

In support of the Motion, Haseko (Ewa), Inc. included a November 16, 2009 letter from Chairperson Laura Thielen of the State Department of Land and Natural Resources stating that “The petitioned area will be used as an inland artificially created recreational marina. The Department sees no reason why the area should be reclassified to the Conservation district.” In its Memorandum in support of the Motion, Haseko (Ewa), Inc. stated that no public or Conservation District purpose would be served by reclassifying the land to the Conservation District and that the inland marina is an urban land use. In addition, the Findings of Fact in the 1984 D & O provide no reason or basis for Condition 9.

On January 7, 2010, the State Office of Planning (OP) filed a Statement of No Opposition to Haseko (Ewa), Inc.'s Motion, after confirming that the Department of Land and Natural Resources had no objection to the Motion.

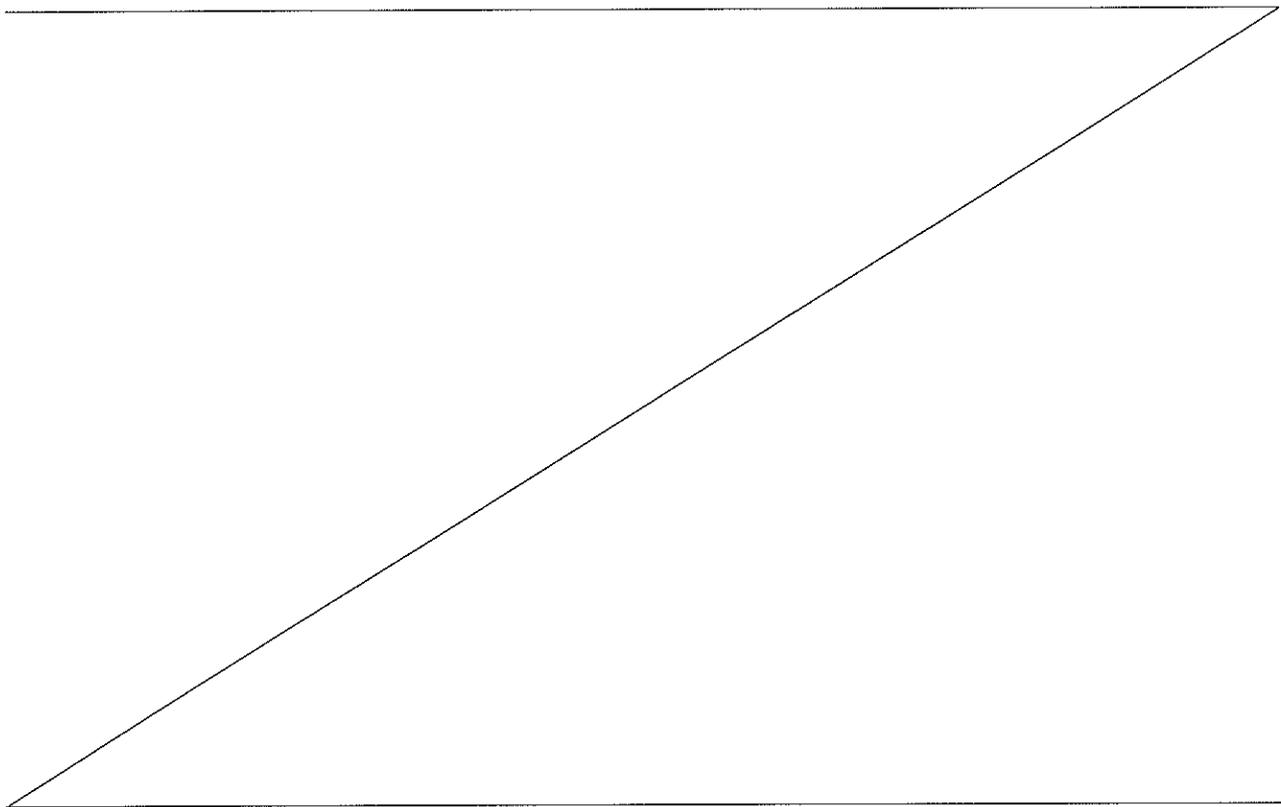
The State Land Use Commission (“Commission”) considered the Motion to Delete Condition 9 on February 4, 2010, in Honolulu, Hawai`i. Yvonne Izu, Esq., appeared on behalf of movant Haseko (Ewa) Inc.; Bryan C. Yee, Esq., appeared on behalf of OP, and Don Kitaoka, Esq., appeared on behalf of the City and County of Honolulu Department of Planning and Permitting. At the meeting, one public witness opposed the Motion. The Department of Planning and Permitting and OP stated that they had no objections to the Motion to Delete Condition 9. Movant Haseko (Ewa), Inc provided further explanation for the Motion and addressed questions by the Commissioners. In response to a question from Chair Wong, OP agreed that no public purpose would be served by requiring the reclassification of the marina land back to the Conservation District.

Following discussion, a motion was made and seconded to grant the the Motion to Delete Condition 9 filed by Haseko (Ewa), Inc. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

ORDER

This Commission, having duly considered the Motion To Delete Condition 9 filed by Haseko (Ewa), Inc. and the arguments of the parties in this proceeding, and a motion having been made at a meeting on February 4, 2010, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by Section §15-15-13, HAR, and there being good cause for the motion,

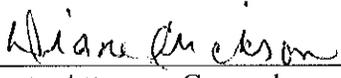
The Motion to Delete Condition 9 filed by Haseko (Ewa), Inc. is hereby GRANTED.

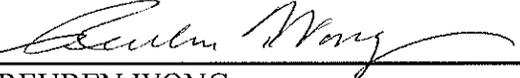


Done at Honolulu, Hawai'i, this 18th day of February 2010, per motion on
February 4, 2010.

APPROVED AS TO FORM

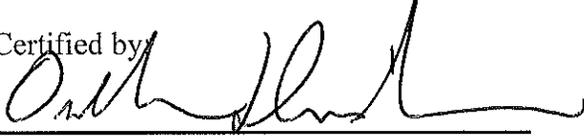
LAND USE COMMISSION
STATE OF HAWAII


Deputy Attorney General

By 
REUBEN WONG
Vice-Chairperson and Commissioner

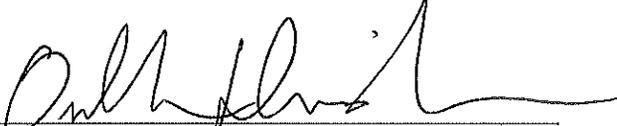
Filed and effective on:

February 22, 2010

Certified by 
ORLANDO DAVIDSION
Executive Officer

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
DAVID TANOUE, DIRECTOR Department of Planning and Permitting City and County of Honolulu 650 South King Street Honolulu, Hawaii 96813		X	
CARRIE OKINAGA, ESQ. Corporation Counsel City & County of Honolulu 530 South King Street Honolulu, Hawaii 96813		X	
YVONNE IZU, ESQ. Moriyara, Lau & Fong LLP 400 Davies Pacific Center 841 Bishop Street Honolulu, HI 96813			X

Honolulu, Hawai'i, February 22 , 2010.



ORLANDO DAVIDSON

Executive Officer