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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of	)	DOCKET NO. DR02-26
	)	
KULEANA KU'IKAHI, LLC	)	ORDER GRANTING MAKILA
	)	LAND COMPANY, LLC'S, PETITION
For A Declaratory Order Declaring That	)	TO INTERVENE
Subdivision And Development Of	)	
Approximately 4,500 Acres Of Land In	)c	
An Agricultural District Requires A	)	
District Boundary Amendment	)	
_____	)	

ORDER GRANTING MAKILA LAND COMPANY, LLC'S, PETITION TO INTERVENE

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 LAND USE COMMISSION  
 STATE OF HAWAII

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ORDER GRANTING MAKILA LAND COMPANY, LLC'S, PETITION TO INTERVENE

On March 21, 2003, Makila Land Company, LLC ("Makila"), filed a Petition To Intervene, pursuant to section 15-15-53, Hawai'i Administrative Rules ("HAR").

The Land Use Commission ("Commission") considered the Petition To Intervene at its meeting on March 28, 2003, in Waipahu, O'ahu, Hawai'i. Jamie Y. Tanabe, Esq., and M. U'ilani Pau'ole, Esq., appeared on behalf of Makila. Also present were James R. McCarty, Esq., on behalf of Petitioner Kuleana Ku'ikahi; Thomas D. Welch, Jr., Esq., on behalf of Kauaula Land Company LLC; Richard Kiefer, Esq., on behalf of Launiupoko Associates, LLC; and Russell Y. Tsuji, Esq., on behalf of the Office of Planning. The County of Maui was not present at this meeting but had previously

filed a Statement Of No Position To Makila's Petition To Intervene with this Commission on March 27, 2003.

At the meeting, the other parties in this proceeding stated that they had no objections to Makila's Petition To Intervene. Thereafter, a motion was made and seconded to grant Makila's Petition To Intervene, with the understanding that Makila will be ready to proceed at this Commission's April 9 and 10, 2003, hearing on this matter. Following discussion by the Commissioners, a vote was taken on this motion. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

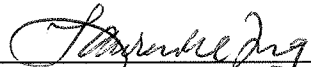
ORDER

Having duly considered Makila's Petition To Intervene, the oral and written arguments presented by the parties, and having determined and concluded that Makila has demonstrated that it will be so directly and immediately affected by the Petition For A Declaratory Order ("Petition") filed in this proceeding and that its interest in the proceeding is clearly distinguishable from that of the general public; that its position concerning the Petition is not substantially the same as the position of a party already admitted in this proceeding; and that admission of Makila will not render the proceedings inefficient and unmanageable, and a motion having been made at a meeting conducted on March 28, 2003, in Waipahu, O`ahu, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there

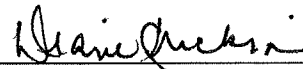
being good cause for the motion, this Commission ORDERS that Makila's Petition To Intervene be GRANTED.

Dated: Honolulu, Hawai'i, JUN 2 2003.

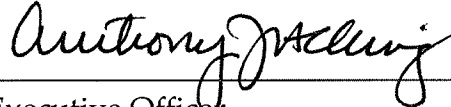
LAND USE COMMISSION  
STATE OF HAWAII

By   
LAWRENCE N. C. ONG  
Chairperson and Commissioner

APPROVED AS TO FORM:

  
Deputy Attorney General

Filed and effective on  
JUN 2 2003, 2003

Certified by:  
  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of ) DOCKET NO. DR02-26  
)  
KULEANA KU'IKAHI, LLC ) CERTIFICATE OF SERVICE  
)  
For A Declaratory Order Declaring That )  
Subdivision And Development Of )  
Approximately 4,500 Acres Of Land In )  
An Agricultural District Requires A )  
District Boundary Amendment )  
\_\_\_\_\_)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Makila Land Company, LLC's, Petition To Intervene was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

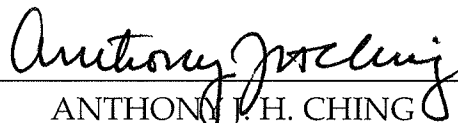
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Dated: Honolulu, Hawaii, JUN 2 2003.

  
\_\_\_\_\_  
ANTHONY J. H. CHING  
Executive Officer