

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the matter of the Petition	)	DOCKET NO. A04-754
	)	
of	)	ORDER DETERMINING (1) THAT
	)	THE LAND USE COMMISSION
MAUI LANI 100, LLC	)	AGREES TO BE THE ACCEPTING
	)	AUTHORITY PURSUANT TO
To Amend the Land Use District	)	CHAPTER 343, HAWAII
Boundary of Approximately 59.6 acres of	)	REVISED STATUTES; and (2)
land in the Agricultural District to the	)	DETERMINING THAT THE
Urban District at Wailuku, Maui,	)	DRAFT ENVIRONMENTAL
Hawaii, Tax Map Key No.: (2) 3-8-001:	)	ASSESSMENT DATED OCTOBER
131 (por.)	)	13, 2004 WARRANTS AN
	)	ANTICIPATED FINDING OF NO
	)	SIGNIFICANT IMPACT

ORDER (1) DETERMINING THAT THE LAND USE COMMISSION AGREES TO BE
THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343, HAWAII REVISED
STATUTES; and (2) DETERMINING THAT THE DRAFT ENVIRONMENTAL
ASSESSMENT DATED OCTOBER 13, 2004 WARRANTS AN ANTICIPATED
FINDING OF NO SIGNIFICANT IMPACT

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FINDING OF NO SIGNIFICANT IMPACT

MAUI LANI 100, LLC, a Hawaii limited liability company ("Petitioner") filed its Petition for State Land Use District Boundary Amendment on October 13, 2004, to amend the State Land Use District Boundary for approximately 59.6 acres of land situated at Waikapu, Maui, Hawaii, and designated by Tax Map Key Nos.: (2) 3-8-001: 131 (por.) ("Petition Area"), from the Agricultural Land Use District to the Urban Land Use District for the development of single- and multi-family residences ("Project").

Included with the Petition was Petitioner's Draft Environmental Assessment for the Project ("DEA").

The DEA was prepared because the Petitioner alleges that Project requires an amendment to the Wailuku-Kahului Community Plan, a trigger pursuant to Section 343-5 (a) (1), HRS and Section 11-200-6 (b) (1) (A), Hawai'i Administrative Rules ("HAR"). In the Petition, Petitioner asserted that this docket is the earliest practicable time that an environmental assessment could be prepared. The Petitioner then stated that the Commission should review and issue the appropriate determination to an environmental assessment for the Project, all before entering a decision and order relating to a change in land use classification.

Petitioner asserted that the Project would not result in any significant impacts that would require an environmental impact statement, pursuant to Section 11-200-12, Hawai'i Administrative Rules ("HAR").

On October 13, 2004, the Commission held its meeting in Kahului, Maui, for the following: 1) to determine whether it should be the accepting authority for the DEA pursuant to Chapter 343, HRS; and 2) if so, to determine whether the information contained in the DEA warrants an anticipated finding of no significant impacts pursuant to Chapter 343, HRS and Chapter 11-200, HAR. In attendance were Petitioner; the Planning Department, County of Maui ("County"); and the Office of Planning, Department of Business, Economic Development and Tourism ("OP").

Petitioner stood by its position. The County concurred with Petitioner's legal analysis asserting that the LUC is the appropriate accepting authority. OP concurred with Petitioner and County's position and added that OP agrees with staff's recommendation that the Project has no significant impact.

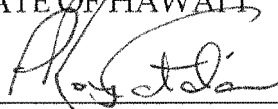
At its meeting on October 21, 2004, a motion that the Commission is willing to be the accepting agency was made and seconded; and a motion to determine that the DEA dated October 13, 2004 warrants an anticipated finding of no significant impact, pursuant to Chapter 343, HRS and Chapter 11-200, HAR, was made and seconded. There being a vote tally of seven ayes and no nays, on each motion, both motions carried, having received the affirmative votes required by Section 15-15-13, HAR.

ORDER

IT IS HEREBY ORDERED that the Commission agrees to be the accepting authority under HRS chapter 343 and the DEA dated October 13, 2004 warrants an anticipated finding of no significant impact in Docket No. A04-754 pursuant to Chapter 343, HRS, and Chapter 11-200, HAR, by the authority of the presiding officer under section 15-15-60, HAR.

Dated: Honolulu, Hawai'i, APR 12 2005.

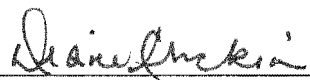
LAND USE COMMISSION
STATE OF HAWAII

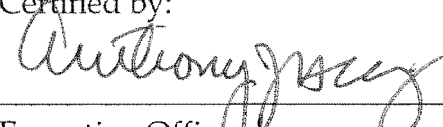


By P. ROY CATALANI
Chair and Commissioner

APPROVED AS TO FORM:

Filed and effective on
APR 12 2005


Deputy Attorney General

Certified by:

Executive Officer

BEFORE THE LAND USE COMMISSION
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of	)	CERTIFICATE OF SERVICE
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To Amend the Land Use District	)	
Boundary of Approximately 59.6 acres of	)	
land in the Agricultural District to the	)	
Urban District at Wailuku, Maui,	)	
Hawai'i, Tax Map Key No.: (2) 3-8-001:	)	
131 (por.)	)	
	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Determining (1) that the Land Use Commission Agrees to be the Accepting Authority Pursuant to Chapter 343, Hawai'i Revised Statutes; and (2) Determining that the Draft Environmental Assessment dated October 13, 2004 Warrants an Anticipated Finding of No Significant Impact 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:

DEL. LAURA H. THIELEN, Director
 Office of Planning
 State of Hawaii
 P. O. Box 2359
 Honolulu, Hawaii 96804-2359

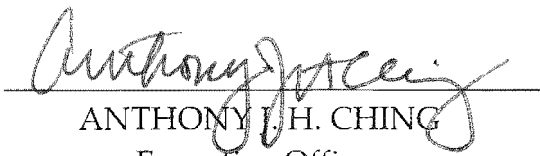
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Dated: Honolulu, Hawaii, APR 12 2005.


ANTHONY J. H. CHING
Executive Officer