

WILLIAM W.L. YUEN 1359  
JANNA WEHILANI AHU 10588

DENTONS US LLP  
1001 Bishop Street, Suite 1800  
Honolulu, Hawai'i 96813-3689  
Telephone: (808) 524-1800  
Facsimile: (808) 524-4591  
Email: [william.yuen@dentons.com](mailto:william.yuen@dentons.com)  
[janna.ahu@dentons.com](mailto:janna.ahu@dentons.com)

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

**PETITIONER'S MOTION FOR WITHDRAWAL OF AMENDED PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT; DECLARATION OF WILLIAM W.L. YUEN; CERTIFICATE OF SERVICE**

**PETITIONER'S MOTION FOR WITHDRAWAL OF AMENDED PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT**

Petitioner HG KAUAI JOINT VENTURE, LLC, a Hawaii limited liability company ("HG Kauai"), by and through its attorneys, Dentons US LLP, hereby moves to withdraw its Amended Petition for Land Use Boundary Amendment.

This motion is brought pursuant to HAR § 15-15-50.6(b) and is based on the attached declaration of counsel. Petitioner requests that the Amended Petition be withdrawn and the hearing on the Amended Petition scheduled for June 10, 2021, and any subsequent hearing dates, be canceled.

DATED: Honolulu, Hawai'i, May 27, 2021.



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Attorneys for Petitioner  
HG KAUAI JOINT VENTURE, LLC

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**DECLARATION OF  
WILLIAM W.L. YUEN**

**DECLARATION OF WILLIAM W.L. YUEN**

I, WILLIAM W.L. YUEN, declare and state as follows:

1. I am an attorney duly licensed to practice in the State of Hawaii. I am an attorney for the law firm of DENTONS US LLP, counsel of record for Petitioner in this case.
2. I have personal knowledge of the facts stated in this declaration. If called to testify, I could and would competently testify to the facts stated in this declaration.
3. I make the declaration in support of Petitioner’s Motion for Withdrawal of Amended Petition for Land Use District Boundary Amendment (“Amended Petition).
4. HAR § 15-15-50.6(b) states:  
  
If a petition for district boundary amendment has been set for hearing, the petition may be withdrawn only upon the commission's granting of a motion for withdrawal filed by the petitioner. In the event the commission grants a motion to withdraw, the petitioner may not refile the petition within one year after the granting of the motion for withdrawal.
5. On August 27, 2020 Petitioner filed the Amended Petition. The hearing on Petitioner’s Amended Petition began before the State of Hawai`i Land Use Commission (“Commission”) on March 10, 2021. The Commission held additional hearings on March 11, 24, and 25, April 15, and May 12, and 13, 2021.

6. On May 13, 2021, Petitioner completed its case-in-chief. Following the completion of Petitioner's case-in-chief, Commissioner Okuda moved to deny the Amended Petition without further evidence by the other parties. Commissioner Okuda's motion was seconded by Commissioner Giovanni.

7. Commissioner Okuda's reasons for moving to deny the Amended Petition included, but were not limited to, the need to supplement the Final Environmental Impact Statement ("FEIS") and meet the standards from *Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i*, 94 Hawaii 31, 7 P.3d 1068 (2000).

8. Petitioner requested an opportunity for all parties to respond to Commissioner Okuda's motion in writing, which was granted by the Commission. The hearing on Commissioner Okuda's motion to deny the Amended Petition is scheduled for June 10, 2021.


9. Petitioner wishes to withdraw its Amended Petition to address the concerns expressed by Commissioner Okuda, Commissioner Giovanni, Commissioner Chang, other Commissioners, and the public. Addressing these concerns requires significant attention and time.

10. Petitioner understands that in the event the Commission grants this Motion, the Petitioner may not refile the petition within one year after the Commission's granting of the Motion.

11. Based on the foregoing, Petitioner requests that the Amended Petition be withdrawn and the hearing on the Motion to Deny the Amended Petition scheduled for June 10, 2021, and a hearing on this Motion for Withdrawal of the Amended Petition be held instead.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED: Honolulu, Hawai'i, May 27, 2021.

  
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WILLIAM W.L. YUEN

BEFORE THE LAND USE COMMISSION  
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DOCKET NO. A11-791

**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):

Rodney Funakoshi, Planning Program  
Administrator I  
Lorene Maki, Planner  
Office of Planning  
State of Hawaii, Office of Planning  
235 South Beretania Street, 6th Floor  
Honolulu, HI 96813  
[rodney.y.funakoshi@hawaii.gov](mailto:rodney.y.funakoshi@hawaii.gov)  
[lorene.k.maki@hawaii.gov](mailto:lorene.k.maki@hawaii.gov)

Jodi A. Higuchi Sayegusa  
Deputy Director  
Kauai County Planning Department  
4444 Rice Street, Suite A473  
Lihue, HI 96766  
[planningdepartment@kauai.gov](mailto:planningdepartment@kauai.gov)

Chris Donahoe, Esq.  
Office of the County Attorney  
4444 Rice Street, Suite 220  
Lihue, HI 96766  
[cdonahoe@kauai.gov](mailto:cdonahoe@kauai.gov)

Bryan C. Yee, Esq.  
Dept. of the Attorney General  
CED  
425 Queen Street  
Honolulu, Hawaii 96813  
[bryan.c.yee@hawaii.gov](mailto:bryan.c.yee@hawaii.gov)

Law Office of Lance D. Collins  
Lance D. Collins, Esq.  
Post Office Box 782  
Makawao, Hawaii 96768  
[lawyer@maui.net](mailto:lawyer@maui.net)

Law Office of Bianca Isaki  
Bianca K. Isaki, Esq.  
1720 Huna Street, 401B  
Honolulu, Hawaii 96837  
[bianca.isaki@gmail.com](mailto:bianca.isaki@gmail.com)

Attorneys for Intervenor  
LIKO MARTIN

DATED: Honolulu, Hawai'i, May 27, 2021.



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WILLIAM W.L. YUEN  
JANNA WEHILANI AHU

Attorneys for Petitioner  
HG KAUAI JOINT VENTURE, LLC