

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
COUNTY OF HAWAII)
PLANNING DEPARTMENT)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
955.78 Acres at Keahuolu through)
Keauhou, North Kona, Island of)
Hawaii, State of Hawaii, Tax Map)
Key No.: 7-4-08: por. 1; 7-5-03: 6,)
7, 23; 7-5-10: 5; 7-5-17: 1, 19;)
7-6-13: 9; 7-7-04: por. 2, 56;)
7-7-07: 41; 7-7-08: por. 27, 99,)
105; 7-8-10: por. 29, and por. 30.)

DOCKET NO. A94-705
ORDER DISMISSING DEMAND
EX PARTE COMMUNICATION
FILED BY LUNAKANAWAI
HAUANIO

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LAND USE COMMISSION
STATE OF HAWAII

ORDER DISMISSING DEMAND EX PARTE COMMUNICATION
FILED BY LUNAKANAWAI HAUANIO

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

In the Matter of the Petition of)	DOCKET NO. A94-705
COUNTY OF HAWAII)	
PLANNING DEPARTMENT)	ORDER DISMISSING DEMAND
To Amend the Agricultural Land Use)	EX PARTE COMMUNICATION
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ORDER DISMISSING DEMAND EX PARTE COMMUNICATION
FILED BY LUNAKANAWAI HAUANIO

On March 11, 1996, Lunakanawai Hauanio ("Hauanio") filed a Demand Ex Parte Communication ("Demand"). Said Demand requested that the Land Use Commission ("Commission") i) provide an equal opportunity in its adjudication process; ii) provide equal power to individuals defending Hauanio's beliefs, liberties, properties, and sovereignty; iii) provide resources; and iv) provide the right to petition the government for a redress of grievances.

On February 2, 1995, at the Commission's meeting in Kailua-Kona, Hauanio orally requested intervenor status and appeared to argue that as a native Hawaiian, his interest in the proceedings will be to protect archaeological sites and "violation" of his "home" land.

On February 15, 1995, the oral Request for Intervention of Hauanio, together with the Petitions for Intervention filed by Liliuokalani Trust, Hawaiian Development Corporation, John Tommy Rosas, Jr., E Mau Na Ala Hele, Kamehameha Investment Corporation, James M. Rath, and Amelia Kuulei Gora came before the Commission at its meeting in Kailua-Kona, Hawaii.

The County of Hawaii Planning Department and the Office of State Planning did not object to the oral Request for Intervention of Hauanio.

The Commission, having heard the arguments provided by the parties and entities requesting intervention in the subject docket, both oral and written, and upon review of the entire record herein, and good cause showing therefrom, rendered an oral decision to grant Liliuokalani Trust, Hawaiian Development Corporation, Kamehameha Investment Corporation, E Mau Na Ala Hele, and Hauanio intervention status, and deny the Petitions for Intervention filed by John Tommy Rosas, Jr., James M. Rath, and Amelia Kuulei Gora.

On March 27, 1996, at its meeting in Kailua-Kona, Hawai'i, the Commission clarified its oral decision made on February 15, 1996 regarding those admitted as Intervenors.

The Commission stated that granting of Intervention status to the various entities was conditioned upon said entities complying with applicable administrative rules in Chapter 15-15, Hawaii Administrative Rules ("HAR") governing intervention.

Hauanio did not comply with the provisions of HAR section 15-15-52. Therefore, the Commission, pursuant to an oral

motion, voted to strike Hauanio as an intervenor in the subject docket.

Therefore, the Commission determines that the Demand Ex Part Communication filed by Hauanio is moot and said Demand IS HEREBY DISMISSED.

Dated: Honolulu, Hawai'i, May 9, 1996.

LAND USE COMMISSION
STATE OF HAWAI'I

By Allen K. Hoe
ALLEN K. HOE
Chairperson and Commissioner

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

In the Matter of the Petition of) DOCKET NO. A94-705
)
COUNTY OF HAWAII) CERTIFICATE OF SERVICE
PLANNING DEPARTMENT)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
955.78 Acres at Keahuolu through)
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_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Dismissing Demand Ex Parte Communication Filed by Lunakanawai Hauanio was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

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CERT. LUNAKANAWAI HAUANIO
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Captain Cook, Hawaii 96704-0871

DATED: Honolulu, Hawaii, this 9th day of May 1996.



ESTHER UEDA
Executive Officer