the terms and conditions cited above which are by this reference incorporated herein and further subject to the following:

Ms. Suzanne D. Case
July 21, 2020
Page 3

HWY-RM 3.96235

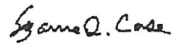
1. The standard terms and conditions of the appropriate deed, as may be amended from time to time.
 2. Review and approval by the Department of the Attorney General; and
 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.
- B. Authorize the acquisition even in the event of a change in the ownership of the parcel described herein and on the attached maps labeled collectively as Exhibit A, under the terms and conditions cited above which are by this reference incorporated herein.

Sincerely,

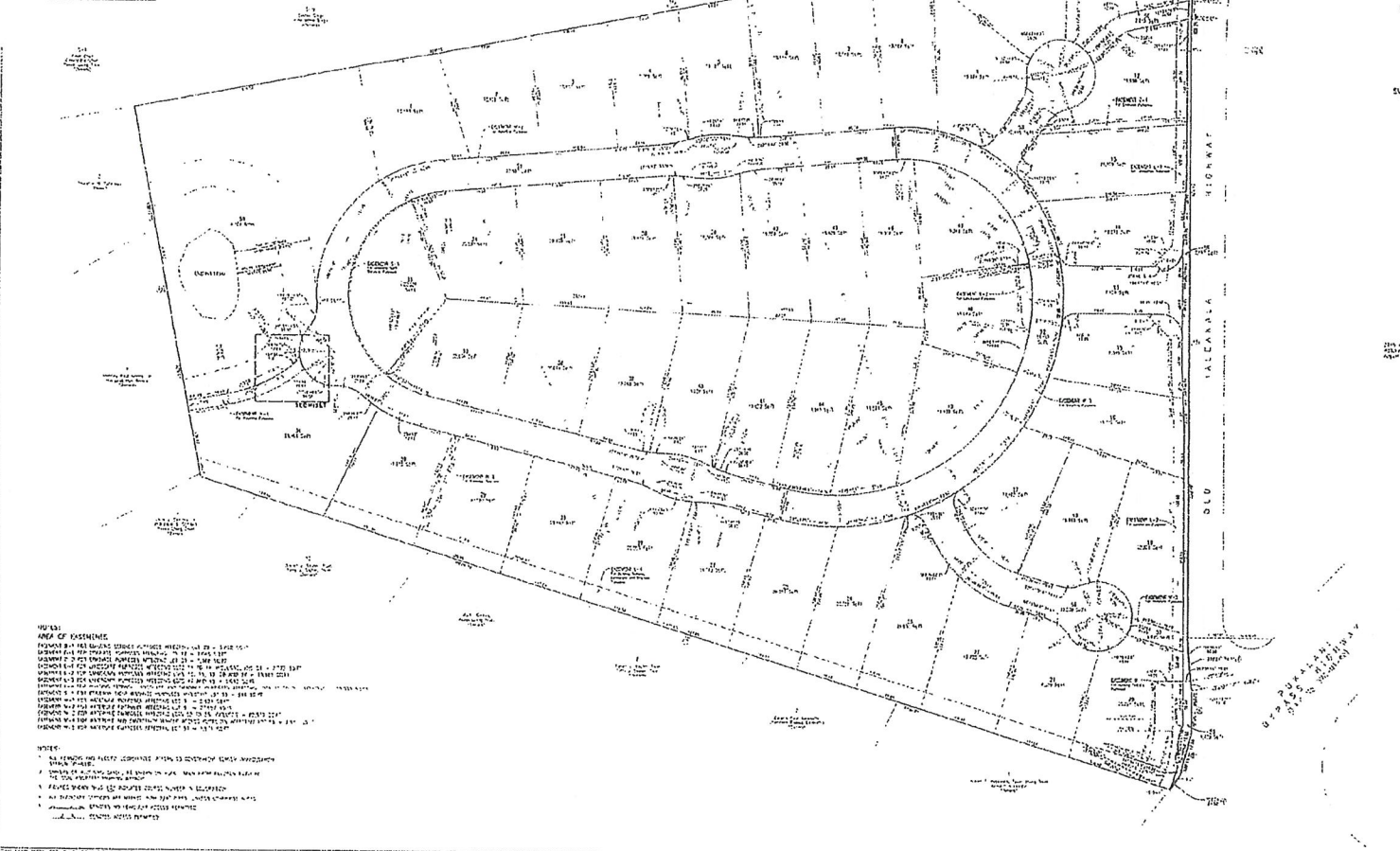
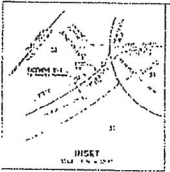


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson



KIAHOLO SUBDIVISION

LAND SITUATE ON THE SOUTHWESTERLY CORNER OF OLD WALKERSVILLE HIGHWAY

SECTION 10, T. 21 N., R. 10 W., S. 10 E., CO. 10, MO.

THIS PLAN OF SUBDIVISION WAS PREPARED BY THE ENGINEER AND ARCHITECTS ASSOCIATION OF MISSOURI, INC., ARCHITECTS AND ENGINEERS, 1115 N. BROADWAY, ST. LOUIS, MISSOURI.

APPROVED FOR THE STATE OF MISSOURI, DEPARTMENT OF REVENUE, DIVISION OF LANDS, ON THIS 15th DAY OF APRIL, 1934, AT ST. LOUIS, MISSOURI.

APPROVED FOR THE STATE OF MISSOURI, DEPARTMENT OF REVENUE, DIVISION OF LANDS, ON THIS 15th DAY OF APRIL, 1934, AT ST. LOUIS, MISSOURI.

AREA - 28.828 ACRES

THE AREA OF THIS SUBDIVISION IS 28.828 ACRES, BEING THE ENTIRE AREA OF THE LAND SHOWN ON THIS PLAN.

APPROVED FOR THE STATE OF MISSOURI, DEPARTMENT OF REVENUE, DIVISION OF LANDS, ON THIS 15th DAY OF APRIL, 1934, AT ST. LOUIS, MISSOURI.

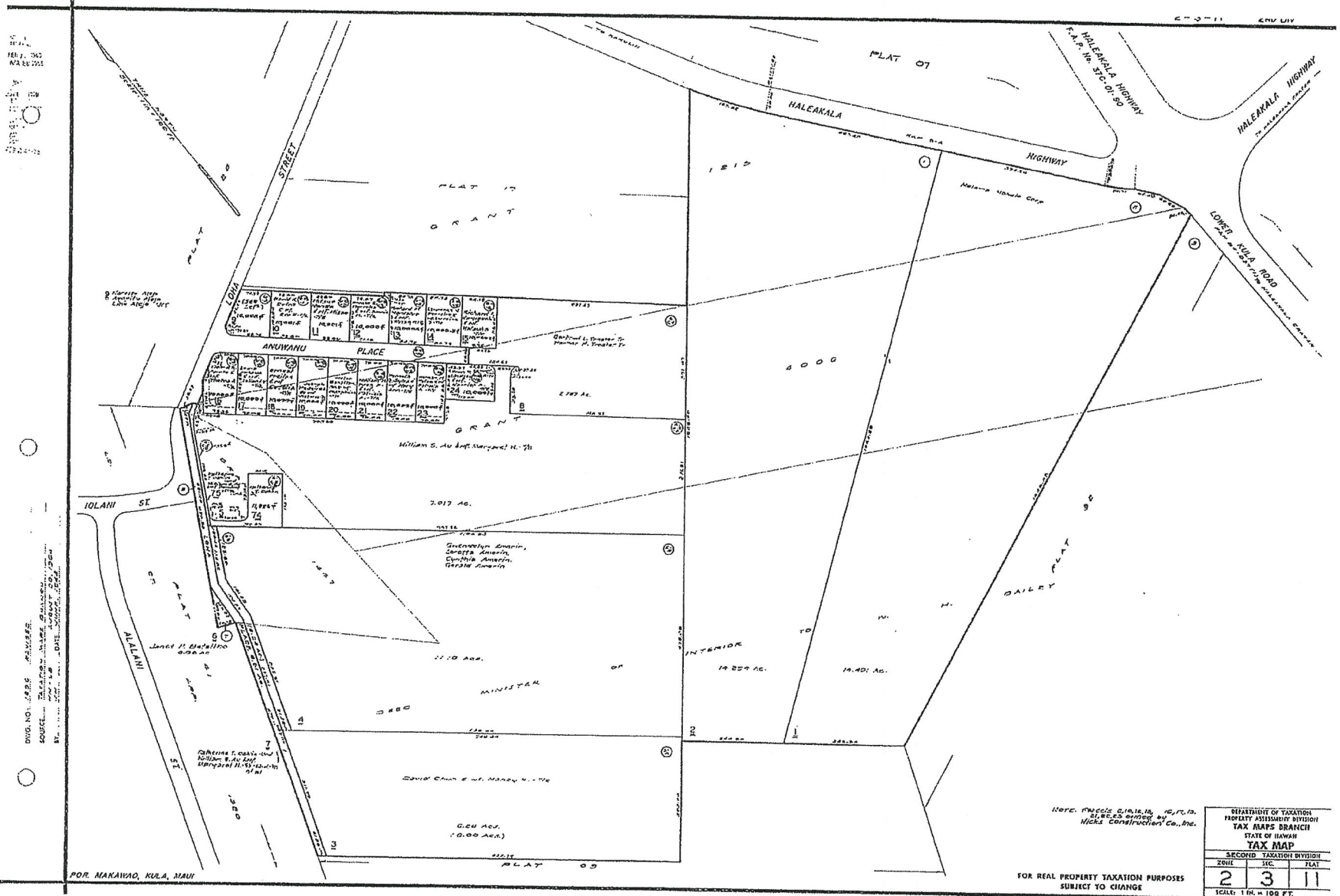
NOTES:

1. ALL LOTS ARE TO BE CONVEYED BY DEED TO THE BUYER.
2. THE AREA OF EACH LOT IS SHOWN ON THIS PLAN.
3. THE AREA OF EACH LOT IS TO BE AS SHOWN ON THIS PLAN.
4. THE AREA OF EACH LOT IS TO BE AS SHOWN ON THIS PLAN.
5. THE AREA OF EACH LOT IS TO BE AS SHOWN ON THIS PLAN.

EXHIBIT A

REVISED
 FEB. 7, 1962
 KA 28 1051

DWG. NO. 1435
 SOURCE: TAX MAPS BRANCH
 DATE: 1-15-62



POR. MAKAWAO, KULA, MAUI

NOTE: THESE LOTS ARE SUBJECT TO A DEED BY NICKS CONSTRUCTION CO., INC.

DEPARTMENT OF TAXATION PROPERTY ASSESSMENT DIVISION TAX MAPS BRANCH STATE OF HAWAII TAX MAP		
SECOND TAXATION DIVISION		
ZONE	SIC	PLAT
2	3	11
SCALE: 1 IN. = 100 FT.		

FOR REAL PROPERTY TAXATION PURPOSES
 SUBJECT TO CHANGE

Derek B. Simon

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, September 15, 2020 7:39 PM
To: Matsumoto, Scott K
Subject: RE: Re: Haleakala Road FAP No. 5B
Attachments: SDOT Dedication Deed to State of Hawaii (Kualono FAP 5B) 200915.pdf; SDOT Dedication Deed to State of Hawaii (Kualono FAP 5B) 200915.DOC

Aloha Scott,

Thanks for checking. Here is the revised deed. I've attached the word document in case your AG would like to make any edits to the deed.

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Hoopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936

E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, September 15, 2020 3:18 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Re: Haleakala Road FAP No. 5B

Leilani,

As I do not know where there got it from, but I was going to see how. I still don't know when or where or even how, as I stated that DLNR is BLNR, so I they have they own system set up. There are no instructions to outside departments, as to how to gather more information, or for having minutes stamped in advanced. I don't know if its supposed to be submitted at the time of approval, if they will do it this far after the fact.

I have said that I will check, but I do not know the whole process as this is something new that was implemented.

thank you,
Scott

EXHIBIT 29

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, September 15, 2020 3:00 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Re: Haleakala Road FAP No. 5B

Can you ask BLNR secretary to stamp it like this report?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Hoopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, September 15, 2020 2:12 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Re: Haleakala Road FAP No. 5B

Hi Leilani,

This is a new process for us, and I'm not sure who you mean as "presented". The only people I remember there was Chair Case and the Board members. Along with you and I.

Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, September 15, 2020 1:27 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Re: Haleakala Road FAP No. 5B

You can request it from the person that was at the meeting who presented. I don't recall who that was. This is pretty typical that the DLNR would stamp the staff report as approved by BLNR.

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Hoopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, September 15, 2020 1:15 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Re: Haleakala Road FAP No. 5B

Hi Leilani,

I submitted the request, but I do not recall getting anything back from DLNR “approving” my request. I’m nit sure how this is done, as DLNR and BLNR are the same governmental agency, and DOT is an outside agency.

I can try, but we are not that familiar with the process, so I may not be able to obtain that.

Sorry,
Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, September 15, 2020 1:03 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Re: Haleakala Road FAP No. 5B

Can you please ask the staff person that presented the item for the approved staff report – similar to the attached? We just had an easement approved last week by the BLNR and got the attached approved staff report that day. See email attached.

Mahalo,
Leilani Pulmano | PACIFIC RIM LAND, INC.
Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, September 15, 2020 12:48 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Re: Haleakala Road FAP No. 5B

Good afternoon Leilani,

I was going to email too. I was asked to comment about this. Ok, don’t get surprised, but I said that we should be able to get this done within 4 months. I padded the timeframe. I am still waiting for BLNR to approve our meeting minutes, and they have only approved up to July 10th. What is left is for it he deed to get approved by our Attorney General’s but I can’t send that until I have the approved meeting minuets showing that our item was approved. Then after it’s approved, signatures, recording and then we’re done.

I do need you to revise the deed you sent me. I’ll send a copy of what I need inserted by the signature line. It needs to state that it was approved by BLNR.

Thank you,
Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, September 15, 2020 10:26 AM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Re: Haleakala Road FAP No. 5B

Aloha Scott,

Can I please get an update on this? We will be before the State Land Use Commission to release conditions on October 7, and this is one of the conditions that we have requested to release. I will need to provide an update on the status of the dedication.

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | **Direct: 808-270-5936**
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Monday, August 24, 2020 3:52 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Re: Haleakala Road FAP No. 5B

I need to check, but I think I need to wait until the minutes get posted, or I receive "Official" notification of approval. After that I think it's a matter of signatures and approval by the AG's

Scott Matsumoto
Department of Transportation, Highways Division
Right-of-Way Branch
Property Management Section
601 Kamokila Blvd, #691
Kapolei, Hawaii 96707
Phone: (808) 692-7393
Fax: (808) 692-7327

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Monday, August 24, 2020 3:49 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Re: Haleakala Road FAP No. 5B

Aloha Scott,

Now that BLNR approved the easement, what is the next step?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, June 23, 2020 1:53 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Re: Haleakala Road FAP No. 5B

Good afternoon Leilani,

I'm so sorry, I have done the letter. But now I'm getting mixed signals. I have to find out for sure if I need Land Board approval or not. One person said "yes" another said "no".

Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Monday, June 22, 2020 3:50 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Re: Haleakala Road FAP No. 5B

Aloha Scott,

May I please get an update?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Saturday, May 9, 2020 6:45 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Re: Haleakala Road FAP No. 5B

Thank you Leilani,

I'll work on submitting the request to the Board of Natural Resources.

Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Saturday, May 9, 2020 11:10 AM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Re: Haleakala Road FAP No. 5B

Aloha Scott,

Please see attached.

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | **Direct: 808-270-5936**
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, May 5, 2020 3:06 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Haleakala Road FAP No. 5B

Leilani,

I need to know what encumbrances are on the property, so I think I need a Preliminary Report. If I'm not mistaken, a Status Title report basically just tells me who the owners are.

Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, May 5, 2020 2:45 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Haleakala Road FAP No. 5B

Aloha Scott,

I believe we provided the deed but not a title report. We can order one from escrow, do you want a Status Title Report or a Preliminary Report?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, May 5, 2020 12:48 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Haleakala Road FAP No. 5B

Good afternoon Leilani,

I got the exhibit approved by my Cadastral section, now I need approval from BLNR. Have I ask you for a title report on the land you want to give to us? I need one to make sure what kind of encumbrances there are on the property. Also, if there are any liens, those need to be released.

Thank you,
Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Monday, May 4, 2020 4:55 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Haleakala Road FAP No. 5B

Aloha Scott,

Any updates?

Mahalo,
Leilani Pulmano | PACIFIC RIM LAND, INC.
Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Thursday, April 2, 2020 8:11 AM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: Re: Haleakala Road FAP No. 5B

Good morning Leilani,

Sorry for the late response. I had sent it for view, but it was back because I didn't have all the required stamps on the description. I sent it out a few weeks ago, but it hasn't come back yet.

Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Monday, March 30, 2020 5:05 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Haleakala Road FAP No. 5B

Aloha Scott,

May I please get an update?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Wednesday, February 26, 2020 8:29 AM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: RE: Haleakala Road FAP No. 5B

Good morning Leilani,

Sorry, I've been out a few days. It's still not back. I'll follow up.

Thank you,
Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, February 25, 2020 8:34 AM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: [EXTERNAL] RE: Haleakala Road FAP No. 5B

Aloha Scott,

Can I please get an update?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936

E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>

Sent: Thursday, February 6, 2020 10:17 AM

To: Leilani Pulmano <leilanip@pacificrimland.com>

Subject: RE: Haleakala Road FAP No. 5B

Leilani,

I haven't gotten that back yet. Let me follow up with them

Thank you,

Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>

Sent: Wednesday, February 05, 2020 3:56 PM

To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>

Subject: [EXTERNAL] RE: Haleakala Road FAP No. 5B

Aloha Scott,

Can I please get an update?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201

P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936

E-mail: LeilaniP@pacificrimland.com

From: Leilani Pulmano

Sent: Thursday, November 21, 2019 11:28 AM

To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>

Subject: RE: Haleakala Road FAP No. 5B

I hope all is well. And, thank you for your follow up.

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201

P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936

E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Thursday, November 21, 2019 10:29 AM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: RE: Haleakala Road FAP No. 5B

Thank you Leilani,

Sorry for the delay, but I had to take an emergency leave. I will send that out for review.

Thank you,
Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Wednesday, November 06, 2019 2:57 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: RE: Haleakala Road FAP No. 5B

Aloha Scott,

Here is the deed for your review and AG's approval.

Mahalo,
Leilani Pulmano | PACIFIC RIM LAND, INC.
Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | **Direct: 808-270-5936**
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, October 29, 2019 9:52 AM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: RE: Haleakala Road FAP No. 5B

Good morning Leilani,

As for the time frame, I'm not sure how long each process take. I need to submit the deed for approval to my AG's office, and also approval from the Board of Land and Natural Resources. After that, It needs signatures and then to be recorded. So, there's a lot a variable as to how long this process may take.

Thank you,
Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Friday, October 18, 2019 5:45 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Cc: Reed Ariyoshi (rma@wsue.com) <rma@wsue.com>; Rick Kiefer (rkiefer@cades.com) <rkiefer@cades.com>; John R.

Love (jlove@cades.com) <jlove@cades.com>

Subject: FW: Haleakala Road FAP No. 5B

Aloha Scott,

Our attorney can draft the deed. Can you please outline the next steps and possible timeline until dedication? We will be before the State Land Use Commission and will need to provide a status on this.

Reed, please print on mylar. See instructions below. I can swing by to pick it up from your office.

Rick/John, can you please prepare a deed for the dedication of the roadway lot (Lot 59) to SDOT?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | **Direct: 808-270-5936**

E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>

Sent: Thursday, October 17, 2019 9:27 AM

To: Leilani Pulmano <leilanip@pacificrimland.com>

Subject: FW: Haleakala Road FAP No. 5B

God morning Leilani,

Cadastral reviewed the map, and said it looks good. See comment below for further instructions as to what to print it on.

Also, did you, or could you draft the deed? I need to have it approved by the Attorney General's office. I'm working on submitting a request to the Board of Land and Natural Resources for approval of the Dedication Deed.

Thank you,
Scott

From: Castro, Ted <ted.castro@hawaii.gov>

Sent: Thursday, October 17, 2019 8:20 AM

To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>

Subject: RE: Haleakala Road FAP No. 5B

Scott,

The map looks good. Print it in a "4 mil Double matte mylar" (per Cadastral Drafting Manual) for the final map with the surveyors stamp.

Thanks,
Ted

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>

Sent: Thursday, October 17, 2019 7:47 AM

To: Castro, Ted <ted.castro@hawaii.gov>
Subject: FW: Haleakala Road FAP No. 5B

Good morning Ted,

Could you review the revised map? They wanted to make sure it was ok, before they print it out on vellum.

Thank you,
Scott

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Wednesday, October 16, 2019 7:20 PM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Cc: Reed Ariyoshi (rma@wsue.com) <rma@wsue.com>
Subject: FW: Haleakala Road FAP No. 5B

Aloha Scott,

Please review addressing your changes.

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | **Direct: 808-270-5936**
E-mail: LeilaniP@pacificrimland.com

From: Ariyoshi, Reed M. <rma@wsue.com>
Sent: Tuesday, October 15, 2019 4:45 PM
To: Leilani Pulmano <leilanip@pacificrimland.com>; Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Subject: RE: Haleakala Road FAP No. 5B

Leilani,

Attached for your review, is a PDF file of the revised right of way map. If the revised map is acceptable, we will proceed to generate the mylar plot of the map.

If you have any questions or concerns, please feel free to contact us.

Reed

From: Leilani Pulmano [<mailto:leilanip@pacificrimland.com>]
Sent: Tuesday, October 15, 2019 10:04 AM
To: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>; Ariyoshi, Reed M. <rma@wsue.com>
Subject: FW: Haleakala Road FAP No. 5B

Aloha Scott,

Shucks, I thought the map was already approved by Cadastral Section?

Reed, can you please make these changes below and attached?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: Matsumoto, Scott K <scott.k.matsumoto@hawaii.gov>
Sent: Tuesday, October 15, 2019 9:10 AM
To: Leilani Pulmano <leilanip@pacificrimland.com>
Subject: FW: Haleakala Road FAP No. 5B

Good morning Leilani,

See below for comments from my Cadastral section:

Kindly have the consultant address the following comments.

1. Use 11" x 18" paper size and do not use 15" x 21".
2. Use 4 mil Double matte mylar for the final map with the surveyors stamp.
3. Delete the "Approved...Cadastral Engineer" in the title block. See attached map for other comments.
4. Make the azimuths and distances of the subject parcel to be bolder.

Thank you,

Scott

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Return by Mail () Pickup (X) To:

State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Document contains ___ pages.

Tax Map Key No. (2) 2-3-011-132

DEDICATION DEED

THIS INDENTURE, effective this ____ day of _____, 20___, by **HANOHANO LLC**, a Hawaii limited liability company, hereinafter referred to as “**Grantor**”, and the **STATE OF HAWAII**, by its Department of Transportation, whose address is 869 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter referred to as “**Grantee**”.

W I T N E S S E T H :

That Grantor, for and in consideration of the sum of ONE AND 00/100 DOLLARS (\$1.00), and other valuable consideration to it paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantee, forever, the property described in Exhibit A attached hereto and by reference made a part hereof (the “**Property**”);

TO HAVE AND TO HOLD the same, together with all improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith, all reversions, remainders, rents, issues and profits thereof and therefrom or appurtenant thereto, and all of the estate, right, title and interest of Grantor therein and thereto, unto Grantee, its successors and assigns, forever;

AND Grantor does hereby covenant and agree with Grantee, Grantee’s successors and assigns, that it has good right to sell and convey the Property; that the same is free and clear from all encumbrances made or suffered by Grantor, except non-delinquent real property taxes and as may be described in Exhibit A; and that subject to the foregoing, Grantor will WARRANT AND DEFEND the same against any and all encumbrances made or suffered by Grantor;

AT ALL TIMES HEREIN the terms "Grantor" and "Grantee" or any pronouns used in place thereof, shall mean and include the masculine or feminine, singular or plural number, and individuals, firms or corporations, and each of their respective legal representatives, successors and assigns, according to the context thereof, and the covenant of any two or more persons herein shall be joint and several.

IN WITNESS WHEREOF, Grantor has signed this deed as of the day and year first above written.

HANOHANO LLC, a Hawaii limited liability company

By: Separate Maui Investment, LLC,
a Washington limited liability company
Its Member-manager

By: JSG Separate Management, Inc.,
a Washington corporation
Its Manager

By: _____
Name: Ryan Churchill
Its: Vice President

GRANTOR

STATE OF HAWAII

Approved by the Board of
Land and Natural Resources
at its meeting held on
August 14, 2020, Item M-6,

By: _____
SUZANNE D. CASE
Chairperson
Board of Land and
Natural Resources

APPROVED AS TO FORM:

GRANTEE

Deputy Attorney General

Dated: _____

STATE OF HAWAII)
) SS:
COUNTY OF MAUI)

On this _____ day of _____, 20__, before me personally appeared Ryan Churchill, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Notary Public, State of Hawaii
Printed Name:
My commission expires:

(Official Stamp or Seal)

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description: Dedication Deed	
Doc. Date: _____ or <input type="checkbox"/> Undated at time of notarization.	
No. of Pages: _____ Jurisdiction: Second Circuit	
_____ Signature of Notary	_____ Date of Notarization and Certification Statement
_____ Printed Name of Notary	(Official Stamp or Seal)

EXHIBIT A

HALEAKALA ROAD
FEDERAL AID PROJECT NO. 5B
PARCEL 1

Being all of Lot 59 of Kualono Subdivision (File Plan 2488) and portions of the following: Royal Patent Grant 1215 to Lono and Land Patent Grant 4006 to Joe de Freitas Phillipe

Land situated at Keahua, Kula, Maui, Hawaii

Beginning at the Northeast corner of this parcel of land, on the West side of Haleakala Road, Federal Aid Project No. 5B, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PANE" being: 9,109.27 feet North and 4,897.42 feet West, thence running by azimuths measured clockwise from True South:

1. Thence along the Southwest side of Haleakala Road, Federal Aid Project No. 5B, along the Northeast side of Lot 59 of Kualono Subdivision (File Plan 2488), on a curve to the left with a radius of 408.07 feet, the chord azimuth and distance being:
311° 35' 06" 14.18 feet;
2. 320° 58' 31" 58.30 feet along same;
3. 335° 44' 31" 62.65 feet along same;
4. 352° 23' 31" 24.58 feet along same;
5. 68° 06' 01" 2.23 feet along the North side of Lower Kula Road, Federal Aid Project No. BF-037-1(1);

6. Thence along Lot 20 of Kualono Subdivision (File Plan 2488), on a curve to the left, with a radius of 187.00 feet, the chord azimuth and distance being:
161° 33' 44.5" 34.38 feet;
7. 119° 59' 31" 10.63 feet along same;
8. 149° 59' 31" 42.99 feet along same;
9. 179° 59' 31" 5.84 feet along same;
10. 140° 45' 31" 62.59 feet along same;
11. 222° 34' 49" 10.25 feet along Lot 58 of Kualono Subdivision (File Plan 2488) to the point of beginning and containing an Area of 1,702 Square Feet or 0.039 Acre.



WARREN S. UNEMORI ENGINEERING, INC.

Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
May 9, 2019

By: Reed M. Ariyoshi 04/30/20 Exp.
Licensed Professional Land Surveyor
Certificate No. 6597

Tax Map Key: (2) 2-3-11: 132

SUBJECT, HOWEVER, to any and all encumbrances of record as of the date of this instrument.

Derek B. Simon

From: guym@hawaii.rr.com
Sent: Thursday, September 17, 2020 10:01 AM
To: Leilani Pulmano
Subject: RE: Siren Update

Both installations are done. They are testing the Cell Connectivity with HIEMA today. I will forward pictures as soon as I get it

Thanks
Guy

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, September 15, 2020 8:42 AM
To: guym@hawaii.rr.com; 'Lance Morikawa' <lance@cei-oahu.com>
Cc: Noah Walin <noahw@pacificrimland.com>
Subject: RE: Siren Update

Great! Can you please send some pictures of the installation when pau?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

From: guym@hawaii.rr.com <guym@hawaii.rr.com>
Sent: Tuesday, September 15, 2020 8:29 AM
To: Leilani Pulmano <leilanip@pacificrimland.com>; 'Lance Morikawa' <lance@cei-oahu.com>
Cc: Noah Walin <noahw@pacificrimland.com>
Subject: RE: Siren Update

Leilani,

We are on schedule per the attached.

Thanks
Guy

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Tuesday, September 15, 2020 7:41 AM
To: Lance Morikawa <lance@cei-oahu.com>; Guy Miyashiro <guym@hawaii.rr.com>
Cc: Noah Walin <noahw@pacificrimland.com>
Subject: RE: Siren Update

Aloha Lance,

May I please get an update on the installation?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | **Direct: 808-270-5936**

E-mail: LeilaniP@pacificrimland.com

From: Lance Morikawa <lance@cei-oahu.com>

Sent: Thursday, September 3, 2020 10:33 AM

To: Leilani Pulmano <leilanip@pacificrimland.com>; Guy Miyashiro <guym@hawaii.rr.com>

Cc: Noah Walin <noahw@pacificrimland.com>

Subject: RE: Siren Update

Leilani,

We poured foundation at Kualona yesterday, we are schedule to pour Puunene tomorrow Friday at 1:00 PM. Concrete needs to cure for 7 days, so that put us at installing siren equipment on the 14th of September. See attached schedule

Lance

From: Leilani Pulmano <leilanip@pacificrimland.com>

Sent: Thursday, September 3, 2020 8:39 AM

To: Lance Morikawa <lance@cei-oahu.com>; Guy Miyashiro <guym@hawaii.rr.com>

Cc: Noah Walin <noahw@pacificrimland.com>

Subject: RE: Siren Update

Aloha Lance,

May I have an update on the installation?

Mahalo,

Leilani Pulmano | PACIFIC RIM LAND, INC.

Project Manager

1300 N. Holopono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | **Direct: 808-270-5936**

E-mail: LeilaniP@pacificrimland.com

From: Lance Morikawa <lance@cei-oahu.com>
Sent: Thursday, August 20, 2020 11:23 AM
To: Guy Miyashiro <guym@hawaii.rr.com>; Leilani Pulmano <leilanip@pacificrimland.com>
Cc: Noah Walin <noahw@pacificrimland.com>
Subject: RE: Siren Update

Leilani,

See attached Siren work schedule, it may change due to weather or flight requirement to get on Maui Island (Covid 19). If there is any changes will notify you.

Thanks, Lance

From: Guy Miyashiro <guym@hawaii.rr.com>
Sent: Thursday, August 20, 2020 8:11 AM
To: 'Leilani Pulmano' <leilanip@pacificrimland.com>; Lance Morikawa <lance@cei-oahu.com>
Cc: 'Noah Walin' <noahw@pacificrimland.com>
Subject: RE: Siren Update

Lance,

Can you reply all with the schedule. I know we have a 10 day curing time for the concrete.

Thanks
Guy

From: Leilani Pulmano <leilanip@pacificrimland.com>
Sent: Thursday, August 20, 2020 7:58 AM
To: Guy Miyashiro (<guym@hawaii.rr.com> <guym@hawaii.rr.com>
Cc: Noah Walin <noahw@pacificrimland.com>
Subject: Siren Update

Aloha Guy,

Can we please get an update on the status of the siren installations? Do you have a construction schedule that you can share with us?

Mahalo,
Leilani Pulmano | PACIFIC RIM LAND. INC.
Project Manager

1300 N. Holocono Street, Suite 201
P.O. Box 220, Kihei, Maui, Hawaii 96753

Office: 808-874-5263 | Direct: 808-270-5936
E-mail: LeilaniP@pacificrimland.com

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EXHIBIT 31

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition Of

HANOHANO LLC, a Hawaii Limited
Liability Company

To Amend the State Land Use Agricultural
District to the State Land Use Urban District
for approximately 28.695 acres of land at
Keahua, Kula, Island and County of Maui,
State of Hawaii, bearing Tax Map Key
Numbers 2-3-11:1 and 2-3-11:2 (Second
Taxation Division)

DOCKET NO. A03-745

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a filed copy of the foregoing document was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service, postage prepaid, as noted:

Mary Alice Evans, Director
State of Hawai'i Office of Planning
Leiopapa A Kamehameha Building
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

HAND DELIVERED

Clare E. Connors, Esq.
Attorney General
Dawn T. Apuna, Esq.
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Honolulu, Hawaii 96813

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Attorneys for State of
Hawai'i Office of Planning

Michele Chouteau McLean, Director
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2200 Main Street
Wailuku, HI 96793

U.S. MAIL, POSTAGE
PREPAID

Moana Lutey, Esq.
Corporation Counsel
Michael Hopper, Esq.
Deputy Corporation Counsel
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Wailuku, HI 96793

U.S. MAIL, POSTAGE
PREPAID

Attorneys for County of Maui
Department of Planning

DATED: Honolulu, Hawai'i, September 30, 2020.



JENNIFER A. LIM
DEREK B. SIMON

Attorneys for HANOHANO LLC