

Russell

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
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June 27, 2000

Mr. Charles Honma
Project Manager
Halekua Development Corporation
2024 North King Street
Honolulu, Hawaii 96819

Dear Mr. Honma:

Subject: Filing of 2000 Annual Report for LUC Docket No. A92-683
Halekua Development Corporation

This is to acknowledge receipt of the 2000 annual report for the subject docket as transmitted by your letter dated May 24, 2000.

We require two copies of the subject annual report be submitted to our office as soon as possible. In the future, we request that an original and two (2) copies of the annual report be submitted to our office. In the event that additional copies are needed, you will be notified.

Based on our review of the annual report, we have the following comments:

- 1) In regards to the general progress of the project, please clarify when Petitioner anticipates project financing.
- 2) In regards to Condition No. 3, please clarify the current status of Petitioner's involvement with the Leeward Oahu Transportation Management Association (LOTMA) in compliance with this condition. The Housing and Community Development Corporation of Hawaii stated in its letter to you dated September 21, 1999, that the Petitioner was in arrears in LOTMA dues and would not be included in LOTMA's 1999 annual report.
- 3) In regards to Condition No. 5, please clarify the status of coordination with the Department of Health (DOH). DOH has stated in its letter to you dated October 1, 1999, that its Office of Solid Waste Management was not contacted and the Petitioner was advised to do so.
- 4) In regards to Condition No. 6, please clarify the total acreage that is being dedicated to the

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Department of Education (DOE). DOE stated in their letter to you dated September 17, 1999, that the twelve (12) acres dedicated by the Petitioner are entirely for the Royal Kunia Elementary School campus including the playground portion.

- 5) In regards to Condition No. 11, please clarify the status of the inquiry expressed by DOH in its aforementioned letter to you about an airfield north of Royal Kunia that was used for aircraft pesticide application.
- 6) In regards to Condition No. 13, please clarify the status of mitigating fugitive dust as required by DOH. DOH has stated in its aforementioned letter to you that they received numerous complaints regarding fugitive dust from construction activities, and required the implementation of mitigative measures to address the complaints.
- 7) In regards to Condition No. 14, please clarify the status of the air quality analysis required by DOH. DOH in its aforementioned letter to you stated that an air quality analysis should be performed which would include DOH's review of the proposed protocol of methodology, the area of study, the modeling approach, the assumptions, and emissions data.
- 8) In regards to Condition No. 19, please clarify whether the Robinson Owners have formally extended the deadline for the purchase of the site for the agricultural park. Also, please clarify when it is anticipated that the Department of Agriculture will obtain the site.

Please submit the requested information to our office by July 11, 2000.

If you have any questions in regards to this matter, please feel free to contact me or Russell Kumabe of my staff at 587-3822.

Sincerely,



ESTHER UEDA
Executive Officer

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c: Office of Planning
Department of Planning and Permitting

Comments on annual report filed in LUC Docket A92-683/Halekua Development Corporation

General Progress. No progress on the project appears to have been made since the last report.

Compliance with Conditions.

Condition No. 19. Exhibit A to the report states that acquisition financing appears imminent, and that Petitioner anticipates that it will consummate the agreement to purchase the agricultural park site by the end of the year. In light of this change in events, Petitioner should clarify whether the Robinsons have officially or unofficially extended the deadline in which to purchase the site. When is it anticipated that the Department of Agriculture will obtain the site?

Inasmuch as development of the project has not progressed, compliance with the substantive conditions remains unaddressed. Although Petitioner has obtained zoning for Increments I and II (representing the bulk of the project), Petitioner appears to have put off doing anything until the required financing is in place, including contacting the various agencies such as DOH and the State Civil Defense to address compliance with the applicable conditions. Petitioner should clarify when it anticipates that it will obtain project financing. (During the meeting on Petitioner's amended motion to amend the D&O on 9/12/96, Albert Chee on behalf of Petitioner stated that the banks would prefer zoning for Increment II be obtained before they felt comfortable that Petitioner had enough security.) Also, Petitioner should be requested to make contact with such agencies as DOH and Civil Defense per their request. In the event we do not receive an adequate response to our request for clarification to the above from Petitioner, we should consider requesting Petitioner's appearance before the LUC to give a status report in person.