



# LAND USE COMMISSION

*Komikina Ho'ohana 'Āina*

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

*Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i*

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813

Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Email Address: dbedt.luc.web@hawaii.gov

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR

DANIEL ORODENKER  
LUC EXECUTIVE OFFICER

Telephone: (808) 587-3822

Fax: (808) 587-3827

Website: luc.hawaii.gov

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TERRENCE M. LEE, Esq.  
ERNEST Y. MARTIN, Esq.  
MIKE M. MATSUURA, Esq.  
Lee & Martin LLLP  
737 Bishop Street, Suite 1450  
Honolulu, Hawai'i 96813  
*Attorney for RK II Partners, LLC*

SUBJECT: Errata Letter for Docket No. DR24-78 RK II Partners, LLC

Please replace page 12 in the Findings of Fact, Conclusions of Law, and Decision and Order Granting RK II Partners, LLC Petition for Declaratory Order filed December 6, 2024, recently filed in the subject docket with the enclosed page 12.

Conclusion of Law 5(c)(i) on page 12, is amended to correctly note that the question raised by RK II Partners, LLC, is not speculative or purely hypothetical and it does involve an existing situation or one which may reasonably be expected to occur in the near future.

Should you have any questions, please contact our office at (808) 587-3822.

Sincerely,

Daniel Orodener  
Executive Officer  
Land Use Commission  
State of Hawai'i

Enclosure

CC: DEREK R. KOBAYASHI, Esq. - Schlack Ito LLLP  
CURTIS T. TABATA, Esq. - Matsubara, Kotake & Tabata  
MARY ALICE EVANS - Office of Planning and Sustainable Development  
ALISON KATO - Department of the Attorney General, State of Hawai'i  
KELCIE NAGATA - Department of the Attorney General, State of Hawai'i  
DAWN TAKEUCHI APUNA - Department of Planning and Permitting  
PATRICK KOBAYASHI - RKES, LLC  
JENNIFER A. LIM, ESQ. - Ho'ohana Solar 1, LLC  
STEPHEN K.C. MAUI, ESQ. - Robinson Kunia Land LLC

pursuant to HAR §§ 15-15-38, -39, -40, and -99. Thus, the Commission does not summarily dismiss the request for DR on this basis.

- b. Sections 15-15-100(a)(3) and 15-15-103, HAR, allow the Commission, on its discretion, to conduct a contested case hearing on a petition for declaratory order. In order to do so, a petitioner or party in interest should set forth in detail why the matters alleged in the petition cannot be disposed of in a fair and expeditious manner without a formal contested case hearing. Here, the Commission concludes that based on the facts presented at the meeting, the pleadings filed together with the exhibits by the Petitioner, DPP, DOA, Haseko, Ho`ohana, and OPSD, the opportunity of Petitioner and the public to present their views, that the Petitioner has provided sufficient evidence necessary pursuant to HAR § 15-15-100(a)(2) to issue the instant written declaratory order in this matter.
- c. The Commission also may deny the DR and refuse to issue a declaratory order if one of the four circumstances outlined in HAR § 15-15-100(a) provides good cause for doing so:
  - i. The first circumstance pursuant to HAR § 15-15-100(a)(1)(A) does not apply, because the question raised in the DR Petition—requesting confirmation that there has been substantial use of the Petition Area, including RKII’s parcel and that any reclassification by the LUC must be done in accordance with the process in HRS § 205-4, and that the Commission confirm that RKII’s parcel is not encumbered by the requirements to provide off-site infrastructure to the 150-acre agricultural park - is not speculative or purely hypothetical and it does involve an