

A97-722 - MAUI ELECTRIC CO., LTD. (1 of)



A97-722 - Maui Electric Co., Ltd. (Waena)

See FOLDER 2 of



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

March 11, 1998

MEMORANDUM

TO: B. Martin Luna, Esq.
David Blane
Jeffrey Schmidt, Esq.
Richard Egged, Jr.
Ann Ogata-Deal, Esq.
Mark Sheehan

FROM: Darlene Y. Kinoshita *Darlene Y. Kinoshita*
Chief Clerk, LUC

RE: A97-722 - MAUI ELECTRIC CO., LTD.

Please find enclosed a copy of a letter marked as LUC Exhibit No. 2, dated February 9, 1998 from Don Hibbard, Administrator, State Historic Preservation Division, to Esther Ueda, Executive Officer, Land Use Commission.

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of)

MAUI ELECTRIC CO., LTD.)

DOCKET NO.: A97-722

To consider reclassifying approximately)
65.7 acres of land currently in the)
Agricultural District into the Urban)
District at Wailuku, Maui for a)
232-MW Electrical Generating Station.)

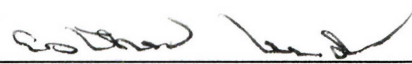
Tax Map Key No.: 3-8-03: 23)

3-8-03: 24)

NOTICE OF CONTINUED HEARING

You are hereby notified that the above-entitled docket has been set for continued hearing at 9:30 a.m. on April 8, 1998 in the Nahele Room, Sandalwood Clubhouse, 2500 Honoapiilani Hwy., Waikapu, Maui. The meeting will continue on April 9, 1998 if not completed on April 8, 1998.

Dated: Honolulu, Hawaii, March 6, 1998.



ESTHER UEDA, Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	
	)	
MAUI ELECTRIC COMPANY, LTD.	)	DOCKET NO. A97-722
	)	
To consider reclassification	)	
of approximately 65.7 acres of	)	
land currently in the Agricultural	)	
District into the Urban District	)	
at Wailuku, Maui for a 232-MW	)	
Electric Generating Station.	)	
	)	
Tax Map Key No.: 3-8-03: 23	)	
3-8-03: 24	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Hearing was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail:

DEL.	RICHARD EGGED, JR., Director Office of Planning P.O. Box 2359 Honolulu, HI 96804-2359
DEL.	ANN OGATA-DEAL, Esq. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, HI 96813
DEL.	ABE MITSUDA, Administrator Land Use Division Office of Planning P.O. Box 2359 Honolulu, HI 96804-2359
CERT.	B. MARTIN LUNA, Esq. Carlsmith Ball Wichman Case & Ichiki One Main Plaza, Suite 400 2200 Main Street Wailuku, HI 96793

CERT. JEFFREY SCHMIDT, Esq.
Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

CERT. DAVID BLANE, Planning Director
Planning Department
County of Maui
250 South High Street
Wailuku, HI 96793

CERT. MARC SHEEHAN, President
Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

REG. PLANNING COMMISSION
COUNTY OF MAUI
250 South High Street
Wailuku, HI 96793

REG. G. STEPHEN HOLADAY
Hawaiian Commercial & Sugar Co.
P.O. Box 266
Puunene, HI 96784

Dated: Honolulu, Hawaii, March 6, 1998.



ESTHER UEDA
Executive Officer

A97-722 - Maui Electric Co., Ltd.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. David Blane, Director
Planning Dept., County of Maui
250 South High Street
Wailuku, HI 96793

4a. Article Number
P 612 304 634

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 634

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Mr. David Blane, Director	
Street & Number	
250 South High Street	
Post Office, State, & ZIP Code	
Wailuku, HI 96793	
Postage	\$.78
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.23
Postmark or Date	

PS Form 3800, April 1995

A97-722 - Maui Electric Co., Ltd.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co., Ltd.

☐ Complete items 1 and/or 2 for additional services.
☐ Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to: B. Martin Luna, Esq. Carlsmith Ball Wichman Case & Ichiki One Main Plaza, Ste. 400 2200 Main Street Wailuku, HI 96793	4a. Article Number P 612 304 636
	4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD
	7. Date of Delivery 3/9/98
5. Received By: (Print Name) 6. Signature: (Addressee or Agent) X R. Nakamura	8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 636

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	B. Martin Luna, Esq.
Street & Number	2200 Main Street, Ste.
Post Office, State, & ZIP Code	400 Wailuku, HI 96783
Postage	\$.78
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.23
Postmark or Date	

PS Form 3800, April 1995

A97-722 - Maui Electric Co., Ltd.

HONOLULU, HI 96813
 MAR 6 1998
 USPS

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co., Ltd.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: Jeffrey Schmidt, Esq. Corporation Counsel County of Maui 200 South High Street Wailuku, HI 96793	4a. Article Number P 512 304 635
5. Received By: (Print Name)	4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD
6. Signature: (Addressee or Agent) X R. Nakamura	7. Date of Delivery 3/9/98
	8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 635

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	Jeffrey Schmidt, Esq.
Street & Number	200 South High Street
Post Office, State, & ZIP Code	Wailuku, HI 96793
Postage	\$.78
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.23
Postmark or Date	

PS Form 3800, April 1995

A97-722 - Maui Electric Co., Ltd.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co., Ltd.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Mark Sheehan, President
Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

4a. Article Number
P 612 304 637

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
MAR 09 1998

5. Received By: (Print Name)
JACOBSEN

6. Signature: (Addressee or Agent)
X-eps

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 637

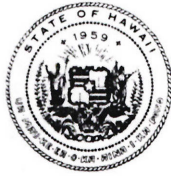
US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

A97-722 - Maui Electric Co., Ltd.

PS Form 3800, April 1995

Sent to Mark Sheehan, President	
Street & Number P.O. Box 429	
Post Office, State, & ZIP Code Makawao, HI 96768	
Postage	\$.78
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.23
Postmark or Date	

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

March 3, 1998

MEMORANDUM

TO: All Parties

FROM: *Esther Ueda*
Esther Ueda, Executive Officer
Land Use Commission

SUBJECT: Order Granting Petition For Intervention for LUC Docket
No. A97-722/Maui Electric Company, Limited, a Hawai'i
corporation

Please substitute the attached cover sheet of the subject docket. The file stamp has been amended to read March 3, 1998.

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

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED, a	)	CERTIFICATE OF SERVICE
Hawai'i corporation	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
65.7 Acres of Land at Wailuku and	)	
Makawao Districts, Maui, Hawai'i,	)	
TMK 3-8-03: 23 and 24	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Amended Cover Sheet of the Order Granting Petition For Intervention was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL.	RICK EGGED, Director Office of Planning P. O. Box 2359 Honolulu, Hawaii 96804-2359
CERT.	DAVID W. BLANE, Director of Planning Planning Department, County of Maui 250 South High Street Wailuku, Hawaii 96793
CERT.	JEFFREY SCHMIDT, ESQ. Corporation Counsel Office of the Corporation Counsel County of Maui 200 South High Street Wailuku, Hawaii 96793
CERT.	B. MARTIN LUNA, ESQ., Attorney for Petitioner Carlsmith Ball Wichman Case & Ichiki One Main Plaza, Suite 400 2200 Main Street Wailuku, Hawaii 96793-1086
CERT.	MARK SHEEHAN, Representing Intervenor President, Maui Tomorrow P. O. Box 429 Makawao, Hawaii 96768
DATED:	Honolulu, Hawaii, this ____ day of March 1998.



ESTHER UEDA
Executive Officer

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. David W. Blane
250 South High Street
Wailuku, HI 96793

4a. Article Number

Z 445 897 897

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

3-4-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

[Signature]

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 897

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Mr. David W. Blane	
Street & Number	
250 South High Street	
Post Office, State, & ZIP Code	
Wailuku 96793	
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.77
Postmark or Date	

PS Form 3800, April 1995

A97-722/Maui Electric Company

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

- Complete items 1 and/or 2 for additional services.
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2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jeffrey Schmidt, Esq.
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

4a. Article Number

Z 445 897 898

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

3-4-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *R. McKamui*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 898

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Jeffrey Schmidt, Esq.	
Street & Number 200 South High Street	
Post Office, State, & ZIP Code Wailuku 96793	
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.77
Postmark or Date	

PS Form 3800, April 1995

A97-722/Maui Electric Company

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

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- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

B. Martin Luna, Esq.
 Carlsmith Ball Wichman
 Case & Ichiki
 One Main Plaza, Suite 400
 2200 Main Street
 Wailuku, HI 96793-1086

4a. Article Number

Z 445 897 899

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/4/98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

[Signature]

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 899

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
B. Martin Luna, Esq.	
Street & Number	
One Main Plaza, Ste 400	
Post Office, State, & ZIP Code	
2200 Main St. Wailuku 96793	
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.77
Postmark or Date	

PS Form 3800, April 1995

A97-722/Maui Electric Company



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

A97-722/Maui Electric Company

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1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Mark Sheehan
Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

4a. Article Number

Z 445 897 900

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

3-5-98

5. Received By: (Print Name)

Jacobson

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 900

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Mr. Mark Sheehan	
Street & Number	
P. O. Box 429	
Post Office, State, & ZIP Code	
Makawao 96768	
Postage	\$.72
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.17
Postmark or Date	3 1998

PS Form 3800, April 1995

A97-722/Maui Electric Company

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

In the Matter of the Petition of)
MAUI ELECTRIC COMPANY, LIMITED, a)
Hawai'i corporation)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
65.7 Acres of Land at Wailuku and)
Makawao Districts, Maui, Hawai'i,)
TMK 3-8-03: 23 and 24)

DOCKET NO. A97-722

ORDER GRANTING PETITION
FOR INTERVENTION

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

MAR - 3 1998

Date

by

Executive Officer

ORDER GRANTING PETITION FOR INTERVENTION

LAND USE COMMISSION
STATE OF HAWAII
1998 MAR - 3 A 11:45

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

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED, a	)	ORDER GRANTING PETITION
Hawai'i corporation	)	FOR INTERVENTION
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
65.7 Acres of Land at Wailuku and	)	
Makawao Districts, Maui, Hawai'i,	)	
TMK 3-8-03: 23 and 24	)	
	)	

ORDER GRANTING PETITION FOR INTERVENTION

On December 22, 1997, Maui Tomorrow filed an Application for Leave to Intervene ("Petition for Intervention") in this proceeding, pursuant to Section 15-15-52, Hawai'i Administrative Rules.

On December 29, 1997, Maui Electric Company, Limited ("Petitioner"), filed a Memorandum in Opposition to Maui Tomorrow's Petition to Intervene.

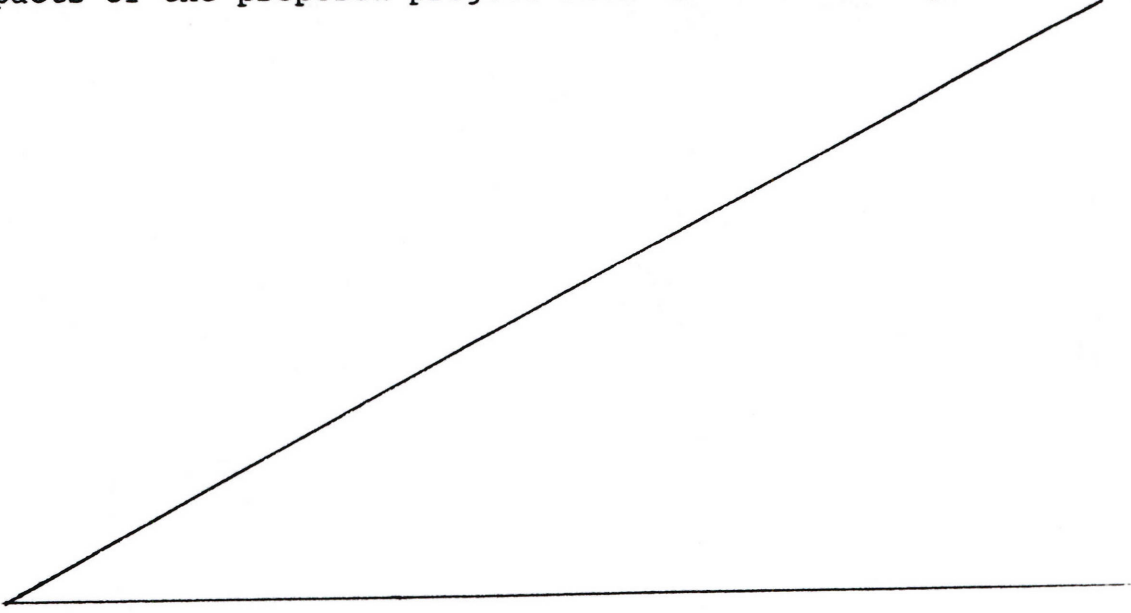
On January 16, 1998, Maui Tomorrow filed a Memorandum in Rebuttal to Maui Electric Company, Limited's Memorandum in Opposition to Petition to Intervene.

The Petition for Intervention came on for hearing in Honolulu, Hawai'i, on January 22, 1998, with objections made by Petitioner and with no opposition by the Office of Planning and the County of Maui Planning Department.

This Commission, having considered the arguments presented by the parties in this proceedings and the record in

this docket, hereby finds and concludes that Maui Tomorrow has demonstrated that it will be so directly and immediately affected by the proposed change that its interest in the proceeding is clearly distinguishable from that of the general public; that its position concerning the proposed change is not substantially the same as the position of a party already admitted in this proceeding; and that admission of Maui Tomorrow will not render the proceedings inefficient and unmanageable, and for good cause shown;

IT IS HEREBY ORDERED that the Petition for Intervention filed by Maui Tomorrow be and is hereby GRANTED, and that the scope of its intervention shall be limited to (i) air quality impacts of the proposed project; (ii) alternative sources, fuels, and processes; (iii) the cumulative impact of industrialization of the Central valley area of Maui; and (iv) visual/aesthetic impacts of the proposed project from the surrounding roads.

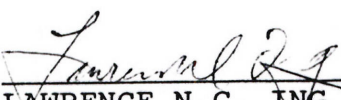


Done at Honolulu, Hawai'i, this 3rd day of March 1998,
per motions on January 22, 1998 and February 26, 1998.

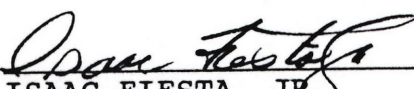
LAND USE COMMISSION
STATE OF HAWAI'I

By 
RUPERT K. CHUN
Chairperson and Commissioner

By (absent)
M. CASEY JARMAN
Vice Chairperson and Commissioner

By 
LAWRENCE N.C. ING
Vice Chairperson and Commissioner

By (excused)
P. ROY CATALANI
Commissioner

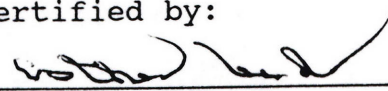
By 
ISAAC FIESTA, JR.
Commissioner

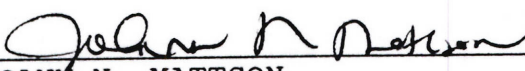
By (absent)
HERBERT S.K. KAOPUA, SR.
Commissioner

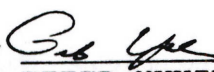
By (absent)
MERLE A. K. KELAI
Commissioner

Filed and effective on
March 3, 1998

Certified by:


Executive Officer

By 
JOANN N. MATTSON
Commissioner

By 
PETER YUKIMURA
Commissioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED, a	)	CERTIFICATE OF SERVICE
Hawaii corporation	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
65.7 Acres of Land at Wailuku and	)	
Makawao Districts, Maui, Hawaii,	)	
TMK 3-8-03: 23 and 24	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Petition for Intervention was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL.	RICK EGGED, Director Office of Planning P. O. Box 2359 Honolulu, Hawaii 96804-2359
CERT.	DAVID W. BLANE, Director of Planning Planning Department, County of Maui 250 South High Street Wailuku, Hawaii 96793
CERT.	JEFFREY SCHMIDT, ESQ. Corporation Counsel Office of the Corporation Counsel County of Maui 200 South High Street Wailuku, Hawaii 96793
CERT.	B. MARTIN LUNA, ESQ., Attorney for Petitioner Carlsmith Ball Wichman Case & Ichiki One Main Plaza, Suite 400 2200 Main Street Wailuku, Hawaii 96793-1086
CERT.	MARK SHEEHAN, Representing Intervenor President, Maui Tomorrow P. O. Box 429 Makawao, Hawaii 96768
DATED:	Honolulu, Hawaii, this <u>3rd</u> day of March 1998.



ESTHER UEDA
Executive Officer

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. David W. Blane
Director of Planning
Maui County Planning Dept.
250 South High Street
Wailuku, HI 96793

4a. Article Number

Z 445 897 886

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

3-4-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

David W. Blane

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 886

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Mr. David W. Blane	
Street & Number	
250 South High Street	
Post Office, State, & ZIP Code	
Wailuku 96793	
Postage	\$.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark or Date	

PS Form 3800, April 1995

A97-722/Maui Electric Company

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jeffrey Schmidt, Esq.
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

4a. Article Number

Z 445 897 887

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

3-4-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X R. Nakamura

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 887

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Jeffrey Schmidt, Esq.

Street & Number

200 South High Street

Post Office, State, & ZIP Code

Wailuku 96793

Postage

\$.55

Certified Fee

1.35

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

1.10

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$ 3.00

Postmark or Date

PS Form 3800, April 1995

A97-722/Maui Electric Company

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SENDER: A97-722/Maui Electric Company

- Complete items 1 and/or 2 for additional services.
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- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

B. Martin Luna, Esq.
 Carlsmith Ball Wichman
 Case & Ichiki
 One Main Plaza, Suite 400
 2200 Main Street
 Wailuku, HI 96793-1086

4a. Article Number

Z 445 897 888

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

3-5

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

[Signature]

PS Form 3811 December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 888

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
B. Martin Luna, Esq.	
Street & Number	
2200 Main St., #400	
Post Office, State, & ZIP Code	
Wailuku 96793-1086	
Postage	\$.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark or Date	

PS Form 3800, April 1995

A97-722/Maui Electric Company

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SENDER: A97-722/Maui Electric Company

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- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Mark Sheehan
President
Maui Tomorrow
P. O. Box 429
Makawao, HI 96768

4a. Article Number

Z 445 897 889

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

X 3-5-98

5. Received By: (Print Name)

X JACOBSEN

6. Signature: (Addressee or Agent)

X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Z 445 897 889

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Mark Sheehan	
Street & Number P. O. Box 429	
Post Office, State, & ZIP Code Makawao 96768	
Postage	\$.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark or Date APR 1 1998 USPS	

PS Form 3800 April 1995

A97-722/Maui Electric Company

CARLSMITH BALL WICHMAN
CASE & ICHIKI

B. MARTIN LUNA 865-0
ALLEN R. WOLFF 5876-0
Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Tel. No. (808) 523-2500

Attorneys for
MAUI ELECTRIC COMPANY, LIMITED

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

ORIGINAL

LAND USE COMMISSION
STATE OF HAWAII
1998 FEB 24 P 3:03

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED,	)	MAUI ELECTRIC COMPANY, LIMITED'S
a Hawaii corporation,	)	STATEMENT OF OBJECTIONS AND
	)	JOINDER IN THE OBJECTIONS OF THE
To Amend the Agricultural Land Use	)	MAUI PLANNING DEPARTMENT TO
District Boundary into the Urban Land Use	)	INTERVENOR MAUI TOMORROW'S
District for Approximately 65.7 Acres of	)	WITNESS AND EXHIBIT LIST DATED
Land at Wailuku and Makawao Districts,	)	FEBRUARY 18, 1998; CERTIFICATE OF
Maui, Hawaii, TMK 3-8-03:23 and 24	)	SERVICE
_____	)	

**MAUI ELECTRIC COMPANY, LIMITED'S STATEMENT OF OBJECTIONS
AND JOINDER IN THE OBJECTIONS OF THE MAUI PLANNING
DEPARTMENT TO INTERVENOR MAUI TOMORROW'S WITNESS AND
EXHIBIT LIST DATED FEBRUARY 18, 1998**

1. Maui Electric Company, Limited, by and through its attorneys, Carlsmith Ball Wichman Case & Ichiki hereby joins in the Objections of the Maui Planning Department to Intervenor Maui Tomorrow's Witness and Exhibit List Dated February 18, 1998.

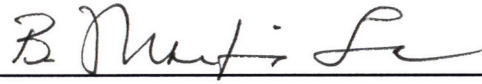
2. Maui Electric Company, Limited further objects to Intervenor Maui Tomorrow's failure to provide Maui Electric Company, Limited with the written testimonies of

its proposed expert witnesses on the grounds that pursuant to Section 15-15-57(a) of the Rules of the Land Use Commission, at the pre-hearing conference, Maui Tomorrow stated that such written testimonies would be provided.

3. Maui Electric Company, Limited objects to any continuance or delay in these proceedings that may be requested by Maui Tomorrow as a consequence of its failure and/or refusal to obtain legal counsel. Maui Tomorrow has had adequate time to obtain counsel and has chosen not to do so. Indeed, the subject of retaining legal counsel was specifically discussed at the pre-hearing conference, at which point Maui Tomorrow still had ample time to retain such counsel. Any extensions or postponements of these proceedings as a consequence of Maui Tomorrow's failure and/or refusal to obtain legal counsel have therefore been waived. Furthermore, any request for a continuance by Maui Tomorrow is required, pursuant to Section 15-15-60(c) of the Rules of the Land Use Commission, to be made by motion. Pursuant to Section 15-15-70(e) of the Rules of the Land Use Commission, such a motion must be filed and served at least forty-eight hours prior to the commencement of the scheduled hearing, so that the opposing party has its statutory period to respond. Pursuant to Section 15-15-70(e), then, any such motion in this case was required to be filed and served no later than 9:30 a.m. on Tuesday, February 24, 1998. No such motion was served by that time.

4. Maui Electric Company, Limited objects, pursuant to Section 15-15-70(e) of the Rules of the Land Use Commission, to any effort by Maui Tomorrow to expand its list of exhibits, witnesses or the subject matter of their testimony beyond that which has been disclosed in Maui Tomorrow's Witness and Exhibit List, except upon a showing of "good cause" or "for rebuttal purposes", as provided in Section 15-15-57(b).

DATED: Honolulu, Hawaii, FEB 24 1998

A handwritten signature in dark ink, appearing to read "B. Martin Luna", written over a horizontal line.

B. MARTIN LUNA
ALLEN R. WOLFF

Attorneys for
MAUI ELECTRIC COMPANY, LIMITED

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED,	)	CERTIFICATE OF SERVICE
a Hawaii corporation,	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban Land Use	)	
District for Approximately 65.7 Acres of	)	
Land at Wailuku and Makawao Districts,	)	
Maui, Hawaii, TMK 3-8-03:23 and 24	)	
_____	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was duly served upon the following by U.S. certified mail, postage prepaid, on

FEB 24 1998 :

J.P. SCHMIDT
Corporation Counsel
KELLY A. CAIRNS
Deputy Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Attorneys for
MAUI PLANNING DEPARTMENT

RICHARD EGGED, JR., Director
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804-2359

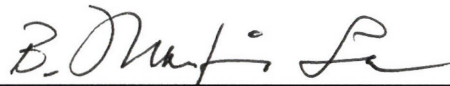
ANN OGATA-DEAL, ESQ.
Deputy Attorney General
Hale Ahau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

ABE MITSUDA, Administrator
Land Use Division
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804-2359

MARK SHEEHAN, Representing Intervenor
President, Maui Tomorrow
P.O. Box 429
Makawao, Hawaii 96768

DATED: Honolulu, Hawaii, _____

FEB 24 1998



B. MARTIN LUNA
ALLEN R. WOLFF

Attorneys for
MAUI ELECTRIC COMPANY, LIMITED

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
ONE MAIN PLAZA
SUITE 400, 2200 MAIN STREET
POST OFFICE BOX 1086
WAILUKU, MAUI, HAWAII 96793-1086

TELEPHONE (808) 242-4535
FAX (808) 244-4974

LAND USE COMMISSION
STATE OF HAWAII

1998 FEB 20 P 12:45

February 19, 1998

Ms. Esther Ueda
Executive Officer
State Land Use Commission
Department of Business, Economic
Development & Tourism
P. O. Box 2359
Honolulu, Hawaii 96804

Re: LUC Docket No. A97-722/Maui Electric Company, Limited

Dear Ms. Ueda:

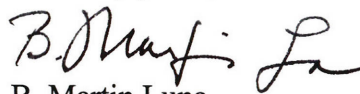
Enclosed herein are the following:

1. Stipulation Regarding Maui Electric Company, Limited's Witnesses (original and 20 copies).
2. Stipulation Regarding Non-Contested Issues (original and 20 copies).
3. Certificate of Service (original and 20 copies).

Please return five file stamped copies of each of the above-mentioned documents to us in the enclosed, self-addressed envelope.

Thank you for your assistance.

Sincerely yours,


B. Martin Luna

BML:mea
5013910.1.015787-5
Enclosures

CARLSMITH BALL WICHMAN
CASE & ICHIKI

B. MARTIN LUNA 865
CRAIG G. NAKAMURA 2062
RANDALL H. ENDO 6567
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Maui, Hawaii 96793-1086
Tel. No. (808) 242-4535

LAND USE COMMISSION
STATE OF HAWAII

1998 FEB 20 P 12:49

Attorneys for Applicant
MAUI ELECTRIC COMPANY,
LIMITED

ORIGINAL

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED	)	STIPULATION REGARDING
	)	APPLICANT MAUI
To Amend the Land Use	)	ELECTRIC COMPANY,
District Boundary of Certain	)	LIMITED'S WITNESSES
Lands Situated at Wailuku and	)	
Makawao Districts, Island of	)	
Maui, State of Hawaii,	)	
Consisting of 65.7 Acres from	)	
the Agriculture to the Urban	)	
District	)	
_____	)	

STIPULATION REGARDING APPLICANT
MAUI ELECTRIC COMPANY, LIMITED'S WITNESSES

IT IS HEREBY STIPULATED, between all parties, that all of the
witnesses listed in the List of Witnesses, filed herein by Applicant MAUI ELECTRIC
COMPANY, LIMITED, on January 27, 1998 are hereby accepted as expert witnesses,
and are deemed qualified to provide expert opinions in their respective fields of

expertise listed within said List of Witnesses, for the hearings of this proceeding, as orally agreed to during the conference held on February 3, 1998.

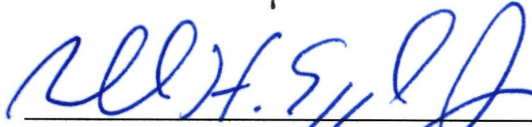
IT IS FURTHER STIPULATED by the parties hereto that this stipulation may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same stipulation, binding all of the parties hereto, notwithstanding that all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this stipulation, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

DATED: Wailuku, Hawaii, February 11, 1998.



B. MARTIN LUNA
CRAIG G. NAKAMURA
RANDALL H. ENDO
Attorneys for Applicant
MAUI ELECTRIC COMPANY, LIMITED

DATED: Honolulu, Hawaii, February 18, 1998.



RICHARD EGGED, JR., Director
ABE MITSUDA, Administrator
Office of Planning
State of Hawaii

DATED: Wailuku, Hawaii, _____, 1998.

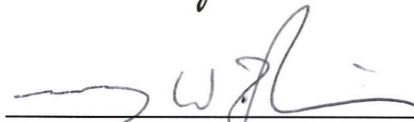
GARY W. ZAKIAN
Deputy Corporation Counsel
Attorney for the
Planning Department
County of Maui

DATED: Feb 11th, Hawaii, _____, 1998.

Mark Sheehan
MARK SHEEHAN
MAUI TOMORROW

Land Use Commission, State of Hawaii; In the Matter of the Petition of Maui Electric Company, Limited; DOCKET NO. A97-722; STIPULATION REGARDING
APPLICANT MAUI ELECTRIC COMPANY, LIMITED'S WITNESSES
5015834.1.015787-5

DATED: Wailuku, Hawaii, February 11, 1998.



GARY W. ZAKIAN
Deputy Corporation Counsel
Attorney for the
Planning Department
County of Maui

DATED: _____, Hawaii, _____, 1998.

MARK SHEEHAN
MAUI TOMORROW

Land Use Commission, State of Hawaii; In the Matter of the Petition of Maui Electric Company, Limited; DOCKET NO. A97-722; STIPULATION REGARDING
APPLICANT MAUI ELECTRIC COMPANY, LIMITED'S WITNESSES
5015834.1.015787-5

CARLSMITH BALL WICHMAN

CASE & ICHIKI

B. MARTIN LUNA 865

CRAIG G. NAKAMURA 2062

RANDALL H. ENDO 6567

One Main Plaza, Suite 400

2200 Main Street

Wailuku, Maui, Hawaii 96793-1086

Tel. No. (808) 242-4535

LAND USE COMMISSION
STATE OF HAWAII

1998 FEB 20 P 12:45

Attorneys for Applicant

MAUI ELECTRIC COMPANY,
LIMITED

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED	)	STIPULATION REGARDING
	)	NON-CONTESTED
To Amend the Land Use	)	ISSUES
District Boundary of Certain	)	
Lands Situated at Wailuku and	)	
Makawao Districts, Island of	)	
Maui, State of Hawaii,	)	
Consisting of 65.7 Acres from	)	
the Agriculture to the Urban	)	
District	)	
_____	)	

STIPULATION REGARDING NON-CONTESTED ISSUES

IT IS HEREBY STIPULATED, between all parties, that the following witnesses of Applicant MAUI ELECTRIC COMPANY, LIMITED, on January 27, 1998 need not provide oral testimony because their testimony concerns issues which MAUI TOMORROW does not contest. Said witnesses and their respective issues are:

1.	Glen Lau	Geotechnical Resources/Natural Hazards (Land)/Geology/Soils
2.	Amy Dunn	Archaeological/Cultural Resources
3.	Evangeline Funk	Biological Resources
4.	Daniel Lum	Hydrology/Ground Water Resources (Water Withdrawal & Reinjection)
5.	J. Michael Silva	Electric and Magnetic Field Analysis

GWZ
RAE

Therefore, in order to save time and expense for all the parties, such witnesses listed above shall submit only written testimony and reports to be accepted into evidence.

MAUI TOMORROW will not present evidence with regard to the above topics.

IT IS FURTHER STIPULATED by the parties hereto that this stipulation may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same stipulation, binding all of the parties hereto, notwithstanding that all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this stipulation, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

1.	Glen Lau	Geotechnical Resources/Natural Hazards (Land)/Geology/Soils
2.	Amy Dunn	Archaeological/Cultural Resources
3.	Evangeline Funk	Biological Resources
4.	Daniel Lum	Hydrology/Ground Water Resources (Water Withdrawal & ReInjection)
5.	J. Michael Silva	Electric and Magnetic Field Analysis

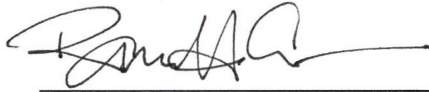
RAE
lu

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DATED: Wailuku, Hawaii, February 12, 1998.



B. MARTIN LUNA
CRAIG G. NAKAMURA
RANDALL H. ENDO
Attorneys for Applicant
MAUI ELECTRIC COMPANY, LIMITED

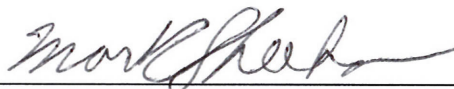
DATED: Honolulu, Hawaii, _____, 1998.

RICHARD EGGED, JR., Director
ABE MITSUDA, Administrator
Office of Planning
State of Hawaii

DATED: Wailuku, Hawaii, _____, 1998.

GARY W. ZAKIAN
Deputy Corporation Counsel
Attorney for the
Planning Department
County of Maui

DATED: Feb 12, Hawaii, _____, 1998.



MARK SHEEHAN
MAUI TOMORROW

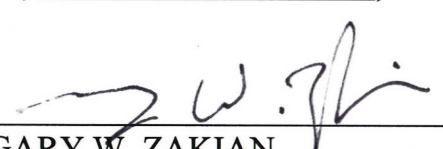
DATED: Wailuku, Hawaii, _____, 1998.

B. MARTIN LUNA
CRAIG G. NAKAMURA
RANDALL H. ENDO
Attorneys for Applicant
MAUI ELECTRIC COMPANY, LIMITED

DATED: Honolulu, Hawaii, _____, 1998.

RICHARD EGGED, JR., Director
ABE MITSUDA, Administrator
Office of Planning
State of Hawaii

DATED: Wailuku, Hawaii, 2/13 _____, 1998.



GARY W. ZAKIAN
Deputy Corporation Counsel
Attorney for the
Planning Department
County of Maui

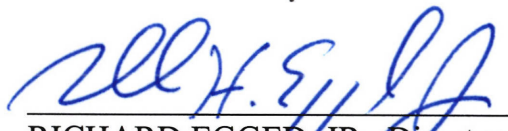
DATED: _____, Hawaii, _____, 1998.

MARK SHEEHAN
MAUI TOMORROW

DATED: Wailuku, Hawaii, _____, 1998.

B. MARTIN LUNA
CRAIG G. NAKAMURA
RANDALL H. ENDO
Attorneys for Applicant
MAUI ELECTRIC COMPANY, LIMITED

DATED: Honolulu, Hawaii, February 18, 1998.



RICHARD EGGED, JR., Director
ABE MITSUDA, Administrator
Office of Planning
State of Hawaii

DATED: Wailuku, Hawaii, _____, 1998.

GARY W. ZAKIAN
Deputy Corporation Counsel
Attorney for the
Planning Department
County of Maui

DATED: _____, Hawaii, _____, 1998.

MARK SHEEHAN
MAUI TOMORROW

Land Use Commission, State of Hawaii; In the Matter of the Petition of Maui Electric Company, Limited; DOCKET NO. A97-722; STIPULATION REGARDING
APPLICANT MAUI ELECTRIC COMPANY, LIMITED'S WITNESSES
5016107.1.015787-5

CARLSMITH BALL WICHMAN
CASE & ICHIKI

LAND USE COMMISSION
STATE OF HAWAII

1998 FEB 20 P 12: 54

B. MARTIN LUNA 865
CRAIG G. NAKAMURA 2062
RANDALL H. ENDO 6567
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Maui, Hawaii 96793-1086
Tel. No. (808) 242-4535

ORIGINAL

Attorneys for Applicant
MAUI ELECTRIC COMPANY,
LIMITED

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED	)	
	)	
To Amend the Land Use	)	
District Boundary of Certain	)	
Lands Situated at Wailuku and	)	
Makawao Districts, Island of	)	
Maui, State of Hawaii,	)	
Consisting of 65.7 Acres from	)	
the Agriculture to the Urban	)	
District	)	
_____	)	

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copies of the Stipulation
Regarding Maui Electric Company, Limited's Witnesses and the Stipulation Regarding
Non-Contested Issues were duly served upon the following parties by U.S. Certified
Mail, postage prepaid, on the date stated below:

RICHARD EGGED, JR., Director
ABE MITSUDA, Administrator
Office of Planning
State of Hawaii
P. O. Box 2359
Honolulu, HI 96804-2359

ANN OGATA-DEAL, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, HI 96813

DAVID W. BLANE, Planning Director
Planning Department
County of Maui
250 South High Street
Wailuku, HI 96793

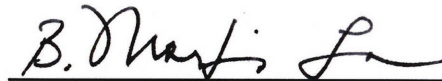
PLANNING COMMISSION
County of Maui
250 South High Street
Wailuku, HI 96793

JEFFREY SCHMIDT, Esq.
GARY W. ZAKIAN, Esq.
County of Maui
200 South High Street
Wailuku, HI 96793

G. STEPHAN HOLADAY
Hawaiian Commercial & Sugar Company
P. O. Box 266
Puunene, Hawaii 96784

MARK SHEEHAN
MAUI TOMORROW
P.O. Box 429
Makawao, HI 96768

DATED: Wailuku, Hawaii, February 19, 1998.



B. Martin Luna
Randall H. Endo
Attorneys for Applicant

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, HAWAII 96793
243-7740 Telephone/243-7152 FAX

LETTER OF TRANSMITTAL

February 19, 1998

Ms. Esther Ueda
Executive Director
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu HI 96804-2359

1998 FEB 20 A 10:21
LAND USE COMMISSION
STATE OF HAWAII

RE: MAUI ELECTRIC COMPANY, LTD.; DOCKET NO. A97-722

COPIES

DESCRIPTION

15 OBJECTIONS OF THE MAUI PLANNING DEPARTMENT TO INTERVENOR
MAUI TOMORROW'S WITNESS AND EXHIBIT LIST; CERTIFICATE OF
SERVICE

() For filing	() For signature & return
() For your files	() For signature & forwarding
() Per your request	to _____
() For review & comment	() Per our conversation
() See remarks below	

REMARKS:

The original of this document was sent by separate mail on
February 18, 1998.

By KELLY A. CAIRNS
KELLY A. CAIRNS
Deputy Corporation Counsel

KAC:ln
Enclosure

ORIGINAL

DEPARTMENT OF THE CORPORATION COUNSEL 205

J. P. SCHMIDT 5263
Corporation Counsel
KELLY A. CAIRNS 6425
Deputy Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793
Telephone No. 243-7740

Attorneys for
MAUI PLANNING DEPARTMENT

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A97-722
)	
MAUI ELECTRIC COMPANY, LIMITED,)	OBJECTIONS OF THE MAUI
a Hawaii corporation,)	PLANNING DEPARTMENT TO
)	INTERVENOR MAUI TOMORROW'S
To Amend the Agricultural Land)	WITNESS AND EXHIBIT LIST;
Use District Boundary into the)	CERTIFICATE OF SERVICE
Urban Land Use District for)	
Approximately 65.7 Acres of)	
Land at Wailuku and Makawao)	
Districts, Maui, Hawaii,)	
TMK 3--8-03:23 and 24)	
)	
)	

OBJECTIONS OF THE MAUI PLANNING DEPARTMENT
TO INTERVENOR MAUI TOMORROW'S WITNESS AND EXHIBIT LIST

The Maui Planning Department (hereinafter referred to as "County") hereby submits the following objections to Intervenor Maui Tomorrow's witness and exhibit list, as amended.

LAND USE COMMISSION
STATE OF HAWAII
1998 FEB 20 A 10:21

1. The County objects to Intervenor Maui Tomorrow's failure to provide the County with the written testimonies of their proposed expert witnesses.

2. The County objects to Intervenor Maui Tomorrow's exhibit number 8. The article is incomplete, therefore the County is unable to determine the context of the statements made therein.

3. The County objects to Intervenor Maui Tomorrow's exhibit number 7. The Agricultural Map of Maui County is a working document prepared for the County; it is not an official map. An official map should be referenced.

DATED: Wailuku, Maui, Hawaii, February 18, 1998.

J. P. SCHMIDT
Attorney for MAUI PLANNING
DEPARTMENT

By Kelly A. Cairns
KELLY A. CAIRNS
Deputy Corporation Counsel

J. P. SCHMIDT 5263
Corporation Counsel
KELLY A. CAIRNS 6425
Deputy Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793
Telephone No. 243-7740
S:\ALL\KAC\MECO.

Attorneys for
MAUI PLANNING DEPARTMENT

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A97-722
)
MAUI ELECTRIC COMPANY, LIMITED,)
a Hawaii corporation,) CERTIFICATE OF SERVICE
)
To Amend the Agricultural Land)
Use District Boundary into the)
Urban Land Use District for)
Approximately 65.7 Acres of)
Land at Wailuku and Makawao)
Districts, Maui, Hawaii,)
TMK 3--8-03:23 and 24)
)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document
has TODAY been served upon the following parties, in the manner so
indicated, at their last known addresses:

METHOD OF SERVICE:
MAIL HAND DELIVERY

RICHARD EGGED, JR., Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

X

METHOD OF SERVICE:
MAIL HAND DELIVERY

ANN OGATA-DEAL, ESQ.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

X

ABE MITSUDA, Administrator
Land Use Division
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

X

MARTIN LUNA, ESQ.
Carlsmith Ball Wichman Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

X

MARK SHEEHAN, Representing Intervenor
President, Maui Tomorrow
P. O. Box 429
Makawao, Hawaii 96768

X

DATED: Wailuku, Maui, Hawaii, February 18, 1998.

J. P. SCHMIDT
Attorney for MAUI PLANNING
DEPARTMENT

By

Kelly A Cairns
KELLY A. CAIRNS
Deputy Corporation Counsel

LINDA LINGLE
MAYOR



J. P. SCHMIDT
CORPORATION COUNSEL

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE (808) 243-7740 • FAX (808) 243-7152

February 18, 1998

Esther Ueda, Executive Director
Land Use Commission
Post Office Box 2359
Honolulu, Hawaii 96804-2359

LAND USE COMMISSION
STATE OF HAWAII
1998 FEB 20 A 10:15

RE: In the Matter of the Petition of Maui Electric Company, Ltd. to Amend the
Agricultural Land use District Boundary into the Urban Land Use District; Docket
No. A97-722

Dear Ms. Ueda:

Please find enclosed the Maui Planning Department's objections to the witness and exhibit list submitted by Intervenor Maui Tomorrow for the above referenced application. Additional copies for the members of the Land Use Commission will be forthcoming.

Very truly yours,

A handwritten signature in cursive script, reading "Kelly A. Cairns".

KELLY A. CAIRNS
Deputy Corporation Counsel



ORIGINAL

DEPARTMENT OF THE CORPORATION COUNSEL 205

J. P. SCHMIDT 5263
Corporation Counsel
KELLY A. CAIRNS 6425
Deputy Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793
Telephone No. 243-7740

LAND USE COMMISSION
STATE OF HAWAII
1998 FEB 20 A 10:15

Attorneys for
MAUI PLANNING DEPARTMENT

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A97-722
)	
MAUI ELECTRIC COMPANY, LIMITED,)	OBJECTIONS OF THE MAUI
a Hawaii corporation,)	PLANNING DEPARTMENT TO
)	INTERVENOR MAUI TOMORROW'S
To Amend the Agricultural Land)	WITNESS AND EXHIBIT LIST;
Use District Boundary into the)	CERTIFICATE OF SERVICE
Urban Land Use District for)	
Approximately 65.7 Acres of)	
Land at Wailuku and Makawao)	
Districts, Maui, Hawaii,)	
TMK 3--8-03:23 and 24)	
)	
)	

OBJECTIONS OF THE MAUI PLANNING DEPARTMENT
TO INTERVENOR MAUI TOMORROW'S WITNESS AND EXHIBIT LIST

The Maui Planning Department (hereinafter referred to as "County") hereby submits the following objections to Intervenor Maui Tomorrow's witness and exhibit list, as amended.

1. The County objects to Intervenor Maui Tomorrow's failure to provide the County with the written testimonies of their proposed expert witnesses.

2. The County objects to Intervenor Maui Tomorrow's exhibit number 8. The article is incomplete, therefore the County is unable to determine the context of the statements made therein.

3. The County objects to Intervenor Maui Tomorrow's exhibit number 7. The Agricultural Map of Maui County is a working document prepared for the County; it is not an official map. An official map should be referenced.

DATED: Wailuku, Maui, Hawaii, February 18, 1998.

J. P. SCHMIDT
Attorney for MAUI PLANNING
DEPARTMENT

By Kelly A. Cairns
KELLY A. CAIRNS
Deputy Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL 205

J. P. SCHMIDT 5263
Corporation Counsel
KELLY A. CAIRNS 6425
Deputy Corporation Counsel
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793
Telephone No. 243-7740
S:\ALL\KAC\MECO.

Attorneys for
MAUI PLANNING DEPARTMENT

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A97-722
)
MAUI ELECTRIC COMPANY, LIMITED,)
a Hawaii corporation,) CERTIFICATE OF SERVICE
)
To Amend the Agricultural Land)
Use District Boundary into the)
Urban Land Use District for)
Approximately 65.7 Acres of)
Land at Wailuku and Makawao)
Districts, Maui, Hawaii,)
TMK 3--8-03:23 and 24)
_____)
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document
has TODAY been served upon the following parties, in the manner so
indicated, at their last known addresses:

METHOD OF SERVICE:
MAIL HAND DELIVERY

RICHARD EGGED, JR., Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

X

METHOD OF SERVICE:
MAIL HAND DELIVERY

ANN OGATA-DEAL, ESQ.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

X

ABE MITSUDA, Administrator
Land Use Division
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

X

MARTIN LUNA, ESQ.
Carlsmith Ball Wichman Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

X

MARK SHEEHAN, Representing Intervenor
President, Maui Tomorrow
P. O. Box 429
Makawao, Hawaii 96768

X

DATED: Wailuku, Maui, Hawaii, February 18, 1998.

J. P. SCHMIDT
Attorney for MAUI PLANNING
DEPARTMENT

By Kelly A Cairns
KELLY A. CAIRNS
Deputy Corporation Counsel

Board of Directors

Mark Sheehan, President
Anthony Ranken, Vice-President
Celeste King, Treasurer
Susan Bradford
Lisa Hamilton
Edwin Lindsey
Louise Rockett

Administrative / Program Director

Scott P. Crawford



PO Box 429, Makawao, Hawai'i 96768 • 808-877-AINA • Fax: 248-7761 • aina@maui-tomorrow.org • <http://maui-tomorrow.org>

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

1998 FEB 17 P 2:35
LAND USE COMMISSION
STATE OF HAWAII

In the Matter of the Petition of
MAUI ELECTRIC COMPANY, LIMITED

To Amend the Land Use
District Boundary of Certain
Lands Situated at Wailuku and
Makawao Districts, Island of
Maui, State of Hawai'i,
Consisting of 65.7 Acres from
the Agriculture to the Urban
District

Please find enclosed an amendment
to the Maui Tomorrow witness list,
exhibit list and supporting documentation
for case docket No. A97-722

CH2MHILL TRANSMITTAL

TO: State Land Use Commission
Dept. of Business, Economic Development &
Tourism
PO Box 2359
Honolulu, HI 96804-2359

FROM: Mark R. Willey
CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

ATTN: Ms. Esther Ueda

DATE: February 17, 1998

RE: LUC Docket A97-722

PROJECT NUMBER: 139792.PP.02

WE ARE SENDING YOU:

♦ ATTACHED	UNDER SEPARATE COVER VIA	
SHOP DRAWINGS	♦ DOCUMENTS	TRACINGS
PRINTS	SPECIFICATIONS	CATALOGS
COPY OF LETTER	OTHER:	

1998 FEB 17 P 3:40
LAND USE COMMISSION
STATE OF HAWAII

QUANTITY	DESCRIPTION
1 original 15 copies	Final Witness List for Applicant, Maui Electric Company, Limited (Feb. 18, 1998)
1 original 15 copies	Final Exhibit List for Applicant, Maui Electric Company, Limited (Feb. 18, 1998)
1 original 15 copies	Applicant's Exhibit C-117
1 original 15 copies	Applicant's Exhibit C-118
1 original 15 copies	Certificate of Service

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS: The enclosed exhibits are being submitted in response to Intervenor Maui Tomorrow's February 11, 1998 submittal of witness and exhibit lists in accordance with the LUC Pre-hearing Order of February 4, 1998. Please replace all previous witness and exhibit lists with the enclosed copies marked "FINAL" and dated "FEBRUARY 18, 1998."

COPY TO: Mr. Neal Shinyama, MECO (5 copies)
Mr. Mike Yuen, HECO (3 copies)
Mr. Martin Luna, Carlsmith, et al (2 copies)
All Parties Listed in Certificate of Service (1 copy)

CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

Voice: (808) 943-7135 x203

FAX: (808) 941-8225

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

February 27, 1998

*approved
3/19/98*

COMMISSIONERS PRESENT: Lawrence N.C. Ing
Rupert K. Chun
JoAnn Mattson
Peter Yukimura
Isaac Fiesta, Jr.

COMMISSIONERS ABSENT: M. Casey Jarman
Herbert Kaopua, Sr.
Merle Kelai
P. Roy Catalani (Excused)

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Rachelle Primeaux, Court Reporter

Presiding Officer Ing called the meeting to order.

CONTINUED HEARING

A97-722 - MAUI ELECTRIC CO., LTD.

Presiding Officer Ing announced that this proceeding was a continuation of the hearing which was adjourned yesterday at 3:10 p.m.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner
Allen R. Wolff, Esq., Attorney for Petitioner
Kelly Cairns, Esq., Deputy Corporation Counsel, County of Maui
Colleen Suyama, Planning Department, County of Maui

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Mark Sheehan, for Intervenor, Maui Tomorrow

Constance Palmore, for Intervenor, Maui Tomorrow

Scott Crawford, for Intervenor, Maui Tomorrow

Erik Frye, for Intervenor, Maui Tomorrow

Marc Drehsen, for Intervenor, Maui Tomorrow

Jim Williamson, for Intervenor, Maui Tomorrow

PETITIONER'S WITNESSES

1. Leslie Mathine
2. Earl Ifuku
3. Arthur Seki

A lunch recess was taken at 12:30 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PETITIONER'S WITNESSES (Continued)

3. Arthur Seki (Continued)
4. Thomas A. Schroeder

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Mattson moved to approve the minutes for the following meeting date: February 12, 1998. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

2. Discussions re: H.B. 2558 (ERTF bill) and litigation matters were held by the Commission.

The meeting was adjourned at 3:00 p.m.

LAND USE COMMISSION

Minutes of Field Trip

February 26, 1998 at 3:30 p.m.

COMMISSIONERS PRESENT: Lawrence N.C. Ing
Rupert K. Chun
JoAnn Mattson
Peter Yukimura
Isaac Fiesta, Jr.

Approved
3/19/98

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Docket No. A97-722 - Maui Electric Co., Ltd.

PARTIES

For Petitioner: B. Martin Luna, Esq.
William A. Bonnet
Edward L. Reinhardt
Mark R. Willey
Michael K.Y. Yuen

County: No Appearance

State: Ann Ogata-Deal, Esq.,
Deputy Attorney General
Abe Mitsuda, LUD Administrator

Intervenors: Scott Crawford
Marc Drehsen
Roy Smith

Others: Matthew Thayer
Diana Dahl

Mr. Bonnet provided an orientation of the project site from Waiko Road, utilizing Petitioner's Exhibit No. C-5. Mr. Bonnet also provided an overview of certain project components in relation to their location on the project site, utilizing Petitioner's Exhibit No. C-3. Mr. Reinhardt briefed the attendees on the surrounding communities and land uses to the project site.

The field trip adjourned at approximately 4:00 p.m.

LAND USE COMMISSION

Minutes of Meeting

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

February 26, 1998

COMMISSIONERS PRESENT: Lawrence N.C. Ing
Rupert K. Chun
JoAnn Mattson
Peter Yukimura
Isaac Fiesta, Jr.

approved
3/19/98

COMMISSIONERS ABSENT: M. Casey Jarman
Herbert Kaopua, Sr.
Merle Kelai
P. Roy Catalani (Excused)

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Gloria Tavares, Court Reporter

Presiding Officer Ing called the meeting to order.

ACTION

SP73-159 - TOYAMA GARDENS HAWAII, INC. dba NANI MAU GARDENS, INC.
(Hawaii) (7th Amendment)

Presiding Officer Ing announced that the Commission would take action to consider an amendment to the special permit deleting approximately 30 acres of land from Nani Mau's commercial arboretum and nursery situated with the Agricultural District at Hilo, Hawaii.

Appearances

Sidney Fuke, Consultant for Petitioner

Andrey Chan, for Petitioner

On February 24, 1998, the Planning Department, County of Hawaii, notified the Commission and they would not be present at the proceeding today.

Leo Asuncion, Jr., staff planner, oriented the Commission to the special permit area on the Land Use District Boundaries and tax maps and gave a summary of the special permit request.

Commissioner Fiesta moved to approve the amendment to the special permit by deleting approximately 30 acres of land from Nani Mau's commercial arboretum and nursery situated within the Agricultural District at Hilo, Hawaii. The motion was seconded by Commissioner Chun and unanimously carried by voice votes.

ADOPTION OF DECISION AND ORDER

* A97-722 - MAUI ELECTRIC COMPANY, LTD.

Commissioner Chun moved to adopt the Order Granting Petition for Intervention by Maui Tomorrow. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

HEARING

* A97-722 - MAUI ELECTRIC CO., LTD.

Pursuant to a notice published in the Honolulu Advertiser and the Maui News and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Maui Electric Co., Ltd. to consider reclassifying approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electrical Generating Station.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner

Allen R. Wolff, Esq., Attorney for Petitioner

Kelly Cairns, Esq., Deputy Corporation Counsel, County of Maui

Colleen Suyama, Planning Department, County of Maui

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Mark Sheehan, for Intervenor, Maui Tomorrow

Bert Saruwatari, staff planner, oriented the Commission to the petition area on the Land Use District Boundaries and tax maps.

EXHIBITS

The following letters were admitted into evidence by the Land Use Commission:

a. Letter dated February 10, 1998 from Warren Watanabe and Kenneth Okamura, Maui County Farm Bureau.

b. Letter dated February 20, 1998 from G. Stephen Holaday, Hawaiian Commercial and Sugar Co.

c. Letter dated February 20, 1998 from Harry H.K. Kameenui, International Brotherhood of Electrical Workers.

d. Letter dated February 23, 1998 from Clyde Murashige, Wailea Resort Co., Ltd.

e. Letter dated February 23, 1998 from Lynn Woods, Maui Chamber of Commerce.

f. Letter dated February 23, 1998 from Terryl Vencel, Maui Hotel Association.

g. Letter dated February 24, 1998 from Robert T. Johnson, Maui Economic Development Board.

h. Letter dated February 24, 1998 from Richard Heede, Research Scholar, Rocky Mountain Institute.

1. LUC Exhibit No. 1, Letter dated December 10, 1997 from Rae M. Loui, Commission on Water Resource Management to Richard Egged, Jr., Office of Planning was admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit Nos. A, A-1 through A-6, B-1 through B-25, C-1 through C-118, and D-1 through D-21 were admitted into evidence by the Land Use Commission. Exhibit B-10 was withdrawn by Petitioner.

3. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

4. Office of Planning's Exhibit No. 1 was admitted into evidence by the Land Use Commission.

5. Intervenor's Exhibit Nos. 1 through 5, 6A through 6F, and 7 through 21 were admitted into evidence by the Land Use Commission.

PUBLIC WITNESSES

1. Jeffrey Parker
2. Madelyn D'Enbeau
3. Diana Dahl
4. Lucienne de Naie
5. Daniel Grantham
6. Glenn Shepherd
7. David Patton
8. Tom Ulick
9. Scott Crawford
10. Marc Drehsen for Maui Clean Air Coalition
11. Constance Palmore
12. Glenn Shepherd

Commissioner Fiesta moved to go into executive session to consult with our Deputy Attorney General on legal matters regarding public testimony. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

A lunch recess was taken at 12:30 p.m. to reconvene at 1:30 p.m.

- 1:30 p.m. -

PUBLIC WITNESSES (Continued)

13. Marc Drehsen

PETITIONER'S WITNESSES

Parties stipulated that Petitioner's Witnesses, Glenn Lau and Evangeline Funk, would not needed to testify orally, but were available for questioning by the Commissioners.

MINUTES - February 26, 1989
Page 5

1. Edward Reinhardt
2. Amy Dunn
3. Yoichi Ebisu

The Land Use Commission took a field trip to the project site after the adjournment of the meeting.

The meeting was adjourned at 3:10 p.m. to reconvene tomorrow morning at 9:00 a.m.

LAND USE COMMISSION

NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

February 26, 1998 - 9:30 a.m.
February 27, 1998*

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

A G E N D A

LIEUTENANT GOVERNOR'S
OFFICE

98 FEB 17 AM 31

I. ACTION

1. SP73-159- TOYAMA GARDENS HAWAII CORPORATION dba NANI MAU GARDENS, INC. (Hawaii) (7th Amendment)

To consider an amendment to the special permit deleting approximately 30 acres of land from Nani Mau's commercial arboretum and nursery situated within the Agricultural District at Hilo, Hawaii.

II. HEARING

- * 1. A97-722 - MAUI ELECTRIC CO., LTD. (Maui)

To consider reclassifying approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electrical Generating Station.

The Land Use Commission will be taking a field trip to the project site in the afternoon of February 26, 1998.

III. ADOPTION OF DECISION AND ORDER

A97-722 - MAUI ELECTRIC CO., LTD.

- a. Order Granting Petition for Intervention filed by Maui Tomorrow.

IV. MISCELLANEOUS

1. Status Report on Litigation Matters
2. Adoption of Minutes

3. LUC Legislative Procedures

(Executive Sessions may be called in order for the Commission to consult with their attorney pursuant to Section 92-5, HRS.

*The meeting will continue on February 27, 1998 if not completed on February 26, 1998.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

February 17, 1998

Mr. Mark Sheehan, President
Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

Dear Mr. Sheehan:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Mark Sheehan, President
Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

4a. Article Number

P 612 304 668

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

FEB 23 1995

5. Received By: (Print Name)

E. B. Jacobsen

6. Signature: (Addressee or Agent)

Mark Sheehan

8. Addressee's Address (Only if requested and fee is paid)

MAKAWAO HI
USPS 96768-9998

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

P 612 304 668

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Mark Sheehan, President	
Street & Number	
P.O. Box 429	
Post Office, State, & ZIP Code	
Makawao, HI 96768	
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	2.77
Postmark or Date	

PS Form 3800, April 1995

A97-722 - Maui Electric Co.



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

February 17, 1998

B. Martin Luna, Esq.
Carlsmith, Ball, Wichman, Case
and Ichiki
One Main Plaza
Suite 400, 2200 Main Street
Wailuku, HI 96793-1086

Dear Mr. Luna:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
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I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

B. Martin Luna, Esq.
Carlsmith Ball Wichman Case
& Ichiki
One Main Plaza, Ste. 400
2200 Main Street
Wailuku, HI 96793

4a. Article Number
P 612 304 669

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
2/18/98

5. Received By: (Print Name)
mercedes obregon

6. Signature: (Addressee or Agent)
X mercedes obregon

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 669

A97-722 - Maui Electric Co.

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	
B. Martin Luna, Esq.	
Street & Number	
2200 Main Str., Ste. 400	
Post Office, State, & ZIP Code	
Wailuku, HI 96793	
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.77
Postmark or Date	

PS Form 3800, April 1995

HONOLULU, HI
FEB 17 1998
USPS



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

February 17, 1998

Mr. David Blane, Planning Director
Planning Department, County of Maui
250 South High Street
Wailuku, HI 96793

Dear Mr. Blane:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: Mr. David Blane, Director Planning Dept., County of Maui 250 South High Street Wailuku, HI 96793	4a. Article Number P 612 304 667
5. Received By: (Print Name) Jill O'No	4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD
6. Signature: (Addressee or Agent) X	7. Date of Delivery 2/18/98
	8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 667

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	Mr. David Blane
Street & Number	250 South High Street
Post Office, State, & ZIP Code	Wailuku, HI 96793
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.77
Postmark or Date	1998

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

February 17, 1998

Jeffrey Schmidt, Esq.
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

Dear Mr. Schmidt:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please call our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

February 17, 1998

Ann Ogata-Deal, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, HI 96813

Dear Ms. Ogata-Deal:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

February 17, 1998

Mr. Richard Egged, Jr., Director
Office of Planning, State of Hawaii
P.O. Box 2359
Honolulu, HI 96804-2359

Dear Mr. Egged:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

cc: Mr. Abe Mitsuda, Land Use Division

CH2MHILL TRANSMITTAL

TO: Ms. Esther Ueda
State Land Use Commission
PO Box 2359
Honolulu, Hawaii 96804

FROM: Mark R. Willey, HNL
CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

DATE: February 11, 1998

RE: Land Use Commission Docket 97A-722

PROJECT NUMBER: 139792.PP.02

WE ARE SENDING YOU:

♦ ATTACHED UNDER SEPARATE COVER VIA

SHOP DRAWINGS	♦ DOCUMENTS	TRACINGS
PRINTS	SPECIFICATIONS	CATALOGS
COPY OF LETTER	OTHER:	

QUANTITY	DESCRIPTION
1 original 15 copies	Revised Witness List (marked February 11, 1998)
1 original 15 copies	Revised Exhibit List (marked February 11, 1998)
1 original 15 copies	Exhibit C-115, PUC D&O No. 14674
1 original 15 copies	Exhibit C-116, PUC D&O No. 14707
1 original 15 copies	Certificate of Service

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS: The revised witness and exhibit lists are to replace previous lists you have received from the applicant. The latest witness and exhibit lists are dated FEBRAURY 11, 1998 in there respective titles. The lists incorporate the two additional exhibits as well as minor corrections to the exhibit listing for C-66. Minor revisions to the exhibits listed for Mr. Mathine and Mr. Yuen have also been made.

COPY TO: Neal Shinyama, MECO (w/5 copies)
Mike Yuen, HECO (w/3 copies)
Martin Luna, Carlsmith et al (w 2 copies)

CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

Voice: (808) 943-7135 x203

FAX: (808) 941-8225

1998 FEB 11 P 12:45
LAND USE COMMISSION
STATE OF HAWAII

CH2MHILL TRANSMITTAL

TO: Land Use Commission
LUC Docket A97-722
Maui Electric Company, Limited's
Proposed Waena Generating Station

FROM: Mark R. Willey, Project Manager
CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

DATE: February 10, 1998

PROJECT NUMBER: 139792.PP.02

WE ARE SENDING YOU:

♦ ATTACHED	UNDER SEPARATE COVER VIA	
SHOP DRAWINGS	DOCUMENTS	TRACINGS
PRINTS	SPECIFICATIONS	CATALOGS
COPY OF LETTER	OTHER:	

QUANTITY	DESCRIPTION
16	Revised Witness List (1 original + 15 copies)
16	Revised Exhibit List (1 original + 15 copies)
16 sets	Summary Testimonies, marked as Exhibits D-1 through D-22 (1 original + 15 copies)
16	Exhibit B-25 (1 original + 15 copies)
16 each	Exhibits C-112, C-113, C-114 (1 original + 15 copies)

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS:

Enclosed please find the Revised Witness and Exhibit Lists, and Summary Testimonies for applicant's witnesses. Please note the following specific changes:

1. We have replaced Rick Roberts with Tom Simmons. Mr. Simmons' resume is marked as Exhibit B-25. Please remove Mr. Roberts' resume.
2. Three additional exhibits have been included: C-112, C-113, and C-114.

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
MAUI ELECTRIC COMPANY, LIMITED, a)
Hawai'i corporation)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
65.7 Acres of Land at Wailuku and)
Makawao Districts, Maui, Hawai'i,)
TMK 3-8-03: 23 and 24)
_____)

DOCKET NO. A97-722

PREHEARING ORDER

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

FEB - 4 1998

Date

by

Executive Officer

PREHEARING ORDER

LAND USE COMMISSION
STATE OF HAWAII
FEB 4 8 00 AM '98

In the Matter of the Petition of) DOCKET NO. A97-722
)
MAUI ELECTRIC COMPANY, LIMITED, a) PREHEARING ORDER
Hawai'i corporation)
)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
65.7 Acres of Land at Wailuku and)
Makawao Districts, Maui, Hawai'i,)
TMK 3-8-03: 23 and 24)
)

This Prehearing Order is issued pursuant to Section 15-15-57 of the Land Use Commission Rules.

WHEREAS, the Commission desires to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of exhibits, written testimonies, and witness lists;

WHEREAS, at the Prehearing Conference held on February 3, 1998, the parties were informed regarding the issuance of a Prehearing Order concerning the timely submission of witness lists, exhibit lists, and exhibits to all parties; now, therefore,

IT IS HEREBY ORDERED that no later than February 11, 1998, each party shall submit to the Commission and serve upon the other parties any amended exhibit list, exhibits, memoranda, or other documentary information it intends to submit at the hearing; and, that no later than February 18, 1998, a party may submit and serve upon the other parties any amended exhibit list,

exhibits, memoranda, or other documentary information in response to the documents submitted on February 11, 1998.

IT IS FURTHER ORDERED, that no later than February 11, 1998, each party shall identify all witnesses that will be providing testimony in support of the respective party's position; and, that no later than February 18, 1998, each party shall file a final witness list of all witnesses providing oral testimony, including any responsive or rebuttal witnesses;

IT IS FURTHER ORDERED, that unless there has been a showing of good cause or the lack of significant prejudice, filings or submissions which are untimely may be stricken or rejected by the Commission at the time of the hearing; and

IT IS FURTHER ORDERED, that unless there has been a showing of good cause or lack of significant prejudice, or unless otherwise ordered by the Commission, a party shall not be allowed at any hearing in this proceeding to submit any additional exhibits not previously submitted or present any oral testimony of any witness not previously identified by the dates provided herein.

Dated: Honolulu, Hawai'i, February 4, 1998.

LAND USE COMMISSION
STATE OF HAWAI'I

By



ESTHER UEDA
Executive Officer

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

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED, a	)	CERTIFICATE OF SERVICE
Hawai'i corporation	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
65.7 Acres of Land at Wailuku and	)	
Makawao Districts, Maui, Hawai'i,	)	
TMK 3-8-03: 23 and 24	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Prehearing Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. RICK EGGED, Director
 Office of Planning
 P. O. Box 2359
 Honolulu, Hawaii 96804-2359

CERT. DAVID W. BLANE, Director of Planning
 Planning Department, County of Maui
 250 South High Street
 Wailuku, Hawaii 96793

CERT. JEFFREY SCHMIDT, ESQ.
 Corporation Counsel, County of Maui
 Office of the Corporation Counsel
 200 South High Street
 Wailuku, Hawaii 96793

CERT. B. MARTIN LUNA, ESQ., Attorney for Petitioner
 Carlsmith Ball Wichman Case & Ichiki
 One Main Plaza, Suite 400
 2200 Main Street
 Wailuku, Hawaii 96793-1086

CERT. MARK SHEEHAN, Representing Intervenor
 President, Maui Tomorrow
 P. O. Box 429
 Makawao, Hawaii 96768

DATED: Honolulu, Hawaii, this 4th day of February 1998.



ESTHER UEDA
Executive Officer

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

A97-722/M501 Electric Company

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. David W. Blane
Director of Planning
Maui County Planning Dept.
250 South High Street
Wailuku, HI 96793

4a. Article Number

Z 445 897 882

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

[Signature] 2/5/98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

[Signature] Pessie Manrique

PS Form 3811, December 1994

702595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 882

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to David Blane	
Street & Number 250 South High Street	
Post Office, State, & ZIP Code Wailuku 96793	
Postage	\$.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark or Date	

A97-722/MECO

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jeffrey Schmidt, Esq.
Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

4a. Article Number

Z 445 897 883

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2-5-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 883

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Jeffrey Schmidt, Esq.
Street & Number	200 South High Street
Post Office, State, & ZIP Code	Wailuku 96793
Postage	\$ 5.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 8.00
Postmark or Date	

PS Form 3800, April 1995

A97-722/Maui Electric Company

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

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- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

B. Martin Luna, Esq.
Carlsmith Ball Wichman Case
& Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, HI 96793-1086

4a. Article Number

Z 445 897 884

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

2/5/98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

[Signature]

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 884

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to B. Martin Luna, Esq.	
Street & Number 2200 Main Street, Ste 400	
Post Office, State, & ZIP Code Wailuku 96793-1086	
Postage	\$ 5.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 5.00
Postmark or Date	

PS Form 3800 April 1995

A97-722/Maui Electric Company

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Mark Sheehan, President
Maui Tomorrow
P. O. Box 429
Makawao, HI 96768

4a. Article Number

Z 445 897 885

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

X 2/6/98

5. Received By: (Print Name)

X Konstance Palmore

6. Signature: (Addressee or Agent)

X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 885

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Mr. Mark Sheehan

Street & Number

P. O. Box 429

Post Office, State, & ZIP Code

Makawao 96768

Postage

\$

Certified Fee

\$

1.35

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

1.10

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$

3.00

Postmark or Date

PS Form 3800, April 1995

A97-722/Maui Electric Company



CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

ONE MAIN PLAZA

SUITE 400, 2200 MAIN STREET

POST OFFICE BOX 1086

WAILUKU, MAUI, HAWAII 96793-1086

TELEPHONE (808) 242-4535

FAX (808) 244-4974

January 29, 1998

LAND USE COMMISSION
STATE OF HAWAII
1998 FEB -3 A 10:46

Mr. Mark Sheehan
Maui Tomorrow
P. O. Box 429
Makawao, Maui, Hawaii 96768

Re: Waena Generating Station Contested Case Hearing

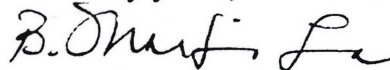
Dear Mr. Sheehan:

I am writing to inquire when you will be able to submit Maui Tomorrow's exhibits to me for review by Maui Electric Company, Ltd. I believe you have received about 90 to 95 percent of MECO's exhibits, but MECO has none of Maui Tomorrow's exhibits that you listed in the transmittal dated January 26, 1998.

Further, will you have resumes of the expert witnesses that Maui Tomorrow intends to call in the contested case hearing? Having said resumes before the hearing could save the parties some time during said hearing.

I would appreciate your contacting me about the foregoing matters as soon as possible.

Sincerely yours,



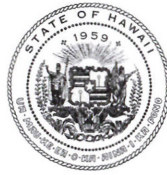
B. Martin Luna

BML:mea
5015691.1.015787-5

cc: Ms. Esther Ueda, Executive Officer, Land Use Commission
Mr. Mark Willey
Mr. Neal Shinyama

LAND USE COMMISSION
STATE OF HAWAII
1998 FEB -2 P 11:16

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 29, 1998

TO: Martin Luna, Esq.
Mark Sheehan, Maui Tomorrow
Abe Mitsuda, Land Use Div.
Colleen Suyama, Planning Dept.
County of Maui

FROM: Darlene Kinoshita *Darlene*
Chief Clerk

RE: Docket No. A97-722 - Maui Electric Co., Ltd.

Per our telephone conversation, this is to confirm that the prehearing conference on the above-entitled docket will be held as previously scheduled, at 10:00 a.m. on February 3, 1998 in Conference Room 405, 235 So. Beretania Street, Honolulu, Hawaii.

(NOTE: Letter sent VIA FAX)

Board of Directors

Mark Sheehan, President
Anthony Ranken, Vice-President
Celeste King, Treasurer
Susan Bradford
Lisa Hamilton
Edwin Lindsey
Louise Rockett

Administrative / Program Director

Scott P. Crawford



PO Box 429, Makawao, Hawai'i 96768 • 808-877-AINA • Fax: 808-248-7761 • aina@maui-tomorrow.org • <http://www.maui-tomorrow.org>

January 26, 1998

LAND USE COMMISSION
STATE OF HAWAII
1998 JAN 29 A 9:56

Dear Sir or Madam,

Enclosed is a copy of Maui Tomorrow's list of witnesses and exhibits we intend to introduce for the upcoming hearing regarding the boundary amendment petition for the Waena power generating plant.

Docket No. A97-722-Maui Electric Co., LTD.

Mahalo,

Mark Sheehan
President
Maui Tomorrow

HOFA

HAWAII ORGANIC FARMERS ASSOCIATION

P. O. Box 984, Haiku, Hawaii 96708 (808) 573-0995 (Phone & FAX)
<http://ddi.digital.net/~planet/hofa.html> e-mail: hofa@aloha.net

21 January 98

Maui Tomorrow
Board of Directors
Makawao, HI 96768

Dear Gentle persons:

This comes as a letter of support being in opposition to the projected power plant which Maui Electric Company is proposing to build in the Lower Kula area of Maui. As an agricultural organization, Hawaii Organic Farmers Association views the project as detrimental to any farming operation which would ever be subject to the inevitable and consistent toxic plume emanating from such a plant.

Growing food requires clean air, as well as clean soil and water; in fact air is the principle component in the growth of a plant. To compromise the source of plant growth is unwise. Moreover, as Kula is the primary site of agriculture on Maui, to build such a facility as an electrical generating plant anywhere near this vicinity would impact the agricultural community disproportionately and is surely not in the best interests of farmers or consumers.

The demands for more power for the future of Maui need to be seriously addressed through conservation on the demand side and alternative sources, such as solar, on the supply side. Let us not further risk our fragile ecosystem or our tenuous farming economy by this unwise development.

Sincerely,

Diana Dahl

Diana Dahl, for HOFA Board of Directors

1998 JAN 27 A 10:45
LAND USE COMMISSION
STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII

1998 JAN 27 A 10:44

MAUI TOMORROW BOARD MEETING MINUTES

12/15/97 - 5 PM

Landmark Maui Properties, Makawao

PRESENT: Susan Bradford, Lisa Hamilton, Celeste King, Mark Sheehan (Board);
Scott Crawford (Staff)

ABSENT: Anthony Ranken (proxy to Susan Bradford), Ed Lindsey, Louise Rockett

CALL TO ORDER: Mark, 5:20 PM

MINUTES OF MEETING, 11/17/97, Approved as circulated.

FINANCIAL REPORT: Scott reported that we have less than \$500 in our account. Scott has been paid less than the full amount; now owed estimated \$800 (is actually more like \$1400). Celeste donated \$1,000 to be used to cover this payment and the next one. Mark said he would work with Constance in his office on fund raising.

MECO INTERVENTION: Madelyn D'Enbeau (Councilman Nishiki's office) spoke on a conference call about the process for intervention and the Dec. 22nd deadline for filing. Suggested we get a successful format from another group. Usually interventions are granted freely by LUC. She faxed info covering what must be stated in the intervention. Mark said he would find people to work on this and Board voted (Motion: Celeste/Susan) to proceed Hearing on the reclassification of over 65 acres by LUC scheduled for 2/26 and 2/27/98. Must present new evidence as an intervenor. (NOTE: Intervention papers were prepared with help of Constance Palmore, Lucienne DeNaie and Paul Atchotoff, Sierra Club, and filed on time.)

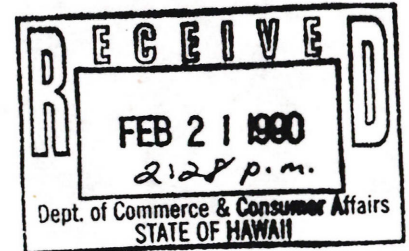
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

BUSINESS REGISTRATION DIVISION

STATE OF HAWAII

P.O. Box 40
Honolulu, Hawaii 96810

Articles of Incorporation of
Maui Tomorrow Foundation, Inc.



The undersigned, desiring to form a nonprofit corporation under the laws of the State of Hawaii, certifies as follows:

I

The name of the corporation shall be:

Maui Tomorrow Foundation, Inc.

II

The address of the corporation's initial office is:

Maui Tomorrow Foundation, Inc.
3663 Baldwin Ave.
P.O. Box 428
Makawao, Maui, Hawaii 96732

III

The period of the corporation's duration is perpetual.

IV

Section 1. The corporation is organized for the following purposes:

(a) To advance the protection of Maui's precious natural areas and prime open space, for recreational use and esthetic value; to promote the concept of ecologically sound development; to preserve the opportunity for a rural lifestyle on Maui; to promote, sponsor and participate in educational and community programs, seminars and other functions related to the foregoing purposes; to carry out litigation as necessary to advance the foregoing purposes;

(b) The transaction of any or all lawful activities for which nonprofit corporations may be incorporated under Chapter 415B, Hawaii Revised Statutes.

Section 2. In furtherance of said purposes, the corporation shall have all powers, rights, privileges and immunities, and shall be subject to all of the liabilities conferred or imposed by law upon corporations of this nature, and shall be subject and have all the benefits of all general laws with respect to corporations.

Section 3. The corporation is organized exclusively for charitable, educational, and scientific purposes, as defined and applied under section 501(c)(3) of the Internal Revenue Code.

V

The number of directors constituting the initial Board of Directors is three. Following are the names and residence street addresses of the initial officers and directors:

Frederick H. Sands, M.D., President	694 Kaae Place Wailuku, HI. 96793
Albert A. Perez II, Vice President	Star Route 1, Box 43 Haiku, HI. 96708
Anthony L. Ranken, Secretary/Treasurer	1292 Honoapiilani Hwy. (P.O. Box 261) Wailuku, HI. 96793

VI

The corporation has no members.

VII

Section 1. The corporation is nonprofit in nature, and shall not authorize or issue shares of stock. No dividends shall be paid and no part of the net earnings, income or profit of the corporation shall be distributed or inure to the benefit of its members, trustees, directors or officers or other private persons, except that the corporation shall be empowered to pay reasonable compensation for services actually rendered to the corporation, and to make payments and distributions in furtherance of the purposes set forth in Article IV hereof.

Section 2. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall

not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

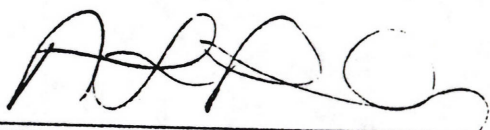
Section 3. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

VIII

Upon the dissolution of the corporation, the existing assets of the corporation shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Circuit Court of the Second Circuit of the State of Hawaii, or any other court of competent jurisdiction, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

IN WITNESS WHEREOF, I certify under the penalties of Hawaii Revised Statutes section 415B-158 that I have read the above statements and that the same are true and correct.

DATED: Wailuku, Maui, Hawaii, February 19, 1990.



ANTHONY L. RANKEN, Incorporator
P.O. Box 261
Wailuku, Hawaii 96793
(808) 242-4387

CH2MHILL TRANSMITTAL

TO: State of Hawaii Land Use Commission
PO Box 2359
Honolulu, HI 96804

FROM: Mark R. Willey, HNL
CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

ATTN: Ms. Esther Ueda

DATE: January 27, 1998

RE: Docket A97-722 Witness and Exhibit Lists for MECO

PROJECT NUMBER: 139792. PP.02

WE ARE SENDING YOU:

ATTACHED

UNDER SEPARATE COVER VIA

SHOP DRAWINGS

♦ DOCUMENTS

TRACINGS

PRINTS

SPECIFICATIONS

CATALOGS

COPY OF LETTER

OTHER:

QUANTITY	DESCRIPTION
1	Original list of witnesses and exhibits
15	Copies of list of witnesses and exhibits

1998 JAN 27 P 3:35
LAND USE COMMISSION
STATE OF HAWAII

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS:

COPY TO:

CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

Voice: (808) 943-7135 x203

FAX: (808) 941-8225

Board of Directors

Mark Sheehan, President
Anthony Ranken, Vice-President
Celeste King, Treasurer
Susan Bradford
Lisa Hamilton
Dwain Lindsey
Louise Rockett



Administrative / Program Director
Scott P. Crawford

PO Box 429, Makawao, Hawai'i 96768 • 808-877-AINA • Fax: 808-248-7761 • aina@maui-tomorrow.org • <http://www.maui-tomorrow.org>

Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

January 26, 1998

Dear staffperson,

Enclosed is an advanced copy of Maui Tomorrow's list of
testifiers and exhibits for our upcoming intervention hearing
regarding the Waena power generating plant in Maui.

The actual originals will be served by U.S. Post Office
delivery, as per LUC instructions.

Mahalo,

Mark Sheehan
President
Maui Tomorrow

LAND USE COMMISSION
STATE OF HAWAII
1998 JAN 27 A 7:42

Exhibits

1. Maui County General Plan
2. East Maui Water Development Plan and supporting documents
3. Highway Manuals refering to traffic counts and level of service
4. "Regional Energy Initiatives" - Na Makani Energy Initiative Project Report, Phase I
5. "Customer-Sited Photovoltaics - Focusing on Markets that Really Shine: A Study Highlighting The Best Markets In The United States For Grid-Connected Photovoltaic Systems," National Renewable Energy Laboratory
6. "Negawatts: Twelve Transitions, Eight Improvements, and One Distraction" by Rocky Mountain Institute in Energy Policy, 1996
7. "Renewables in Integrated Energy Systems," Rocky Mountain Institute
8. Written testimony from Richard Heede, Research Scholar, Rocky Mountain Institute
9. Written testimony from Michael Potts, Solar Utilities Network
10. "DSM Opportunity Report" Neof Corp. for State of Hawaii PUC, 1993
11. Honolulu Advertiser article, Jan. 11, 1998
12. Pacific Monitor articles, 11-12-95, 12-4-95, 12-11-95, 12-18-95, 5-27-96, 7-22-96

Board of Directors

Mark Sheehan, President
Anthony Ranken, Vice-President
Celeste King, Treasurer
Susan Bradford
Lisa Hamilton
Edwin Lindsey
Louise Rockett



Administrative / Program Director
Scott P. Crawford

1998 JAN 27 A 7:42
LAND USE COMMISSION
STATE OF HAWAII

<u>NAME/ORGANIZATION/POSITION</u>	<u>TO BE QUALIFIED AS AN EXPERT IN</u>	<u>SUBJECT MATTER</u>	<u>WRITTEN TESTIMONY</u>	<u>EXHIBIT NUMBERS (S)</u>	<u>LENGTH OF DIRECT</u>
<u>Madelyn D'Enbeau</u> , Makawao Main Street Association, Chair	Community Land Use Planning and Values	Community values & impacts, relation between various plans for water and land use	Yes		1 hr
<u>Prof. Dick Mayer</u> , Maui Community College, Prof. of Economics	Community Energy Planning and Air Pollution	Energy Alternatives, Air Pollution	Yes		20 min
<u>Ian Chan-Hodges</u> , Pacific Monitor, Editor	Community Economics	Impact of industrialization on community values and resources	Yes		20 min
<u>James Williamson</u> , engineering consultant	electric power and water	fuel, air quality, and water	yes	3	30 min
<u>Mark Drehsen</u> , meteorologist	air quality	air quality impacts	yes	2	30 min
<u>Roy Smith</u> , Hawai'i Organic Farmer's Association, Board of Directors	air quality/health	air impacts and energy alternatives	yes	3	30 min
<u>Erik Frye</u> , Maui Tropical Farmer's Association, Vice-president	air impacts	air impacts on farming and related issues	yes	1	20 min
<u>Steve Moser MD</u> , physician	air quality and health	air quality health impacts And related issues	yes		20 min
<u>James Watson</u> , combustion engineer President of research & development North American Manufacturing Co.	combustion energy	fuel type and delivery, emissions, pollution control	yes	2	30 min

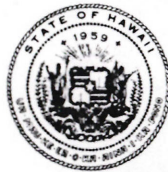
1998 JAN 27 A 7:42
LAND USE COMMISSION
STATE OF HAWAII

Board of Directors

Mark Sheehan, President
Anthony Ranken, Vice-President
Celeste King, Treasurer
Susan Bradford
Lisa Hamilton
Edwin Lindsey
Louise Rockett



Administrative / Program Director
Scott P. Crawford



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 23, 1998

Michael D. Wilson, Director
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: LUC Docket No. A97-722/Maui Electric Company,
Limited

This is a follow-up to our letter dated November 18, 1997, in which we requested your agency to review the Petition For District Boundary Amendment From Agricultural To Urban filed in the subject docket and to comment on the impact of the proposed project on historic properties or burial sites, consistent with §6E-43, HRS.

To date, we have not received the requested comments. Inasmuch as the hearing in this matter is scheduled for February 26, 27, 1998, we request that your comments be provided to our office by February 13, 1998.

Thank you for your assistance in this matter.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in black ink, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:th



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 23, 1998

Michael D. Wilson, Chair
Commission on Water Resource
Management
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: LUC Docket No. A97-722/Maui Electric Company,
Limited

This is a follow-up to our letter dated November 18, 1997, in which we requested the Division of Water Resource Management to review the Petition For District Boundary Amendment From Agricultural To Urban filed in the subject docket and to comment on the impact of the proposed project on the water resources of the subject area.

To date, we have not received the requested comments. Inasmuch as the hearing in this matter is scheduled for February 26, 27, 1998, we request that your comments be provided to our office by February 13, 1998.

Thank you for your assistance in this matter.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:th

HOFA

HAWAII ORGANIC FARMERS ASSOCIATION

P. O. Box 984, Haiku, Hawaii 96708 (808) 573-0995 (Phone & FAX)
<http://ddi.digital.net/~planet/hofa.html> e-mail: hofa@aloha.net

LAND USE COMMISSION
STATE OF HAWAII

1998 JAN 22 A 10:24

21 January 98

Maui Tomorrow
Board of Directors
Makawao, HI 96768

Dear Gentle persons:

This comes as a letter of support being in opposition to the projected power plant which Maui Electric Company is proposing to build in the Lower Kula area of Maui. As an agricultural organization, Hawaii Organic Farmers Association views the project as detrimental to any farming operation which would ever be subject to the inevitable and consistent toxic plume emanating from such a plant.

Growing food requires clean air, as well as clean soil and water; in fact air is the principle component in the growth of a plant. To compromise the source of plant growth is unwise. Moreover, as Kula is the primary site of agriculture on Maui, to build such a facility as an electrical generating plant anywhere near this vicinity would impact the agricultural community disproportionately and is surely not in the best interests of farmers or consumers.

The demands for more power for the future of Maui need to be seriously addressed through conservation on the demand side and alternative sources, such as solar, on the supply side. Let us not further risk our fragile ecosystem or our tenuous farming economy by this unwise development.

Sincerely,

Diana Dahl, for HOFA Board of Directors

Mr. Sheehan to
submit original:
Covers at 8/14.

MAUI TOMORROW CONTRIBUTORS - KIHEI - page 1

Haleakala Shores Homeowners Assn., PO Box 1079

Boyle Construction Co., 2480 S. Kihei Rd., D-2

Elvin K. Wilson Family Trust, 2480 S. Kihei Rd.

Hale Pau Hana Association, PO Box 1079

Lytescary Holdings, Ltd., 2480 S. Kihei Rd, #701

Graham-Con & Assoc., PO Box 1674

Maui Classic Charters, 1215 S. Kihei Road

Local Motion, 1819 S. Kihei Rd.

Maui Tropics, P O Box 1113

Chuck's Steakhouse, 1881 S. Kihei Road

Mercury, PO Box 277-103

T-Yemeni, PO Box 277, Ste. 220

Hildegard Abramson, 1299 Ulunui Rd., B-201

Eros & Alex Alexander, PO Box 1535

Lee Altenberg, 2605 Lioholo Pl.

Judy Anderson & Kevin Fleming, 2788 Kauhale St.

Aileen Armstrong & Roy Strutt, 2480 S. Kihei Rd. #14

Gregory & Judith Arnett, 3424 Kaha Dr.

Michael Bailey, PO Box 277-239

Tonia & Steven Baney, 1627 S. Alanui Pl.

Kenneth & Kathy Barr, Maui County Planning Commissioner, PO Box 1637

Alan & Diane Beaurline Wine & Spirits, 564B Kumulani Dr

Bruce Bebe, Waipuna Assoc. Environmental Consultants, PO Box 959

Dennis Bell, Hawaiian Classic Perfumes Inc., P O Box 2184

Edward & Ethel Belway, PO Box 1581

Rollene & Geoffrey Billings, 167 Mahina St.

LAND USE COMMISSION
STATE OF HAWAII

1998 JAN 22 A 10:24

MAUI TOMORROW CONTRIBUTORS - KIHEI - page 2

Rena Blumberg, Greenpeace Hawai'i, 553 Mikioi Pl.

William & Theresa Boland, 760 S. Kihei Rd., #625

Howard & Nancy Boone, 2480 S Kihei Rd

Betsy Bowen, Ke Ala Hoku, PO Box 959

Susan Bradford & Gordy Lange, PO Box 2302

Susan Brater, 53 Hoawa'a Way

Carol Burdick, 1484 Halama St

Margaret Burke, 539 Kupulau Dr.

Hilda Burrier, PO Box 881

Finil Caaen, 80 Hale Hookipa Way

Terry Clarke, PO Box 1438

John Connelly & Dennis Thibeault, 723 Kupulau St.

Sunny Crowley, Kizmet Brokerage, 550 Kupulau Dr. #A

Eric Cuomo, 41 Keala Pl.

Constance Cushman, 2480 S Kihei Rd, #207

Gordon Davenport, PO Box 27

Daryl Davis, 15 Koki St.

Toni, Mark & Ashley Davis, Pride of Maui Charters, 208 Kenolio Rd.

Kaywin Dean, 1183 Lauli Place

Margot Denman & Jane Houston, 2480 S Kihei Rd, #402

Ivan Dixon, KONI-FM, 300 Ohukai Rd., #318

Ruth & Robert Dodson, 811 S. Kihei Rd., #4A

Susan Douglas, 3145-A Makamae Pl.

Karen Downard, 959 Kupulau Dr

Marc Drehsen, PO Box 826

MAUI TOMORROW CONTRIBUTORS - KIHEI - page 3

Laureen Elizabeth, 2129 S. Kihei Rd. #1403

Janie & Ray Ennis, Stella Blues Cafe & Deli, 1215 S. Kihei Rd., Unit Q

Mr. Evans, 348031 B.C. Ltd. dba Hale Pau Hana Penthouse, 2480 S Kihei Rd

Lucy Feinberg, 483 S Kihei Rd

Clara Felix, 255 Olani Pl.

Helen Felsing 2000, 2846A Puuhoolai St

Carla Flood, Kihei Comm. Assoc. / Kihei 2000, PO Box 662

Ralph Fullerton, 3111 Waiea Pl.

Gordon & Marlene Gahagan, 272 Hapakolu Pl

Kathleen Gildred, S. CA Council on Env't & Dev't, 3378 Kaha Dr.

Kenyavani Gillman, PO Box 733

W.R. & Audrey Gilroy, 86 Makena Rd.

Brighid Godtfredsen, 3356 Kehala

Steve Goodfellow, Goodfellow Bros. Inc. Gen. Contractors, 381 Huku Lii Pl., Ste. 202

Alan Goodwin, 160 Keonekai Rd., Apt. 7-103

Shirley Grant, 2480 S Kihei Rd, #305

Paul & Anita Greenman Akahi, 2531 S. Kihei Rd. D-402

Gabriel & Lois Greenwood-Audant, 3495 Malina Pl.

Jason & Mary Groode, PO Box 1551

Kevin Harrington, Harrington Productions, PO Box 1179

Daniel Harris, 140 Uwapo Rd, Apt 60-201

Adele Hartzell, 22 Hoawa'a Way

John & Louise Heydorff, 2480 S. Kihei Rd., #103

Robert Hill, 2881 S. Kihei Rd. #L-130

Alan & Peggy Hoffman, 187 Aha'aina Way

Walter & Lilo Holmstrom, 2480 S. Kihei Rd., #404

MAUI TOMORROW CONTRIBUTORS - KIHEI - page 4

Pat Howle, 80 Waikai St.

Paul Hugel, No Ka Oi Foundation, 515 S. Kihei Rd.

Howie J. Eintracht, Howie From Maui, PO Box 1781

Buck Joiner, 3443 Malina Pl.

David & Roberta Jones, 3343 Kuaua Place

Meagan Jones & Anne Rillero, Pacific Whale Foundation, 101 N. Kihei Rd., Ste. 21

Annie Kemper, 1539 Halama Street

Edward V. Ketcham Jr., 2994 S Kihei Rd., #306

Alicia Bay Laurel, A Wedding Made In Paradise, PO Box 986

Romy Leah, 1074 Kupulau Dr. #A

Mirayam Licht, 3515 Hookipa Pl

Jean Lierly, 339 Kaiwahine St

Rudy Boogie & Violet Lu'uwai, 5100 Makena Road, Makena

Joan Maksut, R.A. Trimble Realty, 2640 Kanakanui Rd.

Ronald & Eileen Maniaci, PO Box 1929

Stephen & Lottie May, 2480 S. Kihei Rd.

Zhidre & Ivon Mazza, 126 Mehani Pl.

Mike & Hella McCormick, 3445 Kaha Dr.

Donnie McGean, HawaiianMoons Natural Foods, 2411 S. Kihei Road

Patricia McManus & Fred Foss, 2531 S. Kihei Rd., D-106

William & Billee Morgan, 2480 S Kihei Rd, #403

Jean & John Morrissey, 2430 S. Kihei Rd. #611

Patrick Nash, 555 Pawali St

William Neumann, 299 Keonekai Rd.

Alice Nutt, 2480 S Kihei Rd, #507

MAUI TOMORROW CONTRIBUTORS - KIHEI - page 5

Kachina Palencia, 3091 Mapu Pl.

Hans & Marilyn Peters, 2619 S. Kihei Rd.

Bard Peterson, Tradewind Kayaks Maui, 3505 Akala Dr.

Virgil & Jane Peterson, 2737 S Kihei Rd #201

Anne Pierce, 3309 Keha Dr.

Nancy Plenty, 2058 Kanoe St., #2A

Jean Prandini, 2619 S Kihei Rd, B511

Manon & Shinzo Pretre, PO Box 65

Heather Proud, 31 W. Waipuilani Rd.

Jenny Reading, P.O. Box 959 #0-705

Tom Reed, 3548 Lanihou Pl.

Paul & Aileen Reioux, 613 Luana Pl.

Lloyd Riford, 3145 Nahenahe Pl

George Rixey & Randy Wagner, Artel, Inc., 187 Heleuma Pl.

Judy Roebeck, 1993 S. Kihei Rd #400

Dan Rogers, 45 Kahele St

Mark Rooney, Kamalii Elem School Playground Project, 250 Hale Kai Street

Justin Russell, 7070 Makena Rd.

Rebecca Russell, 823 Malulani St.

Lori Sablas, Kaanapali Beach Hotel, 151 Kupuna St

Kathleen Schulz, 2722 Kauhale St

Bob Schwartz, 288 Kaiwahine St.

Marian Scott, 45 Kahele St.

R.W. Scott, 2480 S Kihei Rd

Diane Shepherd, 3329 Kehala Dr

Lila Sherman, The Love Shack, PO Box 1817

MAUI TOMORROW CONTRIBUTORS - KIHEI - page 6

Donna Smith, 2050 Kanoe St. #104

Dorothy, Gary & Rick Smith, The Waterfront, 114 Mehani Pl.

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Karen & Ken Stover, All Computer Services / Hale Alana Vacation Rental, PO Box 160

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Mike Trotto, 125 Alahele Pl.

John & Natalie Tyler, Ctr. for Psychotherapy & PAIRS Training, 3270 Kehala Dr.

Lothar & Irmgard Ullmann, 1574 N Alani Pl.

Harriet & Tony Van Steen, Brown Enterprises, 3261 Mapu Place

Susan Wadsworth, 3210 Lanina Place

Madge Walls, MTW enterprises, 2124 Awihi Place #314

Myia Wannemiller, 258 Hoalike St.

Merrily & Charlie Webb, 3134 Hoomua Dr.

Charles & Diane Weidner, 2619 S. Kihei Road, A411

Libra Weltsch, PO Box 329

Will & Tashina Wilkinson, From the Heart, 3134 Nahenahe Pl.

Steven Williams, 537 Kumulani Dr.

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Robbie Wilson, Robbie Wilson Salon, 606 Luana Pl.

Diane Zachary, Maui Pacific Center, 590 Lipoa Pkwy

MAUI TOMORROW CONTRIBUTORS - KIHEI - page 7

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808-248-7761

OF

MAUI TOMORROW CONTRIBUTORS - WAILEA

Ham & Nancy Harris, 4000 Wailea Alanui #1101

Mike Johnston, Chart House, 100 Wailea Ike Dr.

Patrick Michaud, 139 Waaula Pl.

Peter O'Connor, Grand Wailea Resort, 3850 Wailea Alanui

Laura Rosenthal & Sudha Scott Massage & Body Care, 3550 Alanui Dr.

Thomas & Katherine Smith, 10 Wailea Ekolu Pl., #904

Kathy Van Vechten, Four Seasons Resort, 3900 Wailea Alanui

MAUI TOMORROW CONTRIBUTORS - WAILEA

MAUI TOMORROW CONTRIBUTORS - PUKALANI

Lou Ann Barcai, 360 Hokulani St

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Edith Ichiriu, PO Box 213

Victoria Joyce, Greg Lagoy & Tim O'Hara, Musical Options, 50 Poha Pl.

Olive Karony, 65 Nanaina

Mark & Mary Ellen MacKay, 306 Haulani St.

Lorrie & Brian Miller, Rainbow Jo's, 3423 Anuwanu Pl.

Rick Perrie, 81-25 Makawao Ave

Fernando Ribao Jr., 26 Alohi Pl.

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MAUI TOMORROW CONTRIBUTORS - KULA - page 1

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Mitch & Joan Berman, SR 50

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Carol Childerhouse & Dudley Smith, RR 2 Box 256

John Cho, P O Box 301

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MAUI TOMORROW CONTRIBUTORS - KULA - page 2

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Kit Gillette, 619 Omaopio Rd

Gayle Gordon, PO Box 234

Pam Gould, Yards & Gardens, RR3 — 115 Kula Hwy.

John & Susan Guard

Paul Guard, PO Box 158

Naomi & Walter Hillinger, SR 100

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Scott & Dr. Julie Claire Holmes, 651 Omaopio

E.B. Holroyde, 382 Hapapa Road

Deborah Hoopingarner-Diehl, 109 Lopaka Pl.

Harlan Hughes & Judy Anderson, RR1 Box 538

Brian Jenkins, Brumbaugh & Jenkins, 221 Ululani Rd.

Karen & Jim Jones, 523-C Kimo Dr.

Buzzy Kaufman & Gayle Gordon, Focus on Fitness, PO Box 234

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Mike Krueger, 1110 AinaKula

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MAUI TOMORROW CONTRIBUTORS - KULA - page 3

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Nick Matichyn, Maui Coffee Roasters, 79 Polipoli Rd.

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Alyssa Miller, Pacific Environmental Research, RR 1 Box 513

Nina Miro-Quesada, Valley Original, RR4 Box 49

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David Morihara, RR2 Box 18

Rev. Heather Mueller-Fitch, St. John's Episcopal Church, RR 2, Box 212

Jim & Laurie Murray Jr. , RR 1, Box 449A

Patty Nakao, RR1 Box 458

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Jeanette Ostrander, 233 Naalae Rd., #A

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Fred & Patty Rohlfing, RR1 Box 398

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Carol Sherrill, RR2 Box 106

MAUI TOMORROW CONTRIBUTORS - KULA - page 4

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Lisa Starr, Ukulele Clothing Co., P O Box 720

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Roger & River Sussman, PO Box 1255

Steve & Maggie Sutrov, 124 Ainakula Rd

Yuri Imanishi & Brian Swift, PO Box 331

Greg Tiedeman, PO Box 1098

Barry Trofka, Santa Claus, RR2 Box 2588

Barbara Waterhouse, 1112 Mano Dr.

Dr. Gary & Bernadette Wilkins, 210 Puakea Pl.

Joy & Darrell Williams, 433 Crater Rd.

Matthew Winters, RR1 Box 482-A

Emi & David Young, RR 2 Box 262A

ORIGINAL



P.O. Box 429, Makawao, HI 96768

LAND USE COMMISSION
STATE OF HAWAII
1998 JAN 16 A 10:13

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In the Matter of the Petition of]
]]
MAUI ELECTRIC COMPANY, LIMITED]
]]
To Amend the Land Use]
District Boundary of Certain]
Lands Situated at Wailuku and]
Makawao Districts, Island of]
Maui, State of Hawai'i,]
Consisting of 65.7 Acres from]
the Agriculture to the Urban]
District]

DOCKET NO. A97-722

MAUI TOMORROW'S
MEMORANDUM IN
REBUTTAL TO MAUI ELECTRIC
COMPANY, LIMITED'S
MEMORANDUM IN OPPOSITION
TO PETITION TO INTERVENE

**MAUI TOMORROW'S
MEMORANDUM IN REBUTTAL TO
MAUI ELECTRIC COMPANY, LIMITED'S
MEMORANDUM IN OPPOSITION TO
APPLICATION TO INTERVENE**

Applicant Maui Tomorrow, for the purpose of clarification, respectfully files this Memorandum in Response to the comments filed by Maui Electric Company, Limited (hereafter referred to as MECO) opposing our application for leave to intervene in the matter of case docket no. A97-722.

In the introduction and background facts sections of MECO's memorandum, the exact makeup of Maui Tomorrow's membership is somewhat skewed. We stated that:

"Approximately 200 members of Maui Tomorrow live in Kula or South Maui and will be directly affected..."

We currently have over 1000 people on our roster, and were referring only to the 257 whose interests would be affected. We will provide the names and addresses of these 257 citizens.

MECO has stated in its memorandum that Maui Tomorrow does not have a right to demand intervention as a matter of right, but this point is in itself moot because Maui Tomorrow never demanded intervention under LUC rule 15-15-52(c). We have, conversely, and in compliance with LUC rules, applied to intervene under LUC rule 15-15-52(d).

Maui Tomorrow has fulfilled the requirements of the LUC rules regarding an application to intervene and would like to respectfully show the LUC why we should be granted this status on the basis of our ability to contribute a reasonable, meaningful and otherwise underrepresented perspective to the proceedings.

I. Maui Tomorrow has the Right to Apply to Intervene.

The Hawai`i Supreme Court has consistently objected to barriers that prevent citizens from raising environmental issues before administrative agencies. It has frequently chastised government agencies that deny environmental groups the ability to participate in contested case hearings even where it is argued that the environmental group's interests are "substantially similar" to those of the general public. *Public Access Shoreline Hawai`i v. Hawai`i County Planning Commission* 79 Haw 425 (1995). "Where the interests at stake are in the realm of environmental concerns 'we have not been inclined to foreclose challenges to administrative determinations through restrictive applications of standing requirements.'" *Pele Defense Fund v. Puna Geothermal Venture*, 77 Haw. 64, 67) citing *Mahuiki v. Planning Commission*, 65 Haw. 506, 512 (citing *Life of the Land v. Land Use Commission*, 63 Haw. 166, 171) "We stated in *Akau* that 'a member of the public has standing to enforce the rights of the public even though his injury is not different in kind from the public's generally, if he can show that he has suffered an injury in fact, and the concerns of a multiplicity of suits are satisfied by any means, including a class action.' *Akau*, 65 Haw at 388-89.

II. Maui Tomorrow's Interests are *Not* the Same as the State's or County's and Therefore Leave Should be Granted.

HAR 15-15-52(d) provides that "all other persons may apply for leave to intervene, which shall be freely granted" – except under two very limited exceptions. Because the state and county agencies do not represent Maui Tomorrow's interests, the LUC should grant Maui Tomorrow leave to intervene.

The Department of Health does not represent our interests. This is the same agency whose decisions have been overturned by the Hawai`i Supreme Court and the Environmental Protection Agency. The Hawai`i Supreme Court has ruled twice that the Department of Health bungled the permitting of geothermal power sources on the Big Island. The EPA overturned an air permit issued by DOH for the Keahole power plant.

The Office of Planning does not represent our interests. Historically, the Office of Planning (formerly OP) has rarely had the same position as environmental groups. According to MECO's reasoning, the state always represents the interests of the environment and citizen participation is never required.

The Kaupulehu, Lana`i and Maha`ulepu cases are just a few of the cases where environmental interests have been represented before the LUC. These

precedents demonstrate that the LUC has historically freely granted environmental groups the opportunity to present important data to the commission, and that these proceedings benefited and were not made "inefficient and unmanageable".

III. Clarification of Issues

While a cursory reading of the Maui Tomorrow petition may have led MECO to believe that we are raising only one narrow issue, for the LUC to thoughtfully deliberate, several related themes must also be fully addressed, and Maui Tomorrow is prepared to offer comprehensive expert testimony on these:

- air quality impacts;
- alternative locations, sources, fuels and processes (including conservation) that can provide for Maui's energy needs without requiring that this agricultural land be *permanently* converted to an industrial use (in accordance with Maui County's general plan which calls for an energy future focused on self-sufficiency and efficiency);
- the cumulative impact of the de facto industrialization of the Central valley area (including power production, mining, landfills,

new and wider roads, baseyards, traffic, and future large scale transmission towers leading both to Pu'unene and Pa'ia);

- the visual/aesthetic impact of this industrial plant as it pertains to both the plant itself, the transmission towers and any addition to the already existing haze; and
- Innovative ways to incorporate community values into resource use planning decisions

In conclusion, Maui Tomorrow should be granted leave to intervene based on LUC rules and clear precedent, as above stated. We are confident that the LUC will recognize the benefit of the participation of an environmental/citizens advocacy group in fully addressing some of the vital issues that would otherwise be dismissed by MECO, and respectfully reiterate our request for leave to intervene in this matter.

DATED: January 14, 1998



Mark Sheehan
President, Maui Tomorrow

CERTIFICATE OF SERVICE

A certified copy of the foregoing document was served upon the following parties via U.S. Certified Mail, postage prepaid, on January 14, 1998

STATE OF HAWAI'I
LAND USE COMMISSION
P.O.Box 2359
Honolulu, Hawai'i 96804

B. MARTIN LUNA (representing MECO)
CARLSMITH BALL WICHMAN CASE & ICHIKI
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Wailuku, Hawai'i 96793

RICHARD EGGED, JR., Director
ABE MITSUDA, Administrator
Office of Planning
State of Hawai'i
P.O.Box 2359
Honolulu, Hawai'i 96804

DAVID W. BLANE, Planning Director
Planning Department
County of Maui
250 High Street
Wailuku, Hawai'i 96793

PLANNING COMMISSION
County of Maui
250 High Street
Wailuku, Hawai'i 96793

ANN OGATA-DEAL, Esq.
Deputy Attorney General
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Corporation Counsel
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G. STEPHAN HOLADAY
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CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

ONE MAIN PLAZA

SUITE 400, 2200 MAIN STREET

POST OFFICE BOX 1086

WAILUKU, MAUI, HAWAII 96793-1086

TELEPHONE (808) 242-4535

FAX (808) 244-4974

January 8, 1998

Ms. Esther Ueda
Executive Officer
State Land Use Commission
Department of Business, Economic
Development & Tourism
P. O. Box 2359
Honolulu, Hawaii 96804

1998 JAN 12 A 10:10
LAND USE COMMISSION
STATE OF HAWAII

Re: LUC Docket No. A97-722/Maui Electric Company, Limited

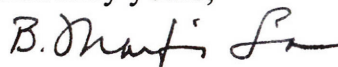
Dear Ms. Ueda:

Enclosed is the Certificate of Service (original and four copies) regarding the service to Maui Tomorrow of a copy of the Petition for District Boundary Amendment from Agricultural to Urban, Exhibits 1-6 and the Final Environmental Statement.

Please return a file stamped copy to us in the enclosed, self-addressed envelope.

Thank you for your assistance.

Sincerely yours,



B. Martin Luna

BML:mea
5013910.1.015787-5
Enclosures

ORIGINAL

CARLSMITH BALL WICHMAN
CASE & ICHIKI

B. MARTIN LUNA 865
CRAIG G. NAKAMURA 2062
RANDALL H. ENDO 6567
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Maui, Hawaii 96793-1086
Tel. No. (808) 242-4535

Attorneys for Applicant
MAUI ELECTRIC COMPANY,
LIMITED

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

1998 JAN 12 A 10:11
LAND USE COMMISSION
STATE OF HAWAII

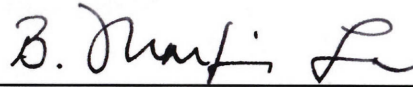
In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED	)	CERTIFICATE OF
ELECTRIC	)	SERVICE
To Amend the Land Use	)	
District Boundary of Certain	)	
Lands Situated at Wailuku and	)	
Makawao Districts, Island of	)	
Maui, State of Hawaii,	)	
Consisting of 65.7 Acres from	)	
the Agriculture to the Urban	)	
District	)	
_____	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petition for District
Boundary Amendment from Agricultural to Urban, Exhibits 1-6 and the Final
Environmental Impact Statement filed herein were duly served upon the following
party by hand delivery, on the date stated below:

MARK SHEEHAN
MAUI TOMORROW
P.O. Box 429
Makawao, HI 96768

DATED: Wailuku, Hawaii, January 8, 1998

A handwritten signature in dark ink, appearing to read "B. Martin Luna", is written over a horizontal line.

B. MARTIN LUNA
CRAIG G. NAKAMURA
RANDALL H. ENDO

5014807.3.015787-5

LAND USE COMMISSION

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

January 22, 1998

COMMISSIONERS PRESENT: Rupert K. Chun
JoAnn Mattson
Merle A.K. Kelai
Peter Yukimura
P. Roy Catalani (Portion of Proceeding)
M. Casey Jarman
Isaac Fiesta, Jr.

Approved
2/12/98

COMMISSIONERS ABSENT: Lawrence N.C. Ing
Herbert Kaopua, Sr.

STAFF PRESENT: Jon Itomura, Deputy Attorney General
Leo Asuncion, Jr., Staff Planner
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Emi Albright, Court Reporter

Chairperson Chun called the meeting to order.

A89-649 - LANAI RESORT PARTNERS (Manele)

Commissioner Catalani was absent from the proceedings due to a previously declared conflict of interest.

Chairperson Chun announced that the Commission would take action to consider Petitioner's Withdrawal of Motion, and of Renewal of Motion, to Amend Condition No. 10 of the Findings of Fact, Conclusions of Law, and Decision and Order dated April 16, 1991.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Bruce Lamon, Esq., Attorney for Petitioner

Ann Cua, Planning Department, County of Maui

Guy Archer, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Alan Murakami, Esq., Attorney for Intervenor, Lanaians for Sensible Growth, was not present at the proceeding at this time.

Arguments on Petitioner's withdrawal were heard from Mr. Funaki, Ms. Cua, and Mr. Archer.

Commissioner Jarman moved to grant Petitioner's withdrawal of Motion, and of Renewal of Motion, to Amend Condition No. 10 of the Findings of Fact, Conclusions of Law, and Decision and Order dated April 16, 1991. The motion was seconded by Commissioner Fiesta and unanimously carried by voice votes.

* A97-722 - MAUI ELECTRIC COMPANY, LTD.

At this time, a disclosure was made by Commissioner Catalani. Commissioner Catalani chose to not participate in this proceeding.

Chairperson Chun announced that the Commission would take action to consider Petition for Intervention filed by Maui Tomorrow.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner

Neal Shinyama, for Petitioner

Mike Yuen, for Petitioner

Ann Cua, Planning Department, County of Maui

Guy Archer, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to the area requesting reclassification on the Land Use District Boundaries and tax maps.

Arguments on the Petition for Intervention were heard from Mr. Sheehan, Mr. Luna, Ms. Cua, and Mr. Archer.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Mattson moved to grant the Petition for Intervention filed by Maui Tomorrow with limitation to air quality issues. The motion was seconded by Commissioner Yukimura.

Commissioner Jarman moved to amend the motion to allow the issues as listed on Maui Tomorrow's petition for intervention.

Commissioner Mattson moved to amend the motion granting the Petition for Intervention filed by Maui Tomorrow with limitation to the following issues:

- a. Air quality impacts
- b. Alternative sources, fuels and processes
- c. Cumulative impact of industrialization
- d. Limited visual/aesthetic road impacts

The amended motion was seconded by Commissioner Yukimura and polled as follows:

Ayes: Commissioner Fiesta, Jarman, Mattson, Yukimura, and Chun

Nays: Commissioner Kelai

Commissioner Catalani joined the proceeding at this time.

A97-721 - MAKENA RESORT CORPORATION (Maui)

Chairperson Chun announced that the Commission would take action to consider reclassifying approximately 145.943 acres of land currently in the Agricultural District into the Urban District at Makena, Maui for multi-family residential, hotel, and existing golf course uses.

Appearances

Eric Maehara, Esq., Attorney for Petitioner

Ann Cua, Planning Department, County of Maui

Guy Archer, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Arguments were heard from Mr. Maehara, Ms. Cua, and Mr. Archer.

MINUTES - January 22, 1998

Page 4

It was determined the Chairperson Chun that all of the Commissioners present were eligible to participate in the action on the petition.

Commissioner Mattson moved to approve Docket No. A97-721 - Makena Resort Corporation, the Findings of Fact as circulated among the parties, subject to 21 conditions as amended. The motion was seconded by Commissioner Fiesta.

Commissioner Catalani moved to defer action on this docket until the next Commission's meeting scheduled for February 12, 1998. The motion was seconded by Commissioner Jarman and polled as follows:

Ayes: Commissioner Jarman, Kelai, Mattson, Catalani, Fiesta, and Chun.

Nays: Commissioner Yukimura

Parties to submit supplemental memorandums by January 30, 1998.

ADOPTION OF DECISION AND ORDER

A94-705 - COUNTY OF HAWAII, PLANNING DEPARTMENT

Commissioner Jarman moved to adopt the Order Denying Intervenor, E Mau Na Ala Hele's Motion to Declare the Petition Still Defective; or in the Alternative, Portions Still Defective on the County of Hawaii's petition. The motion was seconded by Commissioner Kelai and unanimously carried by voice votes.

Commissioner Mattson moved to go into executive session to discuss the status of litigation and legislative matters with the Commission's deputy attorney general. The motion was seconded by Commissioner Fiesta.

The meeting was adjourned at 11:40 a.m.

LAND USE COMMISSION
NOTIFICATION OF LAND USE COMMISSION MEETING

DATE, TIME AND PLACE

January 22, 1998 - 9:30 a.m.

Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

A G E N D A

98 JAN 12 P2:35

LIEUTENANT GOVERNOR'S
OFFICE

I. ACTION

1. A89-649 - LANAI RESORT PARTNERS (Manele)

To consider Petitioner's Withdrawal of Motion, and of Renewal of Motion, to Amend Condition No. 10 of the Findings of Fact, Conclusions of Law, and Decision and Order dated April 16, 1991.

- *2. A97-722 - MAUI ELECTRIC COMPANY, LTD. (Maui)

To consider Petition for Intervention filed by Maui Tomorrow.

3. A97-721 - MAKENA RESORT CORPORATION, a Hawaii corporation (Maui)

To consider reclassifying approximately 145.943 acres of land currently in the Agricultural District into the Urban District at Makena, Maui for multi-family residential, hotel, and existing golf course uses.

II. ADOPTION OF DECISION AND ORDER

A94-705 - COUNTY OF HAWAII PLANNING DEPARTMENT

- a. Order Denying Intervenor, E Mau Na Ala Hele's Motion to Declare the Petition Still Defective; or in the Alternative, Portions Still Defective on the County of Hawaii's Petition to reclassify approximately 955.78 acres of land currently in the Agricultural District into the Urban District at Keahuolu through Keauhou, North Kona, Hawaii to allow uses for the area consistent with adopted State and County policies.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Status Report on litigation matters
3. Status of legislative matters
4. Status of Pending Matters

(Executive Sessions may be called in order for the Commission to consult with their attorney pursuant to Section 92-5, HRS.)

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 12, 1998

B. Martin Luna, Esq.
Carlsmith, Ball, Wichman, Case
and Ichiki
One Main Plaza
Suite 400, 2200 Main Street
Wailuku, HI 96793-1086

Dear Mr. Luna:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda", followed by a checkmark.

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

A97-722 (Maui Electric Co., Ltd.)

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

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Consult postmaster for fee.

3. Article Addressed to:
B. Martin Luna, Esq.
Carlsmith, Ball, Wichman, Case
and Ichiki
One Main Plaza
Suite 400, 2200 Main Street
Wailuku, HI 96793-1086

4a. Article Number
P 612 304 614

4b. Service Type
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☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery 1/13/98

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6. Signature (Addressee or Agent)
X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

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Ste. 400, 2200 Main Street
Post Office, State, & ZIP Code
Wailuku, HI 96793-1086

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Special Delivery Fee

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Return Receipt Showing to Whom & Date Delivered 1.10

Return Receipt Showing to Whom Date, & Addressee's Address

TOTAL Postage & Fees \$ 2.77

Postmark or Date

PS Form 3800, April 1995

A97-722 (Maui Electric Co., Ltd.)



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 12, 1998

Mr. Richard Egged, Jr., Director
Office of Planning, State of Hawaii
P.O. Box 2359
Honolulu, HI 96804-2359

Dear Mr. Egged:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A89-649 - Lanai Resort Partners (Manele)
✓ A97-722 - Maui Electric Co., Ltd. (Waena)
A97-721 - Makena Resort Corporation (Maui)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

cc: Mr. Abe Mitsuda, Land Use Division

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 12, 1998

Ann Ogata-Deal, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, HI 96813

Dear Ms. Ogata-Deal:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

- A89-649 - Lanai Resort Partners (Manele)
- ✓ A97-722 - Maui Electric Co., Ltd. (Waena)
- A97-721 - Makena Resort Corporation (Maui)

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Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 12, 1998

Mr. David Blane, Planning Director
Planning Department, County of Maui
250 South High Street
Wailuku, HI 96793

Dear Mr. Blane:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

- A89-649 - Lanai Resort Partners (Manele)
- ✓ A97-722 - Maui Electric Co., Ltd.
- A97-721 - Makena Resort Corporation, a Hawaii corporation

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda", with a stylized flourish at the end.

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A89-649 (Lanai Resort Partners) / A97-722 (Maui Elect. Co., Ltd.)
 A97-721 (Makena Resort Corp.)

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Mr. David Blane, Planning Director
 Planning Dept., County of Maui
 250 South High Street
 Wailuku, HI 96793

4a. Article Number
 P 612 304 616

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
 1/13/98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
 X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 616

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to Mr. David Blane
 Planning Director
 250 South High Street
 Wailuku, HI 96793

Postage \$.32

Certified Fee 1.35

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered 1.10

Return Receipt Showing to Whom Date, & Addressee's Address

TOTAL Postage & Fees .77

Postmark or Date

Form 3800, April 1995

USPS

RECEIVED HAWAIIAN STATION JAN 13 1998

A89-649 (Lanai Resort Partners) / A97-722
 A97-721 (Makena Resort Corp.) (Maui Elect.)



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 12, 1998

Jeffrey Schmidt, Esq.
Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

Dear Mr. Schmidt:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

- A89-649 - Lanai Resort Partners (Manele)
- ✓ A97-722 - Maui Electric Co., Ltd.
- A97-721 - Makena Resort Corporation, a Hawaii corporation

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Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 12, 1998

Mr. Mark Sheehan, President
Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

Dear Mr. Sheehan:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A97-722 - Maui Electric Co., Ltd.

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

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ESTHER UEDA
Executive Officer

EU:dyk

Enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Elect. Co., Ltd.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Mark Sheehan, President
Maui Tomorrow
P.O. Box 429
Makawao, HI 96768

4a. Article Number

P 612 304 621

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

LINDA LAHOTOWA

6. Signature: (Addressee or Agent)

X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 621

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Mr. Mark Sheehan, Pres.

Street & Number

P.O. Box 429

Post Office, State, & ZIP Code

Makawao, HI 96768

Postage

\$.32

Certified Fee

1.35

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

1.10

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$ 2.77

Postmark or Date

PS Form 3800, April 1995

A97-722 - Maui Electric Co., Ltd.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

January 8, 1998

B. Martin Luna, Esq.
Carlsmith Ball Wichman Case & Ichiki
One Main Plaza
Suite 400, 2200 Main Street
Wailuku, HI 96793-1086

Dear Mr. Luna:

SUBJECT: LUC Docket No. A92-722/Maui Electric Co., Ltd.

This letter is to acknowledge receipt of Check No. 056682 in the amount of \$600.00 for the cost of reprinting the notice of hearing in the Honolulu Star Bulletin and Maui News on the above-entitled docket.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:dyk

CARLSMITH BALL
WICHMAN CASE & ICHIKI
WAILUKU, MAUI, HAWAII

No. 056682

59-102
1213

Bank of Hawaii
WAILUKU BRANCH
WAILUKU, MAUI, HAWAII

DATE January 6, 1998

PAY

The sum of 600 dollars 00 cts

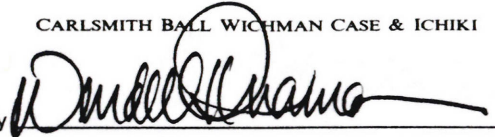
\$ 600.00

TO THE
ORDER
OF

STATE OF HAWAII

CARLSMITH BALL WICHMAN CASE & ICHIKI

By



⑈056682⑈ ⑆121301028⑆ 0060⑈042853⑈

PLEASE DETACH THIS VOUCHER BEFORE DEPOSITING CHECK

Misc. Professional Expense
150000-58200

Notice of Hearing
\$600.00
1/6/98

CARLSMITH BALL WICHMAN CASE & ICHIKI
P.O. BOX 1086, WAILUKU, MAUI, HAWAII 96793

No. 056682

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
ONE MAIN PLAZA
SUITE 400, 2200 MAIN STREET
POST OFFICE BOX 1086
WAILUKU, MAUI, HAWAII 96793-1086

TELEPHONE (808) 242-4535
FAX (808) 244-4974

1998 JAN -8 A 9:50
LAND USE COMMISSION
STATE OF HAWAII

LETTER OF TRANSMITTAL

TO: Ms. Esther Ueda
Executive Officer
State of Hawaii
Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804-2359

DATE: January 6, 1998

RE: LUC Docket No. A97-722/Maui
Electric Company, Limited

☒ Mailed

☐ Hand Delivered



THE FOLLOWING IS (ARE) TRANSMITTED HEREWITH:

<u>COPIES</u>	<u>DATE</u>	<u>DESCRIPTION</u>
Original	01/06/98	CBWC&I check number 056682 for \$600.00
1	12/08/97	Letter from Esther Ueda to B. Martin Luna

☐ For Your Information

☐ For Your Files

☒ Per Your Request

☐ Per Our Conversation

☐ For Review and Comment

☐ For Necessary Action

☐ For Signature and Return (**Black Ink**)

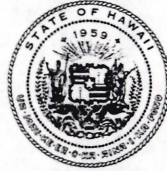
☐ See Remarks below

REMARKS:

By



Wendell H. Inamasu
Maui Office Manager



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 8, 1997

B. Martin Luna, Esq.
Carlsmith, Ball, Wichman,
Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

Dear Mr. Luna:

Subject: LUC Docket No. A97-722/Maui Electric Company,
Limited

This is in response to your letter dated November 24, 1997, requesting that the February 5, 6, 1998, hearing date for the subject docket be changed because of your previous commitment that will require you to be out of the country from February 5 through February 18.

Please be advised that we have rescheduled the hearing date to February 26, 27, 1998. The time and place of the hearing remains the same. The prehearing conference in this matter has been tentatively scheduled for February 3, 1998, in Honolulu, Hawaii.

With respect to the cost of reprinting the notice of hearing in the Honolulu Star-Bulletin and Maui News, please be advised that the total cost is \$600.00. Please submit a check for this amount payable to the "State of Hawaii".

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:th

cc: County of Maui Planning Dept.
OP

1998 JAN -8 A 9:50

LAND USE COMMISSION
STATE OF HAWAII

97 DEC 10 P2:42
CARLSMITH

Dear Leo,
 Here is the corrected receipt for the certified
 copy sent to Meeco. If necessary, I can
 pursue this further and have the Post
 Office track the original through return
 receipt after delivery.
 Please call to advise if
 needed!
 Mahalo, and Happy New Year,

Konstance @ Mavi
 Tomorrow

A97-722 Mavi Electric Co.

P 355 757 150

US Postal Service

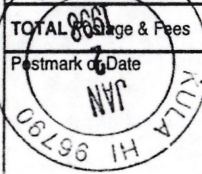
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	B. Martin Luna Esq.
Street & Number	One Mavi Plaza, Suite 400
Post Office, State, & ZIP Code	2200 Main St, Wailuku, HI 96793
Postage	\$ 52
Certified Fee	135
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 167
Postmark of Date	

PS Form 3800, April 1995



1998 JAN -7 A 10:18

LAND USE COMMISSION
 STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII

1998 JAN -7 A 10:18

P 355 757 150

US Postal Service

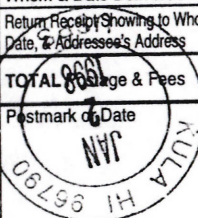
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	B. Martin Luna Esq.
Street & Number	One Main Plaza Suite 400
Post Office, State, & ZIP Code	2200 Main St. Wailuku, HI 96793
Postage	\$ 32
Certified Fee	135
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 167
Postmark & Date	

PS Form 3800, April 1995



ORIGINAL

CARLSMITH BALL WICHMAN
CASE & ICHIKI

B. MARTIN LUNA 865
CRAIG G. NAKAMURA 2062
RANDALL H. ENDO 6567
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Maui, Hawaii 96793-1086
Tel. No. (808) 242-4535

LAND USE COMMISSION
STATE OF HAWAII
1997 DEC 29 P 1:21

Attorneys for Applicant
MAUI ELECTRIC COMPANY,
LIMITED

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A97-722
	)	
MAUI ELECTRIC COMPANY, LIMITED	)	MAUI ELECTRIC
	)	COMPANY, LIMITED'S
To Amend the Land Use	)	MEMORANDUM IN
District Boundary of Certain	)	OPPOSITION TO
Lands Situated at Wailuku and	)	MAUI TOMORROW'S
Makawao Districts, Island of	)	PETITION TO INTERVENE
Maui, State of Hawaii,	)	
Consisting of 65.7 Acres from	)	
the Agriculture to the Urban	)	
District	)	
_____	)	

MAUI ELECTRIC COMPANY, LIMITED'S
MEMORANDUM IN OPPOSITION TO MAUI TOMORROW'S
PETITION TO INTERVENE

Applicant MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation (referred to as "Applicant"), by and through its attorneys, Carlsmith Ball Wichman Case & Ichiki, hereby files its Memorandum in Opposition to the Petition for Intervention filed by Maui Tomorrow (referred to as "Opponent") pursuant to the Rules of Practice and Procedure of the Land Use Commission.

Opponent filed its request to intervene with the Land Use Commission ("LUC") on December 22, 1997. However, its certificate of service and effort to serve Applicant with said petition were defective. The certificate of service listed an erroneous address for Applicant, and failed to serve Applicant's official representative as provided in Applicant's petition for district boundary amendment. Applicant submits this memorandum in opposition without waiving the defects of Opponent's intervention request.

I. INTRODUCTION

Opponent seeks to intervene in Applicant's request for a district boundary amendment on the basis that the "emissions from the proposed plant" will have a long term adverse impact on the health and safety of its "[a]pproximately 200 members" who "live in Kula or South Maui." Moreover, "[a] significant percentage are also property owners and feel that their property values will be negatively impacted by pollution and dust clouds created by the proposed plant."

All of the Opponent's concerns will be addressed by the LUC. Opponent fails to indicate how its intervention will add in a meaningful rather than obstructionist way to the proceedings before the LUC on this project.

It will be shown without doubt that Opponent does not have a right to demand intervention. In fact, The Opponent tacitly concedes that it does not have the right to intervene as a matter of right under LUC Rule 15-15-52(c). Thus, the only issue is whether the LUC, in its discretion, wishes to allow intervention by the Opponent. However, to allow intervention in this matter will not add anything beneficial to the LUC's consideration, and may in fact, significantly delay the proceeding. Accordingly, all things considered, allowing intervention would be unwise, especially in light of the fact that Opponent may still provide significant input into the LUC's decision making process.

The following discussion will show how Opponent is not entitled as a matter of right to intervention. Moreover, the relevant factors weigh against a permissive grant of intervention.

II. BACKGROUND FACTS

A. The Opponent

The Opponent is a non-profit organization which does not own real property adjoining the Applicant's property that is proposed for a district boundary amendment. The Opponent has not provided the names and addresses of its approximately 200 members who it alleges will be negatively impacted by Applicant's proposed generating plant. Also, the Opponent has not specified who, of its approximately 200 members, "feel" that their respective property will be reduced in value because of the emissions from said plant.

B. The Geographical Area

Applicant's property is located at the intersection of Pulehu Road and Waiko Road surrounded by HC&S' sugar cane production. The closest non-agricultural activity is the County of Maui's land fill operation and Ameron's industrial mining about one-half mile makai on Pulehu Road. The nearest residential area is Pukalani, nearly three miles mauka of Applicant's property. In short, Applicant's property is in a relatively remote area.

III. ARGUMENT

While intervention as to Applicant's petition for district boundary amendment is not absolutely barred, it is nevertheless not warranted. First, Opponent is not entitled as a matter of right to intervene under LUC Rule 15-15-52(c). Second,

Opponent provides no valid reason why the LUC should allow intervention under LUC Rule 15-15-52(d).

1. Opponent Is Not Entitled to Intervene As a Matter of Right under LUC Rule 15-15-52(c)

Opponent does not meet the standard for intervention as a matter of right.

The LUC Rules clearly limit intervention as of right to “persons who have a property interest in the land or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public.” LUC Rule § 15-15-52(c).

Opponent tacitly concedes in its petition that its interest in the subject application is not distinguishable from that of the general public. The LUC, a body of individuals appointed by the Governor of the State of Hawaii, adequately represents the general public’s interest in this matter. In addition, the State Office of Planning and the Planning Department of the County of Maui are parties in the proceeding. Finally, the comments received from various government departments and agencies further assures that public concerns are addressed in an adequate fashion.

2. Opponent Should Not be Granted Permissive Intervention

It is obvious that Opponent cannot demand intervention as a matter of right. We therefore turn to the question of whether the LUC should nevertheless allow permissive intervention pursuant to LUC Rule 15-15-52(d).

The rule provides:

(d) All other parties [who do not have the right to intervene] may apply for leave to intervene, which shall be freely granted, provided the commission or its hearing officer, may deny an application to intervene when, in the commission's or hearing officer's discretion it appears that:

- (1) The position of the Applicant for intervention is substantially the same as the position of a party already admitted to the proceeding; and
- (2) The admission of additional parties will render the proceedings inefficient and unmanageable.

LUC Rule § 15-15-52(d) (emphasis added). In our case, both negative considerations are present.

- a. **The interests of the Opponent are substantially the same as the State and County agencies which are parties in the proceedings and have commented on the project**

Looking to the petition's allegations as to environmental impacts which the project may have, it should be noted that Opponent's concerns are issues that are all dealt with through the LUC's standard public hearing procedure and review process. Thus, a complete and thorough analysis of the project's impacts will be made, even without Opponent being allowed to intervene in this proceeding.

b. Allowing Opponent to intervene will render the proceedings inefficient and unmanageable

If the LUC allows intervention, the exact same documentary evidence will be reviewed by the LUC. The only difference will be that the project may be delayed, and there may be great expense to the parties and the State and County.

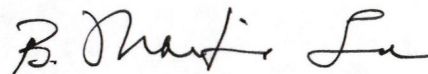
IV. CONCLUSION

It is one thing to allow intervention for adjacent landowners who are directly affected by a project; it is quite another matter to allow intervention by persons who are no more affected by the project than anyone else in the general public.

Based upon all of the foregoing, Applicant respectfully requests that the Commission deny the petition to intervene.

In the event the LUC decides to grant Maui Tomorrow's request to intervene, however, Maui Tomorrow's participation should be limited to the air quality issues stated in its request. The Applicant respectfully requests the LUC to take steps to ensure that such participation does not increase substantially the time and expense of the LUC proceeding.

DATED: Honolulu, Hawaii, December 29, 1997.



B. MARTIN LUNA
CRAIG G. NAKAMURA
RANDALL H. ENDO

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was
duly served upon the following parties by U.S. Certified Mail, postage prepaid, on the
date stated below:

MARK SHEEHAN
MAUI TOMORROW
P.O. Box 429
Makawao, HI 96768

RICHARD EGGED, JR., Director
ABE MITSUDA, Administrator
Office of Planning
State of Hawaii
P. O. Box 2359
Honolulu, HI 96804-2359

ANN OGATA-DEAL, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, HI 96813

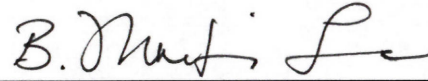
DAVID W. BLANE, Planning Director
Planning Department
County of Maui
250 South High Street
Wailuku, HI 96793

PLANNING COMMISSION
County of Maui
250 South High Street
Wailuku, HI 96793

JEFFREY SCHMIDT, Esq.
Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

G. STEPHAN HOLADAY
Hawaiian Commercial & Sugar Company
P. O. Box 266
Puunene, Hawaii 96784

DATED: Honolulu, Hawaii, December 29, 1997

A handwritten signature in cursive script, appearing to read "B. Martin Luna", is written above a horizontal line.

B. MARTIN LUNA
CRAIG G. NAKAMURA
RANDALL H. ENDO

5014807.3.015787-5



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 23, 1997

B. Martin Luna, Esq.
Carlsmith Ball Wichman Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

Mr. David W. Blane, Director
Planning Department
County of Maui
250 S. High Street
Wailuku, Hawaii 96793

Mr. Richard Egged, Jr., Director
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Messrs. Luna, Blane, and Egged:

Subject: LUC Docket No. A97-722/Maui Electric Company, Limited
Petition for Intervention

On December 22, 1997, the Commission received a petition for intervention from Mr. Mark Sheehan, President, Maui Tomorrow.

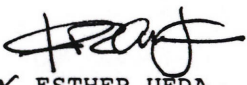
We request that a copy of the petition for district boundary amendment and/or any subsequent pleadings be served upon Mr. Sheehan at the following address:

Mr. Mark Sheehan, President
Maui Tomorrow
P.O. Box 429
Makawao, Hawaii 96768

As noted in a separate letter, the Commission has tentatively scheduled action on the petition for intervention for January 22, 1998 on Oahu. An agenda for the meeting will be sent to you shortly.

If you have any questions in regards to this matter, please feel free to contact this office.

Sincerely,


for ESTHER UEDA
Executive Officer

EU:th

cc: Mr. Mark Sheehan



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 23, 1997

Mr. Mark Sheehan, President
Maui Tomorrow
P.O. Box 429
Makawao, Hawaii 96768

Dear Mr. Sheehan:

Subject: LUC Docket No. A97-722/Maui Electric Company,
Limited - Request for Intervention

This letter is to acknowledge receipt of your petition to intervene and the \$50.00 filing fee on the subject docket.

The Commission will consider your intervention request at its meeting on January 22, 1998 on Oahu. A copy of the Commission's agenda for this meeting will be sent to you shortly.

Also enclosed is a copy of the notice of pre-hearing that will be held on this petition on February 3, 1998. Although the Commission has not yet heard your petition to intervene, in order to facilitate procedures in the event you are granted intervenor status by the Commission the following information on the pre-hearing conference is provided:

DATE: February 3, 1998
TIME: 10:00 a.m.
PLACE: Conference Room 405
Leiopapa A Kamehameha Building
235 S. Beretania Street
Honolulu, Hawaii

In order for the pre-hearing conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. In the event that you are granted intervention by the Commission, the completed forms and exhibits shall be served upon all parties and the Land Use Commission by January 27, 1998.

Mr. Mark Sheehan, President
December 23, 1997
Page 2

As required by Hawaii Land Use Commission Rules, an original and fifteen (15) copies of all materials to be submitted shall be filed with the Land Use Commission with one copy of the same served upon each party.

If you have any questions in regards to this matter, please feel free to contact this office.

Sincerely,



for ESTHER UEDA
Executive Officer

EU:th

Enclosures

cc: B. Martin Luna, Esq. (w/o enclosures)
Office of Planning (w/o enclosures)
County of Maui Planning Dept. (w/o enclosures)

Maui Tomorrow

P.O. Box 429, Makawao, HI 96768

December 17, 1997

ORIGINAL

State of Hawaii
Land Use Commission
P.O.Box 2359
Honolulu, HI 96804

LAND USE COMMISSION
STATE OF HAWAII
1997 DEC 22 A 10: 07

Subject: Waena Power Plant: Application for leave to intervene and become a party in District Boundary Amendment proceedings

Case Docket No. A97-722-Maui Electric Co, Ltd.

TMKs: 3-8-03: 23 & 3-8-03:24

Change Requested: To reclassify approximately 65.7 acres of land currently in the agricultural district into the urban district at Wailuku, Maui for a 232-MW electrical generating station.

Approximately 200 members of Maui Tomorrow live in Kula or South Maui and will be directly affected by the emissions from the proposed plant should this boundary amendment be allowed. Our membership is seriously concerned about the long term impacts of potential respiratory pollutants on their family's health and safety that will travel to their areas via wind dispersion. A significant percentage are also property owners and feel that their property values will be negatively impacted by pollution and dust clouds created by the proposed plant.

The Hawaii state constitution provisions assure the right to a clean and healthful environment (Article XI, Section 9), and this plan violates this provision.

The LUC should not change the land use designation for the proposed Waena Generating Station from agricultural to urban until the main issues have been resolved. For example, the impacts on air quality can not even be addressed until the EIS gives emission rates from the proposed combustion turbines (CTs) and predicts where these emissions will go, probably directly to the estimated 20,000 residents and visitors in South Maui. Our members who live in these areas have experienced the wind dispersion patterns from this area. The EIS is, therefore, inadequate and incomplete because it does not refer to these well known wind dispersion patterns. Said emissions will affect health, safety and property values in these areas.

If the Waena Station air emissions do, in fact, significantly affect Kula and South Maui, the proposed Waena site should not be used. Alternatively, the Waikapu site may be a much better location. During trade winds, air emissions from the Waikapu site would impact the Ma'alaea area, which is less populated. During Kona winds, air emissions from the Waikapu site would impact the West Maui Mountains, which are even less populated.

Maui Tomorrow intends to bring forth expert testimony to answer some of the vital questions left unaddressed in the current incomplete EIS, as well as make recommendations of reasonable alternatives and mitigation measures for commission consideration. We have assembled a team of technical experts who are researching viable alternatives that will be brought before the commission. This research will not be available to the commission if a group like Maui Tomorrow was excluded from participating in this process. Additionally, the county or state office of planning will probably not be able to cover our interests

thoroughly, as they have already failed to alert the public about serious issues they will face in the EIS. It is unlikely that any other citizen's advocacy groups will be represented, therefore we feel that our participation will not only broaden the issues, but represent the interests of both Kula and South Maui residents as well.

Sincerely,

A handwritten signature in cursive script, reading "Mark Sheehan". The signature is fluid and written in dark ink.

Mark Sheehan

President, Maui Tomorrow

P 355 757 123

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Office of Planning
Street & Number	State of HI
Post Office, State, & ZIP Code	P2 Box 2359 Honolulu HI 96804
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 1.67
Postmark or Date	

PS Form 3800, April 1995

P 355 757 122

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	MECO
Street & Number	PO BOX 429
Post Office, State, & ZIP Code	Makawao HI 96768
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 1.67
Postmark or Date	

PS Form 3800, April 1995

P 355 757 057

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	County of Maui
Street & Number	200 Hana St.
Post Office, State, & ZIP Code	HAWAII, HI 96793
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 1.67
Postmark or Date	

PS Form 3800, April 1995

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

ONE MAIN PLAZA

SUITE 400, 2200 MAIN STREET

POST OFFICE BOX 1086

WAILUKU, MAUI, HAWAII 96793-1086

TELEPHONE (808) 242-4535

FAX (808) 244-4974

November 24, 1997

Ms. Esther Ueda
Executive Officer
State Land Use Commission
Department of Business, Economic
Development & Tourism
P. O. Box 2359
Honolulu, Hawaii 96804

1997 NOV 25 A 10:16
LAND USE COMMISSION
STATE OF HAWAII

Re: LUC Docket No. A97-722/Maui Electric Company, Limited

Dear Ms. Ueda:

We have just been notified that the public hearing on Maui Electric's application for a land use district boundary change in the above-referenced docket has been scheduled for February 5 and 6, 1998. Because of a previous commitment requiring me to be out of the country from February 5 through February 18, I am unable to attend the public hearing on said dates. Accordingly, we respectfully request that this hearing date be changed to January 29 and 30 (first preference) or February 26 and 27, 1998. If these dates are a problem for the Land Use Commission members, however, we ask that you consider January 22 and 23 for said public hearing.

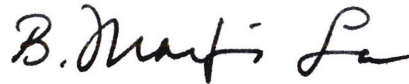
We understand from your staff that the publication for the public hearing notice to be printed in a Hawaii newspaper could not be stopped in time, and that we will have to bear the cost of reprinting said public notice announcing the new public hearing date. As I mentioned to your staff, I will pay said additional cost, but may I suggest that the LUC procedure provide for consultation with the applicant before a date is firmly determined and a hearing notice for said date is submitted to the

Ms. Esther Ueda
November 24, 1997
Page 2

newspapers for publication and mailed to designated agencies and organizations. Such consultation would minimize the possibility of a conflict in schedule of the parties and the need to reschedule the public hearing--therefore, the time and expense of rescheduling--for district boundary amendments.

In any event, we appreciate having the public hearing rescheduled, preferably to January 29 and 30, 1998. Please notify me of the amount that I should submit to you for having the new hearing date published.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "B. Martin Luna".

B. Martin Luna

BML:mea
5013910.1.015787-5

cc: Mark Willey
Neal Shinyama



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 8, 1997

B. Martin Luna, Esq.
Carlsmith, Ball, Wichman,
Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

Dear Mr. Luna:

Subject: LUC Docket No. A97-722/Maui Electric Company,
Limited

This is in response to your letter dated November 24, 1997, requesting that the February 5, 6, 1998, hearing date for the subject docket be changed because of your previous commitment that will require you to be out of the country from February 5 through February 18.

Please be advised that we have rescheduled the hearing date to February 26, 27, 1998. The time and place of the hearing remains the same. The prehearing conference in this matter has been tentatively scheduled for February 3, 1998, in Honolulu, Hawaii.

With respect to the cost of reprinting the notice of hearing in the Honolulu Star-Bulletin and Maui News, please be advised that the total cost is \$600.00. Please submit a check for this amount payable to the "State of Hawaii".

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:th

cc: County of Maui Planning Dept.
OP

bcc: LUC

CARLSMITH BALL WICHMAN CASE & ICHIKI

ONE MAIN PLAZA, SUITE 400
2200 MAIN STREET
WAILUKU, MAUI, HAWAII 96793-2225

TEL (808) 242-4535
FAX (808) 244-4974

FACSIMILE TRANSMISSION

UNLESS OTHERWISE INDICATED OR OBVIOUS FROM THE NATURE OF THE TRANSMITTAL, THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED BELOW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR OR ARE NOT SURE WHETHER IT IS PRIVILEGED, PLEASE IMMEDIATELY NOTIFY US BY COLLECT TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE AT OUR EXPENSE. THANK YOU.

1997 NOV 24 A 10:56
LAND USE COMMISSION
STATE OF HAWAII

DATE: November 24, 1997

To:

Name	Fax No.	Phone No.
Esther Ueda	1-808-587-3827 0%7	

FROM: B. Martin Luna

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

CASE NAME: Maui Electric-Waena

CASE NUMBER: 015787-5

☒ ORIGINAL/COPY WILL BE MAILED

☐ ORIGINAL/COPY WILL NOT BE MAILED

MESSAGE:

Please see attached letter dated November 24, 1997.

If problems occur, please call Mary AhSam at (808) 242-4535.

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

ONE MAIN PLAZA

SUITE 400, 2200 MAIN STREET

POST OFFICE BOX 1086

WAILUKU, MAUI, HAWAII 96793-1086

TELEPHONE (808) 242-4535

FAX (808) 244-4974

November 24, 1997

1997 NOV 24 A 10:59
LAND USE COMMISSION
STATE OF HAWAII

Ms. Esther Ueda
Executive Officer
State Land Use Commission
Department of Business, Economic
Development & Tourism
P. O. Box 2359
Honolulu, Hawaii 96804

Re: LUC Docket No. A97-722/Maui Electric Company, Limited

Dear Ms. Ueda:

We have just been notified that the public hearing on Maui Electric's application for a land use district boundary change in the above-referenced docket has been scheduled for February 5 and 6, 1998. Because of a previous commitment requiring me to be out of the country from February 5 through February 18, I am unable to attend the public hearing on said dates. Accordingly, we respectfully request that this hearing date be changed to January 29 and 30 (first preference) or February 26 and 27, 1998. If these dates are a problem for the Land Use Commission members, however, we ask that you consider January 22 and 23 for said public hearing.

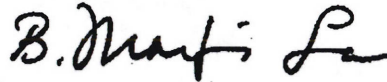
We understand from your staff that the publication for the public hearing notice to be printed in a Hawaii newspaper could not be stopped in time, and that we will have to bear the cost of reprinting said public notice announcing the new public hearing date. As I mentioned to your staff, I will pay said additional cost, but may I suggest that the LUC procedure provide for consultation with the applicant before a date is firmly determined and a hearing notice for said date is submitted to the

Ms. Esther Ueda
November 24, 1997
Page 2

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In any event, we appreciate having the public hearing rescheduled, preferably to January 29 and 30, 1998. Please notify me of the amount that I should submit to you for having the new hearing date published.

Sincerely yours,



B. Martin Luna

BML:mea
5013910.1.015787-5

cc: Mark Willey
Neal Shinyama

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }
County of Maui. } ss.

Lana S. Kusunoki being duly sworn
deposes and says, that he is Advertising Sales of the
Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a newspaper
published in Wailuku, County of Maui, State of Hawaii; that the or-
dered publication as to NOTICE OF CANCELLATION AND
RESCHEDULING OF HEARING

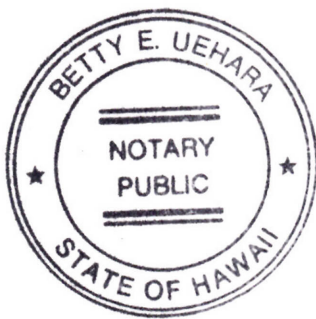
of which the annexed is a true and corrected printed notice, was
published 1 times in the MAUI NEWS, aforesaid, commencing
on the 5th day of December, 1997, and ending
on the 5th day of December, 1997, (both days
inclusive), to-wit: on

December 5, 1997

and that affiant is not a party to or in any way interested in the above
entitled matter.

Subscribed and sworn to before me this

5th day of Dec. 97
A. D. 19



Lana S. Kusunoki

Betty E. Uehara
Notary Public, Second Judicial
Circuit, State of Hawaii.
My commission expires 9-26-99

NOTICE OF CANCELLATION AND
RESCHEDULING OF HEARING

NOTICE IS HEREBY GIVEN that the hearing to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries set for February 5, 1998 and February 6, 1998 at 9:30 a.m. in the Nahele Room, Sandalwood Clubhouse, 2500 Honoapiilani Hwy., Waikapu, Maui has been cancelled and that the Land Use Commission will conduct a rescheduled hearing to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended, as follows:

DATE, TIME AND PLACE

February 26, 1998 - 9:30 a.m.
and February 27, 1998
Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui, Hawaii

Docket Number & Petitioner: A97-722 - MAUI
ELECTRIC
COMPANY, LTD.

Tax Map Keys: 3-8-03:23
3-8-03:24

Change Requested: To reclassify approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electrical Generating Station.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Maui Planning Department, County of Maui, 250 South High Street, Wailuku, Maui, 96793; and the Land Use Commission, Room 406, Leiopapa A Kamehameha, 235 So. Beretania Street, Honolulu, Hawaii, 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceeding inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by December 22, 1997.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by February 17, 1998.

Any party to the proceeding may be represented by legal counsel.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P. O. Box 2359, Honolulu, Hawaii, 96804-2359 at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION
RUPERT K. CHUN, Chairperson
By ESTHER UEDA, Executive Officer
(MN: Dec. 5, 1997)

IN THE MATTER OF

NOTICE OF CANCELLATION AND
RESCHEDULING OF HEARING

AFFIDAVIT OF PUBLICATION

NOTICE OF CANCELLATION
AND
RESCHEDULING OF HEARING

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DATE, TIME AND PLACE

February 26, 1998 - 9:30 a.m.

and February 27, 1998

Nahele Room

Sandalwood Clubhouse

2500 Honoapiilani Hwy.,

Waikapu, Maui, Hawaii

Docket Number & Petitioner: A97-722 - MAUI ELECTRIC COMPANY, LTD.

Tax Map Keys: 3-8-03-23, 3-8-03-24

Change Requested: To reclassify approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electrical Generating Station.

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Any party to the proceeding may be represented by legal counsel.

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LAND USE COMMISSION
RUPERT K. CHUN, Chairperson
By ESTHER UEDA, Executive Officer
(SB-8939)

'Hon. S.-B.: Dec. 5, 1997)

STATE OF HAWAII
City and County of Honolulu

SS.

Valerie L. Yanagihara

being duly sworn,

deposes and says that she is a clerk, duly authorized to execute this affidavit of the HAWAII NEWSPAPER AGENCY LIMITED PARTNERSHIP, a partnership of GANNETT PACIFIC CORPORATION, publisher of the HONOLULU ADVERTISER, and LIBERTY NEWSPAPERS LIMITED PARTNERSHIP, publisher of the HONOLULU STAR-BULLETIN, that said newspapers are newspapers of general circulation in the state of Hawaii, and that the attached notice is a true notice as was published in the aforereferenced newspapers as follows:

The Honolulu Advertiser: _____ times, on _____

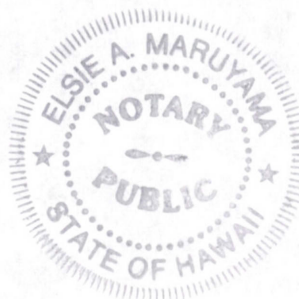
Honolulu Star-Bulletin: _____ one _____ times, on
December 5, 1997

Sunday edition of The Honolulu Advertiser: _____ times, on _____

and that affiant is not a party to or in any way interested in the above entitled matter.

Subscribed and sworn to before me this 5th day of December
A.D. 19 97

Elsie A. Maruyama
Notary Public of the First Judicial Circuit
State of Hawaii
My commission expires March 7, 2000



LAND USE COMMISSION
STATE OF HAWAII
1997 DEC 10 A 10:46

IN THE MATTER OF

NOTICE OF HEARING

AFFIDAVIT OF PUBLICATION

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

DATE, TIME AND PLACE

February 5, 1998 - 9:30 a.m.
and February 6, 1998

Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui, Hawaii

Docket Number & Petitioner: A97-722 - MAUI ELECTRIC COMPANY, LTD.

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LAND USE COMMISSION
RUPERT K. CHUN, Chairperson
By ESTHER UEDA, Executive Officer

(Hon. S.B.: Nov. 24, 1997)

(SB-8831)

STATE OF HAWAII

City and County of Honolulu

SS.

Valerie L. Yanagihara

being duly sworn,

deposes and says that she is a clerk, duly authorized to execute this affidavit of the HAWAII NEWSPAPER AGENCY LIMITED PARTNERSHIP, a partnership of GANNETT PACIFIC CORPORATION, publisher of the HONOLULU ADVERTISER, and LIBERTY NEWSPAPERS LIMITED PARTNERSHIP, publisher of the HONOLULU STAR-BULLETIN, that said newspapers are newspapers of general circulation in the state of Hawaii, and that the attached notice is a true notice as was published in the aforereferenced newspapers as follows:

The Honolulu Advertiser: _____ times, on _____

Honolulu Star-Bulletin: _____ one _____ times, on _____
November 24, 1997

Sunday edition of The Honolulu Advertiser: _____ times, on _____

and that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]

Subscribed and sworn to before me this 24th day of November A.D. 19 97

[Signature]

Notary Public of the First Judicial Circuit
State of Hawaii
My commission expires

March 7, 2000



AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }
County of Maui. } ss.

Kamery A. Lee III
being duly sworn
deposes and says, that he is Advertising Sales of the
Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a newspaper
published in Wailuku, County of Maui, State of Hawaii; that the or-
dered publication as to

NOTICE OF HEARING

of which the annexed is a true and corrected printed notice, was
published 1 times in the MAUI NEWS, aforesaid, commencing
on the 24th day of November, 1997, and ending
on the 24th day of November, 1997, (both days
inclusive), to-wit: on

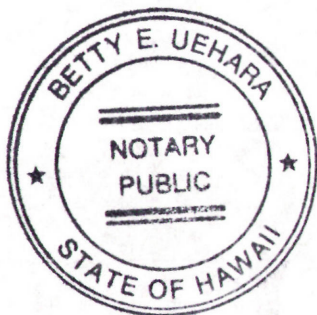
November 24, 1997

and that affiant is not a party to or in any way interested in the above
entitled matter.

Kamery A. Lee

Subscribed and sworn to before me this

24th day of Nov. A.D. 1997



Betty E. Uehara
Notary Public, Second Judicial
Circuit, State of Hawaii.
My commission expires 9-28-99

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

DATE, TIME AND PLACE

February 5, 1998 - 9:30 a.m.
and February 6, 1998
Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui, Hawaii

Docket Number & Petitioner: A97-722 - MAUI
ELECTRIC
COMPANY, LTD.

Tax Map Keys: 3-8-03:23
3-8-03:24

Change Requested: To reclassify approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electric Generating Station.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Maui Planning Department, County of Maui, 250 South High Street, Wailuku, Maui, 96793; and the Land Use Commission, Room 406, Leiopapa A Kamehameha, 235 So. Beretania Street, Honolulu, Hawaii 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hear-

ing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceeding inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14 HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by December 9, 1997.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by January 27, 1998.

Any party to the proceeding may be represented by legal counsel.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359 at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION
RUPERT K. CHUN, Chairperson
By ESTHER UEDA, Executive Officer
(MN: Nov. 24, 1997)

NOTICE OF CANCELLATION AND
RESCHEDULING OF HEARING

NOTICE IS HEREBY GIVEN that the hearing to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries set for February 5, 1998 and February 6, 1998 at 9:30 a.m. in the Nahele Room, Sandalwood Clubhouse, 2500 Honoapiilani Hwy., Waikapu, Maui has been cancelled and that the Land Use Commission will conduct a rescheduled hearing to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended, as follows:

DATE, TIME AND PLACE

February 26, 1998 - 9:30 a.m.
and February 27, 1998
Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui, Hawaii

Docket Number & Petitioner: A97-722 - MAUI ELECTRIC
COMPANY, LTD.

Tax Map Keys: 3-8-03:23
3-8-03:24

Change Requested: To reclassify approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electrical Generating Station.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Maui Planning Department, County of Maui, 250 South High Street, Wailuku, Maui, 96793; and the Land Use Commission, Room 406, Leiopapa A Kamehameha, 235 So. Beretania Street, Honolulu,

97 DEC -2 AM 51

LIEUTENANT GOVERNOR'S
OFFICE

Hawaii, 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceeding inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by December 22, 1997.

All persons or individuals wishing to present

testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by February 17, 1998.

Any party to the proceeding may be represented by legal counsel.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P. O. Box 2359, Honolulu, Hawaii, 96804-2359 at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION

RUPERT K. CHUN, Chairperson

By ESTHER UEDA, Executive
Officer

(Legal Ad to appear)
(December 5, 1997)
(Maui News and)
(Honolulu Star Bulletin)

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	
	)	
MAUI ELECTRIC COMPANY, LTD.	)	DOCKET NO. A97-722
	)	
To consider reclassification	)	
of approximately 65.7 acres of	)	
land currently in the Agricultural	)	
District into the Urban District	)	
at Wailuku, Maui for a 232-MW	)	
Electric Generating Station.	)	
	)	
Tax Map Key No.: 3-8-03: 23	)	
3-8-03: 24	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Hearing was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail:

DEL.	RICHARD EGGED, JR., Director Office of Planning P.O. Box 2359 Honolulu, HI 96804-2359
DEL.	ANN OGATA-DEAL, Esq. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, HI 96813
DEL.	ABE MITSUDA, Administrator Land Use Division Office of Planning P.O. Box 2359 Honolulu, HI 96804-2359
CERT.	MARTIN LUNA, Esq. Carlsmith Ball Wichman Case & Ichiki One Main Plaza, Suite 400 2200 Main Street Wailuku, HI 96793

CERT. JEFFREY SCHMIDT, Esq.
Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

CERT. DAVID BLANE, Planning Director
Planning Department
County of Maui
250 South High Street
Wailuku, HI 96793

CERT. PLANNING COMMISSION
COUNTY OF MAUI
250 South High Street
Wailuku, HI 96793

CERT. G. STEPHEN HOLADAY
Hawaiian Commercial & Sugar Co.
P.O. Box 266
Puunene, HI 96784

Dated: Honolulu, Hawaii, December 1, 1997.



ESTHER UEDA
Executive Officer

* HONOLULU P&D CTR * 2 * 12/03/97 * 21:00 *

SENDER: A97-722 - Maui Electric Co.

☐ Complete items 1 and/or 2 for additional services.
☐ Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
☐ Write "Return Receipt Requested" on the mailpiece below the article number.
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

☐ Addressee's Address
☐ Restricted Delivery
☐ Consult postmaster for fee.

03 DEC 1997

3. Article Addressed to:

Martin Luna, Esq.
 Carlsmith Ball Wichman Case &
 Ichiki
 One Main Plaza, Ste. 400
 2200 Main Street
 Wailuku, HI 96793

4a. Article Number

P 612 304 649

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

122-97

5. Received By: (Print Name)

6. Signature: (X) me

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

P 612 304 649

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	
Martin Luna, Esq.	
Street & Number	
2200 Main Street, Ste. 400	
Post Office, State, & ZIP Code	
Wailuku, HI 96793	
Postage	\$ 78
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	1997
TOTAL Postage & Fees	\$ 3.23
Postmark or Date	

HONOLULU HI DOWNTOWN STATION
 DEC 1 1997
 USPS

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jeffrey Schmidt, Esq.
Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

4a. Article Number

P 612 304 651

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

12/2/97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *r. nehem*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 651

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Jeffrey Schmidt, Esq.

Street & Number

200 South High Street

Post Office, State, & ZIP Code

Wailuku, HI 96793

Postage

\$.55

Certified Fee

1.35

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

1.10

Return Receipt Showing to Whom, Date, & Addressee's Address

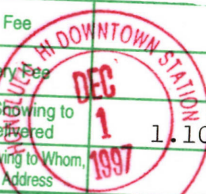
TOTAL Postage & Fees

\$ 3.00

Postmark or Date

PS Form 3800, April 1995

A97-722 - Maui Electric Co.



Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Chairman
Maui Planning Commission
County of Maui
250 South High Street
Wailulu, HI 96793

4a. Article Number
P 612 304 652

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
12-2-97

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Tessie Manrique*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 652

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to
Maui Planning Commission

Street & Number
250 South High Street

Post Office, State, & ZIP Code
Wailuku, HI 96793

Postage \$ 1.55

Certified Fee 1.35

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered 1.10

Return Receipt Showing to Whom Date, & Addressee's Address

TOTAL Postage & Fees \$ 3.00

Postmark or Date

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. G. Stephen Holaday
Hawaiian Commerical & Sugar Co.
P.O. Box 266
Puunene, HI 96784

4a. Article Number

P 612 304 653

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

ADDY VILORCA for Holaday

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *addy vilor*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 653

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to		G. Stephen Holaday
Street & Number		P.O. Box 266
Post Office, State, & ZIP Code		Puunene, HI 96784
Postage	\$	.55
Certified Fee		1.35
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		1.10
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	3.00
Postmark or Date		

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. David Blane, Director
Planning Dept., County of Maui
250 South High Street
Wailuku, HI 96793

4a. Article Number

P 612 304 650

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

12-2-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Thessie Marriage*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 612 304 650

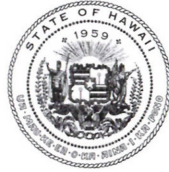
US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	
David Blane, Director	
Street & Number	
250 South High Street	
Post Office, State, & ZIP Code	
Wailuku, HI 96793	
Postage	\$.78
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	DEC 1 1997
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.13
Postmark or Date	

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 1, 1997

HONOLULU STAR BULLETIN
Legal Advertising
P.O. Box 3350
Honolulu, HI 96801

Attention: Theresa or Margy

Gentlemen:

Re: A97-722 - Maui Electric Co., Ltd. (Rescheduled)

We are enclosing herewith a copy of the Notice of Hearing which we wish to have published in the Honolulu Star Bulletin on December 5, 1997. A purchase order is also enclosed.

We would appreciate immediate confirmation of the receipt of this notice. Please call me at 587-3824.

Very truly yours,

ESTHER UEDA
Executive Officer

Enc.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 1, 1997

THE MAUI NEWS
Legal Advertising Department
100 Mahalani Street
Wailuku, HI 96793

ATTN: LANA

Gentlemen:

Re: A97-722 - Maui Electric Co., Ltd. (Rescheduled)

We are enclosing herewith a copy of the Notice of Hearing which we wish to have published in The Maui News on December 5, 1997. A purchase order is also enclosed.

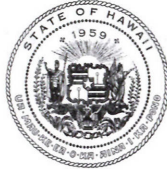
We would appreciate immediate confirmation of the receipt of this notice. Please call Darlene at 587-3822.

Very truly yours,

ESTHER UEDA
Executive Officer

EU:dk

Enc.



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 1, 1997

MEMORANDUM

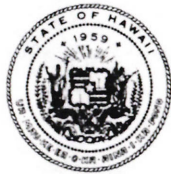
TO: Land Use Commissioners
FROM: Staff *Esther Ueda*
SUBJECT: PREHEARING CONFERENCE

Please be advised that prehearing conference on
A97-722 - MAUI ELECTRIC CO., LTD. will be held as follows:

DATE: February 3, 1998
TIME: 10:00 a.m.
PLACE: Conference Room 405
Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

Commissioners' attendance at these informal conferences are not required; however, you are welcome to attend. If neighbor island Commissioners desire to attend the conference, please notify staff.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 1, 1997

Mr. David W. Blane, Planning Director
Planning Department, County of Maui
250 South High Street
Wailuku, HI 96793

Dear Mr. Blane:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A97-722 - MAUI ELECTRIC CO., LTD.

DATE: February 3, 1998

TIME: 10:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by January 27, 1998.

As required by the Hawaii Land Use Commission Rules, please transmit 1 original and 15 copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

Mr. David W. Blane, Director
December 1, 1997
Page 2

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther Ueda", written in a cursive style.

ESTHER UEDA
Executive Officer

Enclosures

cc: Jeffrey Schmidt, Esq.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 1, 1997

Mr. Richard Egged, Jr., Director
Office of Planning
Leiopapa A Kamehameha
235 So. Bertania Street, 6th Floor
Honolulu, HI 96813

Dear Mr. Egged:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A97-722 - MAUI ELECTRIC CO., LTD.

DATE: February 3, 1998

TIME: 10:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by January 27, 1998.

As required by the Hawaii Land Use Commission Rules, please transmit 1 original and 15 copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

Mr. Richard Egged, Director
December 1, 1997
Page 2

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther Ueda", written in a cursive style.

ESTHER UEDA
Executive Officer

Enclosures

cc: Abe Mitsuda
Ann Ogata-Deal, Esq.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

December 1, 1997

Martin Luna, Esq.
Carlsmith Ball Wichman Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, HI 96793

Dear Mr. Luna:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A97-722 - MAUI ELECTRIC CO., LTD.

DATE: February 3, 1998

TIME: 10:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. Please serve the completed forms and exhibits to all parties and the Land Use Commission by January 27, 1998.

As required by the Hawaii Land Use Commission Rules, please transmit 1 original and 15 copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

Martin Luna, Esq.
December 1, 1997
Page 2

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther Ueda", with a stylized flourish at the end.

ESTHER UEDA
Executive Officer

Enclosures

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Maui by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended.

DATE, TIME AND PLACE

February 5, 1998 - 9:30 a.m.
and February 6, 1998
Nahele Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui, Hawaii

Docket Number & Petitioner: A97-722 - MAUI ELECTRIC
COMPANY, LTD.

Tax Map Keys: 3-8-03:23
3-8-03:24

Change Requested: To reclassify approximately 65.7 acres of land currently in the Agricultural District into the Urban District at Wailuku, Maui for a 232-MW Electric Generating Station.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Maui Planning Department, County of Maui, 250 South High Street, Wailuku, Maui, 96793; and the Land Use Commission, Room 406, Leiopapa A Kamehameha, 235 So. Beretania Street, Honolulu, Hawaii, 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately

97 NOV 19 P 3:50

LIEUTENANT GOVERNOR'S
OFFICE

affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceeding inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by December 9, 1997.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group

concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by January 27, 1998.

Any party to the proceeding may be represented by legal counsel.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P. O. Box 2359, Honolulu, Hawaii, 96804-2359 at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION

RUPERT K. CHUN, Chairperson

By ESTHER UEDA, Executive
Officer

(Legal Ad to appear)
(November 24, 1997)
(Maui News and)
(Honolulu Star Bulletin)

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	
	)	
MAUI ELECTRIC COMPANY, LTD.	)	DOCKET NO. A97-722
	)	
To consider reclassification	)	
of approximately 65.7 acres of	)	
land currently in the Agricultural	)	
District into the Urban District	)	
at Wailuku, Maui for a 232-MW	)	
Electric Generating Station.	)	
	)	
Tax Map Key No.: 3-8-03: 23	)	
3-8-03: 24	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Hearing was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail:

DEL.	RICHARD EGGED, JR., Director Office of Planning P.O. Box 2359 Honolulu, HI 96804-2359
DEL.	ANN OGATA-DEAL, Esq. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, HI 96813
DEL.	ABE MITSUDA, Administrator Land Use Division Office of Planning P.O. Box 2359 Honolulu, HI 96804-2359
CERT.	MARTIN LUNA, Esq. Carlsmith Ball Wichman Case & Ichiki One Main Plaza, Suite 400 2200 Main Street Wailuku, HI 96793

CERT. JEFFREY SCHMIDT, Esq.
 Corporation Counsel
 County of Maui
 200 South High Street
 Wailuku, HI 96793

CERT. DAVID BLANE, Planning Director
 Planning Department
 County of Maui
 250 South High Street
 Wailuku, HI 96793

CERT. PLANNING COMMISSION
 COUNTY OF MAUI
 250 South High Street
 Wailuku, HI 96793

CERT. G. STEPHEN HOLADAY
 Hawaiian Commercial & Sugar Co.
 P.O. Box 266
 Puunene, HI 96784

Dated: Honolulu, Hawaii, November 19, 1997.



ESTHER UEDA
Executive Officer

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

A97-722 - Maui Electric Co.,

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Martin Luna, Esq.
 Carlsmith Ball Wichman Case &
 Ichiki
 One Main Plaza, Suite 400
 2200 Main Street
 Wailuku, HI 96793

4a. Article Number

P 592 849 394

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

Nov. 20, 97

5. Received By: (Print Name)

Joselin Barbosa

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Joselin F. Barbosa

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 592 849 394

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Martin Luna, Esq.

Street & Number

2200 Main Str., Ste. 400

Post Office, State, & ZIP Code

Wailuku, HI 96720

Postage

\$.55

Certified Fee

1.35

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

1.10

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees

\$ 3.00

Postmark or Date

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

A97-722 - Maui Electric Co.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jeffrey Schmidt, Esq.
Corporation Counsel
County of Maui
200 South High Street
Wailuku, HI 96793

4a. Article Number

P 592 849 395

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

11/20/97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

P 592 849 395

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Jeffrey Schmidt, Esq.	
Street & Number 200 South High Street	
Post Office, State, & ZIP Code Wailuku, HI 96793	
Postage	\$ 35
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark or Date USPS	

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

A97-722 - Maui Electric Co.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. David Blane, Director
Planning Dept., County of Maui
250 South High Street
Wailuku, HI 96793

4a. Article Number

P 592 849 396

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

11-20-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 592 849 396

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Mr. David Blane	
Street & Number	
250 South High Street	
Post Office, State, & ZIP Code	
Wailuku, HI 96720	
Postage	\$.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark or Date	1997

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Chairperson
Planning Commission
County of Maui
250 South High Street
Wailuku, HI 96793

4a. Article Number
P 331 035 478

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
11-20-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

P 331 035 478

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to Planning Commission Street & Number County of Maui 250 South High Street Post Office, State, & ZIP Code Wailuku, HI 96793	
Postage	\$ 1.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark on Date	

PS Form 3800, April 1995

A97-722 - Maui Electric Co.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722 - Maui Electric Co.

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. G. Stephen Holaday
Hawaiian Commerical & Sugar Co.
P.O. Box 266
Puunene, HI 96784

4a. Article Number
P 331 -35 477

4b. Service Type

☐ Registered	☒ Certified
☐ Express Mail	☐ Insured
☐ Return Receipt for Merchandise	☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)
Andy Victoria for Holaday

6. Signature: (Addressee or Agent)
Andy Victoria

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 331 035 477

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

A97-722 - Maui Electric Co.

Sent to
Mr. G. Stephen Holaday
Street & Number
P.O. Box 266
Post Office, State, & ZIP Code
Puunene, HI 96784

Postage	\$.55
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.00
Postmark or Date	

PS Form 3800, April 1995

USPS



STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

November 18, 1997

B. Martin Luna, Esq.
Carlsmith, Ball, Wichman,
Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

Dear Mr. Luna:

Subject: LUC Docket No. A97-722/Maui Electric Company,
Limited

This is to acknowledge receipt of the original and 15 copies of page 29 to the Petition that includes the signature of Petitioner's counsel in black ink and of the affidavit of Petitioner's agent attesting to its compliance with §15-15-48(a), Hawaii Administrative Rules (HAR), filed on November 7, 1997.

Based on the submittal of the above-mentioned items, the Petition filed in the subject docket is hereby deemed a proper filing as of November 7, 1997.

Please be advised that in the event a notice of intent to intervene is filed with the Commission pursuant to §15-15-52(b), HAR, the Petition may be deemed defective until Petitioner serves a copy of the Petition upon the potential intervenor and files an affidavit of Petitioner or its agent attesting to its compliance with §15-15-48(b), HAR.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in black ink, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:th

cc: Jon Itomura, Deputy Attorney General
OP
County of Maui Planning Dept.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: A97-722/Maui Electric Company

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

B. Martin Luna, Esq.
Carlsmith, Ball, Wichman,
Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, HI 96793

4a. Article Number

Z 445 897 870

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11/19/97

5. Received By: (Print Name)

WENDELL NAMASEI

6. Signature: (Addressee or Agent)

W. Namasei

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Z 445 897 870

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

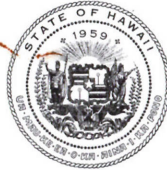
Do not use for International Mail (See reverse)

Sent to	
B. Martin Luna, Esq.	
Street & Number	
2200 Main Street, Ste 400	
Post Office, State, & ZIP Code	
Wailuku 97693	
Postage	\$.32
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$ 2.77
Postmark or Date	

PS Form 3800, April 1995

A97-722/Maui Electric Company

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

November 18, 1997

HONOLULU STAR BULLETIN
Legal Advertising
P.O. Box 3350
Honolulu, HI 96801

Attention: Theresa or Margy

Gentlemen:

Re: A97-722 - Maui Electric Co., Ltd.

We are enclosing herewith a copy of the Notice of Hearing which we wish to have published in the Honolulu Star Bulletin on November 24, 1997. A purchase order is also enclosed.

We would appreciate immediate confirmation of the receipt of this notice. Please call me at 587-3824.

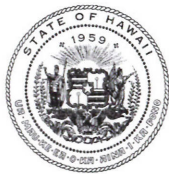
Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

Enc.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

November 18, 1997

THE MAUI NEWS
Legal Advertising Department
100 Mahalani Street
Wailuku, HI 96793

ATTN: LANA

Gentlemen:

Re: A97-722 - Maui Electric Co., Ltd.

We are enclosing herewith a copy of the Notice of Hearing which we wish to have published in The Maui News on November 24, 1997. A purchase order is also enclosed.

We would appreciate immediate confirmation of the receipt of this notice. Please call Darlene at 587-3822.

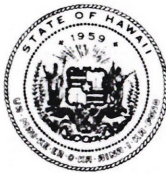
Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dk

Enc.



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

November 18, 1997

Michael D. Wilson, Chair
Commission on Water Resource
Management
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: LUC Docket No. A97-722/Maui Electric Company, Limited

On October 24, 1997, Petitioner Maui Electric Company, Limited, filed a Petition For District Boundary Amendment From Agricultural To Urban (Petition) with the Land Use Commission.

The Petition requests reclassification of approximately 65.7 acres of land situated at Wailuku, Maui, Hawaii, and is identified as TMK 3-8-03: 23 and 24.

We request that the Division of Water Resource Management review the Petition and comment on the impact of the proposed project on the water resources of the subject area.

We understand that a copy of the Petition has been transmitted to your department by the Office of Planning.

Please provide your comments on the Petition to our office as soon as possible.

Thank you for your assistance in this matter.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:th

cc: B. Martin Luna, Esq.
County of Maui Planning Dept.
OP



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

November 18, 1997

Michael D. Wilson, Director
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Wilson:

Subject: LUC Docket No. A97-722/Maui Electric Company, Limited

On October 24, 1997, Petitioner Maui Electric Company, Limited, filed a Petition For District Boundary Amendment From Agricultural To Urban (Petition) with the Land Use Commission.

The Petition requests reclassification of approximately 65.7 acres of land situated at Wailuku, Maui, Hawaii, and is identified as TMK 3-8-03: 23 and 24.

Pursuant to §6E-42, Hawaii Revised Statutes (HRS), we are requesting that your agency review the subject Petition and comment on the effect of the proposed project on historic properties or burial sites, consistent with §6E-43, HRS.

We understand that a copy of the Petition has been transmitted to your department by the Office of Planning.

Please provide your comments on the Petition to our office as soon as possible.

Thank you for your assistance in this matter.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in dark ink, appearing to read "Esther Ueda", written over a horizontal line.

ESTHER UEDA
Executive Officer

EU:th

cc: B. Martin Luna, Esq.
County of Maui Planning Dept.
OP

CH2MHILL TRANSMITTAL

TO: State Land Use Commission
Department of Business, Economic Development,
and Tourism
PO Box 2359
Honolulu, HI 96804

FROM: Mark R. Willey, HNL
CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

ATTN: Ms. Esther Ueda, Executive Director

DATE: November 14, 1997

RE: Waena Generating Station Distirct Boundary Amendment Petition, Docket No. A97-722

PROJECT NUMBER: 139792.PP.02

WE ARE SENDING YOU:

♦ ATTACHED	UNDER SEPARATE COVER VIA	
SHOP DRAWINGS	♦ DOCUMENTS	TRACINGS
PRINTS	SPECIFICATIONS	CATALOGS
COPY OF LETTER	OTHER:	

QUANTITY	DESCRIPTION
16	Waena Generating Station Final Environmental Impact Statement

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS: The enclosed document replaces the Draft EIS contained within Exhibit 4 of the subject petition. Copies of the FEIS are being sent to the Office of Planning, Maui County Department of Planning, Maui County Planning Commission, and Hawaiian Commercial & Sugar Company.

COPY TO: Mr. David Blane, Maui County Planning Department (w/att.)
Executive Director, Maui County Planning Commission (w/att.)
Mr. Rick Egged, State of Hawaii Office of Planning (w/att.)
Mr. G. Stephan Holaday, Hawaiian Commercial & Sugar (w/att.)
Mr. B. Martin Luna, Carlsmith Ball Wichman Case & Ichiki (w/att.)
Mr. Neal Shinyama, MECO (w/att.)
Mr. Mike Yuen, HECO (w/att.)

CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

Voice: (808) 943-7135 x203

FAX: (808) 941-8225

1997 NOV 14 P 1:48
LAND USE COMMISSION
STATE OF HAWAII



CH2MHILL

*Celebrating
50 Years*

CH2M HILL
1585 Kapiolani Blvd
Suite 1420
Honolulu, HI
96814-4530
Tel 808.943.1133
Fax 808.941.8225

November 5, 1997

139792.EI.04

1997 NOV 10 A 10:07
LAND USE COMMISSION
STATE OF HAWAII

Ms. Esther Ueda
Executive Officer
State of Hawaii
Department of Business, Economic Development, and Tourism
Land Use Commission
PO Box 2359
Honolulu, HI 96804-2359

Dear Ms. Ueda:

Subject: Maui Electric Company, Limited's Waena Generating Station Draft EIS Comments

Thank you for your August 11, 1997 letter concerning the Waena Draft Environmental Impact statement. Our responses to your individual comments follow.

1. *An assessment of the conformity of the project to the CZM objectives and policies should be provided.*

To address your comment, we have provided the following assessment on the conformity of the proposed Waena Generating Station project with the coastal zone management goals, objectives, and policies. This information has been added, *verbatim*, to Chapter 5 of the EIS.

Hawaii's Coastal Zone Management Program has established objectives and policies as identified in Chapter 205A, HRS. Those objectives and policies are primarily focused on development activities and the effects on the Coastal Zone resources and are outlined below.

1. Recreational Resources

Objective: Provide coastal recreational resources accessible to the public.

Policies:

- a. ***Improve coordination and funding of coastal recreation planning and management;***
and

- b. *Provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:*
1. *Protecting coastal resources uniquely suited for recreation activities that cannot be provided in other areas;*
 2. *Requiring replacement of coastal resources having significant recreational value, including, but not limited to, surfing sites and sandy beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;*
 3. *Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
 4. *Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
 5. *Encouraging expanding public recreational use of county, state and federally owned or controlled shoreline lands and waters having recreational value;*
 6. *Adopting water quality standards and regulating point and non-point sources of pollution to protect and, where feasible, restore the recreational value of coastal waters; and*
 7. *Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits, and crediting such dedication against the requirements of Section 46-6 of the Hawaii Revised Statutes.*

2. *Historical/Cultural Resources*

Objective: *Protect, preserve and where desirable, restore those natural and man-made historic and prehistoric resources in the coastal zone management areas that are significant in Hawaiian and American history and culture.*

Policies:

- a. *Identify and analyze significant archaeological resources;*
- b. *Maximize information retention through preservation of remains and artifacts or salvage operation; and*
- c. *Support state goals for protection, restoration, interpretation and display of historic resources.*

3. *Scenic and Open Space Resources*

Objective: *Protect, preserve and, where desirable, restore or improve the quality of the coastal scenic and open space resources.*

Policies:

- a. *Identify valued scenic resources in the coastal zone management area;*
- b. *Insure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of the natural land forms and existing public views to and along the shoreline;*
- c. *Preserve, maintain and, where desirable, improve and restore shoreline open space and scenic resources; and*
- d. *Encourage those developments which are not coastal dependent to locate in inland areas.*

4. Coastal Ecosystems

Objective: *Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.*

Policies:

- a. *Improve the technical basis for mature resource management;*
- b. *Preserve valuable coastal ecosystems of significant biological or economic importance;*
- c. *Minimize disruption and degradation of coastal water ecosystems by effective regulation of stream diversions, channelization and similar land and water uses, recognizing competing water needs; and*
- d. *Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land water uses which violate state water quality standards.*

5. Economic Uses

Objective: *Provide public or private facilities and improvements important to the State's economy in suitable locations.*

Policies:

- a. *Concentration in appropriate areas the location of coastal dependent development necessary to the state's economy;*
- b. *Insure that coastal dependent development such as harbors and ports, visitor facilities, and energy-generating facilities are located, designed, and constructed to minimize adverse social, visual and environmental impacts in the coastal zone management areas; and*
- c. *Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:*

1. *Utilization of presently designated locations is not feasible,*
2. *Adverse environmental effects are minimized, and*
3. *The development is important to the State's economy.*

6. *Coastal Hazards*

Objective: *Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion and subsidence.*

Policies:

- a. *Develop and communicate adequate information on storm wave, tsunami, flood, erosion and subsidence hazard;*
- b. *Control development in areas subject to storm wave, tsunami, flood, erosion and subsidence hazard;*
- c. *Ensure that development comply with requirements of the Federal Flood Insurance Program; and*
- d. *Prevent coastal flooding from inland projects.*

7. *Managing Development*

Objective: *Improve the development review process, communication, and public participation in the management of coastal resources and hazard.*

Policies:

- a. *Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development;*
- b. *Facilitate timely processing of the application for development permits and resolve overlapping of conflicting permit requirements; and*
- c. *Communicate the potential short- and long-term impacts of proposed significant coastal developments early in their life-cycle and in terms understandable to the general public to facilitate public participation in the planning and review process.*

8. *Public Participation*

Objective: *Stimulate public awareness, education and participation in coastal management.*

Policies:

- a. *Maintain a public advisory body to identify coastal management problems and to provide policy advice and assistance to the coastal zone management program;*
- b. *Disseminate information on coastal management issues by means of educational materials, published reports, staff contact and public workshops for persons and*

organizations concerned with coastal related issues, development, and government activities; and

- c. Organize workshops, policy dialogues, and site specific mediations to respond to coastal issues and conflict.*

9. Beach Protection

Objective: *Protect beaches for public use and recreation.*

Policies:

- a. Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;*
- b. Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and*
- c. Minimize the construction of public erosion-protection structures seaward of the shoreline.*

10. Marine Resources

Objective: *Implement the State's ocean resource management plan.*

Policies:

- a. Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;*
- b. Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*
- c. Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency;*
- d. Assert and articulate the interest of the state as a partner with federal agencies in the sound management of the ocean resources within the United States exclusive economic zone;*
- e. Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon the ocean and coastal resources; and*
- f. Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.*

The subject property is located approximately 4 miles inland. The proposed project will have no impact on the public's access and use of the shoreline area, and there will be no adverse impact to nearshore waters from point and non-point sources of pollution. Because of its location and lack of coastal impacts, the project will conform with the objectives related to recreational resources, coastal ecosystems, beach protection, and marine resources.

There are no known traditional gathering activities and/or cultural practices affecting the subject property. The site and surrounding area have been utilized for sugarcane cultivation for nearly a century, and no significant archaeological resources were discovered during surveys of the site. Therefore, it is anticipated that the subject property will not have an adverse impact upon any significant archaeological or historical resources.

The location of the project site does not represent a significant adverse impact to scenic views or vistas related to coastal areas. Visual impacts will be mitigated through landscaping and choices of paint colors appropriate to the area. Therefore, the project will have no negative impact on the visual character of its immediate environs within the Central Maui region.

The project complies with the economic uses objective by providing a necessary facility located away from coastal areas which will meet and support continued economic growth on the Island of Maui.

According to the Federal Emergency Management Agency's Flood Insurance Rate Map, the project site is located in Zone C, areas experiencing minimal flooding. According to the National Flood Insurance Program, Zone C areas are not considered to be flood plain areas. The site does not lie in a tsunami zone. The subject property has no involvement with construction of any structures within the shoreline area and will not have an impact upon any public beaches.

The project has produced an environmental impact statement which has gone through public review and comment. In addition, several public meetings were held during both the facility siting and environmental assessment phases of the project. The requirement of the project to follow the Maui County Community Plan amendment and County rezoning processes, as well as the state Land Use Boundary redesignation process, ensures that the development of the project will be managed with a high level of public input and participation.

2. *The timeframe in which the necessary permits and approvals for the project are projected to be obtained should be provided.*

Table ES-2 has been revised within the EIS as follows to provide the anticipated timing.

Table ES-2 List of Potential Permits and Approvals for the Proposed Waena Generating Station and Transmission Lines			
Permit/Approval	Agency	Timeframe	
		Application	Approval
County of Maui			
Environmental Impact Statement Acceptance	Planning Department/Mayor	3/97	12/97
Community Plan Amendment	Planning Commission/Council/Mayor	12/97	7/98
Change in Zoning	Planning Commission/Council/Mayor	12/97	12/98
Height Variance	Board of Variance & Appeals	3/02	7/02
Combustible and Flammable Liquid Tank Installation*	Public Works	3/02	7/02
Driveway Permit/Work in County Road ROW	Public Works	3/02	7/02
Flood Hazard Certification or Determination	Public Works	3/02	7/02
Building, Grading and Stormwater Management Permits	Public Works	3/02	7/02
State of Hawaii			
Land Use District Designation Reclassification	Land Use Commission	10/97	5/98
Noise Variance for Construction*	Department of Health	3/02	7/02
Prevention of Significant Deterioration/Covered Source Air Permit*	Department of Health	1/99	12/01
Test/Supply Well	Commission on Water Resource Management/Department of Land & Natural Resources		
Well Construction Permit*		6/00	12/00
Pump Installation Permit*		9/00	1/01
Underground Injection Control	Department of Health		
Permit to Construct*		3/02	6/02
Permit to Operate*		6/03	9/03
Approval for Domestic Wastewater Treatment*	Department of Health	6/03	9/03
NPDES	Department of Health		
Construction Dewatering*		3/02	7/02
Facility Stormwater Discharge		3/02	7/02
Authority to Perform Work on State Highway ROW	Department of Transportation	3/02	7/02
Public Utilities Commission General Order 7 Approval*	Public Utilities Commission	1/99	12/99
Federal			
Determination of No Significant Hazard to Air Navigation	Federal Aviation Administration	6/97	6/97
Prevention of Significant Deterioration*	Environmental Protection Agency	1/99	12/01

* Time frame indicated is for installation of the first DTCC unit. Each subsequent DTCC unit may/will require additional permits.

3. *We suggest that the components (as listed on page 3-5) and acreage for each phase be identified in relation to the conceptual site layout (Figure 3-3).*

Table 3-1 in the EIS has been revised as follows to reflect the scheduling and land requirements for each addition of generation capacity. The entire 65.7-acre site will be developed for the installation of the first unit of generation. This will include full grading of the site and the installation of necessary infrastructure, such as drainage improvements, domestic wastewater systems, and roads, to support all four dual-train, combined-cycle (DTCC) generating units. As the need for additional generation capacity occurs, subsequent DTCC units will be placed upon the already improved site. Figure 3-5 of the EIS has been revised to indicate the placement and timing of these additional units and ancillary support structures. A copy of that figure is attached.

Table 3-1 Project Cost and Schedule (1997 dollars)				
Project Component	Acreage	Cost	Construction Start	Operation Date
Land Costs	65.7	\$1,847,648	n/a	1997
DTCC 1/Site Development	65.7	\$105,370,000	2002	2006
DTCC 2	0	\$96,857,000	2005	2010
Transmission Lines	n/a	\$10,419,000	2003	2004-2020
Transmission & Distribution Facility	0	\$5,900,000	2014	2016
DTCC 3	0	\$100,318,000	2009	2016
DTCC 4	0	\$96,848,000	2013	2020
Total Project Cost		\$417,559,648		

4. *Clarification should be provided as to when Hawaiian Commercial & Sugar Company's lease to cultivate sugarcane on the project site terminates.*

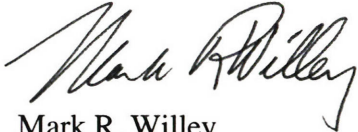
Hawaiian Commercial & Sugar Company (HC&S) holds a month-to-month lease for the project site until the area is required for development by MECO for utility purposes or December 31, 2004, whichever comes first, or if cultivation of crops on the premises is no longer permissible by law. HC&S must use the premises solely for the purpose of crop cultivation and ancillary agricultural activities.

Ms. Esther Ueda
November 5, 1997
Page 9

Thank you for taking the time to review the Draft EIS. Please feel free to contact me if you have any further questions or comments regarding this project.

Sincerely,

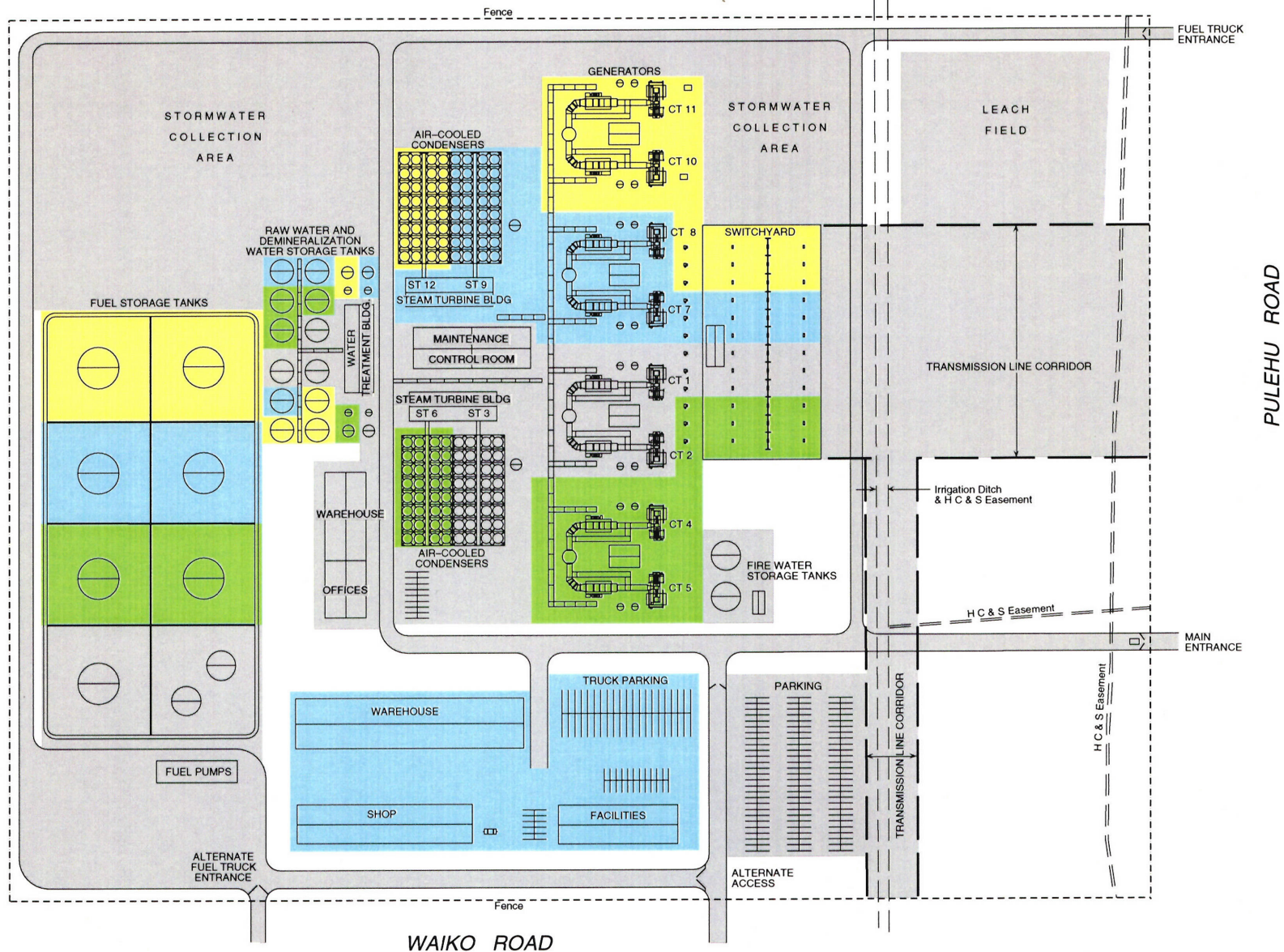
CH2M HILL

A handwritten signature in black ink, appearing to read "Mark R. Willey". The signature is fluid and cursive, with the first name "Mark" and last name "Willey" clearly distinguishable.

Mark R. Willey
Project Manager

enc.

c: Mr. Neal Shinyama, MECO
Mr. Mike Yuen, HECO
Ms. Colleen Suyama, Maui County Planning
Mr. Gary Gill, OEQC



PROJECT SCHEDULE (YEAR)

- DTCC 1/Site Development (2006)
- DTCC 2 (2010)
- DTCC 3/Transmission and Distribution Facilities (2016)
- DTCC 4 (2020)

Note: DTCC = Dual-Train Combined-Cycle Combustion Turbine
Source: Maui Electric Company, Limited, 1997

Final Environmental Impact Statement
Proposed Waena Generating Station
Maui Electric Company, Limited

FIGURE

3-3

CONCEPTUAL SITE LAYOUT



NORTH

NOT TO SCALE

CH2M HILL

CH2MHILL TRANSMITTAL

TO: Land Use Commission
State of Hawaii
PO Box 2359
Honolulu, HI 96804

FROM: Mark R. Willey, HNL
CH2M HILL
1585 Kapiolani Blvd. Suite 1420
Honolulu, HI 96814

ATTN: Executive Director

DATE: November 7, 1997

RE: Waena Land Use Amendment Petition

PROJECT NUMBER: 139792.PP.02

WE ARE SENDING YOU:

♦ ATTACHED	UNDER SEPARATE COVER VIA	
SHOP DRAWINGS	♦ DOCUMENTS	TRACINGS
PRINTS	SPECIFICATIONS	CATALOGS
COPY OF LETTER	OTHER:	

QUANTITY	DESCRIPTION
1	Original letter to Land Use Commission from Martin Luna
1	Original Signed replacement page for Petition page 29
15	Copy of replacement page for Petition page 29
1	Original of affidavit sent on November 6, 1997
16	Copy of affidavit sent on November 6, 1997
1	Full sized Tax Map of subject parcels

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS: For your use and files

COPY TO:

CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

Voice: (808) 943-7135 x203

FAX: (808) 941-8225

CARLSMITH BALL WICHMAN CASE & ICHIKI

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
ONE MAIN PLAZA
SUITE 400, 2200 MAIN STREET
POST OFFICE BOX 1086
WAILUKU, MAUI, HAWAII 96793-1086
TELEPHONE (808) 242-4535
FAX (808) 244-4974

November 7, 1997

LAND USE COMMISSION
STATE OF HAWAII
1997 NOV -7 P 4:19

Ms. Esther Ueda
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Re: Petition for Land Use District Boundary Amendment from Agricultural to Urban; Tax Map Key Nos. (2) 3-8-03:23 and 3-8-03:24; LUC Docket No. A97-722; Maui Electric Company, Limited

Dear Ms. Ueda:

In response to your letter dated November 3, 1997, we enclose the following:

1. Original and fifteen copies of the signature page (Page 29) of the Petition for Land Use District Boundary Amendment.
2. Original and sixteen copies of the Affidavit of Service of Petition for Land Use District Boundary Amendment and Certificate of Service.
3. Full size copy of the tax map with the subject property clearly identified.

We request that the enclosed page 29, which I have signed as the attorney for the Petitioner, be substituted in said Petition. By a copy of this letter, we

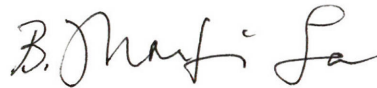
Ms. Esther Ueda
November 7, 1997
Page 2

are transmitting the signature page and the Affidavit to the parties who were served with the Petition.

We would appreciate receiving a file stamped copy of the Affidavit for our files. Enclosed is a self-addressed envelope for your use.

Thank you for your consideration and assistance in this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "B. Martin Luna".

B. Martin Luna

BML:mea
5013331.1.015787-5
Enclosures

cc: Rick Egged/Abe Mitsuda, Office of Planning
David W. Blane, Director, Planning Department, County of Maui
Planning Commission, County of Maui
G. Stephan Holaday, Hawaiian Commercial & Sugar Company



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

November 3, 1997

B. Martin Luna, Esq.
Carlsmith, Ball, Wichman,
Case & Ichiki
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

Dear Mr. Luna:

Subject: LUC Docket No. A97-722/Maui Electric Company,
Limited

We have reviewed the Petition For District Boundary Amendment From Agricultural To Urban (Petition) filed on October 24, 1997, and have the following comments:

- 1) Pursuant to §15-15-38(c), Hawaii Administrative Rules (HAR), the original Petition should be signed in black ink by the party or the party's counsel. If the party is a corporation or association, the pleading may be signed by an officer thereof.
- 3) Pursuant to §15-15-50(c)(5)(C), HAR, an affidavit of the petitioner or its agent attesting to its compliance with §15-15-48(a), HAR, should be provided.

We have no further comments to offer on the subject Petition at this time.

Pursuant to §15-15-50(f), HAR, the Petition is deemed defective due to the absence of (1) the signature of the party or the party's counsel on the original Petition and (2) an affidavit attesting to the petitioner's compliance with §15-15-48(a), HAR.

Pursuant to §15-15-50(f), HAR, the Petition may be deemed as a proper filing upon review of the additional information submitted and upon determination by the Executive Officer.

B. Martin Luna, Esq.
November 3, 1997
Page 2

Additionally, we request that a full size copy of the applicable tax map with the subject property clearly identified be provided.

Please address these matters as soon as possible.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,



ESTHER UEDA
Executive Officer

EU:th

cc: OP
County of Maui Planning Dept.



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

October 28, 1997

Mr. Mark R. Willey
Project Manager
CH2M HILL
1585 Kapiolani Blvd., St. 1420
Honolulu, HI 96814

Dear Mr. Willey:

This is to acknowledge receipt of your \$500.00 for the following petition:

DOCKET NO./PETITION: A97-722 - MAUI ELECTRIC CO., LTD.

TAX MAP KEY: 3-8-03:23
3-8-03:24

LOCATION: Wailuku Ahupua'a, Wailuku District, Maui

DATE RECEIVED: October 24, 1997

Please be advised that the petition is currently being reviewed pursuant to §15-15-50(e), Hawaii Administrative Rules. You will be advised of the acceptance or non-acceptance of the petition at a later date.

Yours very truly,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:dyk

Enclosure (receipt for filing fee)

cc: B. Martin Luna, Esq.

CH2MHILL TRANSMITTAL

TO: State of Hawaii Land Use Commission
Department of Business, Economic Development,
and Tourism
PO Box 2359
Honolulu, HI 96804

FROM: Mark R. Willey, Honolulu
CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

ATTN: Ms. Esther Ueda, Executive Director

DATE: October 24, 1997

RE: Waena Generating Station Land Use Boundary Amendment Petition, Docket No. A97-722

PROJECT NUMBER: 139792.PP.02

WE ARE SENDING YOU:

♦ ATTACHED	UNDER SEPARATE COVER VIA	
SHOP DRAWINGS	♦ DOCUMENTS	TRACINGS
PRINTS	SPECIFICATIONS	CATALOGS
COPY OF LETTER	OTHER:	

LAND USE COMMISSION
STATE OF HAWAII

1997 OCT 24 P 1:47

QUANTITY	DESCRIPTION
1 set	Original: Land Use Boundary Amendment Petition with Exhibits 1-6, inclusive Maui Electric Company, Limited's Waena Generating Station, Docket: A97-722
15 sets	Copies: Land Use Boundary Amendment Petition with Exhibits 1-6, inclusive Maui Electric Company, Limited's Waena Generating Station, Docket: A97-722
1	Notarized Affidavit of Certificate of Service
1	Notarized Affidavit of Mailing of Notification of Filing
1	Certified Bank of Hawaii Check for \$500

IF MATERIAL RECEIVED IS NOT AS LISTED, PLEASE NOTIFY US AT ONCE

REMARKS: Affidavits are attached within the original copy of the Petition. Petition includes Draft Environmental Impact Statement. Sixteen (16) copies of the Final Environmental Impact Statement will be forwarded upon approval by the County of Maui. FEIS will also be forwarded to those served with copies of the Petition.

COPY TO: Mike Yuen, HECO (w/3 copies)
Neal Shinyama, MECO (w/3 copies)

CH2M HILL
1585 Kapiolani Blvd., Suite 1420
Honolulu, HI 96814

Voice: (808) 943-7135 x203

FAX: (808) 941-8225



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CH2M HILL
1585 Kapiolani Blvd
Suite 1420
Honolulu, HI
96814-4530
Tel 808.943.1133
Fax 808.941.8225

April 30, 1997

Ms. Esther Ueda
Executive Director
State of Hawaii Land Use Commission
State Office Tower
235 S. Beretania St., 4th fl.
Honolulu, HI 96813

Dear Ms. Ueda:

Subject: Maui Electric Company, Ltd. (MECO)
Waena Generating Station EISPN

LAND USE COMMISSION
STATE OF HAWAII
MAY 7 2 20 PM '97

Thank you for responding to the Environmental Impact Statement Preparation Notice (EISPN) for MECO's proposed Waena Generating Station. As a part of the scoping process for this EIS, MECO solicited written comments through the EISPN, conducted three public comment meetings, and held individual briefings with several State and County of Maui agencies. The combined comments received by MECO through this process are summarized in the enclosed table.

Many important concerns were raised during the scoping period, including the impacts of the project on air quality, water quality, and local traffic, as well as requests to include discussion on possible alternative technologies, sites, and fuels. Please be assured that the subject EIS will address these issues and a copy of the Draft EIS will be provided to you for your review.

If you have any questions regarding the preparation of the EIS, please contact me at 941-1133 on Oahu or Mr. Neal Shinyama of MECO at 871-2341 on Maui.

Sincerely,

CH2M HILL

Mark R. Willey
Project Manager

enc.

Y
A
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APR 1 5 50 AM '21
U.S. DEPT. OF JUSTICE
RECEIVED

LAND USE COMMISSION
 STATE OF HAWAII
 MAY 7 2 20 PM '97

Issues Raised During EIS Public Scoping Period MECO Waena Generating Station			
Category of concern	Author/Agency/Group	Date	Comments
<i>Air Quality</i>	Gill, Gary Director, State Office of Environmental Quality Control	4/4/97	Include data on air quality
	Anderson, Bruce S. Deputy Director for Environmental Programs State Department of Health	4/10/97	Include air pollution and permitting requirements relating to the state and national ambient air quality standards, air quality increments, and Best Available Control Technology Include types of air pollution controls that will be installed Include existing ambient air quality levels, local meteorology and dispersion conditions in the area of the proposed project Include emissions and air quality impact of PM _{2.5}
	Price, Sr., Roy C. Vice Director of Civil Defense Dept. of Defense	3/31/97	Effect of exhaust on tourism
	Notar, John P. Meteorologist, National Parks Service Policy, Planning and Permit Review Branch	4/7/97	Discuss quantified impacts of SO ₂ , particulate, and NOx emissions to the park using a more refined complex terrain model than the EPA COMPLEX I model Describe impacts to the park using either the EPA Rough Terrain Dispersion Model (RTDM), the EPA Complex Terrain Dispersion Model (CTDM) or its screening version CTSCREEN. Perform a coherent plume visibility analysis with the EPA VISCREEN model
	Okamura, Ken Maui County Farm Bureau	3/18/97	Impacts of air emissions on upcountry agricultural crops Types of emissions and concentration levels Rates of emissions Impacts of "Maui Vortex" Impacts on specific crops

Issues Raised During EIS Public Scoping Period MECO Waena Generating Station			
Category of concern	Author/Agency/Group	Date	Comments
<i>Air Quality, con't</i>	Jencks, Charlie Director, Maui Co. DPW	1/27/97	How about air quality?
	Miyaguchi, Takeo Maui Farmers Exchange	3/18/97	Impacts on sensitive crops
	Eager, Harry The Maui News	3/18/97	Monitoring air quality after completion of project Frequency of air quality monitoring Worst-case scenario after completion of project (cumulative air quality impacts)
	Suyama, Colleen Maui Planning	1/27/97	Impact to air quality on residential areas
	Jim Williamson	3/19/97	Impacts of Nox and sulfur dioxide (EPA's standards and scrubbers) Accuracy of EPA's model for air circulation and the effect of "Maui Vortex"
	Moser, Steven	3/20/97	Impact on central and upcountry Maui, esp. if acceptable levels of NOx, sulfur dioxides, carbon monoxides, particulates, and ozone will be exceeded Impact of haze and possible negative economic cost on isle tourism Impact on isle crops; economic costs of crop losses Ability of State DOH to adequately monitor project for air quality maintenance
<i>Alternative Fuels</i>	Watson, Kali Chairman, Hawaiian Homes Commission Dept. of Hawaiian Home Lands	4/4/97	Are diesel oil-fired units best in terms of economic efficiency and pollution
	Notar, John P. Meteorologist, National Parks Service Policy, Planning and Permit Review Branch	4/7/97	Discuss alternative fuels including water emulsified fuels to reduce emissions

Issues Raised During EIS Public Scoping Period
MECO Waena Generating Station

Category of concern	Author/Agency/Group	Date	Comments
<i>Alternative Fuels, con't</i>	Frankel, David Kimo Director, Sierra Club, Hawaii Chapter	3/21/97	Discuss alternative fuels
	Anderson, Bruce S. Deputy Director for Environmental Programs State Department of Health	4/10/97	Include feasibility of using cleaner burning fuels (naphtha and low sulfur diesel)
	Suyama, Colleen Maui Planning	1/27/97	Possible connection to the Central Maui Landfill for energy alternatives
	Jim Williamson	3/19/97	Alternative sources of fuel (Economies of Scale) Dependence upon fossil fuel
	Shepherd, Glenn	3/20/97	Ongoing research for alternative fuel sources Fuel flexibility; use of low-sulfur coal Type of fuel to be used for new station
	Sessums, Jerry	3/20/97	Fuel flexibility; utilizing methane as source of fuel from the nearby landfill
	Moser, Steven	3/20/97	Consideration of renewable resources as alternative
<i>Alternative Sites</i>	Watson, Kali Chairman, Hawaiian Homes Commission Dept. of Hawaiian Home Lands	4/4/97	Is site in optimum location relative to overall power system? What alternative sites considered?
	Suyama, Colleen Maui Planning	1/27/97	Alternative sites Alternative uses for the site
	Frankel, David Kimo Director, Sierra Club, Hawaii Chapter	3/21/97	Discuss alternative sites
	Oshiro, Roy S. Executive Director, Housing Finance and Development Corp.	4/2/97	Is HC&S capable of supplying more power in the future? How much power can Pioneer Mill supply on an intermittent basis? Discuss future power potential from Paia and Pioneer Mills

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<i>Alternative Sites, con't</i>	Shepherd, Glenn	3/20/97	Potential to use quarry or a site near the quarry Site selection process Potential to expand Maalaea
	Gill, Gary Director, State Office of Environmental Quality Control	4/4/97	Discuss agreement not to expand Maalaea Plant
<i>Alternative Technologies</i>	Frankel, David Kimo Director, Sierra Club, Hawaii Chapter	3/21/97	Discuss alternative technologies
	Egged, Rick Director, Office of Planning Department of Business, Economic Development and Tourism	4/7/97	Discuss long-term integrated resource management plan Discuss demand-side management programs and goals
	Notar, John P. Meteorologist, National Parks Policy, Planning and Permit Review Branch	4/7/97	Discuss the full range of control technology feasible for diesel-fired turbines such as Selective Catalytic Reduction
	Suyama, Colleen Maui Planning	1/27/97	Alternative technologies
	Shepherd, Glenn	3/20/97	Energy conservation programs
<i>Archaeology</i>	Hibbard, Don Administrator, State Historic Preservation Division	3/20/97	Probably "no effect" on significant historic sites
<i>Construction</i>	Suyama, Colleen Maui Planning	1/27/97	Construction impacts (including drainage)
<i>Costs and Schedule</i>	Watson, Kali Chairman, Hawaiian Homes Commission Dept. of Hawaiian Home Lands	4/4/97	Estimated incremental and total costs
	Moser, Steven	3/20/97	Overall cost to the ratepayer Effect of future increases in fuel costs
	Shepherd, Glenn	3/20/97	Time needed to complete project
<i>Drainage</i>	Lee, Lloyd Maui County Department of Public Works	4/7/97	Drainage improvements will be needed. Site is located in a large drainage basin

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<i>Education</i>	Steel, Hana	3/19/97	Community education plan for the new power station
<i>EMF</i>	Ross, Martha Deputy Administrator State Office of Hawaiian Affairs	3/20/97	Potential hazards of electric and magnetic fields
<i>Future of MECO's other power plant facilities</i>	Williamson, Jim Steel, Hana	3/19/97	Future plans for MECO's existing power plants after completion of proposed Waena plant
	Shepherd, Glenn	3/20/97	Future plans for Kahului and Maalaea Power plants after completion of proposed project
<i>Growth Issues</i>	Williamson, Jim	3/19/97	Growth rate of the island compared to the size of the power station
	Moser, Steven	3/20/97	Will there be an oversupply of power to the island? Increased available energy might stimulate additional growth Stimulation of industrial growth in adjacent properties
<i>Infrastructure</i>	Blane, David Maui Planning Director	1/21/97	Infrastructure needs must also be identified for the full project and a reasonable phasing plan developed
<i>Land Use</i>	Moser, Steven Shepherd, Glenn	3/20/97	Appropriateness of removing prime agricultural lands from production for project
	Watson, Kali Chairman, Hawaiian Homes Commission Dept. of Hawaiian Home Lands	4/4/97	Impacts of project on DHHL lands Operational impacts on surrounding community
	Shepherd, Glenn Steel, Hana	3/20/97	Future plans for the undeveloped portion of land fronting Pulehu Rd.
	Suyama, Colleen Maui Planning	1/27/97	Impacts on agricultural "A" lands
	Jencks, Charlie Director, Maui Co. DPW	1/27/97	Has MECO discussed with Alexander & Baldwin the use of the Hansen Road corridor? What will MECO do with the remnant parcel?

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<i>Land Use, con't</i>	Craddick, David Maui County Department of Water Supply	4/7/97	Does the site require a large lot subdivision?
<i>Natural Hazards</i>	Price, Sr., Roy C. Vice Director of Civil Defense Dept. of Defense	3/31/97	Install civil defense siren simulator Proximity of fuel storage to sugarcane fields
	Mizue, Paul Acting Chief, Planning and Operations Division, Corps of Engineers, Dept. of the Army	3/25/97	No impact on waters on the U.S. Site located in Flood Zone C
<i>Noise</i>	Eager, Harry The Maui News	3/18/97	Impacts of noise Buffer zone around plant Comparable levels of noise
<i>Public Safety</i>	Craddick, David Maui Dept. of Water Supply	4/7/97	Site will need to develop its own approved fire suppression system
<i>Soils</i>	Shepherd, Glenn	3/20/97	Soil Classifications for all of the alternative sites Soils productivity for the chosen for the project site
<i>Solid and Hazardous Waste</i>	Steel, Hana	3/19/97	Recycling program for the proposed plant
	Gill, Gary Director, State Office of Environmental Quality Control	4/4/97	Include data on hazardous waste generation and handling
	Jencks, Charles Director County of Maui Department of Public Works and Waste Management	4/16/97	Construction waste shall be disposed at the Maui Demolition and Construction Landfill on North Kihei Road
	Sairot, Bob Maui County State DOT Representative	4/7/97	Types and quantities of hazardous materials transported
<i>Traffic and Transportation</i>	Hayashida, Kazu Director, State DOT	3/24/97	Traffic impacts on State facilities
	Moser, Steven	3/20/97	Hazards to air navigation for Kahului Airport
	Sessums, Jerry	3/20/97	Alternative ways to access the site Widening of Pulehu Road to accommodate large fuel trucks

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<i>Traffic and Transportation, con't</i>	Jencks, Charlie Director, Maui Co. DPW	1/27/97	How many gallons of fuel will be stored in the tank farm? Will you truck it there? What about the Federal Aviation Administration?
	Sairot, Bob Maui County State DOT Representative	4/7/97	Incorporation of the Kahalui Runway Expansion road realignments into the EIS Potential wear and tear to Pulehu Road from construction equipment and heavy fuel transport
	Lee, Lloyd Maui County Department of Public Works	4/7/97	County has plan to upgrade Pulehu Road into a major collector Reclassification of site to urban would trigger road and frontage improvements Pulehu Road is a substandard road and some improvements to its subsurface may be necessary to handle the heavier trucks
	Suyama, Colleen Maui Planning	1/27/97	Traffic and Fuel Transport on Pulehu Road
<i>Transmission Lines</i>	Williamson, Jim	3/19/97	Reliability/redundancy of the proposed transmission lines
	Sairot, Bob Maui County State DOT Representative	4/7/97	Placement of new transmission lines
<i>Visual Resources</i>	Moser, Steven	3/20/97	Night visual pollution due to bright lights
	Jencks, Charlie Director, Maui Co. DPW	1/27/97	How about the viewshed?
	Frankel, David Kimo Director, Sierra Club, Hawaii Chapter	3/21/97	Discuss aesthetic impacts
<i>Water/ Wastewater</i>	Williamson, Jim	3/19/97	Water sources for the new project
	Suyama, Colleen Maui Planning	1/27/97	Water (Usage and impact to ground water.)
	Jencks, Charlie Director, Maui Co. DPW	1/27/97	What will MECO do for water?

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<i>Water/ Wastewater, con't</i>	Anderson, Bruce S. Deputy Director for Environmental Programs State Department of Health	4/10/97	Address the impacts of injection activity Address well and injection well impacts, collectively Construction of injection wells will need a UIC permit Individual wastewater systems will have to be provided, and pre-construction approval will be required
	Oshiro, Roy S. Executive Director, Housing Finance and Development Corp.	4/2/97	Discuss possible reuse of treated effluent water for plant operations Discuss alternate ways of disposing waste water besides injection wells
	Evanson, Mary	3/19/97	Drilling of wells for water Projected water demand after completion of project Re-use of water
	Sessums, Jerry	3/20/97	Proposed plans for stormwater and wastewater
	Craddick, David Maui County Department of Water Supply	4/7/97	A water treatment system may be required
	Moser, Steven	3/20/97	Increased aquifer salinity from increased pumping Viability of existing sustainable yield of aquifer given this and other area projects
<i>Water Quality</i>	Gill, Gary Director, State Office of Environmental Quality Control	4/4/97	Include data on ground and surface water quality in area
	Oshiro, Roy S. Executive Director, Housing Finance and Development Corp.	4/2/97	Is water quality a factor in plant maintenance
	Moser, Steven	3/20/97	Impacts of injection wells on aquifer water quality (e.g. types of pollutants and possible migration patterns)

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<i>Water Quality, con't</i>	Evanson, Mary	4/20/97	Water quality tests at or near the site
<i>No Comments at this Time</i>	US Dept. of the Interior, US Geological Survey, Water Resources Division	3/13/97	
	US Dept. of Agriculture, Soil Conservation Service	3/31/97	
	State of Hawaii Dept. of Education	3/24/97	
	State of Hawaii Dept. of Accounting and General Services	4/4/97	
	County of Maui Dept. of Parks and Recreation	3/25/97	