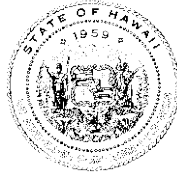


**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lieutenant Governor

**MICHAEL McCARTNEY**  
Director



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

**DANIEL ORODENKER**  
Executive Officer

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Planner

**SCOTT A.K. DERRICKSON, AICP**  
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Chief Clerk

November 10, 2020

Stuart N. Fujioka, Esq.  
Deputy Attorney General (for Petitioner)  
235 South Beretania Street, Room 304  
Honolulu, Hawai'i 96813

Subject: A11-794 State Department of Education (Kihei High School)  
Kihei, Maui, Hawai'i  
TMK Nos. (4) 2-2-002:081 and 083

Dear Mr. Fujioka:

In furtherance of resolution of this matter the Commission, at the hearing on November 4, 2020 requested answers to the following:

1. Did the DOE object to or otherwise comment on the form of the order (specifically this condition) when the order was originally passed?;
2. Why did the DOE seek an LUC site visit in June 2018 on this matter? Was it not the intent at that time to seek a changed condition? Why was that matter not pursued then?;
3. The LUC order of July 29, 2013 included condition 1.b. that required what is now referred to as a Grade Separated Pedestrian Crossing (GSPC) prior to the opening of Phase I. Subsequently, the DOE developed a preliminary design and budget, and requested funding for detailed design and construction of the school.
  - a. Did the preliminary design and budget include any consideration or funding for the GSPC?
  - b. Did the original budget request for the Kihei HS to the Legislature, by the DOE, specify whether or not the funds for the GSPC were requested?
  - c. If the answer to either 3a or 3 b is yes, how was the amount determined?
  - d. If the answer to either 3a or 3 b is no, how did this oversight or DOE decision making to explicitly not include the GSPC in the design and budget request occur? What was DOE's rationale to proceed with the budget request that did not include any funds for the GSPC?;

4. Please provide the scope of contract for all of the studies that concluded that there was no warrant for the crossing.
5. Should the LUC issue one or more subpoenas for documents related to #s 2, 3, and 4?;
6. Will the new school facilities organization be in charge of the construction? If so, can Mr. Tanaka bind them? Will Mr. Fujioka continue represent on this issue?;
7. Please specify who will be in charge of community outreach, and how such outreach will be conducted, and an agenda for the first meeting to be conducted; and,
8. Please provide a copy of this year's budget requests from DOE or DOT, if any, related to funding for a roundabout.

Answers to the above should be transmitted to the LUC directly and copies served on all the parties and various interested parties.

If you have any questions or concern please feel free to contact Scott Derrickson, AICP of my office at 587-3822, should you require further clarification or assistance.

Sincerely,



Daniel Orodener  
Executive Officer

Cc: Randy Tanaka, State Department of Education  
Ed Sniffen, State Department of Transportation  
Mary Alice Evans, State Office of Planning  
Dawn Apuna, Esq., Deputy Attorney General  
Michele McLean, Maui County Planning  
Michael Hopper, County Deputy Corporation Counsel  
LUC Commissioners

