



KILAUEA NEIGHBORHOOD ASSOCIATION

REQUEST FOR STANDING

Dear Honorable Commission members,

Pursuant the Matter Of The Application of CHARLES M. SOMERS and WEST SUNSET 32 PHASE 1, LLC, a California liability company, to amend Special Management Area use permit No. SMA (U)-2008-5, Use permit No. U-2008-4, and Class VI Zoning Permit No.Z-LV-2008-6, for real property situated at Kilauea, Kauai, Hawaii, identified by Tax Map Key No, (40 5-2-012:035), the Kilauea Neighborhood Association would like to apply for intervener status based on the following direct and immediate effects this application to amend has on the Kilauea community:

In December 2004, after over two decades of working with County, State and Federal representatives this community cheered when President George W. Bush signed the Kilauea Point Wildlife Refuge Expansion Act into law, directing the U.S. Fish and Wildlife Service to expand the refuge to 234 acres. The very heart of this expansion was the 162-acre Lot 2 now being developed by Mr. Somers. The legacy values that inspired and mobilized this community during those decades have not diminished in the last five years.

The community had spoken firmly and consistently against any development of this land, and was very active in the previous contested case hearing. Accordingly, your predecessors had the sensitivity and respect to significantly scale back the initial building proposals and not allow building the manager's house and barn. The current application now seeks to amend your previous conditions.

We question whether the current blanket denial of access to the falls is, under the previous Decision, within the land owners rights; whether the building of the barn and manager's house is allowed under the previous ruling, whether these additional structures are necessary, whether other compliance issues as laid forth in the previous Decision have been observed, and how additional density would enhance the historic and environmental legacy on land this community has worked so hard to protect

We respectfully request standing in order to present and develop these and other concerns in a more complete and thorough manner.

Respectfully yours,

Yoshi L'Hote
President

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