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Attorneys for Petitioner
HG KAUAI JOINT VENTURE, LLC



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of:

HG KAUAI JOINT VENTURE, LLC

To Amend the Land Use District Boundary of Certain Lands Situated at Kapa'a, Island of Kauai, State of Hawai'i, consisting of approximately 96 Acres, from the Agricultural Land Use District to the Urban Land Use District, Kauai Tax Map Key 4-3-03: por 01.

DOCKET NO. A11-791

HG KAUAI JOINT VENTURE, LLC'S
MEMORANDUM IN OPPOSITION TO
PETITION TO INTERVENE BY
LIKO-O-KALANI-MARTIN;
CERTIFICATE OF SERVICE

**HG KAUAI JOINT VENTURE, LLC'S MEMORANDUM IN
OPPOSITION TO PETITION TO INTERVENE BY LIKO-O-KALANI-MARTIN**

HG KAUAI JOINT VENTURE, LLC, a Hawaii limited liability company ("HG Kauai"), by and through its attorneys, Dentons US LLP, opposes the Petition to Intervene filed by Liko-o-Kalani Martin on November 27, 2020.

I. INTRODUCTION

The Commission should deny this request to intervene because the petitioner's request was untimely, and he has not established: (1) his right to intervene, (2) how he will be harmed by

the Project, and (3) how his position is substantially different from the position of other parties already admitted to the proceeding.

II. ARGUMENT

Pursuant to HAR § 15-15-52(d):

All other persons may apply for leave to intervene, which shall be freely granted, provided the commission or its hearings officer may deny an application to intervene when, in the commission's, or hearings officer's discretion it appears that:

(1) The position of the applicant for intervention is **substantially the same as the position of a party already admitted to the proceeding**; and

(2) The admission of additional parties will render the proceedings inefficient and unmanageable.

Emphasis added. In addition, Petitions for intervention shall make reference to the following:

(1) **Nature of the petitioner's statutory or other right**;

(2) **Nature and extent of the petitioner's interest in the matter**, and if an abutting property owner, the tax map key description of the property; and

(3) **Effect of any decision in the proceeding on the petitioner's interest**.

HAR § 15-15-52(f) (emphasis added). Petitions for intervention pursuant to subsection (d) shall also make reference to the following:

(1) Other means available whereby the petitioner's interest may be protected;

(2) Extent the petitioner's interest will not be represented by or differs from that of existing parties;

(3) Extent the petitioner's participation can assist in development of a complete record;

(4) Extent the petitioner's participation will broaden the issues; and

(5) How the petitioner's intervention would serve the public interest.

HAR § 15-15-52(g).

Mr. Martin fails to show (1) that he has a “statutory or other right” to intervene, (2) how his interests will be impaired or impeded if he is not allowed to intervene, and (3) how his position is substantially different from the position of other parties already admitted to the proceeding, so that it will “assist in development of a complete record” and “broaden the issues.”

Mr. Martin fails to establish that he has a “statutory or other right” to intervene. His address is a P.O. Box in Honolulu, and he does not state that he lives in the vicinity of the Petition Area or on Kauai. He clearly does not represent the public interest of Kauai, as he claims.

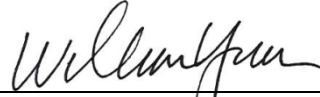
Mr. Martin fails to establish the “nature and extent of [his] interest in the matter,” and the “effect of any decision in the proceeding on [his] interest.” He states that he is “concerned about the environmental impact and potential illegalities” that would arise “with respect to Hawaiian National Usage.” However, he gives no specific or concrete examples, or how it relates to his usage as a Native Hawaiian. In addition, he states that he is concerned with various environmental impacts, however, he does not clearly state how his interests will be impaired or impeded.

In addition, County of Kauai Planning Department and the Office of Planning adequately represent the interests expressed by Mr. Martin. His main concerns are general concerns of all development projects, including risks to environmental resources, water, and traffic. These interests are already represented by the State and County.

III. CONCLUSION

Based on the foregoing, the Commission should deny petitioner’s request to intervene.

DATED: Honolulu, Hawai'i, December 1, 2020.



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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I caused a true and correct copy of the foregoing document to be served on the following persons by E-mail, U.S. mail, postage prepaid to their respective addresses (as indicated below):

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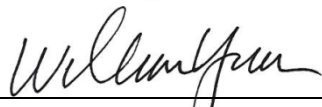
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Intervener

DATED: Honolulu, Hawai'i, December 1, 2020.


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