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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

2013 NOV - 7 A 10:40
LAND USE COMMISSION
STATE OF HAWAII

In the Matter of the Petition of

TRUSTEES OF THE ESTATE OF
BERNICE PAUAHI BISHOP dba
KAMEHAMEHA SCHOOLS

For Declaratory Order to Designate
Important Agricultural Lands for
approximately 190 acres at Hanalei, Kaua'i;
TMK 5-6-003:001 (portion), 5-6-004:023
(portion), 5-6-004:024, 5-6-04:025
(portion), 5-7-002:001 (portion), and 5-7-
003:001 (portion)

DOCKET NO.

DR 13-50
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PETITION FOR DECLARATORY
ORDER TO DESIGNATE
IMPORTANT AGRICULTURAL
LANDS; VERIFICATION; EXHIBITS
"A"- "E"

PETITION FOR DECLARATORY ORDER
TO DESIGNATE IMPORTANT AGRICULTURAL LANDS

COMES NOW, Petitioner TRUSTEES OF THE ESTATE OF BERNICE
PAUAHI BISHOP dba KAMEHAMEHA SCHOOLS ("**Petitioner**" or "**Kamehameha
Schools**"), by and through its attorneys, the Law Offices of William Meheula LLC, and
respectfully petitions the Land Use Commission of the State of Hawai'i ("**Commission**") for a
hearing to issue a declaratory order designating approximately 190 acres of land at Hanalei,
Kaua'i, Hawai'i ("**Property**"), more particularly described below, as Important Agricultural

Lands (“IAL”), pursuant to §§ 205-44 and 45 of the *Hawai‘i Revised Statutes* (“HRS”) and §§ 15-15-98 and 99 of the *Hawai‘i Administrative Rules* (“HAR”), as amended as of November 2, 2013. In support of this Petition, Petitioner alleges as follows:

I. Petition Content Requirements

Contents requirement for Petition for Declaration Order pursuant to HAR § 15-15-99:

A. Name, address and telephone number of Petitioner. Petitioner is a Hawai‘i charitable educational trust whose address is 567 S. King Street, Honolulu, Hawai‘i 96813, and telephone number is (808) 523-6200. The Law Offices of William Meheula represents the Petitioner pursuant to HAR § 15-15-35(b). All correspondence and communications in regard to this Petition shall be addressed to, and served upon William Meheula, the Law Offices of William Meheula LLC, 745 Fort Street, Suite 801, Honolulu, Hawai‘i 96813.

B. Statement of Petitioner’s interest in the subject matter and reason for the submission. Kamehameha Schools has ownership and management powers over those lands hereby being proposed as IAL and located on the island of Kaua‘i, and referred to herein as the Property and more specifically identified and described in Exhibit “A” attached hereto. Petitioner requests that the Commission designate the Property as IAL pursuant to HRS §§ 205-44 and 45.

Kamehameha Schools is responsible to sustain its endowment and Hawai‘i lands in perpetuity, while optimizing cultural, economic, environmental, educational and community returns pursuant to its values, vision, and mission. Thus, Kamehameha Schools has developed a strategic agricultural plan for the management of its agricultural lands that provides a planning framework and vision for optimal management of Kamehameha Schools’ agricultural lands

statewide and positions it to be an agricultural leader in Hawai‘i. As a part of its agricultural strategy, Kamehameha Schools seeks to increase the production of food products on its lands for the local market in all arenas from farm to table. Kamehameha Schools also aims to restore and to revitalize traditional agricultural systems. As a means of achieving these goals, Kamehameha Schools recognizes that it must also invest in and provide support for agricultural education, agricultural business planning, and agricultural markets. All of these factors play a critical role in Hawai‘i’s agricultural industry and are a part of Kamehameha Schools’ strategic agricultural plan. Attached hereto and incorporated herein by reference as Exhibit “B” is a pamphlet on Kamehameha Schools’ strategic agricultural plan.

Kamehameha Schools acknowledges that not all of its agricultural lands are suitable for agricultural uses, as agricultural uses may be inconsistent with natural coastal ecology, or ongoing and plan educational and community uses included in existing ahupua‘a plans. Thus, to the extent feasible, Kamehameha Schools has carefully excluded portions of its agricultural lands for IAL designation. The proposed IAL designation for the Property furthers Kamehameha Schools’ goals for its agricultural lands and is consistent with its statewide strategic agricultural plan.

C. Designation of specific statutory provision, rule, or order in question. Whether the lands identified by Petitioner in this Petition should be designated as IAL pursuant to the HRS §§ 205-44 and 45.

D. Statement of Petitioner’s position or contention. It is Petitioner’s position that the Property meets the qualifications for designation as IAL under HRS § 205-44, and that the Commission should issue a declaratory order designating the Property as IAL pursuant to HRS § 205-45.

E. Memorandum of authorities, containing a full description of reasons and legal authorities in support of Petitioner's position. HRS § 205-45(c) provides that a petition for declaratory order designating IAL shall be submitted in accordance with subchapter 14 of the Commission's rules and the requirements contained in HRS § 205-45(c). The petition for declaratory order content requirements under subchapter 14 are found at HAR § 15-15-99 and are discussed in Sections A-H herein. The requirements of HRS § 205-45(c) include the following:

1. Tax Map Key Numbers and verification and authorization from the applicable landowners. Petitioner seeks to designate as IAL approximately 190 acres of land on the island of Kaua'i, Hawai'i. Attached hereto and incorporated herein by reference as Exhibit "A" are documents identifying the location, Tax Map Key Numbers and acreage of the Property. Ownership of the lands identified by Tax Map Key Numbers stated in Exhibit "A" is held by Kamehameha Schools. Exhibit "A" illustrates the proposed IAL lands and the related Tax Map Key parcels. To illustrate the individual TMK parcels, Exhibits A-1, A-2, A-3, and A-4 are provided to identify the individual TMK parcels and portions thereof that are proposed to be designated IAL. Attached hereto and incorporated herein by reference as Exhibit "C" is the Affidavit of Sydney Keliipuleole providing authorization to this petition with respect to its aforementioned lands. Attached hereto and incorporated herein by reference as Exhibit "D" is the letter by Title Guaranty of Hawai'i, Incorporated, which verifies ownership of the Property.

2. Proof of qualification for designation as IAL under HRS § 205-44. HRS § 205-44(c) provides the standards and criteria to identify IAL. HRS § 205-44(a) provides that lands identified as IAL need not meet every standard and criteria listed in HRS § 205-44(c); rather, lands meeting any of the criteria in HRS § 205-44(c) shall be given initial consideration,

provided that the designation of IAL shall be made by weighing the standards and criteria with each other to meet the constitutionally mandated purposes in article XI, section 3, of the Hawai‘i Constitution and the objectives and policies for IAL in HRS §§ 205-42 and 205-43.

The proposed IAL lands are divided into two areas by a mountain ridge defining Lumaha‘i Valley to the west and Waipā to the east. The following assessment provides an overview of the various characteristics of the proposed Kamehameha Schools IAL. The Agricultural Land Assessment, attached hereto and incorporated herein by reference as Exhibit “E”, illustrates and quantifies the land characteristics.

a. Land currently used for agricultural production and types of land associated with traditional native Hawaiian uses. The three dominant pre-contact Hawaiian agricultural systems were lo‘i, dryland field systems, and a third mixed cropping system occurring on the slopes of valleys, termed “colluvial-slope” agriculture. Within these ahupua‘a of Waipā and Lumaha‘i, there is evidence that these lands have supported all these types of pre-contact agricultural systems.

Lo‘i agriculture, based on taro (*Colocasia esculenta*; kalo) occurred in the flat bottoms of stream-fed windward valley, such as Lumaha‘i and Waipā, and was especially prominent on the geologically older islands including Kaua‘i.

Conversely, dryland field systems, based upon sweet potato (*Ipomoea batatas*; ‘uala), were confined to geologically young soils with a specific rainfall gradient. This type of agriculture did not occur at large scales on Kaua‘i as it did on other islands mainly because of the older age of soils present on Kaua‘i which are leached of rock-derived nutrients, such as nitrogen and phosphorus, unless rejuvenated by some type of stream or erosion transport of sediment.

The colluvial-slope system is a rain-fed system based upon root, tuber, and tree crops and non-food crops, such as dryland taro, sweet potato, banana (*Musa* spp.; mai'a), breadfruit (*Artocarpus alilis*; 'ulu), olonā (*Touchardia latifolia*), paper mulberry (*Broussonetia papyrifera*; wauke), kava (*Piper methysticum*; 'awa), ti (*Cordyline fruticosa*; kī), and more. This system occurred in the lower slopes of broad valleys on the older islands, where mass-wasting and fluvial erosion cause the release of new supplies of rock-derived nutrients into the soil, allowing the soil to support a complex population of crops.

Hawaiian colluvial-slope agriculture has been recorded in ethnohistoric and archaeological records as occurring in sloped areas up to 30 degrees in slope, but is also determined by colluvial soil type, temperature, and a lower rainfall boundary (750mm/year). Modeling of traditional Hawaiian agricultural systems has predicted large areas of colluvial-slope agriculture (1,312 acres) in both Lumaha'i and Waipā valleys, surrounding a predicted 441 acres of lo'i agriculture. Modeling also indicates that these areas in these two valleys alone could produce 8,760 tons/year of traditional Hawaiian food. Nevertheless, the feasibility of active farming of traditional or other crops in these colluvial-slope areas has not yet been explored by KS and is not being pursued by current Lumaha'i and Waipā tenants.

The evidence of agricultural use in Lumaha'i Valley by the early Hawaiians is difficult to be determined due to the detrimental impacts of ranching use of these lands. However, the expansive flat lands alongside Lumaha'i River in the lower valley suggest that Lumaha'i would have been an ideal location for cultivation. Some literature and archaeological surveys suggest that Lumaha'i likely cultivated lo'i. From 1860s to 1930s, rice and taro were primarily cultivated in Lumaha'i and from 1930s to 1960s ranching replaced the early rice and taro

agricultural practice. From 1990s to present, taro cultivation has returned to Lumaha‘i as primary agricultural use, along with on-going pasture use.

In Waipā, lo‘i systems were recorded during the Mahele (the division of Hawaiian lands) of 1848, indicating that the irrigated flat plain alongside Waipā Stream was utilized for taro cultivation. From approximately 1860s to 1940, all flat lands in Waipā were rice fields. From 1945 to 1985, these lands were converted to pasture use to raise livestock. In 1986, Waipā was leased by Hawaiian Farmers of Hanalei, Inc. (“**HFH**”) and HFH began farming taro using the ancient irrigation ‘auwai.

HFH formed the Waipā Foundation in 1994 as a non-profit to manage the ahupua‘a. The mission of the Waipā Foundation is to:

Restore the Waipā ahupua‘a as a Hawaiian community learning center and to create a sustainable, cultural and community-based model for land use and management inspired by the traditional values of the ahupua‘a.

Waipā Foundation’s agricultural goals include:

- Grow Hawaiian crops/plants for food, cultural practice, ahupua‘a restoration, teaching, learning, and community-based economic development.
- Maximize use of agricultural areas by restoring areas not in production to managed, productive healthy lands.
- Farm in manner that continuously improves quality and health of soil, water, natural ecosystems, and other resources, while maximizing production of high-quality crops.
- Grow crops in ahupua‘a context for mutual benefit of ‘āina.

In 2004, a master plan was prepared for the Waipā Foundation. See Figure 1 attached to Exhibit “E”: Waipā Master Site Plan shows the existing and planned agricultural uses in relation to the proposed IAL land. As illustrated, the proposed IAL land includes areas for pasture, field crops and lo‘i and excludes the area for an education complex and other mission supporting uses. In

addition, there are several kuleana parcels (owned by others) that are highlighted on Figure 1 and thus not included in the proposed IAL.

As described above, the Lumaha'i and Waipā areas proposed to be IAL have a long history of agricultural use; both pre-contact Hawaiian agricultural systems and current agricultural uses. See Figure 2 attached to Exhibit "E": Current and Future Agricultural Operation illustrates the current and planned general agricultural uses of the proposed IAL lands.

Lumaha'i is currently encumbered by a 5-year license agreement to the Harada 'Ohana. The current agricultural use includes approximately 37 acres of pasture and 6 acres of taro lo'i. Taro cultivation has the potential to be increased by an additional 6 acres under the current irrigation system. In addition to the taro and pasture use, the diversified agricultural plantings include beans, squash, sugar cane, papaya, bananas, ti leaf, pumpkin, chili pepper, fruit trees and heliconias. For security purposes, video cameras with day/night vision, sound and movement sensors are set up around the property. The balance of the proposed IAL lands, approximately 17 acres, are suitable for a variety of crops and are planned to be incrementally cleared and put into agricultural uses.

In Waipā, Kamehameha Schools is currently in partnership with the Waipā Foundation to expand agricultural and traditional kalo productivity, and to implement an 'āina based education program. The Waipā Foundation has a long-term lease agreement ending in 2050. The current agricultural use includes approximately 45 acres of pasture and 15 acres of diversified agriculture including taro lo'i, organic vegetable farming, native plant nurseries, and Hawaiian plant gardens. By the end of the current lease term, the agricultural use in Waipā is expected to expand to 45 acres of pasture and 49 acres of diversified agriculture. Critical to achieving the mission of the Waipā Foundation, the lands along Kuhio Highway that are excluded from the

proposed IAL include the Hawaiian Farmers of Hanalei (HFH) “Historic Piko” that serves as a central gathering area and includes the HFH house, equipment shed and caretaker’s home. Some of the uses and facilities planned within this area include:

- Kahua - open multi-use area that would continue to host Farmers Market;
- Community Complex - certified kitchen, Hale Imu, a multi-purpose building administration building, and bunkhouse;
- Education Complex - four school buildings, including a preschool, small scale farm and garden and supporting infrastructure; and
- Kupuna and Worker Housing - housing for workers and Kupuna that are a resource for operations and programs at Waipā.

In total, the 124 acres of proposed IAL lands will be in productive agricultural use or supporting uses consistent with the Waipā Foundation agricultural master plan and includes essential elements of active agricultural operation, such as stream buffers, drainage ways, ditches, and access roads.

b. 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. As illustrated in Figure 3: Land Study Bureau – Detailed Land Classification, about 74% of the proposed IAL lands in Lumaha‘i and Waipā are rated C, 2% are rated D, and 24% are rated E. The following table summarizes the productivity rating of the proposed IAL lands as illustrated in Figure 3:

Detailed Land Classification System/Ag. Land Productivity Ratings:

<i>Productivity Rating</i>	<i>Lumaha'i</i>		<i>Waipā</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	-	-	-	-	-	-
B	-	-	-	-	-	-
C	64.37	34%	75.70	40%	140.07	74%
D	-	-	3.73	2%	3.73	2%
E	1.70	1%	44.25	23%	45.95	24%
Not LSB	0.05	0.03%	-	-	0.05	0%
Totals:	66.12	35%	123.68	65%	189.80	100%

3.

Although the proposed IAL lands have relatively low productivity ratings, these lands have been historically used for agriculture and at present are productive for taro and other diversified crop cultivations along with some pasture use, for cattle, horses and goats. See Figure 3, attached to Exhibit "E", illustrating the agricultural soils productivity ratings.

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 entire proposed IAL land in Lumaha'i and Waipā receives an annual average of 350 calories of solar energy per square centimeter per day. The level of solar radiation is very beneficial towards supporting diversified agricultural uses. See Figure 4, attached to Exhibit "E", illustrating the solar radiation data.

c. Lands identified under agricultural productivity ratings systems, such as the agricultural lands of importance to the State of Hawai'i ("ALISH") system adopted by the board of agriculture. The Agricultural Lands of Importance to the State of Hawai'i ("ALISH") classification system was developed in 1977 by the State Department of Agriculture. The system was primarily, but not exclusively, based on the soil characteristics of lands and existing cultivation. There are three classes of ALISH lands – Prime, Unique, and Other. Approximately 89% of the proposed IAL lands in both Lumaha'i and Waipā are classified in ALISH: 5% Prime

ALISH, 6% Unique ALISH, and 78% Other ALISH. The balance of the proposed lands is not classified under ALISH classification but includes essential elements of the active agricultural operation, such as streams and drainage ways and most of the unclassified land is currently use for pasture. See Figure 5, attached to Exhibit “E”, illustrating agricultural lands of importance under the ALISH system.

The following table summarizes the ALISH classifications for the proposed IAL lands:

<i>ALISH Classifications</i>	<i>Lumaha'i</i>		<i>Waipā</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	-	-	10.31	5%	10.31	5%
Unique	-	-	10.93	6%	10.93	6%
Other	61.38	32%	86.56	46%	147.94	78%
Not ALISH	4.74	2%	15.88	8%	20.62	11%
Totals:	66.12	35%	123.68	65%	189.80	100%

d. Lands with sufficient quantities of water to support viable agricultural production. The proposed IAL lands are irrigated by ditch in both Lumaha'i and Waipā systems from the centrally located perennial streams and tributaries of the streams. In Lumaha'i, the existing 'auwai irrigation system is currently in disrepair. The current licensee farming the property expects to repair the system to increase the water delivery capacity. There are no recent ditch capacity measurements that quantify the water being used. The primary water source is Lumaha'i River that, based on historical records 1914 -1938, has a minimum flow of over 13 million gallons per day. It is likely that the current flow has decreased but is still a significant watershed that has ample water resources to support the proposed IAL when the water delivery system is improved.

In Waipā, the water sources include Waipā Stream, Kīwa'a Spring and the County of Kaua'i's Hanalei water system. Although the capacity of the sources have not been quantified,

the stream and related 'auwai irrigation system is in the process of being restored and utilized for irrigating the proposed IAL. Historically, these water sources have supported the agricultural use of the Waipā lands.

In addition to the above water resources, the proposed IAL lands in Lumaha'i and Waipā receive an average of 100 inches of rain annually. Therefore, based on historic agricultural uses and current agricultural production, the proposed IAL lands have adequate quantities of water to support viable agricultural production. On-going and planned restoration of the agricultural water systems will continue to improve the irrigation water delivery system. See Figure 6, attached to Exhibit "E", illustrating agricultural infrastructure and water resources.

e. Land whose designation as IAL is consistent with general, development and community plans of the County General Plan and the State Land Use District Boundary Map. The General Plan of the County of Kaua'i is a policy document that is intended to help guide development for the enhancement and improvement of life on Kaua'i. This plan was last updated in 2000 and provides the County's vision for Kaua'i and establishes the strategies to help achieve that vision. According to the 2000 General Plan Update and the North Shore Planning District Land Use Map published in this document, the Lumaha'i proposed IAL land is designated as Open and the Waipā proposed IAL land is primarily designated as Agriculture, except for a few small pieces of land at the IAL boundary, which are designated as Open. See Figure 7, attached to Exhibit "E", illustrating the Kaua'i General Plan designations.

Referencing the 2013 State Land Use District Boundary prepared by State of Hawai'i Land Use Commission, the proposed IAL lands in Lumaha'i and Waipā are within the Agricultural District. Where the proposed IAL lands are contiguous to the Conservation District

boundary, the proposed IAL boundary follows the Conservation District boundary. See Figure 8, attached to Exhibit “E”, illustrating the 2013 State Land Use District Boundary designations.

In August 2009, the County of Kaua‘i undertook a planning effort to define the Important Agricultural Lands on Kaua‘i. Utilizing a criteria based analysis and geographic information system (GIS), a series of maps were prepared to illustrate IAL at varying thresholds of the number of criteria included to define the IAL. In 2013, the County of Kaua‘i has been using the IAL study to propose a methodology and process to identify and designate IAL. Although the public review and comment period including notification of affected land owners has not been completed, the County has been utilizing the “28 Point Threshold” IAL maps.

To illustrate how the proposed IAL lands at Lumaha‘i and Waipā are generally consistent with the County’s IAL mapping, Figures 9A and 9B are provided.

As illustrated in Figures 9A and 9B, Kamehameha School proposes two IAL areas within their lands; one contiguous area in Lumaha‘i of approximately 66 acres and another contiguous area in Waipā of approximately 124 acres. These proposed IAL areas are generally consistent with the County of Kaua‘i proposed IAL in Lumaha‘i and Waipā.

In Figure 9A, the County’s Proposed IAL mapping at the *28 Point Threshold* is illustrated within Kamehameha School lands. The Kamehameha School’s proposed IAL lands overlap with approximately 75 acres (73%) of the County’s IAL lands and additionally include approximately 115 acres of lands in IAL. Based on the historic, current, and planned agricultural uses at Waipā, the 115 acres of the proposed IAL lands not identified by the County under the 28 Point Threshold are lands that meet the IAL criteria when examined in greater detail than the County study. See Figure 9A, attached to Exhibit “E”, illustrating the County’s Proposed IAL utilizing the 28 Point Threshold.

In Figure 9B, the County's IAL mapping at the *25 Point Threshold* is illustrated within Kamehameha School lands. As noted above, the proposed IAL include lands identified under the 25 Point Threshold. At the 25 Point Threshold, the County's proposed IAL lands have more than doubled the amount at the 28 Point Threshold. Other than more detailed mapping methods and utilizing logical geographically defined boundaries of the proposed IAL (i.e. streams, roads, etc.), the proposed IAL is consistent with County's proposed IAL at the 25 point Threshold. As illustrated on Figure 9A, the County's proposed IAL includes some smaller non-contiguous lands in Lumaha'i Valley that have not been included in the proposed IAL since these lands are not planned to be put into active agricultural use in the near-term. At Waipā, the proposed IAL has excluded some of the County's identified IAL. As described under Current and Future Agricultural Operations, these excluded lands are planned to support the Waipā Foundation's education complex, community complex, worker housing, camp site and other uses supporting the Foundation's mission. See Figure 9B, attached to Exhibit "E", illustrating the County's Proposed IAL utilizing the 25 Point Threshold.

f. Land that contributes to maintaining a critical land mass important to agricultural operating productivity. Petitioner seeks to designate approximately 190 acres of lands as IAL, the majority of which are used for either pasture or diversified agriculture. See Figure 2, attached to Exhibit "E", illustrating the ahupua'a's current and future agricultural operations. The Property includes one contiguous area in Lumaha'i and another contiguous area in Waipā. The Property has a long history of agricultural use, and includes two significant portions of the ahupua'a that contribute to the area's agricultural productivity.

g. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power. Existing infrastructure serving

the Property includes irrigation ditches and systems, roadways, transport systems, and facilities. See Figure 6, attached to Exhibit "E", illustrating agricultural infrastructure and water resources. Kamehameha Schools has planned infrastructural improvements and plans to build agricultural support facilities. Moreover, the Waipā Foundation hosts a popular weekly farmers market, showcasing the work of local farmers and providing a venue for local produce and agricultural support. Thus, the proposed IAL lands have sufficient surrounding support infrastructure conducive to agricultural productivity.

F. Names of any other potential parties. The licensee of Lumaha'i property is Alfred H.K. Harada and Sierra-Lynn N.S. Boro-Harada, whose mailing address is P.O. Box 1004, Hanalei, Hawai'i 96714. The tenant of the Waipā property is Waipā Foundation, a Hawai'i non-profit corporation, whose mailing address is P. O. Box 1189, Hanalei, Hawai'i 96714. Other potential parties include Department of Agriculture, Office of Planning and Planning Director of the County of Kaua'i.

G. Signature of each petitioner. This petition is signed below by Petitioner's Director of Asset Management, Land Assets Division at Kamehameha Schools who is authorized by the Trustees of the Estate of Bernice Pauahi Bishop dba KAMEHAMEHA SCHOOLS in their fiduciary capacities as said trustees and not in their individual capacities, to sign and file this petition on Petitioner's behalf.

H. Statement of whether petition relates to any commission docket for district boundary amendment or special permit. This petition is not related to any commission docket for district boundary amendment or special permit.

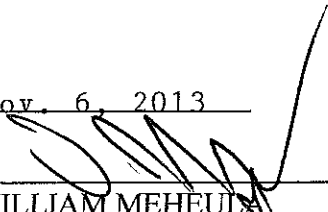
II. Waiver of 85/15 Reclassification Incentive

Petitioner is not seeking reclassification of land pursuant to HRS § 205-45(b) in conjunction with this Petition to designate IAL. Furthermore, Petitioner hereby voluntarily waives any and all rights to assert, claim or exercise any credits pursuant to HRS § 205-45(h), as effective as of the date of this Petition, that may be earned by Petitioner in the event of and as a result of this Petition being granted. This waiver is limited to the use of credits for the sole purpose of reclassifying other lands that are not the subject of this Petition to the Urban, Rural or Conservation Districts pursuant to HRS § 205-45(h), as effective as of the date of this Petition, and shall not apply to any other credits, incentives, rights or privileges that Petitioner may possess now or in the future, whether known or unknown, which are hereby expressly reserved.

III. Conclusion

Based on the foregoing, Petitioner respectfully requests that the Commission: (1) find that the Petition meets the standards for designating IAL pursuant to HRS §§ 205-44 and 45, and (2) designates the Property as IAL.

DATED: Honolulu, Hawai'i Nov. 6, 2013



WILLIAM MEHEULA

Attorney for Petitioner
KAMEHAMEHA SCHOOLS

VERIFICATION

Sydney Keliipuleole, being first duly sworn, on oath, deposes and says that he is the Director of Asset Management, Land Assets Division of Kamehameha Schools, and as such, is authorized to make this verification on behalf of said entity; that he/she has read the foregoing Petition and knows the contents thereof; and that the same are true to the best of his/her knowledge, information and belief.


DATED: Honolulu, Hawai'i NOV 06 2013




Sydney Keliipuleole
KAMEHAMEHA SCHOOLS
Its Director of Asset Management,
Land Assets Division

LS.

Subscribed and sworn to before me
this day of NOV 06 2013, 2013.


Name LORI KANESHIRO
Notary Public, State of Hawai'i
My commission expires on: _____

LORI KANESHIRO
Notary Public, State of Hawaii
~~My commission expires September 14, 2015~~

STATE OF HAWAI'I NOTARY CERTIFICATE	
Doc. Description: <i>Verification</i>	
Doc. Date: <u>NOV 06 2013</u>	# Pages: <u>17</u> <small>pgs. including certification page</small>
Notary Public Signature: 	
Print Name: <u>LORI KANESHIRO</u>	
Notary Public, State of Hawai'i, <u>first</u> Circuit	
	LS. Stamp or seal