McCORRISTON MILLER MUKAI MacKINNON LLP CLIFFORD J. MILLER 1406-0 miller@m4law.com JOEL D. KAM 6052-0 kam@m4law.com JONATHAN H. STEINER 6084-0 Steiner@m4law.com 500 Ala Moana Boulevard Five Waterfront Plaza, 4th Floor Honolulu, Hawaii 96813 Telephone: (808) 529-7300 Facsimile: (808) 524-8293 JOHN S. RAPACZ 4408-0 rapacz@hawaii.rr.com P.O. Box 2776 Wailuku, HI 96793 Telephone: (808) 244-6955 Facsimile: (808) 244-6956 Attorneys for HONUA'ULA PARTNERS, LLC 60536 BEFORE THE LAND USE COMMISSION STATE OF HAWAII In the Matter of the Petition of DOCKET NO. A-94-706 KAONOULU RANCH HONUA'ULA PARTNERS, LLC'S JOINDER IN DEPARTMENT OF To Amend the Agricultural Land Use District) PLANNING, COUNTY OF MAUI'S Boundary into the Urban Land Use District MOTION TO EXCLUDE EVIDENCE for approximately 88 acres at Kaonoulu, RELATED TO THE 1998 KIHEI-MAKENA Makawao-Wailuku, Maui, Hawai'i COMMUNITY PLAN AND DETERMINATION OF THE SCOPE OF REVIEW; CERTIFICATE OF SERVICE **HEARING:** Date: November 1 and 2, 2012 Time: 9:30 a.m.

HONUA'ULA PARTNERS, LLC'S JOINDER IN DEPARTMENT OF PLANNING, COUNTY OF MAUI'S MOTION TO EXCLUDE EVIDENCE RELATED TO THE 1998 KIHEI-MAKENA COMMUNITY PLAN AND DETERMINATION OF THE SCOPE OF REVIEW

Honua'ula Partners, LLC's ("Honua'ula"), by and through their attorneys, McCorriston Miller Mukai MacKinnon LLP, hereby submit their joinder in Department of Planning, County of Maui's Motion to Exclude Evidence Related to The 1998 Kihei-Makena Community Plan and Determination of the Scope of Review.

Honua'ula agrees that the issue of whether the proposed development is consistent with the Kihei-Makena Community Plan is entirely irrelevant to this proceeding, and potentially prejudicial to Honua'ula. One of the exhibits which were submitted by Honua'ula, Honua'ula Exhibit 4, addresses that issue. In the event that the Motion to Exclude is granted, then Honua'ula would withdraw that exhibit.

Dated: Honolulu, Hawai'i, October 30, 2012.

CL**I**FFORD J. MILLER

JOEL D. KAM

JONATHAN H. STEINER

Attorneys for

HONUA'ULA PARTNERS, LLC

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A-94-706
KAONOULU RANCH)	CERTIFICATE OF SERVICE
To Amend the Agricultural Land Use District Boundary into the Urban Land Use District)	
for approximately 88 acres at Kaonoulu,)	
Makawao-Wailuku, Maui, Hawai'i)	
)	

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that on this date, a true and correct copy of the foregoing document was duly served upon the following party via U.S. Mail and electronic mail, addressed as follows:

TOM PIERCE, ESQ. tom@mauilandlaw.com P.O. Box 798 Makawao, Hawai'i 96768

Bryan C. Yee <u>Bryan.C.Yee@hawaii.gov</u> Deputy Attorney General Department of the Attorney General 435 Queen Street Honolulu, Hawai'i 96813

Jesse K. Souki, Director <u>Jesse, K. Souki@dbedt.hawaii.gov</u>
Office of Planning
State of Hawai'i
Leiopapa a Kamehameha, Room 600
235 South Beretania Street
Honolulu, Hawai'i 96813

William Spence, Director William.Spence@co.maui.hi.us
County of Maui, Office of Planning
250 S. High Street
Kalana Pakui Building, Suite 200
Wailuku, Hawai'i 96793

Jane Elizabeth Lovell, Esq. Jane.Lovell@co.maui.hi.us

Michael Hopper, Esq. Michael.Hopper@co.maui.hi.us Corporation Counsel County of Maui 200 South High Street Kalana O Maui Building, 3rd Floor Wailuku, Hawai'i 96793

Dated: Honolulu, Hawai'i, October 30, 2012.

CLIFFORD J. MILLER

JOEL D. KAM

JONATHAN H. STEINER

Attorneys for

HONUA'ULA PARTNERS, LLC