

CADES SCHUTTE
A Limited Liability Law Partnership

ROY A. VITOUSEK III 1862-0
JOCELYN B. GAROVOY 8206-0
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740-1737
Telephone: (808) 329-5811

Attorneys for Petitioner ALOHA PROPERTIES, LLC

BEFORE THE BOARD OF LAND & NATURAL RESOURCES

STATE OF HAWAI'I

In the Matter of a Contested Case Petition
Regarding Conservation District Use
Application (CDUA) HA-3269 for Mr.
Jonathan Cohen's Request to Construct a
Single-Family Residence at Pao'o, North
Kohala, Hawaii

DLNR File HA 06-03

**PETITIONER ALOHA PROPERTIES
LLC PROPOSED STIPULATED
EXHIBIT LIST; CERTIFICATE OF
SERVICE**

Contested Case Hearing:
September 20-23, 2006

PETITIONER ALOHA PROPERTIES LLC PROPOSED
STIPULATED EXHIBIT LIST

PETITIONER ALOHA PROPERTIES hereby submits the following list of proposed stipulated exhibits for hearing:

EXH. NO.	DESCRIPTION	REFERENCES	REC'D INTO EVIDENCE
D-1	CDUP file HA-1948A (Reardon)		
D-2	OCCL File for CDUA HA -3269		

D-3	(October 12, 2005) Conservation District Use Permit Application (CDUA) and Draft Environmental Assessment	1.	
D-4	February 2006 Final Environmental Assessment		
D-5	TMK Map (3) 5-7-001:005		
D-6	Regional USGS Map		
D-7	LUC Boundary Maps		
D-8	2004 Shoreline Certification Map		
D-9	Photographs of Property from CDUA/EA		
D-10	Site Plan for Cohen Family Proposed Residence		
D-11	Proposed Roadway Realignment Map also showing proposed shoreline trail location		
D-12	November 15, 2005, Notice of Receipt & Acceptance for Processing of CDUA and Draft EA		
D-13	December 8, 2005, OEQC, "Environmental Notice" of Draft EA and 30-day comment period		
D-14	January 9, 2006, Letter from Na Ala Hele to OCCL, Kimberly Tiger Mills, re. evidence of trails on property		
D-15	January 17, 2006, letter from Sam Lemmo, OCCL, to Greg Mooers, re: public comment period ended January 7, 2006.		

D-16	March 8, 2006, Finding of No Significant Impact (FONSI) regarding Final EA, published in "Environmental Notice"		
D-17	March 9, 2006, letter and map from Na Ala Hele to Ron Terry, regarding mauka/makai and lateral trails on property		
D-18	March 10, 2006, email from Kimberly Tiger Mills to Gail Byrne and Fred Cachola		
D-19	Undated letter from Gail Byrne and Fred Cachola to BLNR, attaching letter to Mayor Kim dated January 31, 2006		
D-20	March 31, 2006, fax from Kimberly Tiger Mills to Vitousek/Mooers including Abad's comments for Cachola/Byrne on Cultural Impact Assessment		
D-21	April 1, 2006, letter from Cachola/Byrne requesting Department to retract FONSI		
D-22	April 5, 2006, letter (with attach.) from Vitousek to Mills		
D-23	April 5, 2006, fax from Tiger Mills to Vitousek/Mooers including comments from David Rocha and Mike Isaacs		
D-24	April 6, 2006, transmittal from Vitousek to Tiger Mills re: Rechtman's response to Abad's comments on Cultural Impact Assessment		

D-25	April 10, 2006, letter from Vitousek to Peter Young re: Lemmo/Mills rationale of staff recommendation to deny CDUA HA-3269		
D-26	April 11, 2006, fax transmittal and April 10, 2006, letter from Vitousek to Sam Lemmo re: `Ike Aina's previous support for Cohen Family home at Pao'o		
D-27	April 11 2006, transmittal and 4/10/06 letter from Vitousek to Tiger Mills re: end of public comment period vs. public challenge period		
D-28	April 12, 2006, letter from Melanie Chinen, SHPD, to Sam Lemmo re: prior approval of burial treatment plan, new information about Site 2383		
D-29	April 13, 2006, letter from Vitousek to Lemmo re: late comments from SHPD		
D-30	April 13, 2006, transmittal from Vitousek to Tiger Mills submitting copy of Dr. Rechtman's response to Melanie Chinen, SHPD, 4/12/06 letter		
D-31	April 17, 2006, fax transmittal from OCCL to Vitousek of April 13, 2006, letter from OHA (Clyde Namu'o) to Sam Lemmo re: "revisiting" position on CDUA		
D-32	April 19, 2006: Cohen's request for contested case hearing		
D-33	April 19, 2006, letter from Mills/OCCL to Vitousek giving notice of Board meeting on 4/28/06 to consider CDUA HA-3269, attaching OCCL Staff Background Report and recommendation of denial		

D-34	April 20, 2006, letter from OCCL to Vitousek re: extension of 180-day deadline to August 7, 2006		
D-35	April 28, 2006, Minutes of BLNR meeting re: setting matter for Contested Case Hearing (Item K-3)		
D-36	April 28, 2006, Petition for Contested Case from Kamakani `O Kohala Ohana ("Kako'o")		
D-37	April 28, 2006, Petition for Contested Case from Makai Kamakani O Kohala		
D-38	May 12, 2006, letter from Sam Lemmo to Vitousek requesting additional extension of 180-day expiration period		
D-39	May 16, 2006, letter from Sam Lemmo to Vitousek re: waiver of failure to request contested case by Cohen, Makai Kamakani O Kohala and Kako'o (oral requests), appointment of Hearings Officer		
D-40	May 30, 2006, Minute Order No. 1 appointing Louis Chang as Hearing Officer		
D-41	June 15, 2006, letter from Sam Lemmo to Louis Chang re: no objections to Mr. Chang as hearing officer.		
D-42	June 28, 2006, letter from Sam Lemmo to Vitousek requesting extension of 180-day deadline to process CDUA		
D-43	July 3, 2006, Minute Order No. 2 setting pre-hearing conference		

D-44	July 5, 2006, letter from David Frankel to Louis Chang re: questions re: Minute Order No. 2		
D-45	July 6, 2006, letter from Vitousek to Sam Lemmo requesting 90-day extension of 180-day deadline “under duress”		
D-46	July 6, 2006, letter from DLNR/Cain giving notice of hearing on July 14, 2006, enclosing OCCL Staff “Background Report” and recommendation to deny CDUA HA-3269		
D-47	July 15, 2006, letter to counsel from Hearing Officer re: David Frankel’s July 5, 2006, letter		
D-48	July 17, 2006, Maka`i Kamakani `O Kohala Prehearing Statement		
D-49	July 17, 2006, Petitioner Jonathan Cohen’s Prehearing Statement		
D-50	July 18, 2006, letter from Sam Lemmo to Vitousek stating 180-day deadline extended to November 5, 2006		

D-51	July 19, 2006, letter from Vitousek to Hearing Officer, Petitioners re: Kako'o Action Alert re: public testimony at prehearing conference		
D-52	July 24, 2006, Ka'makani 'O Kohala Ohana, Inc. Pre-hearing Statement		
D-53	Additional exhibits as may be relevant to this matter.		
D-54	Exhibits of other parties		

Petitioner reserves his right to supplement this list upon further discovery of relevant evidence.

DATED: Kailua-Kona, Hawaii, August ____, 2006.

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DLNR File No. HA-06-03

CERTIFICATE OF SERVICE

Contested Case Hearing: September 20, 2006
9:00 a.m.

Kamehameha Park Conference Room
Hawi, North Kohala, Hawaii

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on this day by U. S.

Postal Service, postage prepaid, upon the following persons at the addresses shown:

LINDA CHOW
Deputy Attorney General
465 S. King Street
Room 300
Honolulu, Hawaii

Attorney for Board of Land and Natural
Resources

RICHARD SCHULZE, ESQ
P.O. Box 795
Kamuela, Hawaii 96743

Attorney for Intervenor Kamakani 'O Kohala
Ohana

LOUIS CHANG
P.O. Box 61188
Honolulu, Hawaii 96839

Hearings Officer

DAVID KIMO FRANKEL
Native Hawaiian Legal Corp.
1164 Bishop Street, #1205
Honolulu, Hawaii 96813

Attorney for Intervenor Maika'i Kamakani 'O
Kohala Inc.

DATED: Kailua-Kona, Hawaii, August __, 2006.

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A Limited Liability Law Partnership

ROY A. VITOUSEK III
JOCELYN B. GAROVOY
Attorneys for Petitioner
JONATHAN COHEN

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