

LAND USE COMMISSION
STATE OF HAWAII

2015 FEB 20 A 9:51

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII
DEPARTMENT OF CONVEYANCES
Doc A - 55290649
February 20, 2015 8:02 AM

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL () PICK UP (X)

BENJAMIN M. MATSUBARA, ESQ.
Matsubara - Kotake
888 Mililani Street, Eighth Floor
Honolulu, Hawai'i 96813
Telephone: (808) 526-9566

TITLE OF DOCUMENT: DECLARATION OF IMPORTANT AGRICULTURAL
LANDS; EXHIBITS "A" AND "B"

Total Pages: 58

DECLARATION OF IMPORTANT AGRICULTURAL LANDS

ALEXANDER & BALDWIN, LLC, a Hawai'i limited liability company, the business address of which is 822 Bishop Street, Honolulu, Hawai'i, 96813, does hereby certify as follows:

THAT Alexander & Baldwin, Inc. was the Petitioner of that certain Petition for Declaratory Order to Designate Important Agricultural Lands in Docket No. DR09-38 of the Land Use Commission of the State of Hawai'i, affecting those certain lands,

approximately 27,102 acres at Wailuku and Makawao, Maui, Hawai`i, Tax Map Key Nos. 2-5-01: portion of 01, 2-5-01: 05, 2-5-01: 08, 2-5-02: portion of 01, 2-5-02: portion of 02, 2-5-03: 06, 2-5-03: 07, 2-5-03: 08, 2-5-03: 09, 2-5-04: 13, 2-5-04: portion of 39, 2-5-05: portion of 19, 2-5-05: portion of 20, 3-8-01: portion of 01, 3-8-01: 05, 3-8-01: 06, 3-8-01: portion of 07, 3-8-01: 11, 3-8-01: 12, 3-8-01: 14, 3-8-01: 15, 3-8-01: 33, 3-8-01: 135, 3-8-03: 01, 3-8-03: 02, 3-8-03: 03, 3-8-03: portion of 04, 3-8-03: 05, 3-8-03: 06, 3-8-03: 07, 3-8-04: portion of 01, 3-8-04: portion of 2, 3-8-04: portion of 22, 3-8-05: portion of 01, 3-8-05: portion of 02, 3-8-05: 18, 3-8-06: portion of 01, 3-8-06: portion of 02, 3-8-06: portion of 03, 3-8-06: 15, 3-8-06: 29, and 3-8-08: 06 as shown in the Findings of Fact, Conclusions of Law, and Decision and Order entered June 29, 2009, in Docket No. DR09-38 (the "Decision and Order") that was recorded as Exhibit "A" to that certain Declaration of Important Agricultural Lands recorded on July 6, 2009 at 10:00 am at the Bureau of Conveyances, State of Hawai`i as Document Number 2009-103676, marked as Exhibit "A" which is attached hereto and incorporated herein by reference.

THAT on June 7, 2012 Alexander & Baldwin, Inc. was converted to Alexander & Baldwin, LLC as recorded in that certain Certificate of Conversion recorded on June 19, 2012 at 3:29 pm at the Bureau of Conveyances, State of Hawai`i as Document No. A-45531116.

THAT as a result of the conversion, Alexander & Baldwin, LLC is the successor Petitioner in the Land Use Commission Docket No. DR09-38 and the Decision and Order.

THAT Exhibit "A" to the Decision and Order includes maps showing the location of lands that were designated as Important Agricultural Lands, however, those maps used a color scheme to specify the location of the Important Agricultural Lands and those colors are not reproducible when black-and-white copies are printed from the recorded copies obtained from the Bureau of Conveyances.

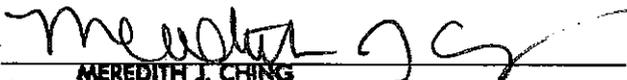
THAT Petitioner hereby records as Exhibit "B" which is attached hereto and incorporated herein by reference, the same maps contained in Exhibit "A" which are attached hereto, showing the correct areas of land designated as Important Agricultural Lands using cross-hatching to ensure that the designated areas are shown in black-and-white copies.

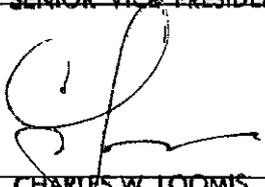
[The remainder of this page is intentionally left blank.]

THAT the maps contained in Exhibit "B" which are attached hereto are identical to the maps contained in Exhibit "A" which are attached hereto, except that the maps contained in Exhibit "B" which are attached hereto use cross-hatching to show those areas of land designated as Important Agricultural Lands.

Dated: Honolulu, Hawai'i, February 18, 2015.

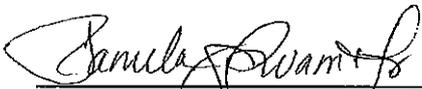
ALEXANDER & BALDWIN, LLC

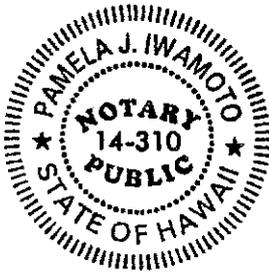
By 
Its **MEREDITH J. CHING**
SENIOR VICE PRESIDENT

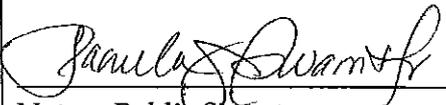
By 
Its **CHARLES W. LOOMIS**
ASST. SECRETARY

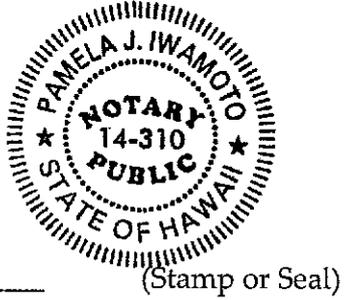
STATE OF HAWAII)
) SS:
CITY & COUNTY OF HONOLULU)

On this 18th day of February, 2015, before me personally appeared
MEREDITH J. CHING, to me known, who, being by me duly
sworn, did say that she is the SENIOR VICE PRESIDENT of ALEXANDER BNP
& BALDWIN, LLC, and that said instrument was signed on behalf of said limited
liability company by authority of its Board of Directors
and said officer acknowledged said instrument to be the free act and deed of said
limited liability company.


Name: PAMELA J. IWAMOTO
Notary Public, State of Hawai'i
My Commission Expires: SEP 14 2018



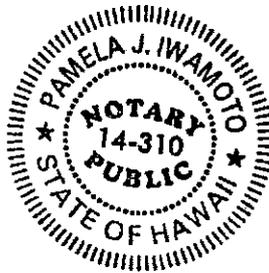
STATE OF HAWAII NOTARY CERTIFICATION	
Doc. Description: Declaration of Important Agricultural Lands; Exhibits "A" and "B"	
Date of Document: <u>(undated)</u>	# Pages: <u>58</u>
Date of Notarization: <u>2/18/15</u>	
	
Notary Public Signature	
Print Name: <u>PAMELA J. IWAMOTO</u>	
Notary Public, State of Hawai'i, <u>First</u> Circuit	
Notary Commission No. <u>14-310</u>	



STATE OF HAWAII)
) SS:
CITY & COUNTY OF HONOLULU)

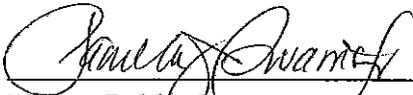
On this 18th day of February, 2015, before me personally appeared
CHARLES W. LOOMIS, to me known, who, being by me duly
sworn, did say that: he is the ASST. SECRETARY of ALEXANDER
& BALDWIN, LLC, and that said instrument was signed on behalf of said limited
liability company by authority of its Board of Directors
and said officer acknowledged said instrument to be the free act and deed of said
limited liability company.

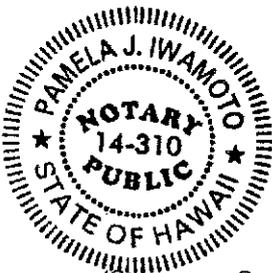

Name: PAMELA J. IWAMOTO
Notary Public, State of Hawai'i
My Commission Expires: SEP 14 2018



STATE OF HAWAII NOTARY CERTIFICATION

Doc. Description: Declaration of Important Agricultural Lands; Exhibits "A" and "B"
Date of Document: (undated) # Pages: 58
Date of Notarization: 2/18/15


Notary Public Signature
Print Name: PAMELA J. IWAMOTO
Notary Public, State of Hawai'i, First Circuit
Notary Commission No. 14-310


(Stamp or Seal)

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R-589 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
JUL 06, 2009 10:00 AM
Doc No(s) 2009-103676



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38 1/1 29

LAND COURT SYSTEM

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REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL () PICK UP (X)

BENJAMIN M. MATSUBARA, ESQ.
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888 Mililani Street, Eighth Floor
Honolulu, Hawai'i 96813
Telephone: (808) 526-9566

TITLE OF DOCUMENT: DECLARATION OF IMPORTANT AGRICULTURAL
LANDS; EXHIBIT "A"

Total Pages: 38

DECLARATION OF IMPORTANT AGRICULTURAL LANDS

ALEXANDER & BALDWIN, INC. , a Hawai'i corporation, the business address of which is 822 Bishop Street, Honolulu, Hawai'i, 96813, as Petitioner of that certain Petition For Declaratory Order to Designate Important Agricultural Lands in Docket No. DR09-38 of the Land Use Commission of the State of Hawai'i, affecting those certain lands, approximately 27,102 acres at Wailuku and Makawao, Maui, Hawai'i, Tax Map Key Nos. 2-5-01: portion of 01, 2-5-01: 05, 2-5-01: 08, 2-5-02: portion of

EXHIBIT "A "

01, 2-5-02: portion of 02, 2-5-03: 06, 2-5-03: 07, 2-5-03: 08, 2-5-03: 09, 2-5-04: 13, 2-5-04: portion of 39, 2-5-05: portion of 19, 2-5-05: portion of 20, 3-8-01: portion of 01, 3-8-01: 05, 3-8-01: 06, 3-8-01: portion of 07, 3-8-01: 11, 3-8-01: 12, 3-8-01: 14, 3-8-01: 15, 3-8-01: 33, 3-8-01: 135, 3-8-03: 01, 3-8-03: 02, 3-8-03: 03, 3-8-03: portion of 04, 3-8-03: 05, 3-8-03: 06, 3-8-03: 07, 3-8-04: portion of 01, 3-8-04: portion of 2, 3-8-04: portion of 22, 3-8-05: portion of 01, 3-8-05: portion of 02, 3-8-05: 18, 3-8-06: portion of 01, 3-8-06: portion of 02, 3-8-06: portion of 03, 3-8-06: 15, 3-8-06: 29, and 3-8-08: 06 as shown in the Findings of Fact, Conclusions of Law, and Decision and Order entered June 29, 2009, in Docket No. DR09-38 (the "Decision and Order") marked as Exhibit "A" attached hereto and incorporated herein by reference, does hereby certify as follows:

THAT by Decision and Order, the Land Use Commission designated approximately 27,102 acres of land in Wailuku and Makawao, Maui, Hawai'i, as shown in Exhibit "A", as important agricultural lands.

AND THAT pursuant to the Decision and Order, Petitioner hereby records the Decision and Order, as set forth in Exhibit "A", with the Bureau of Conveyances.

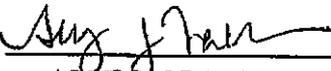
Dated: Honolulu, Hawai'i, July 2, 2009.

ALEXANDER & BALDWIN, INC.

By



NELSON N. S. CHUN
Its Senior Vice President

By 
ALYSON J. NAKAMURA
Its Secretary

STATE OF HAWAII)
) SS:
CITY & COUNTY OF HONOLULU)

On this 2nd day of July, 2009, before me personally appeared NELSON N. S. CHUN, to me known, who, being by me duly sworn, did say that: he is the Senior Vice President of ALEXANDER & BALDWIN, INC., and that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

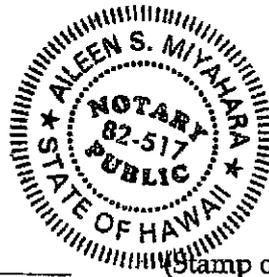
Aileen S. Miyahara
Name: AILEEN S. MIYAHARA
Notary Public, State of Hawaii
My Commission Expires: 7/15/10



STATE OF HAWAII NOTARY CERTIFICATION

Doc. Description: Declaration of Important Agricultural Lands
Date of Document: July 2, 2009 # Pages: 38
Date of Notarization: July 2, 2009

Aileen S. Miyahara
Notary Public Signature
Print Name: AILEEN S. MIYAHARA
Notary Public, State of Hawaii, First Circuit
Notary Commission No. 82-517

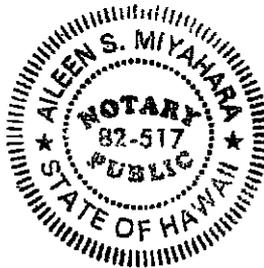


(Stamp or Seal)

STATE OF HAWAII)
)
CITY & COUNTY OF HONOLULU) SS:

On this 2nd day of July, 2009, before me personally appeared ALYSON J. NAKAMURA, to me known, who, being by me duly sworn, did say that she is the Secretary of ALEXANDER & BALDWIN, INC., and that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

Aileen S. Miyahara
Name: AILEEN S. MIYAHARA
Notary Public, State of Hawaii
My Commission Expires: 7/15/10



STATE OF HAWAII NOTARY CERTIFICATION

Doc. Description: Declaration of Important Agricultural Lands
Date of Document: July 2, 2009 # Pages: 38
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Aileen S. Miyahara
Notary Public Signature
Print Name: AILEEN S. MIYAHARA
Notary Public, State of Hawaii, First Circuit
Notary Commission No. 82-517



(Stamp or Seal)

RECEIVED
JUN 2009



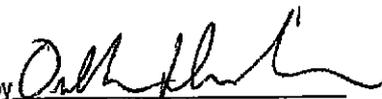
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. DR09-38
)	
ALEXANDER & BALDWIN, INC.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
For Declaratory Order to Designate)	AND DECISION AND ORDER
Important Agricultural Lands)	
for approximately 27,102 acres at Wailuku)	
and Makawao, Maui, Hawai'i,)	
TMK: 2-5-01: portion of 01, 05 and 08; 2-5-02:)	
portion of 01 and portion of 02; 2-5-03: 06, 07,)	
08 and 09; 2-5-04: 13 and portion of 39;)	
2-5-05: portion of 19 and portion of 20;)	
3-8-01: portion of 01, 05, 06, portion of 07, 11,)	
12, 14, 15, 33 and 135; 3-8-03: 01, 02, 03,)	
portion of 04, 05, 06 and 07; 3-8-04: portion of)	
01, portion of 02 and portion of 22; 3-8-05:)	
portion of 01, portion of 02 and 18; 3-8-06:)	
portion of 01, portion of 02, portion of 03, 15)	
and 29; 3-8-08: 06)	

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

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT
COPY OF THE DOCUMENT ON FILE IN THE OFFICE OF THE
STATE LAND USE COMMISSION, HONOLULU, HAWAII.

JUN 29 2009

by 

DATE

EXECUTIVE DIRECTOR

EXHIBIT "A"



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. DR09-38
)	
ALEXANDER & BALDWIN, INC.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
For Declaratory Order to Designate)	AND DECISION AND ORDER
Important Agricultural Lands)	
for approximately 27,102 acres at Wailuku)	
and Makawao, Maui, Hawai'i,)	
TMK: 2-5-01: portion of 01, 05 and 08; 2-5-02:)	
portion of 01 and portion of 02; 2-5-03: 06, 07,)	
08 and 09; 2-5-04: 13 and portion of 39;)	
2-5-05: portion of 19 and portion of 20;)	
3-8-01: portion of 01, 05, 06, portion of 07, 11,)	
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portion of 04, 05, 06 and 07; 3-8-04: portion of)	
01, portion of 02 and portion of 22; 3-8-05:)	
portion of 01, portion of 02 and 18; 3-8-06:)	
portion of 01, portion of 02, portion of 03, 15)	
and 29; 3-8-08: 06)	

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

ALEXANDER & BALDWIN, INC. ("Petitioner"), filed a Petition for Declaratory Order to Designate Important Agricultural Lands on April 6, 2009, pursuant to Hawai'i Revised Statutes ("HRS") §§ 205-44 and 45, and Hawai'i Administrative Rules ("HAR") chapter 15-15, to designate as Important Agricultural Lands ("IAL") approximately 27,133¹ acres at Wailuku and Makawao, Maui, Hawai'i ("Property"), more particularly described below, as Important Agricultural Lands ("IAL") pursuant to §§205-44 and 45

¹ The acreage was subsequently reduced to 27, 102 acres.

of the Hawaii Revised Statutes ("HRS") and §§15-15-98 and 99 of the Hawaii Administrative Rules ("HAR"). Tax Map Key Nos.: 2-5-01:portion of 01, 05, and 08; 2-5-02: portion of 01 and portion of 02; 2-5-03: 06, 07, 08, 09; 2-5-04: 13 and portion of 39; 2-5-05: portion of 19 and portion of 20; 3-8-01: portion of 01, 05, 06 portion of 07, 11, 12, 14, 15, 33 and 135; 3-8-03: 01, 02, 03, portion of 04, 05, 06, and 07; 3-8-04: portion of 01, portion of 02 and portion of 22; 3-8-05: portion of 01, portion of 02 and 18; 3-8-06: portion of 01, portion of 02, portion of 03, 15 and 29; 3-8-08:06. ("Petition Area").

The 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.

I. PROCEDURAL MATTERS

1. On April 6, 2009 the Commission received Petitioner's Petition for Declaratory Order to designate Important Agricultural Lands ("Petition"), and Exhibits "A" through "D" of the Petition.
2. On April 9, 2009, the LUC sent letters to the State Department of Agriculture, the State Office of Planning, and the County of Maui, Department of Planning; requesting comments regarding the suitability of the Petition.
3. On May 19, 2009 the Commission received the State of Hawaii, Office of Planning ("OP") comments to the Petition.
4. On May 15, 2009 the Commission received the State of Hawaii, Department of Agriculture ("DOA") comments to the petition.

5. On May 13, 2009, the Commission received County of Maui's ("County") comments to the Petition.

6. On May 22, 2009, pursuant to discussions with LUC staff concerning a minor mapping revision to the Petition area, the Petitioner submitted a correction to the acreage of the Petition Area to reflect a reduction of 28.5 acres in Tax Map Key parcels: 3-8-03:04 and 3-8-04: 01. Subsequently, the Petition Area was reduced by an additional 2.5 acres to account for another mapping revision in Tax Map Key Nos. 3-8-06:02 and 3-8-06:03.

7. On May 26, 2009, the Commission received Petitioner's response to comments from OP, DOA, and the County of Maui.

8. On June 3, 2009, the Commission held a site visit to view the Petition Area in Wailuku and Makawao, Maui, Hawaii.

9. On June 4, 2009, the Commission held an action hearing on the Petition in Makena, Maui, Hawaii. Benjamin Matsubara, Esq. appeared on behalf of the Petitioner. Jeffrey Hunt of the County of Maui, Planning Department and Abe Mitsuda of the Office of Planning appeared and provided public testimony. Irene Bowie, on behalf of Maui Tomorrow and Lucienne de Naie, on behalf of Sierra Club Maui Group, also provided public testimony.

10. The written comments of OP, DOA, and County, and Petitioner's response to the comments of DOA, county and OP, were made a part of the record in this proceeding.

11. Petitioner is not seeking to reclassify any agricultural lands to the urban, rural or conservation land use district.

12. Petitioner has represented that it is not claiming and will not claim any credits described in HRS § 205-45(h).

II. FINDINGS OF FACT

13. The Petition Area consists of approximately approximately 27,102 acres at Wailuku and Makawao, Maui, Hawai'i. Tax Map Key Nos. 2-5-01: portion of 01, 2-5-01: 05, 2-5-01: 08, 2-5-02: portion of 01, 2-5-02: portion of 02, 2-5-03: 06, 2-5-03: 07, 2-5-03: 08, 2-5-03: 09, 2-5-04: 13, 2-5-04: portion of 39, 2-5-05: portion of 19, 2-5-05: portion of 20, 3-8-01: portion of 01, 3-8-01: 05, 3-8-01: 06, 3-8-01: portion of 07, 3-8-01: 11, 3-8-01: 12, 3-8-01: 14, 3-8-01: 15, 3-8-01: 33, 3-8-01: 135, 3-8-03: 01, 3-8-03: 02, 3-8-03: 03, 3-8-03: portion of 04, 3-8-03: 05, 3-8-03: 06, 3-8-03: 07, 3-8-04: portion of 01, 3-8-04: portion of 2, 3-8-04: portion of 22, 3-8-05: portion of 01, 3-8-05: portion of 02, 3-8-05: 18, 3-8-06: portion of 01, 3-8-06: portion of 02, 3-8-06: portion of 03, 3-8-06: 15, 3-8-06: 29, and 3-8-08: 06 ("Petition Area").

14. The description of the Petition Area acreage by Tax Map Key Numbers and Tax Maps depicting the Petition Area is shown in Petitioner's Exhibit B, which is attached hereto and incorporated herein by reference as Exhibit "A".

15. The Petition Area is owned in fee simple by Alexander & Baldwin Inc, who has provided its written authorization to file the Petition.

16. Petitioner seeks a determination from the Commission as to whether the lands identified by Petitioner in this Petition should be designated as IAL pursuant to HRS §§ 205-44 and 45.

17. It is Petitioner's position that the Petition Area 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.

18. The majority of the Petition Area is being actively utilized for the cultivation and processing of sugar cane by the Hawaiian Commercial & Sugar Co. ("HC&S"), a division of the Petitioner. Also, portions of the Property located in Waikapu and Hamakauapoko are used for the cultivation of seed corn, pineapple and pasture.

19. Of the 27,102 acres proposed to be designated IAL, approximately 87% is in sugarcane cultivation, and 6% is used for the cultivation of seed corn, pineapple and pasture. The remaining 7% of the lands is not in cultivation, however, are essential components of the agricultural operation, such as gulches and steep slopes which serve a drainage function or other key agricultural infrastructure, such as reservoirs and irrigation distribution infrastructure.

20. There are a total of four pasture leases for ranching operations in the area identified as Tax Map Key No. 2-5-01:08.

21. The University of Hawaii, Land Study Bureau ("LSB") developed the Overall Productivity Rating, which classified soils according to five (5) levels, with "A" representing the class of highest productivity soils and "E" representing the lowest. These letters are followed by numbers which further classify the soil types by conveying such information as texture, drainage and stoniness. Based on this, approximately 59% of the Petition Area is rated "A" and approximately 14% of the Petition Area is rated "B". Approximately 27% of the Petition Area is rated "C", "D", and "E". Less than 1% of the

Petition Area is not classified by the LSB, but includes drainage gulches and reservoirs that are essential elements of the active agricultural operations.

22. Based on the Sunshine Maps prepared in 1985 by the Department of Business, Economic Development and Tourism, formerly known as the State Department of Planning and Economic Development, Energy Division, approximately 84% of the Petition Area receives an annual average of 450 calories of solar energy per square centimeter per day.

23. In 1977, the State Department of Agriculture developed a classification system to identify Agricultural Lands of Importance to the State of Hawaii ("ALISH"). The classification system is based primarily, though not exclusively, upon the soil characteristics of the lands. The three (3) classes of ALISH lands are: "Prime", "Unique", and "Other", with all remaining lands termed "Unclassified". When utilized with modern farming methods, "Prime" agricultural lands have a soil quality, growing season, and moisture supply necessary to produce sustained crop yields economically. "Unique" agricultural lands possess a combination of soil quality, growing season, and moisture supply to produce sustained high yields of a specific crop. "Other" agricultural lands include those that have not been rated as "Prime" or "Unique". The ALISH system classifies approximately 76% of the Petition Area as "Prime" and 13% as "Other". The balance of the Petition Area is farmed or includes essential elements of the active agricultural operation including gulches, and reservoirs that are not classified under ALISH.

24. The majority of the Petition Area has been in active sugarcane cultivation for at least a century. Portions of the Petition Area are used for the cultivation of seed corn, pineapple and pasture.

25. To conserve water, all sugar cane fields in the Petition Area are served by HC&S' existing drip irrigation systems. Currently, irrigation water is derived from a combination of sources consisting of brackish water wells, reservoirs and two surface water ditch systems. The irrigation system also includes ditches, pipelines and reservoirs for the transport and storage of water. The cultivated areas within the Petition Area have historically relied upon these water sources to sufficiently meet their irrigation needs.

26. The Petition Area is provided water by the East Maui Irrigation Ditch (EMI) which is owned, operated/maintained by the East Maui Irrigation Company, a wholly owned subsidiary of the Petitioner and the West Maui Ditch system which is co-owned, operated and maintained by HC&S and the Wailuku Water Company, formerly Wailuku Sugar Company. The delivery capacity of the East and West Maui systems totals approximately 570 million gallons per day (East Maui Irrigation system: 450 mgd; West Maui ditch system: 120 mgd). The long-term average water delivery from the two systems is approximately 195 mgd, which includes only the water delivered from the West Maui systems used by HC&S, not the total delivery of the system. In addition, HC&S owns and operates 15 brackish water wells with a total pumping capacity of approximately 228 mgd which are used to supplement ditch flows as needed.

27. In addition to the existing wells, reservoirs and irrigation system, the Petition Area receives an average of 15.8 to 59.1 inches of rain annually. Therefore, the Petition Area has sufficient quantities of water to support viable agricultural production.

28. The Draft Maui Island Plan (April 2008) is a part of the County's on-going effort to prepare the General Plan 2030 of the County of Maui. Intended to provide a long-term comprehensive strategic planning document for the physical, economic, environmental development and cultural identity of the County, it encompasses goals, policies, programs and actions that are recommended based on an assessment of current and future needs and available resources. According to the Land Use Policy Map published within the Draft Maui Island Plan, the entire Petition Area is outside of the proposed Urban Growth Boundary, Resort Areas, and Developed Areas.

29. As a more detailed land use element of the County's General Plan, the Maui Community Plans are land use planning documents that guide government action and decision-making for the total of nine community planning districts within the County. The documents are district specific and include planning goals, objectives, policies and implementation considerations that provide for optimum planning effectiveness and benefits for the residents in the respective community districts.

30. Three of the Community Plans Land Use Maps contain portions of the Petition Area: the 1990 Wailuku-Kahului Community Plan Land Use Map, the 1998 Kihei-Makena Community Plan Land Use Map, and the 1995 Paia-Haiku Community Plan Land Use Map.

31. Petition Area lands within the 1990 Wailuku-Kahului Community Plan Land Use Map are designated Agriculture. Petition Area lands within the 1998 Kihei-Makena Community Plan Land Use Map are designated Agriculture, with the Waikapu Stream and a few small areas outside Kealia Pond National Wildlife Refuge designated as Open

Space. Petition Areas lands within the 1995 Paia-Haiku Community Plan Land Use Map are designated as Agriculture.

32. The portions of the Petition Area that are designated as "Open Space" in the County of Maui's Kihei Makena Community Plan and designated as "Sensitive Lands" in the County of Maui's Draft Maui Island Plan are consistent with said designations. These designated areas are principally internal gulches within cultivated fields of the plantation, where agricultural use is permitted. The management of these gulches is part of an overall stewardship program for HC&S, which includes prudent agricultural practices (mitigation of soil erosion, runoff and impacts to water quality). This conservation program is administered in consultation with the USDA Natural Resources Conservation Service, whose primary mission is the conservation of natural resources. The intent of the "Open Space" designation is to limit development on lands which may be inappropriate due to environmental, physical or scenic constraints, while "Sensitive Lands" are characterized by native habitat, natural floodways and steep slopes where future growth should be discouraged. The designation of the Petition Area as IAL is consistent with the intent and purpose of these respective County land use designations.

33. The Petition Area is situated within the State Agricultural District.

34. The Petition Area contributes to maintaining a critical land mass important to agricultural operating productivity.

35. Lands containing high to steep slopes which include gulches, valleys, ravines and drainage ways provide critical infrastructure support of the adjacent highly productive lands by providing and preserving the necessary natural drainage ways for adjacent lands which have been identified as highly productive.

36. Lands containing natural and/or man-made water ways and features such as streams, reservoirs, wetlands, and drainage basins provide critical infrastructure support for adjacent highly productive lands by providing and preserving the necessary water source for existing as well as potential future irrigation systems necessary to assure agriculture productivity for the Petition Area.

37. Additional lands proposed for inclusion, although not identified as "Prime" agricultural lands, nor characteristic of , or containing elements which may provide critical infrastructure support for highly productive lands being proposed, are necessary to provide the overall critical "contiguous" land mass necessary for the agricultural operating productivity of the overall approximately 27,102 acres of land being proposed by the Petitioner.

38. The Petition Area is fully integrated with the infrastructure necessary to support intensive agricultural production, harvesting, processing, and shipping of product.

III. 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. The entire Petition Area is currently used for agricultural production and ninety-three percent of the Petition Area is in active cultivation in accordance with HRS § 205-44(c)(1).

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

4. Seventy-six percent of the Petition Area is rated as Prime under ALISH in accordance with HRS § 205-44(c)(3).

5. Eighty-seven percent of the Petition Area is currently in sugar cane cultivation in accordance with HRS § 205-44(c)(4).

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

7. The Petition Area's designation as IAL is consistent with the general, development, and community plans of the County in accordance with HRS § 205-44(c)(6).

8. The entire Petition Area, including those areas comprised of gulches, streams and reservoirs, that are not actively cultivated constitute a critical land mass that is important to agricultural operating productivity in accordance with HRS § 205-44(c)(7).

9. 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).

10. The entire Petition Area, including those areas that are not actively cultivated comprised of gulches, streams and reservoirs, constitute a contiguous, intact, and functional land unit large enough to allow flexibility in agricultural production and management and is consistent with the policies of HRS § 205-43(1).

11. The Petition Area meets the requirements of HRS § 205-45(c) for designation as important agricultural land.

12. 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.

IV. DECISION AND ORDER

IT IS HEREBY ORDERED that the Petition Area, consisting of approximately designate approximately 27,102 acres at Wailuku and Makawao, Maui, Hawai'i ("Property"), more particularly described below, as Important Agricultural Lands ("IAL") pursuant to §§205-44 and 45 of the Hawaii Revised Statutes ("HRS") and §§15-15-98 and 99 of the Hawaii Administrative Rules ("HAR"). Tax Map Key Nos. 2-5-01: portion of 01, 2-5-01: 05, 2-5-01: 08, 2-5-02: portion of 01, 2-5-02: portion of 02, 2-5-03: 06, 2-5-03: 07, 2-5-03: 08, 2-5-03: 09, 2-5-04: 13, 2-5-04: portion of 39, 2-5-05: portion of 19, 2-5-05: portion of 20, 3-8-01: portion of 01, 3-8-01: 05, 3-8-01: 06, 3-8-01: portion of 07, 3-8-01: 11, 3-8-01: 12, 3-8-01: 14, 3-8-01: 15, 3-8-01: 33, 3-8-01: 135, 3-8-03: 01, 3-8-03: 02, 3-8-03: 03, 3-8-03: portion of 04, 3-8-03: 05, 3-8-03: 06, 3-8-03: 07, 3-8-04: portion of 01, 3-8-04: portion of 2, 3-8-04: portion of 22, 3-8-05: portion of 01, 3-8-05: portion of 02, 3-8-05: 18, 3-8-06: portion of 01, 3-8-06: portion of 02, 3-8-06: portion of 03, 3-8-06: 15, 3-8-06: 29, and 3-8-08: 06, and shown approximately on Exhibit "A," attached hereto and incorporated by reference herein, shall be and is hereby designated as Important Agricultural Lands as governed by HRS Chapter 205.

IT IS HEREBY FURTHER ORDERED that the designation of the Petition Area as Important Agricultural Lands shall be subject to the following conditions:

1. Petitioner shall comply with representations made to the Commission with respect to not claiming any credits described in HRS § 205-45(h) with respect to the Petition Area.

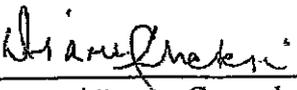
2. Within seven days of the issuance of the Commission's Decision and Order, Petitioner shall record it with the Bureau of Conveyances.

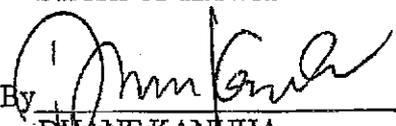
ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 26 day of June, 2009. This ORDER may be executed in counterparts. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawai'i, this 26 day of June 2009.

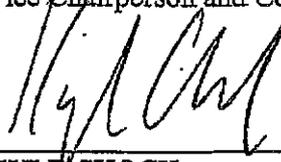
APPROVED AS TO FORM

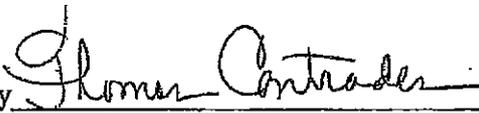

Deputy Attorney General

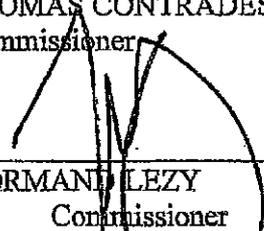
LAND USE COMMISSION
STATE OF HAWAII
By 
DUANE KANUHA
Chairperson and Commissioner

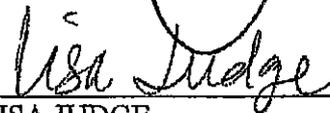
By _____
RANSOM PILTZ
Vice Chairperson and Commissioner

By ABSENT
VLADIMIR PAUL DEVENS
Vice Chairperson and Commissioner

By 
KYLE CHOCK
Commissioner

By 
THOMAS CONTRADES
Commissioner

By 
NORMAN LEZY
Commissioner

By 
LISA JUDGE
Commissioner

By ABSENT
NICHOLAS W. TEVES, JR.
Commissioner

Filed and effective on:

June 29, 2009

Certified by:



Orlando Davidson, Executive Officer

By ABSENT
REUBEN S.F. WONG
Commissioner

EXHIBIT A

(Consisting of 15 pages)

Petitioner's Exhibit B to Petition
DR09-38

June 2009

EXHIBIT B

Proposed Important Agricultural Lands
Tax Map Key Parcels
for
Alexander & Baldwin, Inc.
Maui Lands

June 2009

Exhibit B: Tax Map Key Description

Approximately 27,102 acres of land owned by Alexander & Baldwin, Inc. on Maui are proposed to be designated as IAL, including 42 Tax Map Key (TMK) parcels (entire parcel or portions thereof). The parcels are specifically described as TMK numbers: 2-5-01: 01 (portion), 05, and 08; 2-5-02: 01 (portion), and 02 (portion); 2-5-03: 06, 07, 08, and 09; 2-5-04: 13, and 39 (portion); 2-5-05: 19 (portion), and 20 (portion); 3-8-01: 01 (portion), 05, 06, 07 (portion), 11, 12, 14, 15, 33, and 135; 3-8-03: 01, 02, 03, 04 (portion), 05, 06, and 07; 3-8-04: 01 (portion), 02 (portion), and 22 (portion); 3-8-05: 01 (portion), 02 (portion), and 18; 3-8-06: 01 (portion), 02 (portion), 03 (portion), 15, and 29; and 3-8-08: 06.

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

	TMK NUMBER	APPROXIMATE ACREAGE		TMK NUMBER	APPROXIMATE ACREAGE
1	2-5-01:01 (POR.)	1,269.2	24	3-8-03:01	1,006.2
2	2-5-01:05	2.2	25	3-8-03:02	1,538.7
3	2-5-01:08	1,815.5	26	3-8-03:03	23.5
4	2-5-02:01 (POR.)	954.4	27	3-8-03:04 (POR.)	2,334.3
5	2-5-02:02 (POR.)	1,316.0	28	3-8-03:05	1,078.6
6	2-5-03:06	0.9	29	3-8-03:06	5.7
7	2-5-03:07	4.8	30	3-8-03:07	323.9
8	2-5-03:08	9.0	31	3-8-04:01 (POR.)	1,717.6
9	2-5-03:09	538.9	32	3-8-04:02 (POR.)	1,002.5
10	2-5-04:13	0.8	33	3-8-04:22 (POR.)	589.7
11	2-5-04:39 (POR.)	2,150.5	34	3-8-05:01 (POR.)	223.1
12	2-5-05:19 (POR.)	214.8	35	3-8-05:02 (POR.)	3,224.8
13	2-5-05:20 (POR.)	643.8	36	3-8-05:18	0.1
14	3-8-01:01 (POR.)	1,194.0	37	3-8-06:01 (POR.)	359.0
15	3-8-01:05	83.5	38	3-8-06:02 (POR.)	739.1
16	3-8-01:06	1,198.2	39	3-8-06:03 (POR.)	1,038.6
17	3-8-01:07 (POR.)	25.6	40	3-8-06:15	0.5
18	3-8-01:11	0.2	41	3-8-06:29	11.5
19	3-8-01:12	0.6	42	3-8-08:06	101.5
20	3-8-01:14	141.2			
21	3-8-01:15	49.7			
22	3-8-01:33	5.6			
23	3-8-01:135	164.7			
TOTAL:					27,102.0

Exhibit B illustrates the proposed IAL lands and the related Tax Map Key parcels. To illustrate the individual TMK parcels, Exhibits B-1 to B-11 identify the individual TMK parcels and portions thereof that are proposed to be designated IAL.

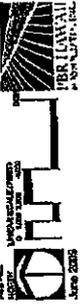
Legend

-  1987 Forest Boundary
-  Proposed Important Agricultural Lands



Scale of 1:50,000
Map Date: 1998
Map Title: Proposed Important Agricultural Lands

EXHIBIT B
Tax Map Key
A&B IAL Maui



June 2005

Proposed Important Agricultural Lands

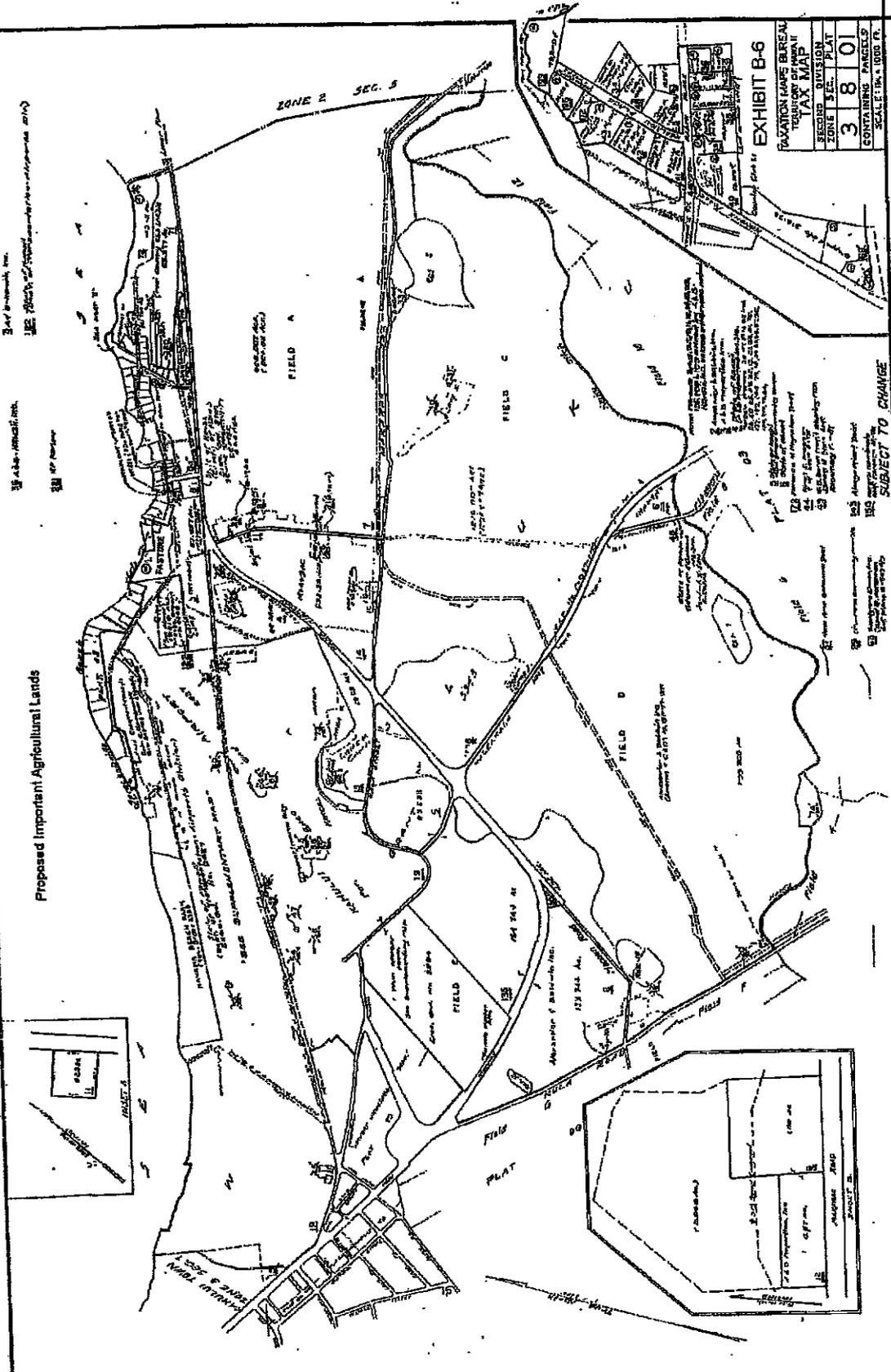


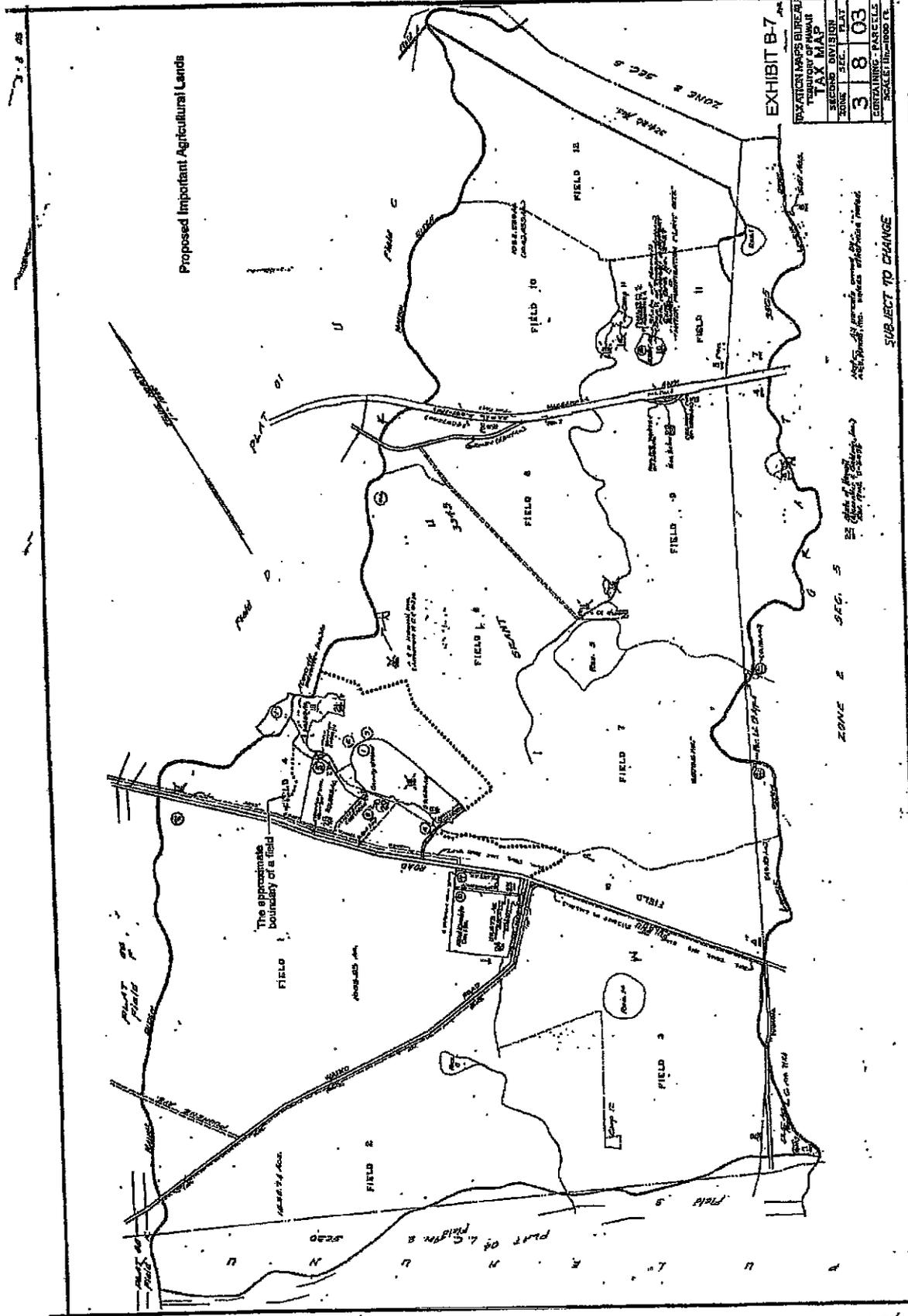
EXHIBIT B-6
 FAVORABLE BASEL
 TERRITORY OF IMAI
 TAX MAP

SECOND ZONE	SECTION	PLAT
3	8	01

CONTAINING PARCELS
 SCALE 1" = 1000 FT.

SUBJECT TO CHANGE

Dr. J. H. ...
 Dr. B. C. ...
 Dr. ...



Proposed Important Agricultural Lands

EXHIBIT B-7

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
SECTION	DIVISION	PLAT	
3	8	03	
CONTAINING PARCELS			
SUBJECT TO CHANGE			

DATE: 11/15/1954
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 APPROVED BY: [illegible]

Prepared by: [illegible]
 Date: [illegible]

3 8 04

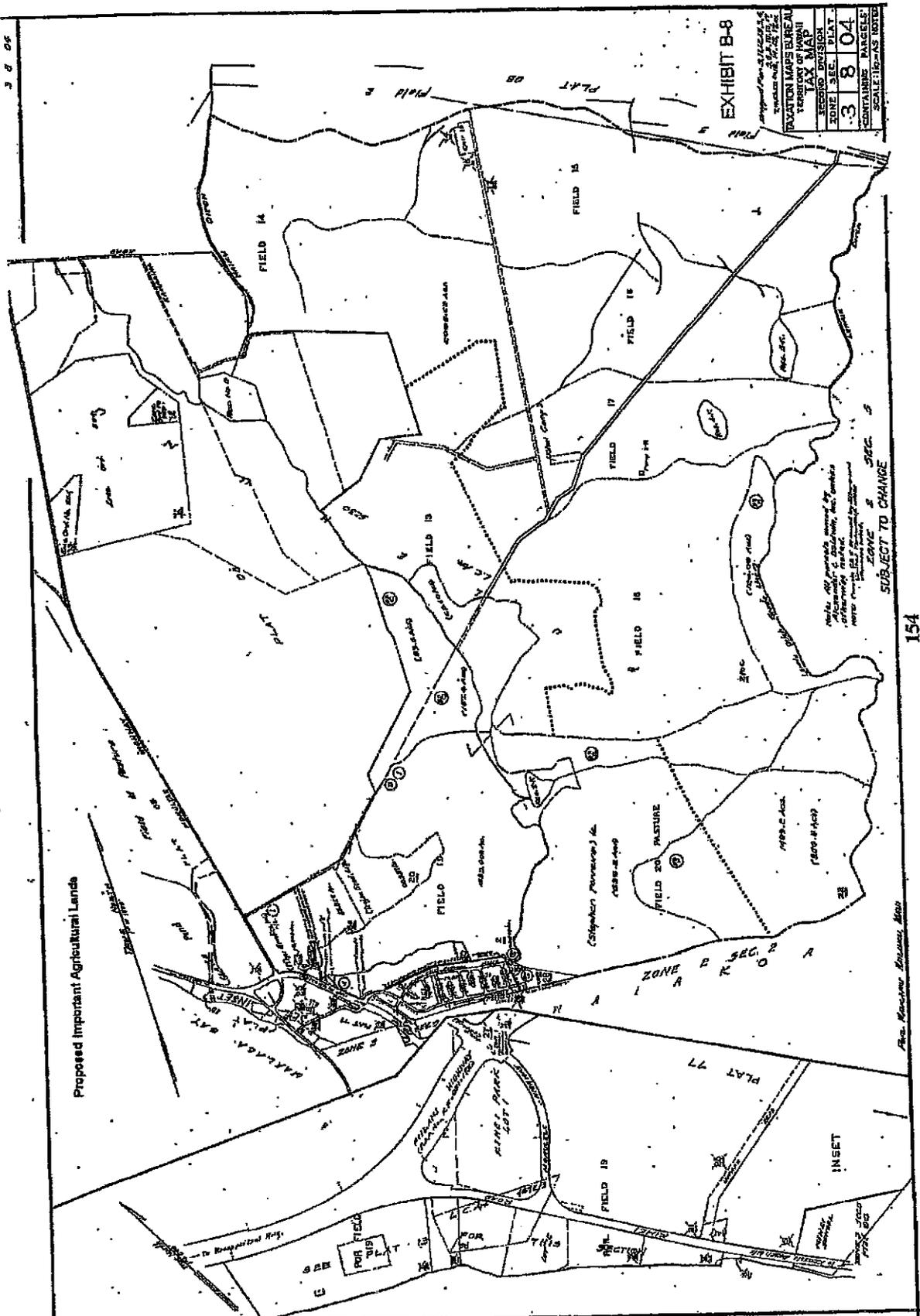


EXHIBIT B-8

SECTION	PLAT
3	8 04
CONTAINS PARCELS	
SCALE: 1" = 100' AS NOTED	

Notes: All parcels shown on this map are subject to the provisions of the Agricultural Lands Act, R.S. 24:111, et seq. and the Agricultural Lands Act, R.S. 24:112, et seq. All parcels shown on this map are subject to the provisions of the Agricultural Lands Act, R.S. 24:111, et seq. and the Agricultural Lands Act, R.S. 24:112, et seq. All parcels shown on this map are subject to the provisions of the Agricultural Lands Act, R.S. 24:111, et seq. and the Agricultural Lands Act, R.S. 24:112, et seq.

SUBJECT TO CHANGE

DRG. NO. 1000
 DRAWN BY: L. L. LARK, JR.
 DATE: 1/10/04



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. DR09-38
ALEXANDER & BALDWIN, INC.) CERTIFICATE OF SERVICE
For Declaratory Order to Designate)
Important Agricultural Lands)
for approximately 27,102 acres at Wailuku)
and Makawao, Maui, Hawai'i,)
TMK: 2-5-01: portion of 01, 05 and 08; 2-5-02:)
portion of 01 and portion of 02; 2-5-03: 06, 07,)
08 and 09; 2-5-04: 13 and portion of 39;)
2-5-05: portion of 19 and portion of 20;)
3-8-01: portion of 01, 05, 06, portion of 07, 11,)
12, 14, 15, 33 and 135; 3-8-03: 01, 02, 03,)
portion of 04, 05, 06 and 07; 3-8-04: portion of)
01, portion of 02 and portion of 22; 3-8-05:)
portion of 01, portion of 02 and 18; 3-8-06:)
portion of 01, portion of 02, portion of 03, 15)
and 29; 3-8-08: 06)

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL. ABBEY SETH MAYER, Director
State Office of Planning
P. O. Box 2359
Honolulu, Hawai'i 96804-2359

REGULAR MAIL: BRYAN C. YEE, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Attorney for State Office of Planning

REGULAR MAIL: JEFF HUNT, Director of Planning
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

REGULAR MAIL: BRIAN MOTO, Esq.
Corporation Counsel
County of Maui
250 South High Street
Wailuku, Hawaii 96793

CERTIFIED MAIL: BENJAMIN M. MATSUBARA
CURTIS T. TABATA
888 Mililani Street, 8th Floor
Honolulu, HI 96813

Dated: Honolulu, Hawai'i, JUN 29 2009

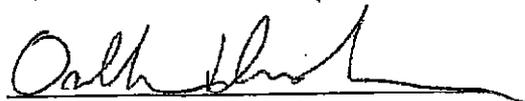

ORLANDO DAVIDSON
Executive Officer

EXHIBIT B

Proposed Important Agricultural Lands
Tax Map Key Parcels
for
Alexander & Baldwin, Inc.
Maui Lands

June 2009

EXHIBIT "B"

Exhibit B: Tax Map Key Description

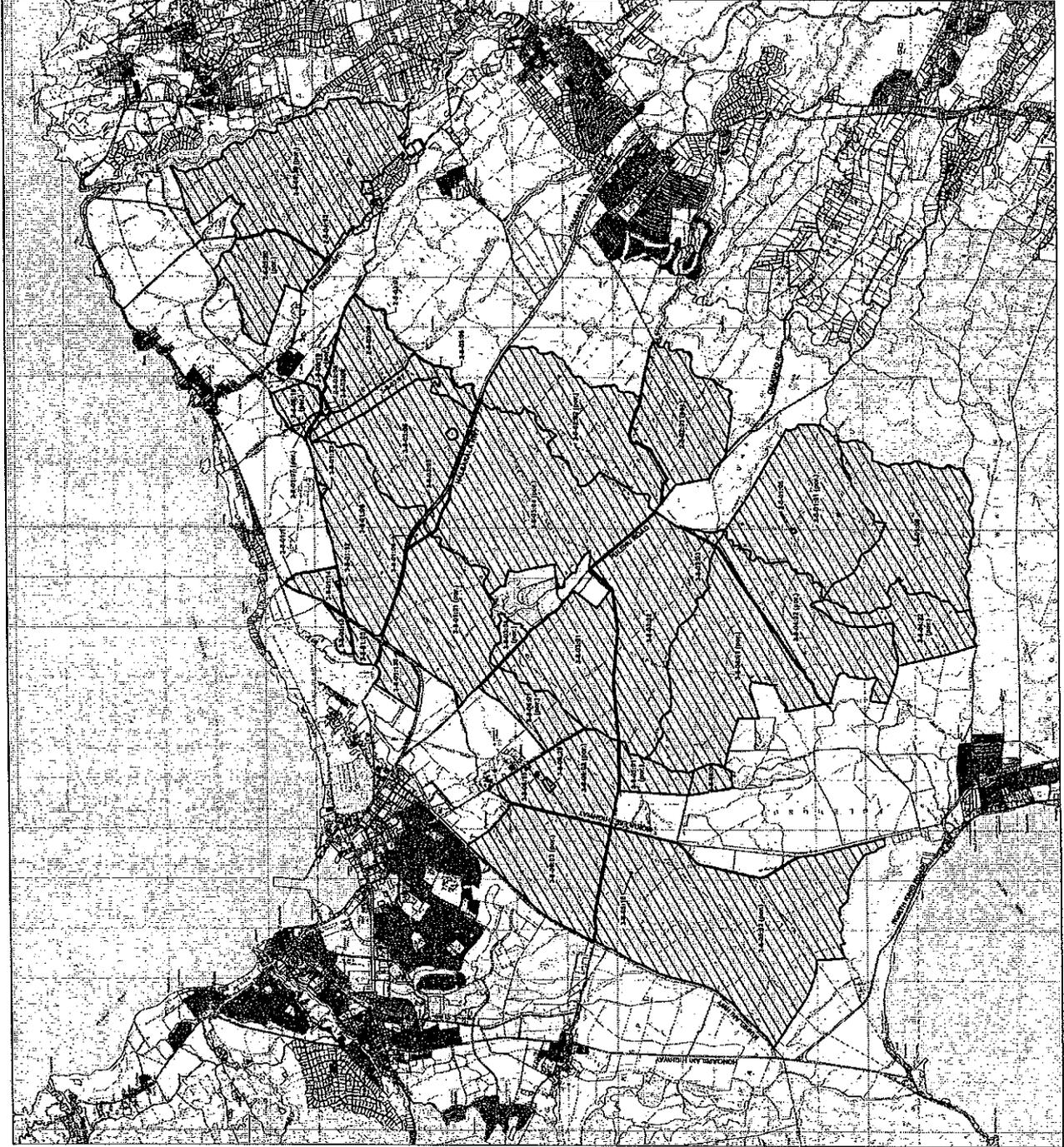
Approximately 27,102 acres of land owned by Alexander & Baldwin, Inc. on Maui are proposed to be designated as IAL, including 42 Tax Map Key (TMK) parcels (entire parcel or portions thereof). The parcels are specifically described as TMK numbers: 2-5-01: 01 (portion), 05, and 08; 2-5-02: 01 (portion), and 02 (portion); 2-5-03: 06, 07, 08, and 09; 2-5-04: 13, and 39 (portion); 2-5-05: 19 (portion), and 20 (portion); 3-8-01: 01 (portion), 05, 06, 07 (portion), 11, 12, 14, 15, 33, and 135; 3-8-03: 01, 02, 03, 04 (portion), 05, 06, and 07; 3-8-04: 01 (portion), 02 (portion), and 22 (portion); 3-8-05: 01 (portion), 02 (portion), and 18; 3-8-06: 01 (portion), 02 (portion), 03 (portion), 15, and 29; and 3-8-08: 06.

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20	3-8-01:14	141.2			
21	3-8-01:15	49.7			
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TOTAL:					27,102.0

Exhibit B illustrates the proposed IAL lands and the related Tax Map Key parcels. To illustrate the individual TMK parcels, Exhibits B-1 to B-11 identify the individual TMK parcels and portions thereof that are proposed to be designated IAL.

Legend
Thick Pinned Boundary
Proposed Important Agricultural Lands



Prepared by:
County of Maui
Department of Planning
2009
This map has been prepared for general planning purposes only.

EXHIBIT B
Tax Map Key
A & B IAL-Maui

MAUI COUNTY
PLANNING DEPARTMENT
2009
SCALE: 1" = 1 MILE
AUGUST 2009

Proposed Important Agricultural Lands

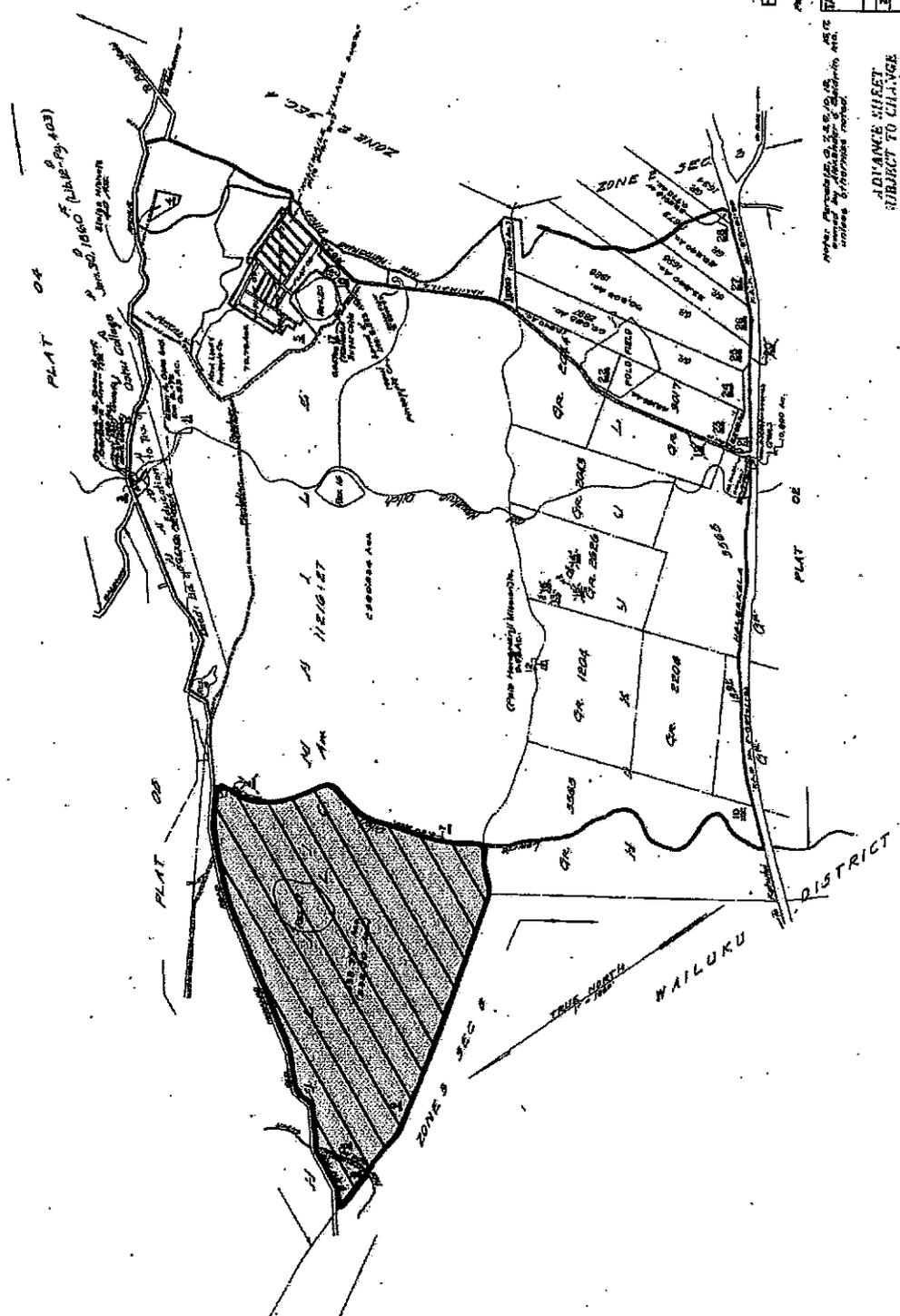
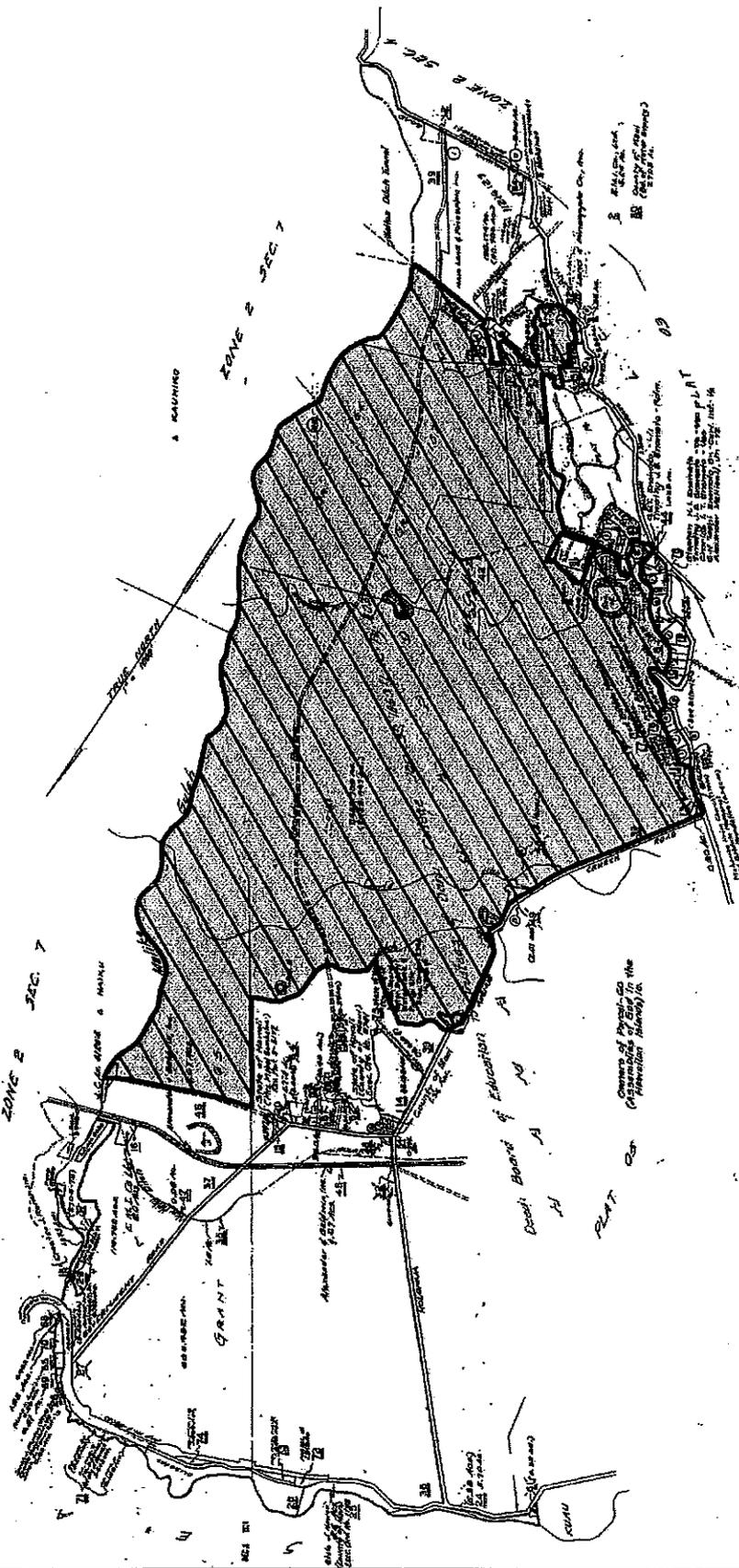


EXHIBIT B-3

TERRITORY OF HAWAII	
TAX MAP	
SECOND DIVISION	SECTION
2	5
PLAT	PLAT
01	03
CONTAINING PARCELS	
SCALE 1/4" = 100 FT.	

ADVANCE SHEET
SUBJECT TO CHANGE

1. 1/2" = 100 FT.
 2. 1/4" = 100 FT.
 3. 1/8" = 100 FT.
 4. 1/16" = 100 FT.
 5. 1/32" = 100 FT.
 6. 1/64" = 100 FT.
 7. 1/128" = 100 FT.
 8. 1/256" = 100 FT.
 9. 1/512" = 100 FT.
 10. 1/1024" = 100 FT.
 11. 1/2048" = 100 FT.
 12. 1/4096" = 100 FT.
 13. 1/8192" = 100 FT.
 14. 1/16384" = 100 FT.
 15. 1/32768" = 100 FT.
 16. 1/65536" = 100 FT.
 17. 1/131072" = 100 FT.
 18. 1/262144" = 100 FT.
 19. 1/524288" = 100 FT.
 20. 1/1048576" = 100 FT.
 21. 1/2097152" = 100 FT.
 22. 1/4194304" = 100 FT.
 23. 1/8388608" = 100 FT.
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 25. 1/33554432" = 100 FT.
 26. 1/67108864" = 100 FT.
 27. 1/134217728" = 100 FT.
 28. 1/268435456" = 100 FT.
 29. 1/536870912" = 100 FT.
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Proposed Important Agricultural Lands



EXHIBIT B-A

TERRITORY MAPS BUREAU HONOLULU	
TAY MAP	
ZONE	SEC. PLAT
2	5 04
CONTAINING PARCELS	
SCALE: 1/4" = 100 FT.	

APPROVED: 10/15/20 BY [Signature]
 10/15/20

APPROVED: 10/15/20 BY [Signature]
 10/15/20

ALSO: [Text]
 SUBJECT TO CHANGE

FILE: [Text]

Proposed Important Agricultural Lands

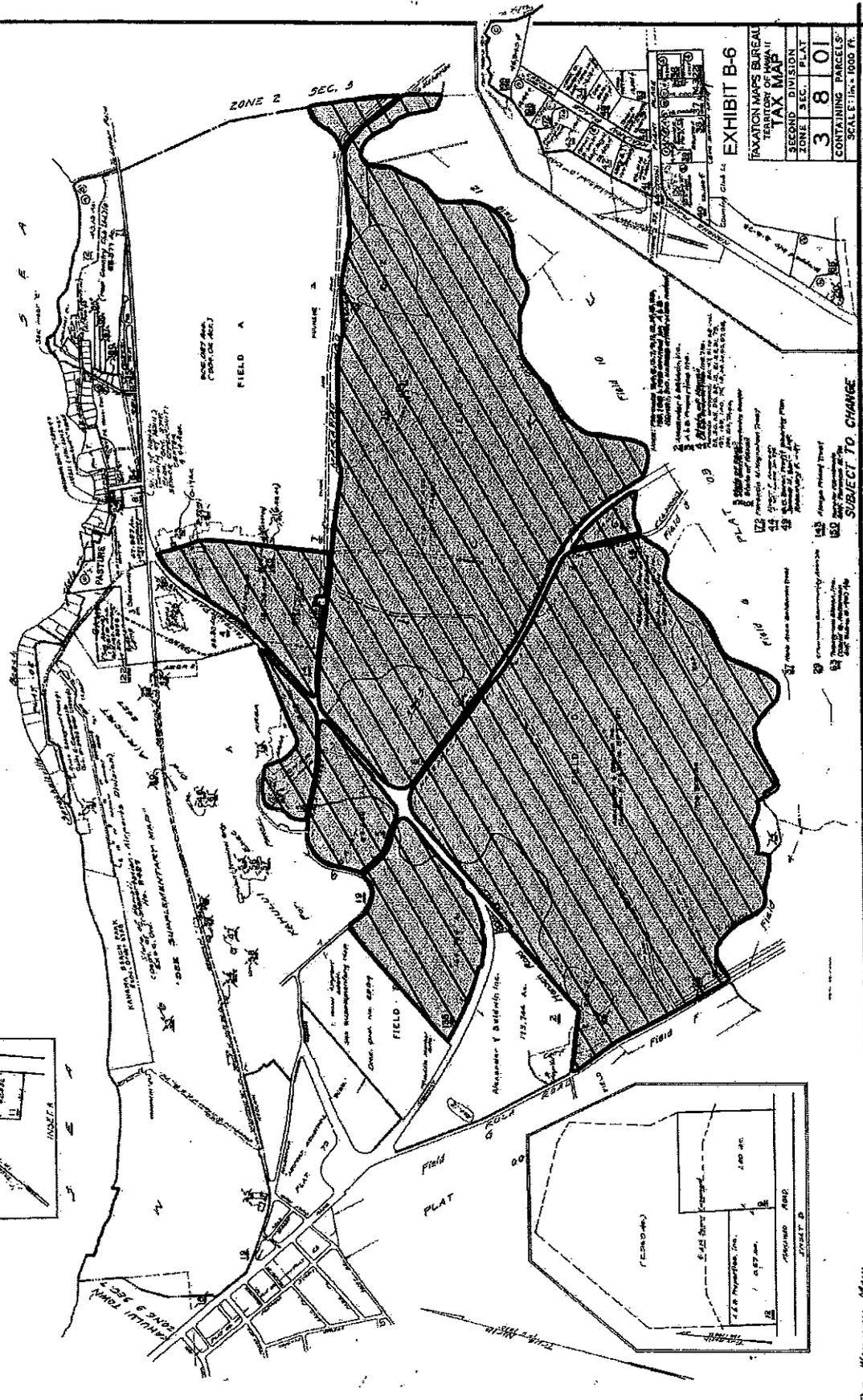


EXHIBIT B-6

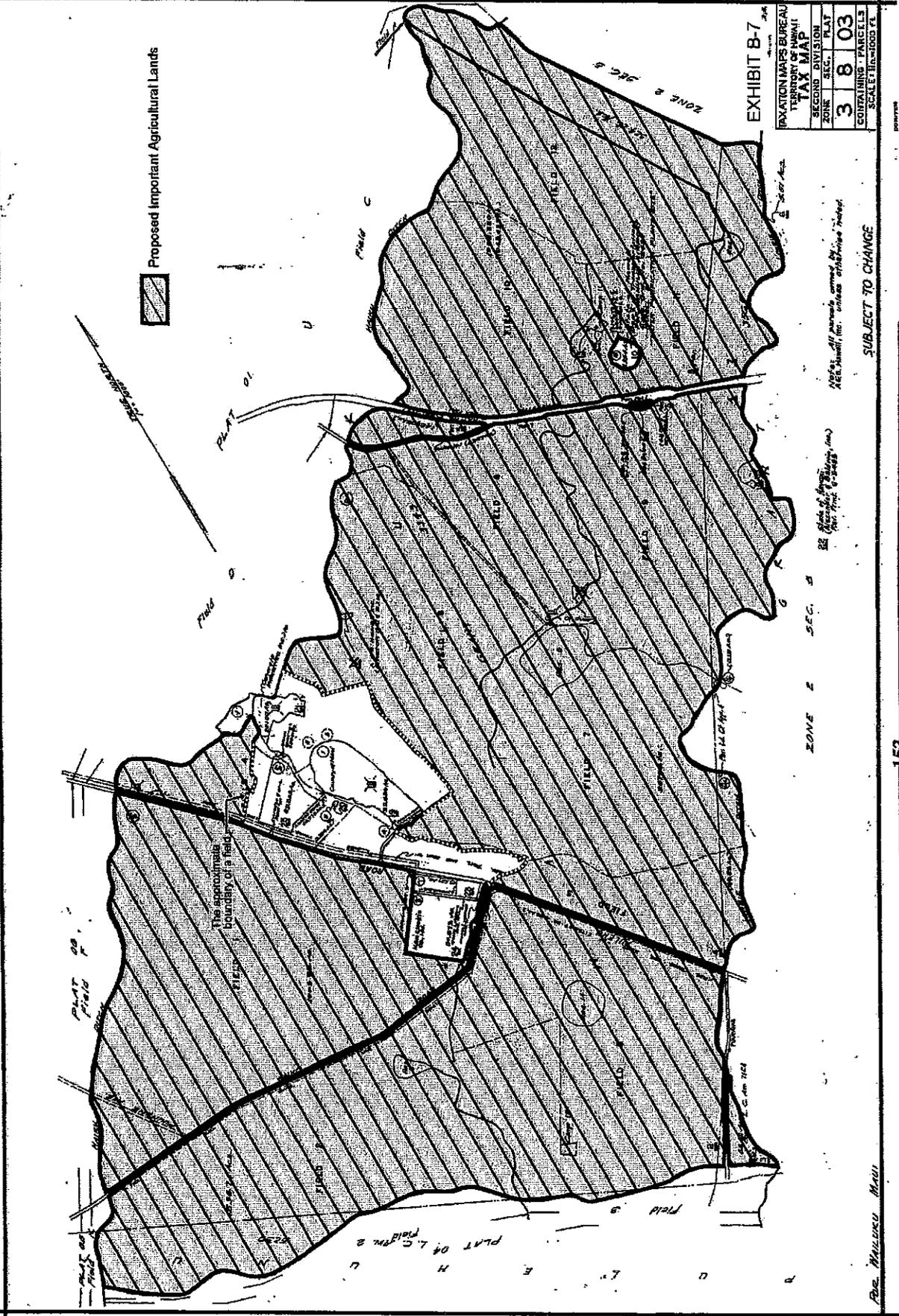
TAXATION MAPS BUREAU		
TREASURY OF MASSACHUSETTS		
TAX MAPS		
ZONE	DIVISION	PLAT
3	8	01
CONTAINING PARCELS		
SCALE 1" = 1000 FT.		

SUBJECT TO CHANGE

From: Massachusetts, Mass.

Map No. 3433
 Survey No. 11510 (Long Pine Hill)
 By: DSC/HJM/JRM/1988

3-8-03



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By: [Signature]
 Date: [Date]
 [Text]

EXHIBIT B-7

PLANNING MAPS BUREAU	DATE
TAX MAP	3 8 03
ZONE	ZONE 2 SEC. 9
CONTAINING PARCELS	3 8 03
SCALE 1 IN. = 1000 FT.	

SUBJECT TO CHANGE

Res. MALUKU MAUI

3 8 05



Dwg. No. 1527
 Drawn by: H.M. BROWN
 Checked by: L.H. (Eng. Bldg. Map)
 Date: 3/8/05
 Scale: 1" = 150'
 Title: EXHIBIT B-9
 Prepared by: TAXATION MAPS BUREAU, TERRITORY OF HAWAII, SECOND DIVISION
 Date: 3/8/05
 Subject to Change
 Printed

