

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of

TRUSTEES OF THE ESTATE OF
BERNICE PAUAHI BISHOP dba
KAMEHAMEHA SCHOOLS

DOCKET NO. DR14-52

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
DECISION AND ORDER

For A Declaratory Order To Designate
Important Agricultural Lands For
Approximately 9,171.161 Acres Of Land
Situated At Kawailoa, O`ahu, Hawaii`i,
Identified By TMK Nos. (1) 6-1-005: 001
(Por.), 6-1-006: 001 (Por.), 6-1-007: 001,
6-2-009: 001 (Por.), 6-2-010: 001 (Por.),
6-2-011: 001 (Por.), And 6-2-011: 021 And
Approximately 420.887 Acres Of Land
Situated At Punalu`u, O`ahu, Hawaii`i,
Identified By TMK Nos. (1) 5-3-001: 041
(Por.), 5-3-003: 001 (Por.), 5-3-004: 005,
5-3-004: 007, 5-3-004: 013, 5-3-004: 018
(Por.), 5-3-004: 019, And 5-3-007: 023 (Por.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
DECISION AND ORDER

The TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP dba
KAMEHAMEHA SCHOOLS (“Petitioner”) filed a Petition for Declaratory Order to
Designate Important Agricultural Lands (“Petition”) on December 12, 2014, pursuant to

Hawai'i Revised Statutes ("HRS") §§ 205-44 and -45 and Hawai'i Administrative Rules ("HAR") §§ 15-15-98, -99, -120, and -121, to designate as Important Agricultural Lands ("IAL") approximately 9,171.161 acres of land situated at Kawailoa, O`ahu, Hawai'i, identified by Tax Map Key ("TMK") Nos. (1) 6-1-005: 001 (por.), 6-1-006: 001 (por.), 6-1-007: 001, 6-2-009: 001 (por.), 6-2-010: 001 (por.), 6-2-011: 001 (por.), and 6-2-011: 021 ("Kawailoa Property") and approximately 420.887 acres of land situated at Punalu`u, O`ahu, Hawai'i, identified by TMK Nos. (1) 5-3-001: 041 (por.), 5-3-003: 001 (por.), 5-3-004: 005, 5-3-004: 007, 5-3-004: 013, 5-3-004: 018 (por.), 5-3-004: 019, and 5-3-007: 023 (por.) ("Punalu`u Property") (the Kawailoa Property and Punalu`u Property are collectively referred to herein as the "Petition Area").

The State of Hawai'i Land Use Commission ("Commission"), having heard and examined the testimony, evidence, and argument of counsel presented during the hearings, along with the pleadings filed herein, hereby makes the following Findings of Fact, Conclusions of Law, and Decision and Order.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On December 12, 2014, Petitioner filed the Petition and Exhibits "A" through "J" with the Commission.
2. On December 12, 2014, Petitioner filed a compact disk containing digital files of the Petition with the Commission.

3. On January 26, 2015, the State of Hawai'i Commission on Water Resource Management ("CWRM") submitted comments dated January 21, 2015, on the Petition to the State of Hawai'i Office of Planning ("OP").

4. On January 26, 2015, the United States Department of Agriculture ("USDA") submitted comments dated January 22, 2015, on the Petition to OP.

5. On January 27, 2015, the Commission sent its Notice of Land Use Commission Meeting and Agenda for its February 4, 2015, site visit.

6. On February 2, 2015, the State of Hawai'i Department of Agriculture ("DOA") submitted comments dated January 29, 2015, on the Petition to the Commission.

7. On February 4, 2015, the Commission conducted a site visit to view the Petition Area.

8. On February 10, 2015, Petitioner responded by letter to OP's inquiries set forth in a January 29, 2015, email ("Petitioner's Letter").

9. On February 10, 2015, OP submitted comments on the Petition to the Commission. The comments of the CWRM, USDA, and DOA as well as Petitioner's Letter were attached as exhibits to OP's comments.

10. On February 18, 2015, the City and County of Honolulu ("City") submitted comments on the Petition to the Commission.

11. On February 18, 2015, the Commission held a meeting on the Petition in Honolulu, Hawai`i.
12. Calvert G. Chipchase, Esq., and Lisa D. Ayabe, Esq., appeared on behalf of Petitioner.
13. Bryan C. Yee, Esq., appeared on behalf of OP.
14. Richard Lewallen, Esq., appeared on behalf of the City.
15. At the meeting, the Commission admitted into evidence Petitioner's Petition, including Exhibits "A" through "J;" Petitioner's PowerPoint; the written comments on the Petition from the DOA, OP, USDA, CWRM, and City; Petitioner's Letter; and letters of support from the Punalu`u Community Association, Bihn T. Huynh, Muoy Huynh, Cindy Kamp, Keith Ward, Thongthip Khanthavong, Ikaika Bishop, John Ha, Daniel Bishop, Darrell Tachibana, Kim Phomahasay, Henry Rabino, Chau Nguyen, Joan Souryckack, Andrew Nakamura, Roberta Taira, Kekaulike Arquette, Lloyd D. Burlew, Deldrene "Didi" Herron, and Somlith Thongsisavath.¹
16. Petitioner called Sydney Keli`ipuleole, Giorgio Caldarone, and Thomas Witten. Mr. Witten was qualified as an expert in land planning and environmental planning.

¹ During the meeting, Commissioners Jonathan Scheuer, and Brandon Ahakuelo disclosed that they or their family members had current or past business relationships with Petitioner. There were no comments or objections to the continued participation of Commissioners Scheuer and Ahakuelo in the proceedings.

17. OP called Rodney Funakoshi. Earl Yamamoto of the DOA was called to answer specific questions posed by the Commission regarding certain IAL incentives.

18. OP supported the designation of the entire Kawaihoa Property as IAL and 290 acres of the Punalu`u Property as IAL.

19. The DOA supported the designation of the entire Punalu`u Property as IAL and the designation of the entire Kawaihoa Property as IAL.²

20. The City had no objections to the designation of the entire Petition Area as IAL.

21. Following Petitioner's case-in-chief and the receipt of public testimony and upon due deliberation, a motion to approve the Petition in its entirety was made by Commissioner Arnold Wong and seconded by Commissioner Neil Clendeninn. There being a vote tally of 6 ayes, 1 nay, and 2 excused, the motion carried.

DESCRIPTION OF THE PETITION AREA

22. The Petition Area consists of approximately 9,171.161 acres of land situated at Kawaihoa, O`ahu, Hawai`i, identified by TMK Nos. (1) 6-1-005: 001 (por.), 6-1-006: 001 (por.), 6-1-007: 001, 6-2-009: 001 (por.), 6-2-010: 001 (por.), 6-2-011: 001 (por.), and 6-2-011: 021, and approximately 420.887 acres of land situated at Punalu`u, O`ahu,

² The DOA's support of the Kawaihoa Property as IAL in its entirety was subject to Petitioner confirming and committing to using a substantial portion of the energy generated by the proposed solar energy facility directly for agricultural purposes and/or Petitioner confirming and committing to using a substantial portion of the income derived from the selling of electricity to the utility for agricultural activities within the Petition Area.

Hawai'i, identified by TMK Nos. (1) 5-3-001: 041 (por.), 5-3-003: 001 (por.), 5-3-004: 005, 5-3-004: 007, 5-3-004: 013, 5-3-004: 018 (por.), 5-3-004: 019, and 5-3-007: 023 (por.).

23. The Petition Area represents approximately 52 percent of all of Petitioner's O'ahu lands, excluding lands held in the State Land Use Conservation District.

24. Petitioner owns and manages the Petition Area.

25. Petitioner is responsible for sustaining its endowment in perpetuity, while maximizing cultural, economic, environmental, educational, and community benefits pursuant to Petitioner's values, vision and mission.

26. To further its mission, Petitioner developed its Strategic Agricultural Plan, which is a statewide strategic plan for the management of Petitioners' agricultural lands.

27. Petitioner has also developed regional plans targeting specific agricultural areas in the State. The Kawaihoa Property is covered in Petitioner's North Shore Plan. The North Shore Plan sets forth Petitioner's commitment to enhancing diversified agriculture and food production through sustainable land management practices and shows all the proposed Kawaihoa Property as planned for agriculture.

28. The Punalu'u Property is covered by Petitioner's Punalu'u Ahupua'a Plan. The Punalu'u Ahupua'a Plan sets forth Petitioner's commitment to

ensuring that agricultural lands are responsibly utilized in order to sustain small-scale commercial farming for future generations.

29. Designation of the Kawaihoa Property and Punalu`u Property as IAL is consistent with Petitioner's state-wide Strategic Agricultural Plan, North Shore Plan, and Punalu`u Ahupua`a Plan.

DESCRIPTION OF REQUEST

30. Petitioner seeks a determination from the Commission that the Petition Area should be designated as IAL pursuant to HRS §§ 205-44 and -45 and HAR §§ 15-15-98, -99, -120, and -121.

31. Petitioner is not seeking a reclassification of land pursuant to HRS § 205-45(b) in conjunction with its Petition.

32. Petitioner has represented that it is voluntarily waiving any and all rights to assert, claim, or exercise any credits pursuant to HRS § 205-45(h), as effective as of the date of its Petition, that may be earned by Petitioner. Petitioner has represented that this waiver is limited to the use of credits for the sole purpose of reclassifying other lands that are not the subject of the Petition pursuant to HRS § 205-45(h), as effective as of the date of its Petition. The waiver does not apply to any other credits, incentives, rights or privileges that Petitioner may possess now or in the future, whether known or unknown.

CONFORMANCE WITH THE STANDARDS AND CRITERIA FOR THE IDENTIFICATION OF IAL

33. HRS § 205-44(c) and HAR § 15-15-120(c) set out the criteria for identifying IAL. Lands identified as IAL do not need to meet every criterion listed in HRS § 205-44(c). Rather, lands meeting any criterion in HRS § 205-44(c) shall be given initial consideration, and the designation of IAL shall be made by weighing criteria with each other to meet the constitutional mandated purposes in article XI, section 3, of the Hawai'i Constitution and the objectives and policies for IAL identified in HRS §§ 205-42 and -43.

34. HRS § 205-44(c)(1): Lands currently used for agricultural production.

a. Kawailoa Property. There is a long history of agricultural use of the Kawailoa Property. The lands of Kawailoa were a major food producing area of the district of Waialua. The coastal areas of Kawailoa were primarily used for habitation, while the kula lands were used extensively for dryland agriculture. Given the geographic location and topography, the lower lands were utilized for two types of agricultural production—rain-fed dryland agriculture on the lower slope and colluvial slope cultivation on the upper slope, with both systems reliant on seasonal rainfall rather than irrigation systems. Sugar was an established agricultural crop as early as 1836. The Kawailoa Property was under lease and used for sugar and other crops between 1898 and 1999. Currently, diversified agriculture is a primary agricultural use

in Kawaihoa. Other lands are currently under pending leases for cattle and pasture operations. Mauka unirrigated lands are designated for multiple and layered uses consisting of livestock, orchard, forestry and renewable energy. Thirty wind turbines are currently in operation. Approximately 384.1 acres are being planned for a 50 MW photovoltaic (“PV”) energy farm that will include sheep grazing as a dual use.

Petitioner intends that the entire Kawaihoa Property will be under agricultural leases.

b. Punalu`u Property. Similar to Kawaihoa, the Punalu`u Property has a long history of agricultural use. The Punalu`u Property was one of the major food producing ahupua`a of Ko`olau Loa and served as the “bread-basket” of the North Shore. During pre-contact times, the land supported many acres of lo`i (taro fields). In later years, rice fields were planted. Until the early 1900s, rice was the dominant crop and rice cultivation was known to exist from the shoreline to the mountains. From the 1900s to the 1970s, sugar was the leading agricultural use. Taro and pineapple were also produced under smaller agricultural leases issued by Petitioner. Since the 1970s, agricultural use at Punalu`u has been diversified. Today, agriculture in Punalu`u includes various crops, pasture use, aquaculture, and plant nurseries. Petitioner intends that the entire Punalu`u Property, other than areas impacted by the stream restoration, will be under agricultural leases.

35. HRS § 205-44(c)(2): Land with soil qualities and growing conditions that support agricultural production for food, fiber or fuel, and energy-producing crops.

The Detailed Land Classification System and Agricultural Land Productivity Ratings by the Land Study Bureau (“LSB”), University of Hawai`i, are based on a five-class productivity rating system using the letters A, B, C, D, and E, with A representing the class of highest productivity and E the lowest productivity rating.

a. Kawailoa Property. Approximately 33.1 percent of the Kawailoa Property is rated A, 17.8 percent is rated B, 12.4 percent is rated C, 2.6 percent is rated D, 33.3 percent is rated E, and 0.8 percent is unrated.

b. Punalu`u Property. Approximately 9.4 percent of the Punalu`u Property is rated B, 34.7 percent is rated C, 12.3 percent is rated D, 43.5 percent is rated E, and 0.1 percent is unrated.

36. The following table summarizes the productivity rating of the Petition Area:

<i>Productivity Rating</i>	<i>Kawailoa</i>		<i>Punalu`u</i>		<i>Total IAL</i>	
	<i>Acres</i>	<i>% of IAL</i>	<i>Acres</i>	<i>% of IAL</i>	<i>Acres</i>	<i>% of IAL</i>
A	3,034.663	33.1%	-	-	3,034.663	31.6%
B	1,632.211	17.8%	39.440	9.4%	1,671.651	17.4%
C	1,134.423	12.4%	146.313	34.7%	1,280.736	13.3%
D	241.536	2.6%	51.859	12.3%	293.395	3.1%
E	3,054.790	33.3%	183.257	43.5%	3,238.047	33.8%
Not LSB	73.538	0.8%	0.018	0.1%	73.556	0.8%
Totals:	9,171.161	100%	420.887	100%	9,592.048	100%

37. Based on the Sunshine Maps prepared in 1985 by the State Department of Business, Economic Development and Tourism, formerly known as the State Department of Planning and Economic Development, Energy Division, the Kawaihoa Property receives an annual average of 400 to 450 calories of solar energy per square centimeter per day. The Punalu`u Property receives an annual average of 300 to 350 calories of solar energy per square centimeter per day. The level of solar radiation for the Kawaihoa Property and Punalu`u Property is very beneficial for various agricultural uses.

38. HRS § 205-44(c)(3): Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawai`i (“ALISH”) system adopted by the board of agriculture on January 28, 1977. The ALISH classification system was developed in 1977 by DOA. The system was primarily, but not exclusively, based on the soil characteristics of lands and existing cultivation. There are three classes of ALISH land—Prime, Unique, and Other Important Agricultural Lands (“Other”). Approximately 66 percent of the Kawaihoa Property is classified in ALISH, with 63.8 percent in Prime and 2.2 percent in Other. The balance of the proposed land is not classified under ALISH. The unclassified land includes essential elements of the active agricultural operation, such as streams, drainage ways, water systems, and roadways. Approximately 68.4 percent of the Punalu`u Property is classified in ALISH with 6 percent in Prime and 62.4 percent in Other. The balance of

the proposed land is not classified under ALISH. Most of the unclassified land is currently used for diversified agriculture and pasture.

39. The following table summarizes the ALISH classifications for the Petition Area:

<i>ALISH Classifications</i>	<i>Kawailoa</i>		<i>Punalu`u</i>		<i>Total IAL</i>	
	<i>Acres</i>	<i>% of IAL</i>	<i>Acres</i>	<i>% of IAL</i>	<i>Acres</i>	<i>% of IAL</i>
Prime	5,852.319	63.8%	25.243	6.0%	5,877.562	61.3%
Unique	-	-	-	-	-	-
Other	198.572	2.2%	262.547	62.4%	461.119	4.8%
Not ALISH	3,120.270	34.0%	133.097	31.6%	3,253.367	33.9%
Totals:	9,171.161	100%	420.887	100%	9,592.048	100%

40. HRS § 205-44(c)(4): Land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation, or unique agricultural crops and uses, such as coffee, vineyards, aquaculture, and energy production.

a. Kawailoa Property. Traditional Hawaiian and historic-era agricultural sites, including irrigation ditches and infrastructure, are well documented at the Kawailoa Property. Archaeological surveys of the Kawailoa lands have recorded traditional agricultural sites on the lower lands and gulches, while the upper table lands do not exhibit any traditional sites. Across Kawailoa, Kuleana awards show that in the mid-1800s, land uses included lo`i (taro pond fields), `auwai (water courses/ditches),

and kula (dryland planting fields). Crops included taro, `awa, hala, ipu (bitter gourd), kukui, koa, ma`i (banana), noni, olonā, kō (sugarcane), `uala (sweet potato), and wauke.

b. Punalu`u Property. In 2005, Petitioner commissioned an Ethnohistoric Study of Punalu`u. The study included the collection of archival and oral historical records. The research focused on two sources of information—historical literature and the results of an oral historical interview program with kūpuna and kama`āina who were known to be familiar with the history of lands in Punalu`u. The Ethnohistoric Study aided in the planning efforts in Punalu`u. In 2011, as Petitioner started to plan for agricultural expansion, it initiated an Archaeological Reconnaissance Survey of its agricultural lands. The focus of this effort was to identify historic and cultural resources in lower Punalu`u so that those resources could be inventoried to assist with the planning and stewardship of the lands. In 2014, Petitioner commissioned a Cultural Impact Assessment (“CIA”) of Punalu`u. The approximately 433-acre study centered on Punalu`u Stream, also known as Waiono Stream, immediately mauka of Kamehameha Highway and extending approximately 1.2 miles into the foothills of the Ko`olau Mountains. The CIA report was designed to provide stakeholders with a roadmap for preserving and perpetuating significant cultural resources and practices in ways that are both authentic and practical. Through these studies, Petitioner confirmed that traditional Hawaiian and historic-era agricultural sites, including ditches and infrastructure, were prevalent in Punalu`u. More than 40

notable sites were identified, including multiple heiau, traditional Hawaiian habitation sites, and cultivation sites, such as traditional and historic terraces, enclosures, walls, irrigation ditches, and other infrastructure. As noted in the archaeological and cultural studies, the lands of Punalu`u were one of the major food producing ahupua`a of Ko`olau Loa. In pre-contact times, the land supported lo`i kalo terraces along the valley floor and dryland agricultural features along the slopes of the valley. These conclusions are consistent with the archaeological work conducted in the 1970s by Bishop Museum. Through the Bishop Museum studies, archaeologists recorded pre-Contact agricultural and habitation complexes, variously comprised of terraces, mounds, and walls. Kuleana records reveal that in the mid-1800s land uses included lo`i (taro pond fields), `auwai (water courses/ditches), and kula (dryland planting fields). Crops included taro, `awa, hala, ipu (bitter gourd), kukui, koa, mai`a (banana), noni, olonā, `uala (sweet potato), and wauke. Currently, there are several taro fields on the Punalu`u Property, a mamaki farm (a Native Hawaiian plant used for herbal tea), and an aquaculture farm.

41. HRS § 205-44(c)(5): Land with sufficient quantities of water to support viable agricultural production.

a. Kawailoa Property. The Kawailoa Property has sufficient water to support agriculture in Kawailoa. The Kawailoa Property is supported by an extensive irrigation system that was constructed by Castle & Cooke more than a hundred years ago. The irrigation system connects Waimea River, Ka`alaea Stream, Kawailoa Stream,

Laniākea Stream, and Anahulu River with ditches, pipelines, and reservoirs. Most of the agricultural water can be distributed to the agricultural use areas. Petitioner has been restoring and repairing the operational but aging infrastructure. Petitioner will continue to make infrastructure improvements to the irrigation system and other agricultural facilities in order to support farmers and preserve the historic agricultural lands in Kawaihoa. In recent years, Petitioner has invested more than \$17 million for agricultural infrastructure improvements at the Kawaihoa Property. Petitioner invested \$2,845,000 to upgrade the Ōpae`ula Reservoir 1, approximately \$5,727,000 in the ditch to pipe conversion project, \$1,585,000 in a new reservoir, \$1,039,000 in an irrigation filter system, \$4,137,000 in well pumps and controls, \$350,000 in roadways, and approximately \$1,400,000 in fencing and security related improvements. Along with the described water resources, the Kawaihoa Property receives an average of 35 to 80 inches of rain annually.

b. Punalu`u Property. There is an “abundant irrigation water supply” at the Punalu`u Property. The Punalu`u Property is mainly irrigated by Punalu`u Stream and ditches that are connected to the stream. From 2009 to 2014, Petitioner has invested approximately \$1.5 million to upgrade the agricultural irrigation water sources and distribution system within Punalu`u. Petitioner has already installed more than 5,000 linear feet of piping in the former Punalu`u irrigation ditch. The entire Punalu`u area has access to these water resources. In addition to the described water resources,

the Punalu`u Property receive an average of 65 to 120 inches of rain annually.

Petitioner is also undertaking significant stream restoration work for approximately 87 acres of the Punalu`u Stream. Petitioner plans to invest approximately \$5 million for stream restoration. The stream restoration is intended to mitigate flood impacts on riparian and coastal ecosystems; minimize disruptions to agricultural activities; and enhance the use of the stream for educational, community, and cultural initiatives. The restoration will involve the installation of secondary feeder drainage ditches and the relocation of the farm access road.

42. HRS § 205-44(c)(6): Land whose designation as IAL is consistent with general, development, and community plans of the county. The Petition Area's agricultural classification is consistent with the O`ahu General Plan. The Kawaioloa Property is consistent with the City's North Shore Sustainable Communities Plan. The Punalu`u Property is consistent with the Ko`olau Loa Sustainable Communities Plan. In addition, the Petition Area is consistent with the City's top three and top four priority criteria for the designation of land as IAL.

43. HRS § 205-44(c)(7): Land that contributes to maintaining a critical land mass important to agricultural operating productivity. The Petition Area contributes to maintaining a critical land mass important to agricultural operating productivity. The USDA recognized the "potential benefits of preserving the [Petition Area] as a large block of contiguous land area" as "conducive to environmental

protection and healthy integrity resource management.” Petitioner has managed the Kawaihoa Property and Punalu`u Property as cohesive and contiguous units as evidenced by the North Shore Plan and Punalu`u Ahupua`a Plan, respectively. It is critical to Petitioner’s agricultural plans and continued agricultural investment in these lands that they be managed as a cohesive unit, including by making the benefits of IAL designation available to all farms on the lands.

44. HRS § 205-44(c)(8): Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power. The Petition Area has sufficient support infrastructure conducive to agricultural productivity. Existing infrastructure serving the Petition Area includes an extensive irrigation system, ditches, pipelines, reservoirs, and roads. Petitioner has invested more than \$17 million for agricultural infrastructure improvements at the Kawaihoa Property and approximately \$1.5 million to upgrade the agricultural irrigation water sources and distribution system within Punalu`u. In addition, Petitioner plans to continue making infrastructure improvements to the irrigation system and to build agricultural support facilities.

45. The current or planned agricultural use of the area sought to be designated as IAL.

a. Kawaihoa Property. Petitioner intends that diversified agriculture and pasture will remain the primary agricultural uses. Petitioner will generate increased

water supply by continuing to restore and improve its irrigation system. Approximately 384.1 acres are being planned for a dual-use 50 MW PV energy farm and grazing by sheep.

b. Punalu`u Property. Petitioner intends that diversified agriculture will continue to be the primary agricultural use at the Punalu`u Property. In the near term, Petitioner will complete the renovation work to the existing agricultural water system, develop an overall agriculture production and land conservation plan, establish longer-term leases with tenants, and construct a central agricultural base yard facility. In the long term, Petitioner proposes to develop traditional farming and organic farming programs. For some of the agricultural lands makai of the Punalu`u Property, the plans also include an agricultural processing complex, renovated agricultural residences, a farmer's market and retail facility, and onsite housing for a property manager.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Petition pursuant to HRS §§ 91-8, 205-44, and 205-45 and HAR § 15-15-98.

2. Pursuant to HRS § 205-44(a), the Commission has the authority to designate lands as IAL in accordance with the standards and criteria set forth in HRS § 205-44(c).

3. The Petition Area is currently used for agricultural production in accordance with HRS § 205-44(c)(1).

4. The Petition Area has soil qualities and growing conditions that support agricultural production in accordance with HRS § 205-44(c)(2).

5. The Petition Area includes substantial lands identified under agricultural productivity rating systems, such as the ALISH system adopted by the Board of Agriculture on January 28, 1977, in accordance with HRS § 205-44(c)(3).

6. The Petition Area has been used for traditional Native Hawaiian agricultural uses. The Punalu`u Property currently includes cultivation of traditional Native Hawaiian agricultural uses, such as taro cultivation, in accordance with HRS § 205-44(c)(4).

7. The Petition Area has sufficient quantities of water to support viable agricultural production in accordance with HRS § 205-44(c)(5).

8. The Petition Area's designation as IAL is consistent with the O`ahu General Plan and the City's North Shore and Ko`olau Loa Sustainable Communities Plans in accordance with HRS § 205-44(c)(6).

9. The Petition Area contributes to maintaining a critical land mass that is important to agricultural operating productivity in accordance with HRS § 205-44(c)(7).

10. The Petition Area is within close proximity to or is near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power in accordance with HRS § 205-44(c)(8).

11. The designation of the Petition Area as IAL meets the purposes of Article XI, section 3, of the Hawai'i State Constitution by conserving and protecting agricultural lands, promoting diversified agriculture, increasing agricultural self-sufficiency, and assuring the availability of agriculturally suitable lands.

12. The designation of the Petition Area as IAL meets the objectives of HRS § 205-42(b) by contributing to the maintenance of a strategic agricultural land resource base that can support a diversity of agricultural activities and opportunities to expand agricultural income and job opportunities and increase agricultural sufficiency for current and future generations.

13. The designation of the Petition Area as IAL meets the policies of HRS § 205-43(1) by promoting the retention of IAL in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management.

14. The designation of the Petition Area as IAL meets the policies of HRS § 205-43(2) by discouraging the fragmentation of IAL and the conversion of these lands to non-agricultural uses.

15. The designation of the Petition Area as IAL meets the policies of HRS § 205-43(8) by promoting the maintenance of essential agricultural infrastructure systems, including irrigation systems.

16. The Petition Area meets the requirements of HRS § 205-45 for designation as IAL.

17. Any conclusion of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

DECISION AND ORDER

This Commission, having duly considered the Petition, the oral and/or written testimony of Petitioner, the DOA, OP, USDA, CWRM, the City, the Punalu`u Community Association, Bihn T. Huynh, Muoy Huynh, Cindy Kamp, Keith Ward, Thongthip Khanthavong, Ikaika Bishop, John Ha, Daniel Bishop, Darrell Tachibana, Kim Phomahasay, Henry Rabino, Chau Nguyen, Joan Souryckack, Andrew Nakamura, Roberta Taira, Kekaulike Arquette, Lloyd D. Burlew, Deldrene "Didi" Herron, and Somlith Thongsisavath, and a motion having been made at a meeting on February 18, 2015, in Honolulu, Hawai`i, and the motion having received the affirmative votes required by HAR §§ 15-15-98 and 99 and HRS §§ 205-44 and -45, and there being good cause for the motion,

HEREBY ORDERS that the Petition Area, consisting of approximately 9,171.161 acres of land situated at Kawailoa, O`ahu, Hawai`i, identified by TMK Nos. (1) 6-1-005: 001 (por.), 6-1-006: 001 (por.), 6-1-007: 001, 6-2-009: 001 (por.), 6-2-010: 001 (por.), 6-2-011: 001 (por.), and 6-2-011: 021, and approximately 420.887 acres of land situated at Punalu`u, O`ahu, Hawai`i, identified by TMK Nos. (1) 5-3-001: 041 (por.), 5-3-003: 001 (por.), 5-3-004: 005, 5-3-004: 007, 5-3-004: 013, 5-3-004: 018 (por.), 5-3-004: 019, and 5-3-007: 023 (por.), and shown approximately on Exhibits "A," "A-1," "A-1A," "A-1B," "A-1C," "A-1D," "A-1E," "A-1F," "A-2," "A-2A," "A-2B," "A-2C," and "A-2D," attached hereto and incorporated by reference herein, shall be and is hereby designated as IAL as governed by HRS chapter 205.

IT IS FURTHER ORDERED that designation of the Petition Area as IAL shall be subject to the following conditions:

1. Petitioner shall comply with the representations made to the Commission with respect to not claiming any credits described in HRS § 205-45(h) with respect to the Petition Area.
2. Within seven (7) days of the issuance of the Commission's Decision and Order, Petitioner shall record it with the Bureau of Conveyances.

ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 5th, day of March, 2015, per motion on February 18, 2015.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

Deputy Attorney General

By _____
Chad McDonald
Chairperson and Commissioner

Filed and effective on:

3/5/2015

Certified by:

DANIEL ORODENKER
Executive Officer

EXHIBIT A

Tax Map Key Description

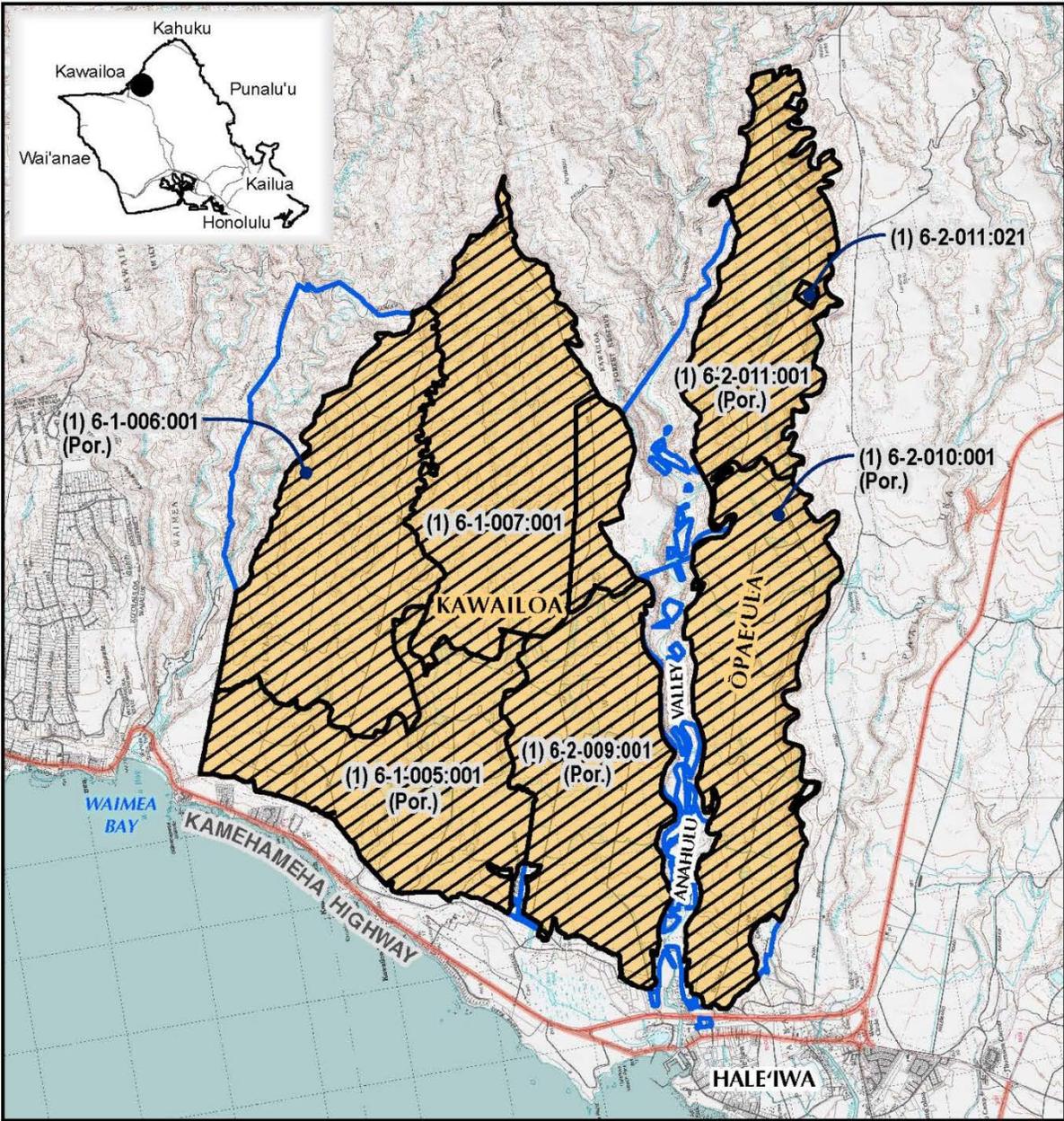
A total of approximately 9,592.048 acres of land owned by Kamehameha Schools on O‘ahu are proposed to be designated as Important Agricultural Land (IAL): 9,171.161 acres in Kawaihoa and 420.887 acres in Punalu‘u.

The Kawaihoa lands are specifically described as TMK numbers: 6-1-005:001 (portion), 6-1-006:001 (portion), 6-1-007:001, 6-2-009:001 (portion), 6-2-010:001 (portion), 6-2-011:001 (portion), and 6-2-011:021. The Punalu‘u lands are described as TMK numbers: 5-3-001:041 (portion), 5-3-003:001 (portion), 5-3-004:005, 5-3-004:007, 5-3-004:013, 5-3-004:018 (portion), 5-3-004:019, and 5-3-007:023 (portion).

The following table shows a summary of TMK parcels and approximate acreage for the proposed IAL lands:

<i>LOCATIONS</i>	<i>TMK NUMBER</i>	<i>APPROXIMATE ACREAGE</i>	<i>EXHIBIT</i>
Kawaihoa	6-1-005:001 (Por.)	1,437.951	A-1A
	6-1-006:001 (Por.)	1,611.441	A-1B
	6-1-007:001	1,754.590	A-1C
	6-2-009:001 (Por.)	1,400.731	A-1D
	6-2-010:001 (Por.)	1,541.840	A-1E
	6-2-011:001 (Por.)	1,413.448	A-1F
	6-2-011:021	11.160	
	<i>SUBTOTAL:</i>	9,171.161	
Punalu‘u	5-3-001:041 (Por.)	20.761	A-2A
	5-3-003:001 (Por.)	270.826	A-2B
	5-3-004:005	0.434	A-2C
	5-3-004:007	5.351	
	5-3-004:013	0.204	
	5-3-004:018 (Por.)	24.769	
	5-3-004:019	0.942	
	5-3-007:023 (Por.)	97.600	A-2D
		<i>SUBTOTAL:</i>	420.887
	<i>GRAND TOTAL:</i>	9,592.048	

Exhibit A illustrates the proposed IAL and the related Tax Map Key parcels. To illustrate the individual TMK parcels, Exhibits A-1A to A-2D are provided to identify the individual TMK parcels and portions thereof that are proposed to be designated IAL.



DATE: 12/9/2014

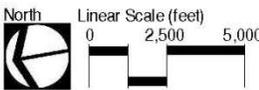
LEGEND

-  IAL Lands Related TMK Parcels
-  Proposed IAL Designation

**EXHIBIT A-1
Kawaiiloa**

TMK Parcels - Key Map

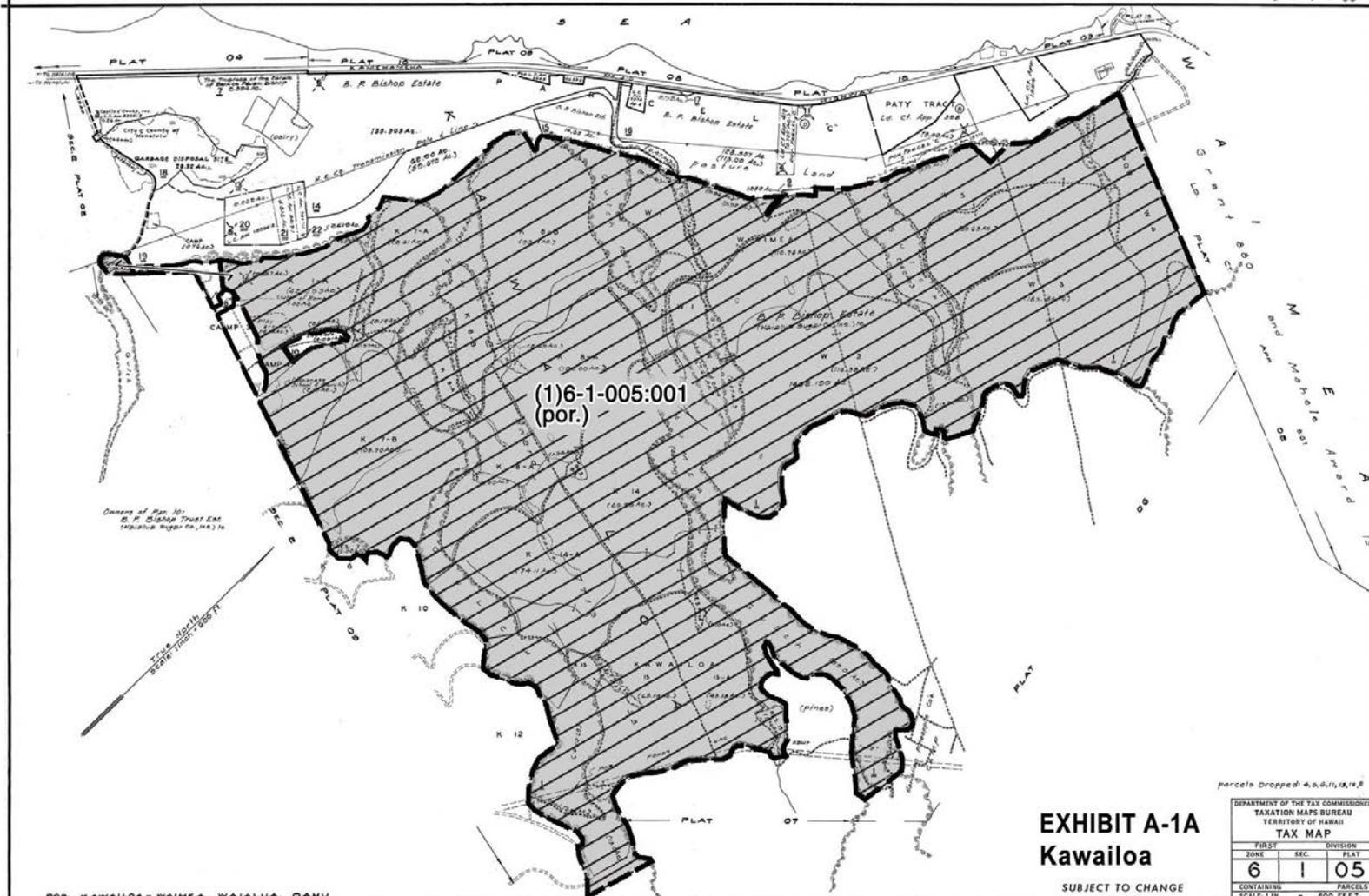
KS IAL O'AHU



Island of O'ahu



Source: Kamehameha Schools (2014), Oahu TMK (2014), U.S. Geological Survey
 Disclaimer: This graphic has been prepared for general planning purposes only.



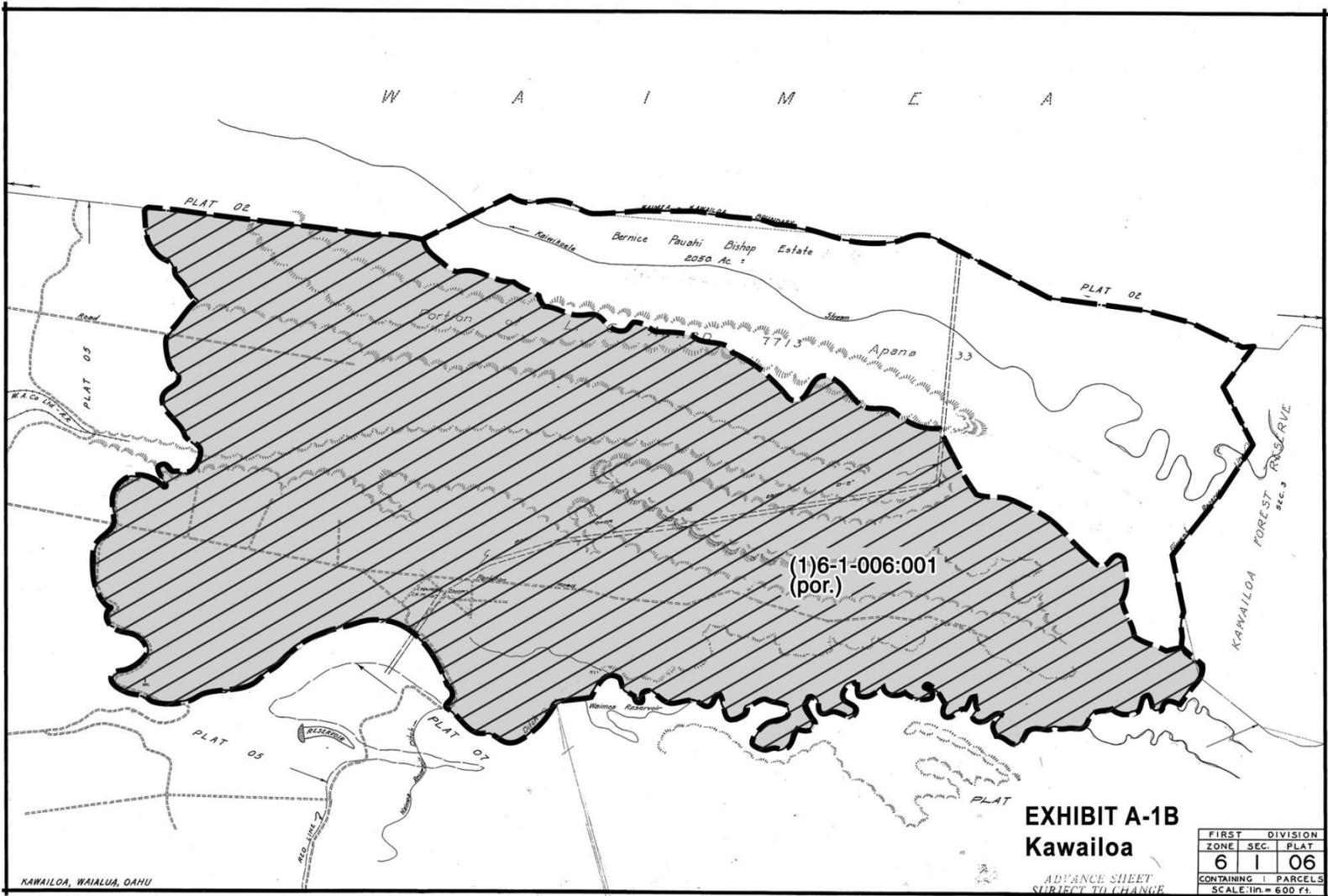
(1)6-1-005:001
(por.)

EXHIBIT A-1A
Kawaiiloa
SUBJECT TO CHANGE

parcels Dropped: 4,5,6,11,12,13,14,15

DEPARTMENT OF THE TAX COMMISSIONER		
TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FIRST	DIVISION	
ZONE	SEC.	PLAT
6	1	05
CONTAINING		PARCELS
SCALE: 1" =		600 FEET

W A I A L U A



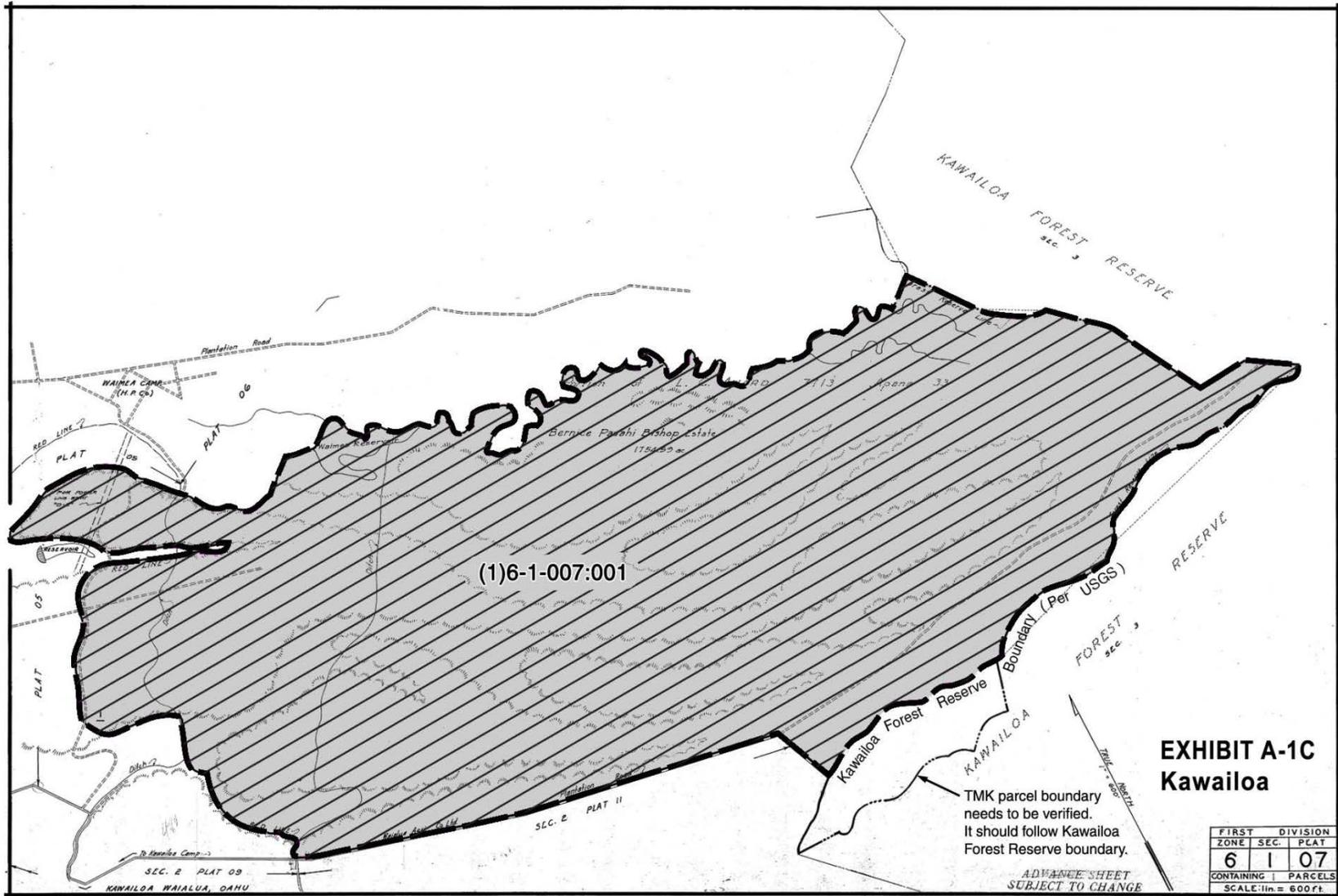
(1)6-1-006:001
(por.)

EXHIBIT A-1B
Kawaiiloa

FIRST DIVISION		
ZONE	SEC.	PLAT
6	1	06
CONTAINING 1 PARCELS		
SCALE: 1" = 600 FT.		

ADVANCE SHEET
SUBJECT TO CHANGE

KAWAIILOA, WAIALUA, OAHU

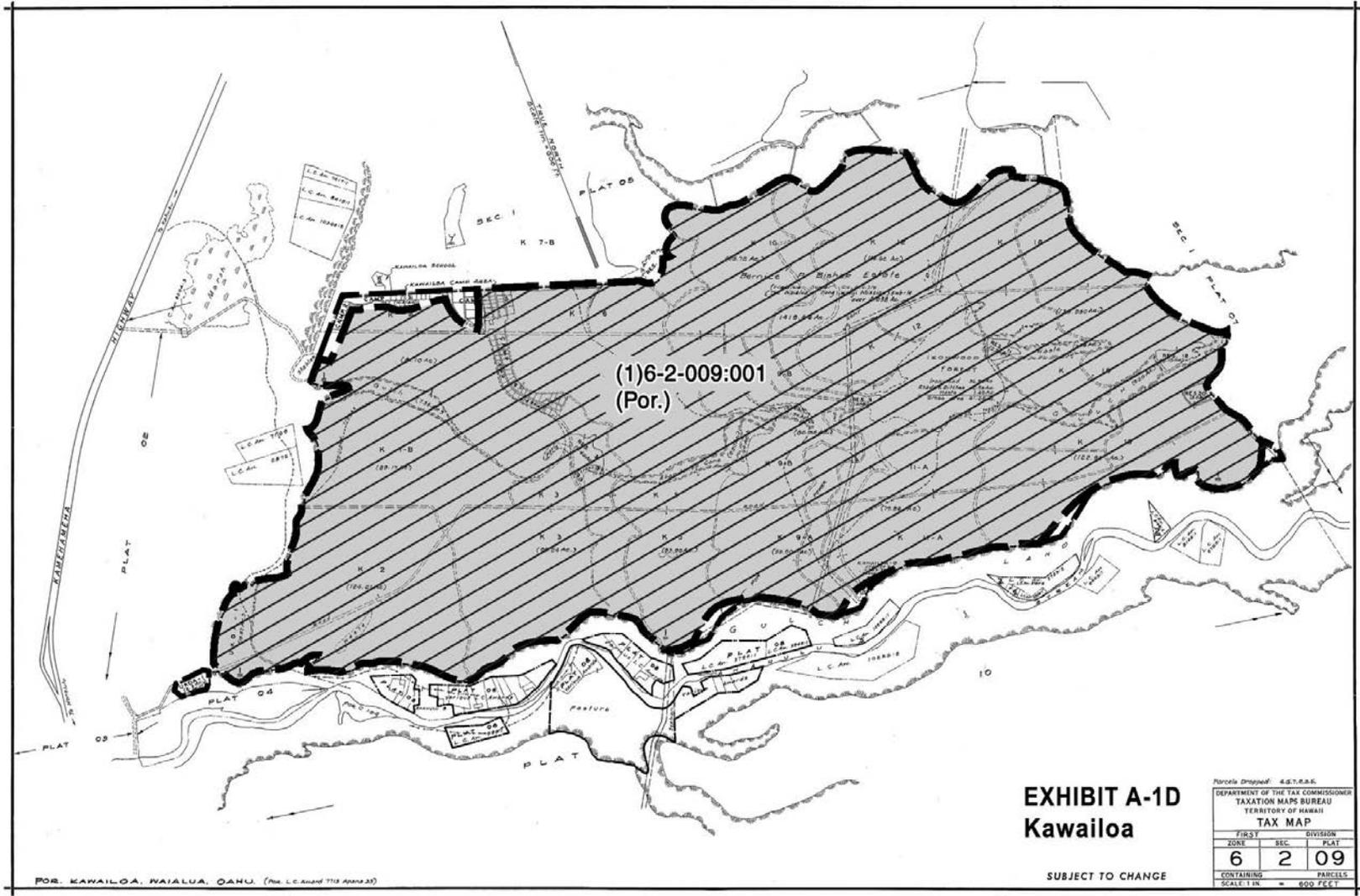


**EXHIBIT A-1C
Kawaiiloa**

TMK parcel boundary
needs to be verified.
It should follow Kawaiiloa
Forest Reserve boundary.

ADVANCE SHEET
SUBJECT TO CHANGE

FIRST DIVISION	
ZONE	SEC. PLAT
6	1 07
CONTAINING 1 PARCELS	
SCALE 1 in. = 600 ft.	



POR. KAWAILOA, WAIALUA, OAHU. (Rev. L.C. Order 719 April 30)

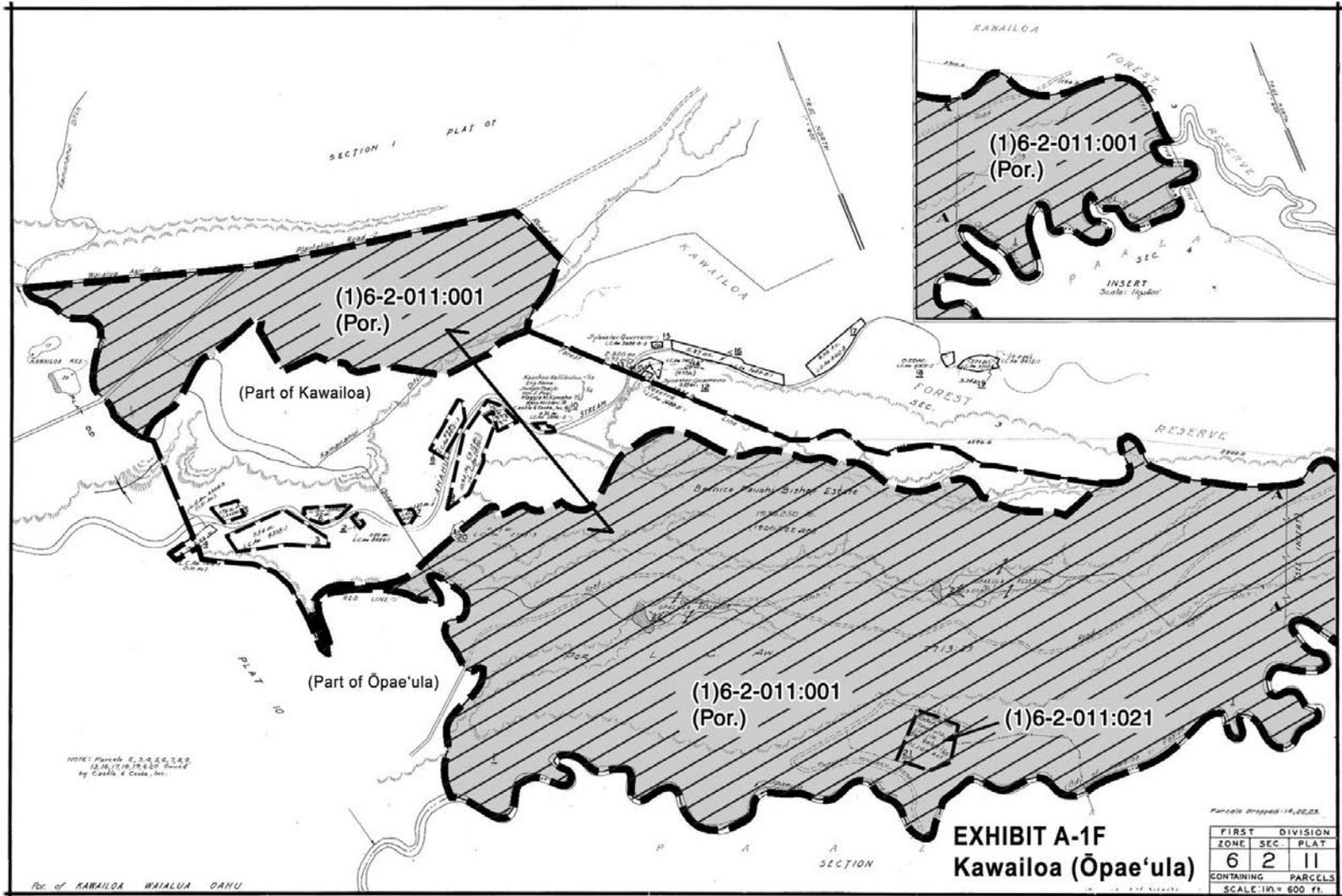
**EXHIBIT A-1D
Kawailoa**

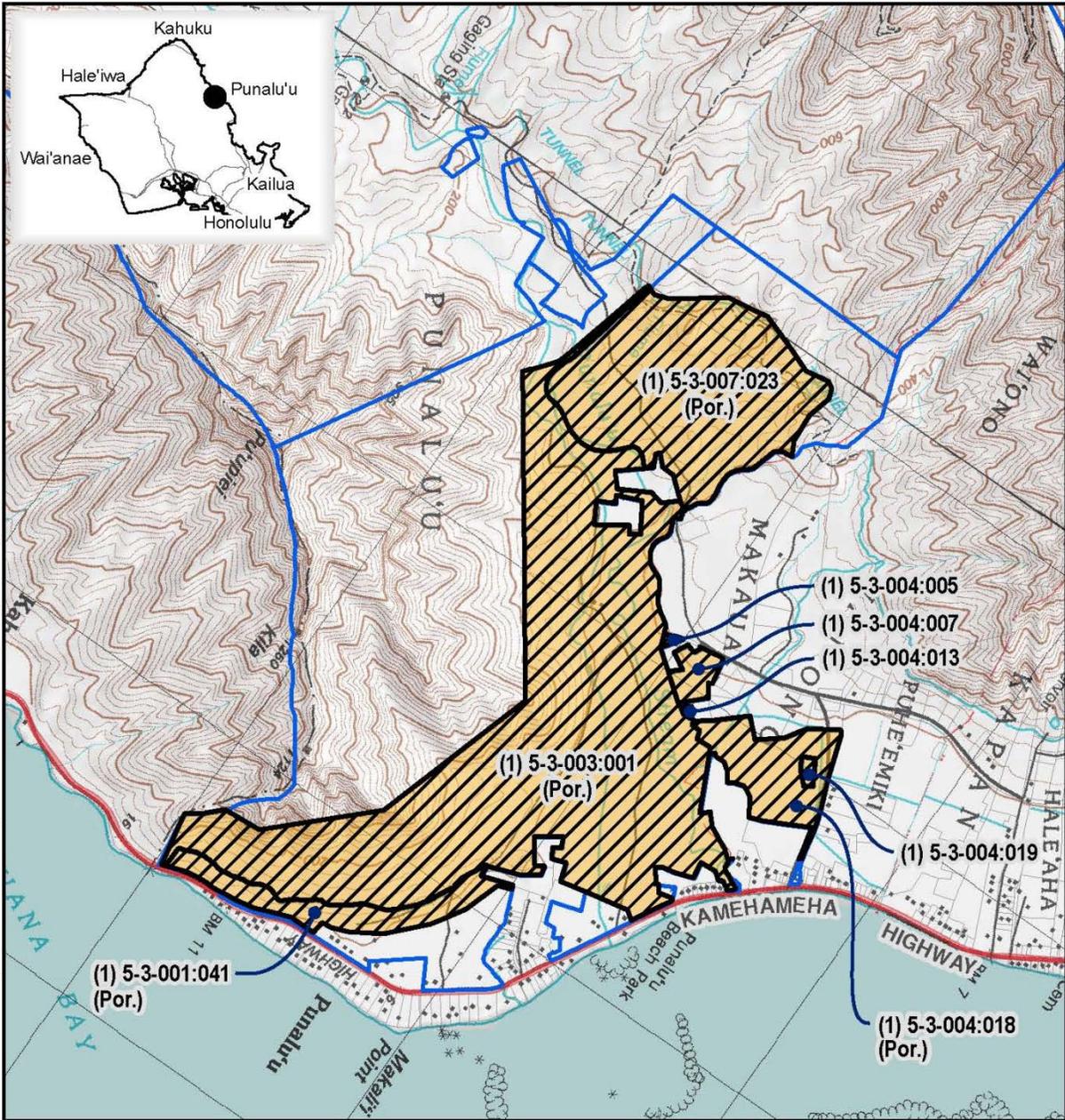
SUBJECT TO CHANGE

Parcels Dropped: 4,57,8,8,8

DEPARTMENT OF THE TAX COMMISSIONER
TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP

FIRST DIVISION	
ZONE	PLAT
6	2 09
CONTAINING PARCELS	
SCALE: 1 IN. = 600 FEET	





DATE: 12/9/2014

LEGEND

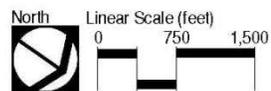
-  IAL Lands Related TMK Parcels
-  Proposed IAL Designation

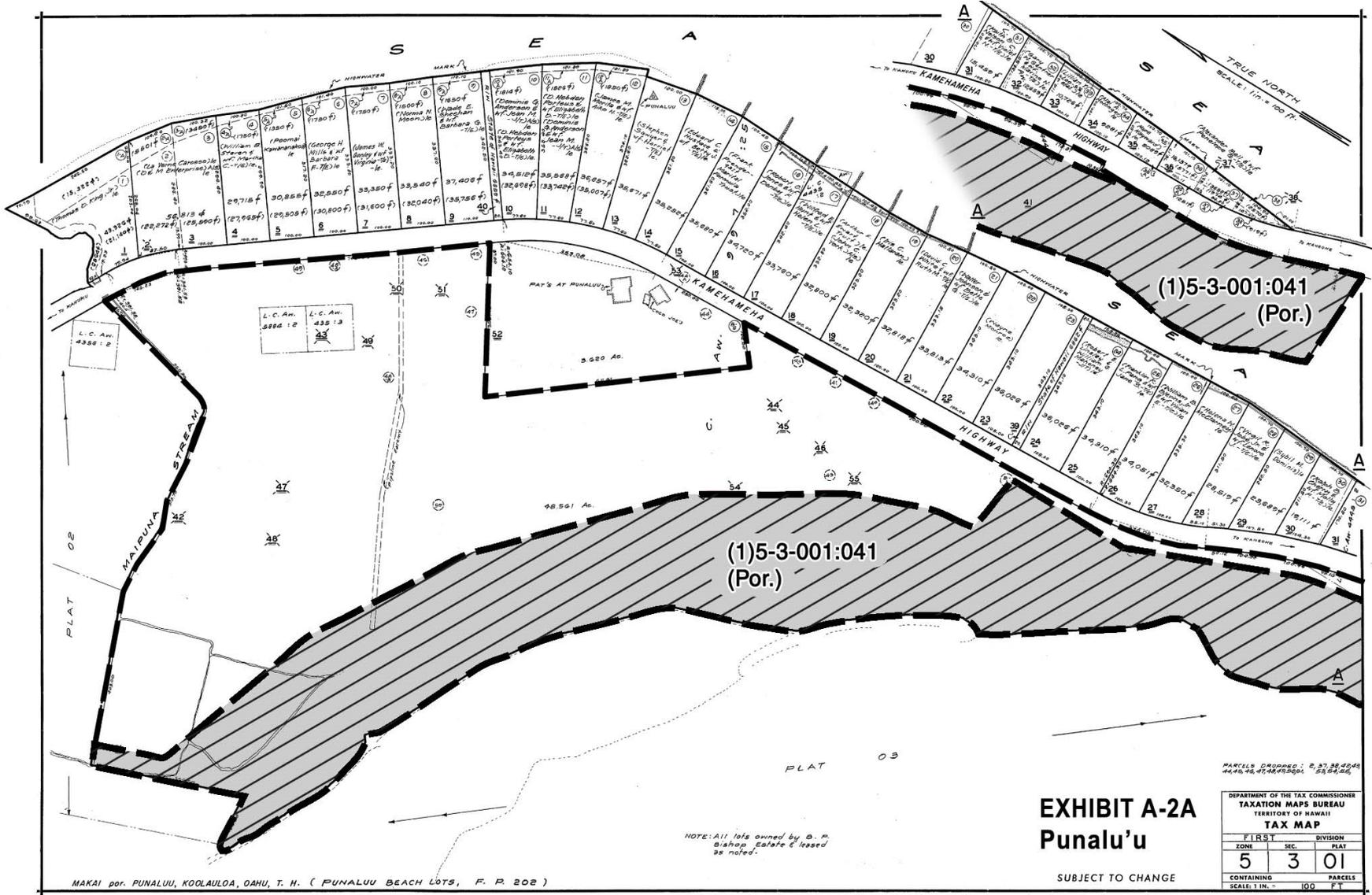
**EXHIBIT A-2
Punalu'u**

TMK Parcels - Key Map

KS IAL O'AHU

Source: Kamehameha Schools (2014), Oahu TMK (2014), U.S. Geological Survey
 Disclaimer: This graphic has been prepared for general planning purposes only.





MAKAI por. PUNALUU, KOOLAULOA, OAHU, T. H. (PUNALUU BEACH LOTS, F. P. 202)

NOTE: All lots owned by B. P. Bishop Estate & leased as noted.

**EXHIBIT A-2A
Punaluu**

SUBJECT TO CHANGE

PARCELS DRAWN: 2,37,38,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55

DEPARTMENT OF THE TAX COMMISSIONER
TAXATION MAPS BUREAU
TERRITORY OF HAWAII

TAX MAP

FIRST		DIVISION	
ZONE	SEC.	PLAT	PARCELS
5	3	01	
CONTAINING		PARCELS	
SCALE: 1 IN. =		100 FT.	

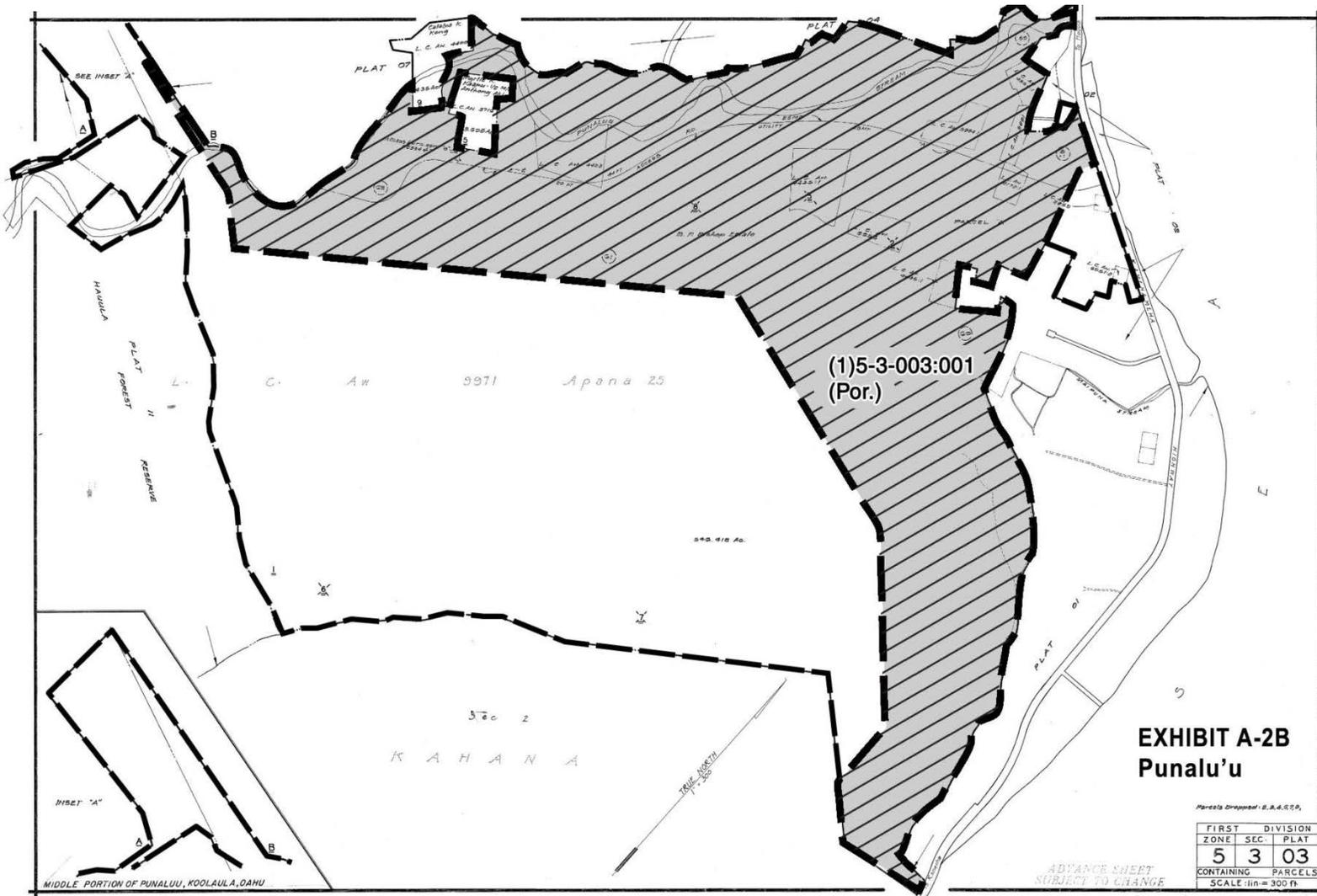


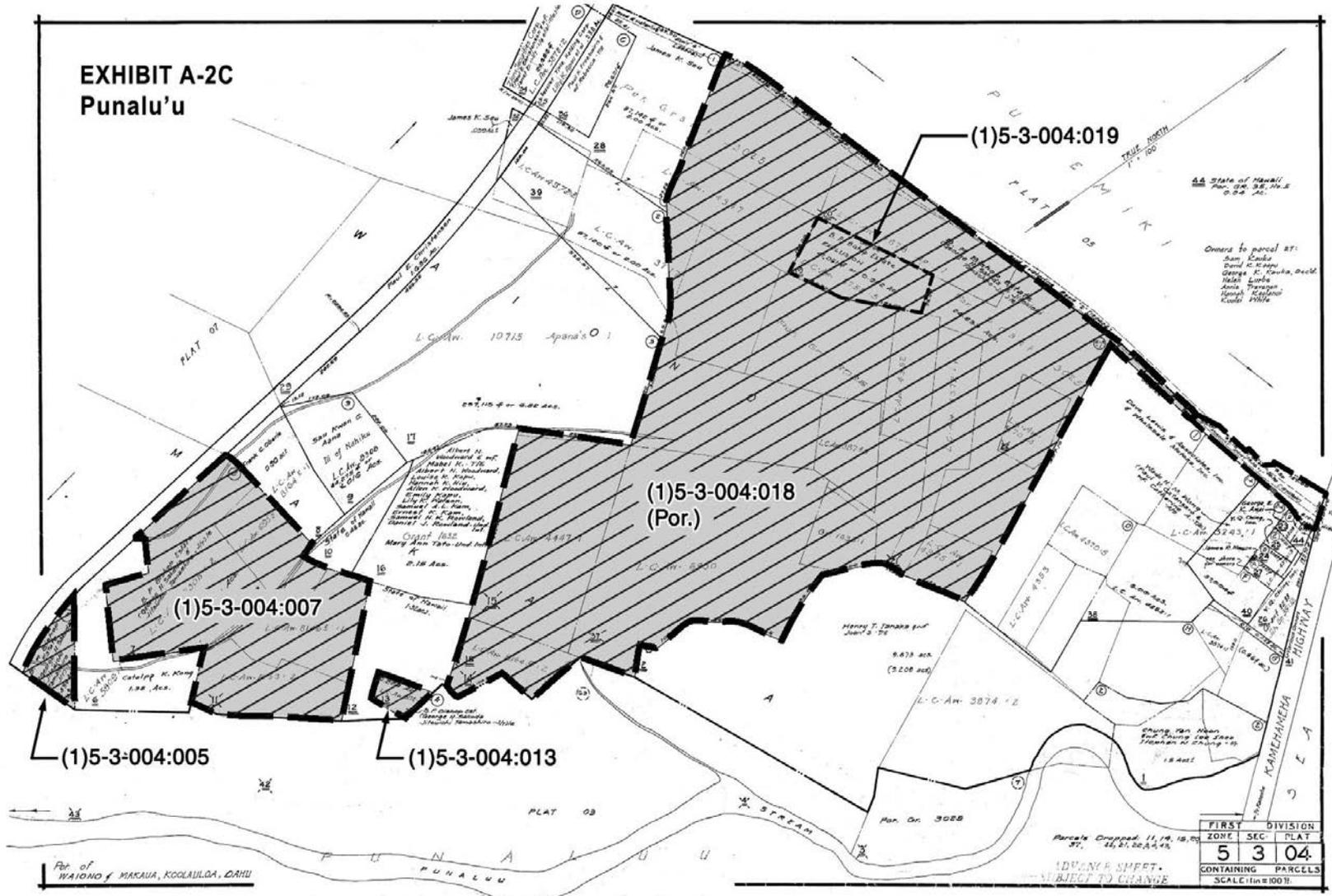
EXHIBIT A-2B
Punalu'u

Parcels Dropped - S.B.A.C.P.

FIRST DIVISION	
ZONE	SEC. PLAT
5	3 03
CONTAINING PARCELS	
SCALE 1in = 300 ft.	

ADVANCE SHEET
SUBJECT TO CHANGE

**EXHIBIT A-2C
Punalu'u**



State of Hawaii
Per. Ord. 98, 11, 5
0.04 Ac.

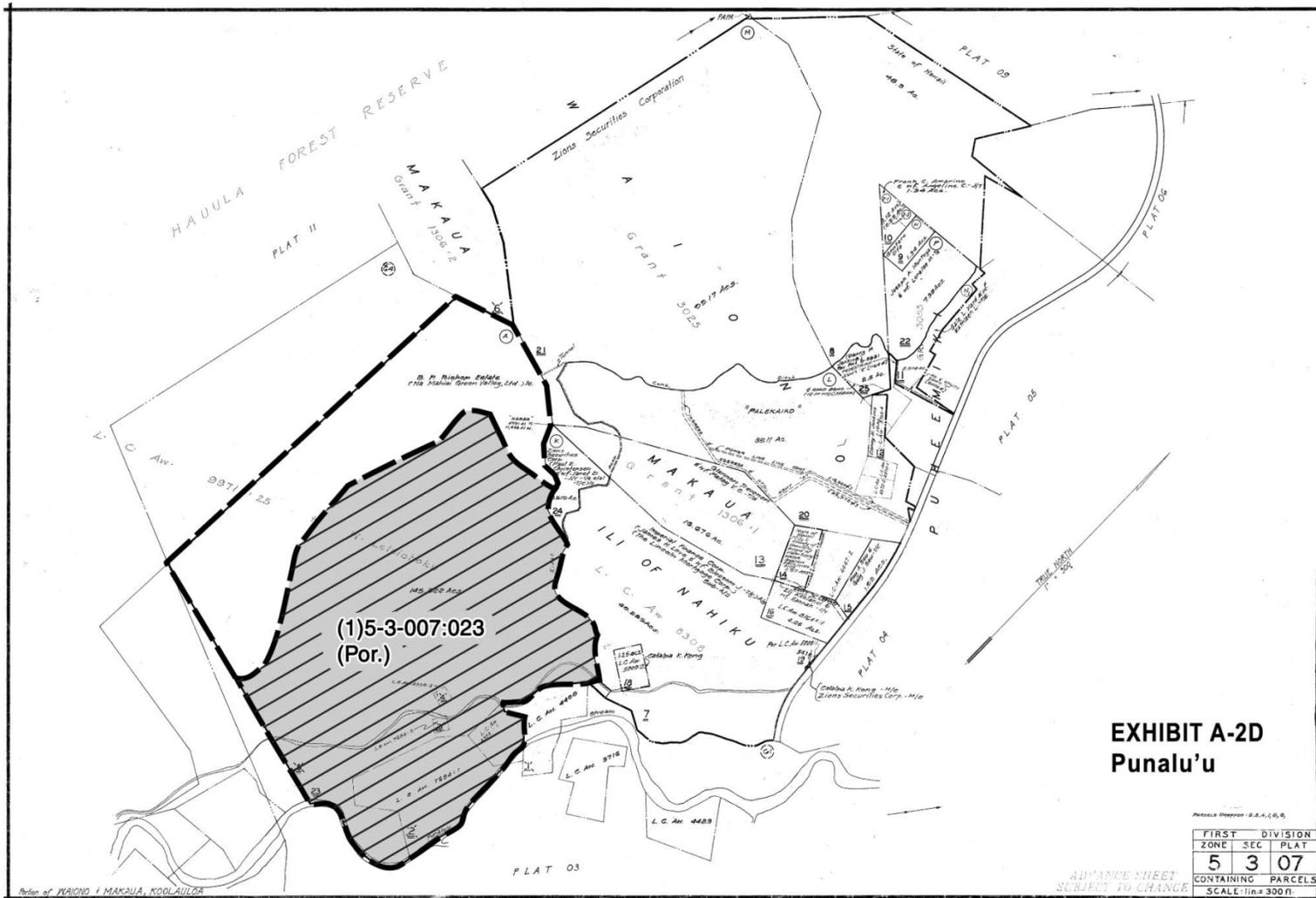
Owners to parcel at:
Sam Kaula
Daryl K. Kapa
George K. Tanka, Dec'd
Helen Kaula
Janis Tanager
Harold Kaula
Kurti 1976

FIRST DIVISION		
ZONE	SEC	PLAT
5	3	04
CONTAINING PARCELS		
SCALE 1 in = 100 ft.		

Parcels Draped 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Por. of WAIONO of MAKANA, KOOLAULOA, OAHU

ADVANCE SHEET.
SUBJECT TO CHANGE



(1)5-3-007:023
(Por.)

EXHIBIT A-2D
Punalu'u

Platels Display - 12.2.4, 16.5

FIRST DIVISION	
ZONE	SEC PLAT
5	3 07
CONTAINING PARCELS	
SCALE: 1" = 300'	

ADVANCE SHEET
SUBJECT TO CHANGE