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March 18, 2013

LAND USE COMMISSION
STATE OF HAWAII
2013 MAR 20 A 7:20

Mr. Daniel E. Orodener
Executive Officer
Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

Re: Amended Annual Monitoring Report
Special Permit Docket No. 70-85 (Special Permit No. 164)
Applicant: Edwin DeLuz Trucking & Gravel, LLC
Waikoloa, District of South Kohala, Hawaii (approx. 63.648± acres)
TMK: (3) 6-8-002: portion of 50 [formerly TMK: (3) 6-8-002: portion of 16]

Dear Mr. Orodener:

This is in furtherance of my letter to you of February 26, 2013. Please find enclosed a copy of the Affidavit of Publication dated March 1, 2013 which indicates that public notice of the action taken by the Land Use Commission approving the amendment of Condition No. 5 of the above-referenced special permit was published in The West Hawaii Today newspaper on March 1, 2013. The Applicant has not received any responses to the notice as of the date of this letter.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions regarding the above.

Sincerely,



Edmund W.K. Haitsuka

EWH/ewh
cc: Ms. Bobbie Jean Leithead-Todd
Edwin DeLuz Trucking & Gravel, LLC
Enclosure(s)
4852-7960-5779.1

AFFIDAVIT OF PUBLICATION

State of Hawaii)
) SS:
County of Hawaii)

M. R. Chavez, being first duly sworn, deposes and says:

1. That she is the Classified Accountant of WEST HAWAII TODAY, a newspaper published in the City of Kailua Kona, State of Hawaii.

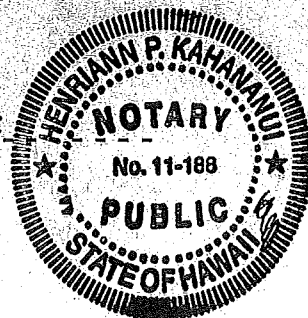
2. That "NOTICE OF ACTION TAKEN BY THE STATE OF HAWAII LAND USE COMMISSION Land Use Commission Docket No. SP70-85" of which a clipping from the newspaper is attached hereto, was published in said newspaper on the following date(s) March 1, 2013 (etc.)

M.R. Chavez

Subscribed and sworn to before me
This 1st day of March, 2013

Henriann P. Kahananui

Notary Public, Third Circuit,
State of Hawaii



Henriann P. Kahananui

My Commission expires: June 6, 2015

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NOTICE OF ACTION TAKEN BY THE STATE OF HAWAII LAND USE COMMISSION

Land Use Commission Docket No. SP70-85/
County of Hawaii Special Permit No. 164

The purpose of this Notice of Action Taken is to inform the public that on August 1, 2012, the State of Hawaii Land Use Commission issued its Order Granting Amendment To Condition No. 5 Extending Time To Comply as described below:

Action: Approval of Amendment to Condition No. 5 (to extend deadline to submit soils report)

Applicant/Licensee: Blavin Delco Trucking & Gravel LLC

Prop. Owner: Waikoloa Mauka, LLC (Successor-in-interest to Waikoloa Development Company)

Location: 1-3 miles southeast (mauka) of the existing Waikoloa Village development.

Tax Map Key: (3) 6-8-002-050 (portion)

Those persons who wish to comment upon the time extension amendment should submit their comments in writing, no later than March 15, 2013, to:

Edmund W.K. Hartsuka, Esq.
Carlsmith Ball LLP
P.O. Box 1720
Kailua-Kona, Hawaii 96745-1720
(No. 72816 West Hawaii Today, March 1, 2013)