

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
Fax: 808-587-3827

August 3, 1999

Mr. John L. Higham
Vice President
Amfac Land Company, Limited
700 Bishop Street, Suite 501
Honolulu, Hawaii 96813

Dear Mr. Higham:

Subject: LUC Docket No. A94-703/The Lihue Plantation Company Limited

This is to acknowledge receipt of your letter regarding our comments on the 1999 annual report for the subject docket received on July 26, 1999.

We would appreciate additional clarification of the following items:

1. For Response No. 4., is the well that served the Lihue sugar mill a potable source? If so, was the well a source for a public/community water system, or a non-community water system, or other? And what is the well number, i.e., the DLNR well log number?

Also, with the latest version of the PER under review and the generation of significant unresolved issues, what may be other options that will be considered to meet the requirements of Condition No. 4?

2. For Response No. 5, what are the conditions raised by the Kauai County Department of Public Works, Wastewater Management Division relating to the Petitioner's use of existing capacity at the Lihue Wastewater Treatment Plant? Are they related to the alternatives that were described in the LUC Docket No. A94-703 Findings of Fact, Conclusion of Law, and Decision and Order issued January 4, 1996?

For your information, regarding Condition No. 7, the Kauai County Planning Department had stated, in their response to the 1999 A94-703/Lihue Plantation annual report, that the State Department of Transportation currently has a project underway to improve the Rice Street/Kuhio and Kaunualii Highway intersection and this project may require participation through pro rata reimbursement.

We request a response to these matters by August 27, 1999.

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

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

MARYANNE W. KUSAKA
MAYOR



LAND USE COMMISSION
STATE OF HAWAII

1999 JUL -9 A 10: 18

DEE M. CROWELL
PLANNING DIRECTOR
SHEILAH N. MIYAKE
DEPUTY PLANNING DIRECTOR
TELEPHONE (808) 241-6677
FAX (808) 241-6699

PLANNING DEPARTMENT

June 17, 1999

Esther Ueda
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

SUBJECT: LUC Docket No. A94-703/The Lihue Plantation Co., Ltd.

We have reviewed the annual report submitted by the Petitioner and have only the following comment to offer:

Relative to condition 7, the State Department of Transportation currently has a project underway to improve the Rice Street/Kuhio and Kaunualii Highway intersection. The Petitioner should be made aware that this project may be one of the projects which they will have to participate in by pro rata reimbursement.

Thank you for allowing us this opportunity to comment, and should you have any questions, please feel free to contact Keith Nitta of my staff at 241-6677.

DEE M. CROWELL
Planning Director



Amfac Land Company, Limited

700 Bishop Street, Suite 501 • Honolulu, Hawaii 96813

LAND USE COMMISSION
STATE OF HAWAII

1999 JUL 26 A 10:09

July 23, 1999

Ms. Ester Ueda
Executive Officer, Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Ms Ueda:

Re: LUC Docket No. A94-703/The Lihue Plantation Company Limited

We received your letter dated June 9, 1999 and provide the following clarification, as numbered in your letter;

1. Enclosed is a map with the approximate location of the 55 acres, that may be conveyed to the DOT-Airports, crosshatched.
2. Regarding Condition No. 1, we will provide a copy of the housing agreement when finalized and executed.
3. Regarding Condition No. 2, enclosed is a copy of the letter from DOE, dated March 11, 1999, requesting an extension and a copy of the letter from Amfac, dated March 29, 1999, granting an extension.
4. Regarding Condition No. 4, the Preliminary Engineering Report ("PER") for Water Requirements has not been approved by the County Department of Water ("DOW"). The latest version of the PER was submitted for review to the DOW in April 1995. Since that time we have had meetings with the DOW regarding the use of an existing well, which used to serve the Lihue sugar mill, and the possibility of jointly developing a reservoir with DOW. These items are still being evaluated by the Petitioner. It is unlikely that the PER for Water Requirements will be finalized and approved until these issues are resolved.

Ms Esther Ueda
Page 2
July 23, 1999

5. Regarding Condition No. 5, the Wastewater System Preliminary Engineering Report ("PER") was submitted to the Department of Public Works, Wastewater Management Division ("DPW") during a meeting on March 18, 1998. Shortly thereafter, DPW raised certain conditions relating to the Petitioner's use of the existing capacity at the Lihue Wastewater Treatment Plant which have not been resolved. The Petitioner hopes to resolve these conditions with DPW so the Wastewater System PER can be finalized.

6. Regarding Condition No. 7, we will provide a copy of the agreement regarding Petitioner's pro rata funding and participation for transportation improvements when finalized and executed.

7. Regarding Condition No. 10, the Petitioner intends to comply with the requirement to grant an aviation easement to the State Department of Transportation prior to conveyance of any of the affected land to any entity other than the State of Hawaii. If DOT-Airports actually acquires the 55 acres adjacent to the airport, as discussed in the annual report, we have assumed they would not want the land subject to an aviation easement. Therefore, rather than designate the easement now and possibly be required to cancel it later, we decided to wait until the acquisition was completed or was no longer of interest to DOT-Airports.

8. Regarding Condition No. 12, we are not aware of any letter from the Department of Health indicating that no existing or planned air quality monitoring program need be provided for the project. However, during conversations in 1996 with the Petitioner's consultants, a DOH staff member indicated that there was no existing or planned air quality monitoring program in the project vicinity that the Petitioner could participate in.

9. Regarding Condition No. 18, the Petitioner is not aware of any specific concerns that the Office of Planning ("OP") has regarding the nearshore or stream water quality monitoring plans. The Petitioner solicited the assistance of the staff of the OP to resolve objections the Petitioner had to some of the U.S. Fish & Wildlife Service's ("US FWS") desired additions to the proposed monitoring plans. Both monitoring plans were prepared, reviewed, modified and approved by the governmental agencies (Department of Health ("DOH"), Department of Land and Natural Resources Division of Aquatic Resources ("DLNR DAR") and the National Marine Fisheries Service ("NMFS")) with jurisdiction over the marine and stream

Ms Esther Ueda
Page 3
July 23, 1999

resources. Attached are the approval letters from the DOH, DLNR DAR and NMFS. When warranted, we will activate our efforts to resolve the US FWS's concerns with the OP and US FWS.

We hope this provides you the information that you requested. If there are any question please call me at 543-8929.

Sincerely,



John L. Higham
Vice President

Enclosures

cc: Tamara Edwards
Dottie Bekeart
Tom Witten, PBR
Clyde Kodani
Ivan Nakatsuka, ATA
Ernest Lau
Harry Funamura

WK061499

BENJAMIN J. CAYETANO
GOVERNOR



LAND USE COMMISSION
STATE OF HAWAII

HERMAN M. AIZAWA, Ph.D.
SUPERINTENDENT
Paul G. LeMahieu, Ph.D.
Superintendent

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

1999 JUL 26 A 10:09

RECEIVED
MAR 19 1999

OFFICE OF THE SUPERINTENDENT

March 11, 1999

Ms. Tamara G. Edwards, President
Amfac Land Company, Limited
700 Bishop Street, Suite 501
Honolulu, Hawaii 96813

Dear Ms. Edwards:

Subject: County of Kauai Ordinance No. PM 326-96

This is to request that the time limit contained in Condition No. 9 of the subject ordinance be once again extended by one year.

The lack of residential growth over the past year in the Lihue area has resulted in the Department of Education's continued desire to keep its options open with respect to the location of a new school. At this point, not enough residential growth has occurred to dictate whether the new school should be in Lihue or the Puhi area.

We, therefore, request your concurrence in approving the one-year extension to May 13, 2000.

Thank you for your assistance in this matter. If you have any questions, please call Mr. Sanford Beppu at 733-4862.

A response by April 14, 1999 would be appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Paul G. LeMahieu".

Paul G. LeMahieu, Ph.D.
Superintendent of Education

PLeM:hy

cc: A. Suga, OBS
A. Maeda, KDO
K. Nitta, Kauai County Planning Department



Amfac Land Company, Limited

700 Bishop Street, Suite 501 • Honolulu, Hawaii 96813

LAND USE COMMISSION
STATE OF HAWAII

1999 JUL 26 A 10:09

March 29, 1999

Paul G. LeMahieu, Ph.D.
Superintendent of Education
State of Hawaii
Department of Education
P. O. Box 2360
Honolulu, HI 96804

Re: County of Kauai - Ordinance No. PM 326-96 - Condition No. 9

Dear Mr. LeMahieu:

You have requested that The Lihue Plantation Company, Limited ("LPCo") grant an additional one year extension of time to the Department of Education and the County of Kauai to resolve Condition 9 to the above-referenced ordinance. LPCo has granted one-year extensions since the original one year period expired on May 13, 1997. LPCo hereby agrees to an additional one year extension to May 13, 2000 to resolve Condition No. 9.

Please contact me with any questions or comments at 543-8521.

Very truly yours,

AMFAC LAND COMPANY, LIMITED,
as agent for The Lihue Plantation
Company, Limited

Tamara G. Edwards
President

cc: Dee M. Crowell - Planning Director, County of Kauai
Sanford Beppu - Department of Education

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

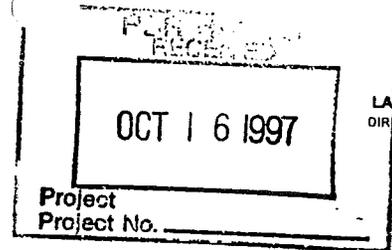
LAND USE COMMISSION
STATE OF HAWAII



1999 JUL 26 A 10:09

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HAWAII 96801-3378



LAWRENCE MIKE
DIRECTOR OF HEALTH

In reply, please refer to:
EMD/CWB

October 13, 1997

M1001EA

Ms. Yukie Y. Ohashi
Project Manager
PBR Hawaii
Pacific Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813-3429

Dear Ms. Ohashi:

**Subject: Nearshore and Stream Water Quality Monitoring Program
for the Lihue-Hanamaulu Master Plan**

Thank you for responding to our concerns that was forwarded to you earlier in our letter dated May 2, 1997, regarding the water quality monitoring plan for the Lihue-Hanamaulu Master Plan.

The Department of Health, Clean Water Branch, has received your response relating to each of our questions and comments. We have completed our review and are satisfied with the explanations stated in your letter dated August 18, 1997.

As a result, the Department of Health hereby wishes to inform you that the proposed surface water and groundwater monitoring plan is acceptable as submitted.

If you have any questions, please contact Mr. Eugene T. Akazawa, Supervisor of the Monitoring Section, Clean Water Branch, at 586-4309.

Sincerely,

DENIS R. LAU, P.E., Chief
Clean Water Branch

ETA/rg

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



MICHAEL D. WILSON
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTY DIRECTOR
GILBERT S. COLOMA-AGARAN

LAND USE COMMISSION
STATE OF HAWAII

1999 JUL 26 A 10:09

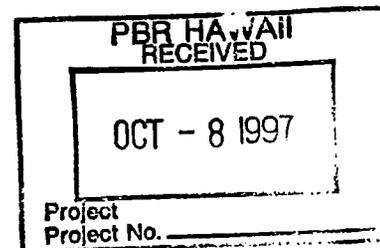
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES

1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

October 7, 1997

Yukie Y. Ohashi
Environmental Planner
PBR Hawaii
Pacific Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813



Dear Ms. Ohashi:

We concur with the revised marine and freshwater monitoring regimes for the Lihue-Hanamaulu Master Plan Project on Kauai. Thank you for providing the Division of Aquatic Resources with the opportunity to review the Nearshore and Stream Water Quality Monitoring Program for the proposed project.

Sincerely,

A handwritten signature in cursive script that reads "William Devick".

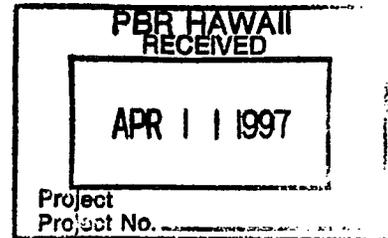
William Devick
Acting Administrator

April 7, 1997



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213
TEL (310) 980-4000; FAX (310) 980-4018

Yukie Ohashi
Project Planner
PBR Hawaii
1001 Bishop Street
Pacific Tower, Suite 650
Honolulu, HI 96813



Dear Mr. Ohashi:

The National Marine Fisheries Service (NMFS) has reviewed the Nearshore and Stream Water Quality Monitoring Program for the Lihue-Hanamaulu Master Plan Project, Kauai. We offer the following comments for your consideration.

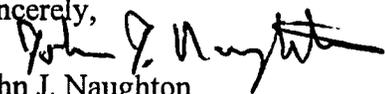
NMFS has reviewed the proposed monitoring program and has discussed the project with the project consultant. Our major concern is potential impacts on nearshore marine communities from runoff entering both Nawiliwili and Hanamaulu Streams and then entering nearshore waters. Appendix 1 and 2 in the report provide good descriptions of these marine communities, as well as the nearshore estuarine communities at the stream mouths.

The Monitoring Program itself appears to be appropriate, as is the baseline survey work which was segmented into dry and wet sampling periods. Since the Master Plan Project is projected to continue for a period of 15 to 20 years, NMFS concurs with the proposed monitoring approach of focusing the field sampling to construction periods when problems will most likely occur.

NMFS noted that during the baseline survey, at Station 10 about 300 meters off Ahukini Landing, a considerable quantity of live ammunition was found. The ordnance appeared to be of World War II vintage and consists of various small arms and artillery shells, as well as possible gas canisters. For environmental as well as safety concerns, we recommend that ordnance specialists inspect the ammunition in this apparent ammunition disposal area and determine if removal or other action is warranted.

NMFS appreciates the opportunity to review the Master Plan Monitoring Program. Should you have any questions concerning these comments, please contact me (973-2940) at our Pacific Area Office in Honolulu.

Sincerely,


John J. Naughton
Pacific Islands
Environmental Coordinator

LAND USE COMMISSION
STATE OF HAWAII
1999 JUL 26 A 10:09



cc: F/SWR, Long Beach, CA
FWS, Honolulu
EPA, Region 9, E-4
Hawaii DAR
Hawaii DOH
Hawaii CZM

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
Fax: 808-587-3827

June 9, 1999

Mr. David W. Blane, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

Mr. Dee Crowell, Director
Planning Department
County of Kauai
Suite 473, Building A
4444 Rice Street
Lihue, Hawaii 96766

Dear Mr. Blane and Mr. Crowell:

Subject: LUC Docket No. A94-703/The Lihue Plantation
Company, Limited

We received Petitioner's 1999 annual report on May 19, 1999.

We understand that you have also been served with a copy of the annual report and we request your assistance in reviewing the annual report and providing us with any comments you may have regarding the Petitioner's progress in development of the property and compliance with conditions.

We request that any comments that your agency may have be submitted to our office with a copy to the Petitioner by July 9, 1999.

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

Sincerely,

ESTHER UEDA
Executive Officer

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
Fax: 808-587-3827

June 9, 1999

Mr. John L. Higham
Vice President
Amfac Land Company, Limited
700 Bishop Street, Suite 501
Honolulu, Hawaii 96813

Dear Mr. Higham:

Subject: LUC Docket No. A94-703/The Lihue Plantation
Company Limited

This is to acknowledge receipt of the 1999 annual report for the subject docket received on May 19, 1999.

We would appreciate clarification of the following items:

1. Please clarify the location of the 55 acres that may be conveyed to the DOT-Airports. If possible we would like a map showing the site in relation to the overall petition area;
2. Regarding Condition No. 1, please provide a copy of the housing agreement when finalized and executed;
3. Regarding Condition No. 2, please provide a copy of the letter by which the DOE agreed to extension of time to identify the school site;
4. Regarding Condition No. 4, please clarify whether the Preliminary Engineering Report for Water Requirements was approved by the County Department of Water;
5. Regarding Condition No. 5, please clarify the status of approval of the Wastewater System Preliminary Engineering Report in light of

John L. Higham
June 9, 1999
Page 2

the time that has passed since the report was submitted to the County;

6. Regarding Condition No. 7, please provide a copy of the agreement regarding Petitioner's pro rata funding and participation for transportation improvements when finalized and executed;
7. Regarding Condition No. 10, please indicate when Petitioner intends to comply with this requirement to grant an aviation easement to the State Department of Transportation.
8. Regarding Condition No. 12, please provide the letter from the Department of Health indicating that no existing or planned air quality monitoring program need be provided for the project;
9. Regarding Condition No. 18, please clarify the specific concerns of the Office of Planning regarding the nearshore and stream water quality monitoring program plan.

We request a response to these matters by June 25, 1999.

Please note that we have requested the County of Kauai Planning Department and the Office of Planning to review and comment on the annual report. Any comments that they may have will be provided to you.

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

Sincerely,



ESTHER UEDA
Executive Officer

EU:aa

cc: DOH
DOT (Airports Division)
DOE
OP

1999 ANNUAL REPORT
LUC DOCKET NO. A94-703
The Lihue Plantation Company, Limited
Decision and Order, January 4, 1996
(as amended on April 12, 1996)
Lihue-Hanamaulu Master Plan Project ("Project")

1999 MAY 19 P 12:44

LAND USE COMMISSION
STATE OF HAWAII

I. PROJECT PROGRESS

Concurrent with the processing of the above-captioned Petition for Boundary Amendment for the Project by the State Land Use Commission ("Commission"), the Petitioner submitted a Petition for a Zoning Amendment (Bill No. 1775) to the County of Kauai ("County") on August 25, 1995 (hereinafter "County Zoning Amendment"). Upon review and public hearings, the County Planning Commission recommended approval and the County Council approved the request on May 8, 1996 and the Mayor of Kauai signed the County Zoning Amendment into law on May 13, 1996 (Ordinance No. PM-326-96).

Petitioner has subsequently been proceeding with project planning and engineering including, but not limited to, the preparation of infrastructure master plans and satisfying the conditions of approval for both the Petition for Boundary Amendment and the County Zoning Amendment that must be resolved prior to applying for County Zoning Permits and/or receiving final approval of any subdivision.

Petitioner has also had discussions with several community groups and government agencies as to the possible inclusion or relocation of certain sites into the Project Area. As we disclosed in our previous annual reports and letters dated September 29, 1997 and October 17, 1997 the following agreements have been reached.

1. Sale of approximately 4.4 acres to the UH for a Tropical Fruit Disinfestation Facility
2. Sale of approximately 6.5 acres to the State of Hawaii for a Judiciary Complex
3. Sale of approximately 10.0 acres to the County of Kauai for a police station, civil defense and transportation facility.

In addition, we are currently in discussions with the State of Hawaii, Department of Transportation, Airports Division regarding the sale of approximately 55 acres of land for expansion of the Lihue Airport.

Petitioner is proceeding with the design of roadway improvements (the extension of Kaana St. from Kapule Highway) to serve the Judiciary Complex and County's police station site. Subject to receiving all governmental approvals on the construction plans, construction of roadway improvements should start later this year.

II. COMPLIANCE WITH COMMISSION'S CONDITIONS

Compliance with the conditions of the Commission's approval referred to and incorporated in the Decision and Order dated January 4, 1996, as amended on April 12, 1996, are summarized below.

1. Petitioner shall provide affordable housing opportunities for low, low-moderate, and gap group income residents of the State of Hawaii to the satisfaction of the County of Kauai Housing Agency. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between the Petitioner and the County of Kauai.

Agreement between the Petitioner and the County of Kauai shall be obtained prior to the Petitioner applying for county zoning permits.

Status:

Petitioner has met with the County of Kauai Housing Agency and drafted an agreement that determines how Petitioner shall satisfy the provision of providing affordable housing opportunities for low, low-moderate, and gap group income residents. This agreement will be finalized and executed prior to Petitioner applying for county zoning permits.

2. Petitioner shall provide its fair-share contribution for school facilities necessitated by the proposed Lihue-Hanamaulu Project, and for the benefit of the State Department of Education ("DOE"), as follows: Petitioner shall donate in fee simple, twelve (12) acres of off-site land in the Lihue district at Puhi, Kauai in an "as is" condition for an elementary school site. Agreement between Petitioner and the DOE as to the time of the conveyance(s) of the land(s) and the specific location of the twelve (12) acre site shall be obtained prior to the Petitioner applying for county zoning permits.

Status:

Petitioner has met with the Facilities Branch, State Department of Education (“DOE”) and the County Planning Department (“Planning Department”) to review the DOE’s desired location of the twelve (12) acre elementary school site. Pursuant to the County Zoning Amendment, the Petitioner agreed to a condition of approval that provided the Planning Department and DOE a one-year time period to evaluate and resolve the desired school site. The original one-year time period expired on May 13, 1997 (one year after the date zoning was signed by Mayor). DOE has requested extensions and Petitioner has agreed to extensions, extending the time period to resolve the desired school site till May 13, 2000.

3. Petitioner shall participate in the pro rata funding and construction of adequate civil defense measures as determined by the State of Hawaii and County of Kauai civil defense agencies.

STATUS:

At such time that the detailed planning and engineering is substantially completed, Petitioner will participate in resolving its pro rata funding and construction of civil defense measures as determined by the State and County civil defense agencies.

4. Petitioner shall participate in the funding and developing of water source, storage, and transmission facilities to serve the proposed development.

STATUS:

Petitioner has prepared and submitted a Preliminary Engineering Report for the Water Requirements to the County of Kauai, Department of Water. Petitioner has met with and is working with the County of Kauai, Department of Water to begin development of the required facilities.

5. Petitioner shall participate in the funding and construction of adequate wastewater treatment, transmission and disposal facilities, as determined by the State Department of Health and the County of Kauai.

STATUS:

Petitioner has met with and is working with the County of Kauai, Department of Public Works (“DPW”), to finalize a Wastewater System Preliminary Engineering Report for the Project. The

Wastewater System Preliminary Engineering Report was submitted to the County of Kauai on 3/18/98. The County, in consultation with the State Department of Health (“DOH”), will require acceptance of this report prior to approving the subdivision of the Project.

6. Should any human burials or any historic sites such as artifacts, charcoal deposits, or stone platforms, pavings or walls be found, the Petitioner shall stop work in the immediate vicinity and contact the State Historic Preservation Division (“Division”). The significance of these finds shall then be determined and approved by the Division, and an acceptable mitigation plan shall be approved by the Division. The Division must verify that the fieldwork portion of the mitigation plan has been successfully executed prior to work proceeding in the immediate vicinity of the find. Burials must be treated under specific provisions of Chapter 6E, Hawaii Revised Statutes.

STATUS:

The Petitioner will comply with this condition.

7. Petitioner shall participate in the pro rata funding and construction of local and regional transportation improvements and programs including dedication of rights-of-way as determined by the State Department of Transportation (“DOT”) and the County of Kauai. Agreement between the Petitioner and the DOT as to the level of funding and participation shall be obtained prior to the Petitioner applying for county zoning permits or receiving final approval of any subdivision, whichever comes first.

STATUS:

Petitioner has discussed the satisfaction of this condition with the State Department of Transportation (“DOT”) and the County, and is working with the DOT to identify the level of pro rata funding and participation that Petitioner is required to provide. This agreement will be completed prior to applying for county zoning permits or receiving final subdivision approval, whichever comes first.

8. Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the Property to the satisfaction of the appropriate State of Hawaii and County of Kauai agencies.

STATUS:

Petitioner has prepared a drainage master plan which was attached to the Environmental Impact Statement. Petitioner is working with the

DPW to resolve details relating to the design of the required detention basins. Petitioner is also continuing to coordinate certain off-site drainage improvements with the DOT, Airports Division.

9. Petitioner shall not construct single or multi-family residential, hotels, or transient lodging, and other noise sensitive public use structures (schools, day care centers, libraries, churches, health care facilities, nursing homes, or hospitals) within areas exposed to aircraft noise levels of 60 Ldn or greater as indicated on the 1994 and 2010 aircraft noise contours within the Petitioner's January 1995 EIS. Other public use structures (government services and office buildings serving the public, transportation facilities, and parking areas), commercial facilities, government facilities not normally accessible to the public, industrial and agricultural facilities, and recreational facilities (except for outdoor music shells, amphitheaters, professional/resort sport facilities, medial event facilities, etc.) are permitted within areas exposed to aircraft noise levels of 60 Ldn or greater. The State of Hawaii will not be responsible for mitigation of facilities developed within areas exposed to aircraft noise levels of 60 Ldn or greater.

STATUS:

The Petitioner will comply with this condition.

10. Petitioner shall grant to the State of Hawaii an aviation (right to flight) easement in the form prescribed by the State of Department of Transportation ("DOT") and such easement and form shall be mutually acceptable to the DOT and the Petitioner.

STATUS:

Petitioner will comply with this condition.

11. Petitioner shall not construct any object that would constitute a hazard to air navigation at Lihue Airport as defined in Title 14, Code of Federal Regulations Part 77, (14 C.F.R. 77) and Title 19, Hawaii Administrative Rules Chapter 12 (19 H.A.R. 12), provided that this requirement shall be applicable to the construction of those improvements set forth in Petitioner's Exhibit 54, 55 and 56.

STATUS:

Petitioner will comply with this condition.

12. Petitioner shall participate in an air quality monitoring program as specified by the State Department of Health.

STATUS:

Petitioner has contacted the DOH and the DOH determined that there is no existing or planned air quality monitoring program for the subject Project area.

13. Petitioner shall cooperate with the State Department of Health and the County of Kauai Department of Public Works to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes, and the County of Kauai's approved integrated solid waste management plans in accordance with a schedule and timeframe satisfactory to the State Department of Health.

STATUS:

Petitioner will comply with this condition.

14. Petitioner shall implement efficient soil erosion and dust control measures to the satisfaction of the State Department of Health and County of Kauai.

STATUS:

Petitioner will comply with this condition.

15. Petitioner shall notify all prospective buyers of property that the Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, limits the circumstances under which pre-existing activities may be deemed a nuisance.

STATUS:

Petitioner will comply with this condition.

16. Petitioner shall maintain the alignment of existing cane haul roads or shall provide alternative cane haul roads at its expense to serve any continuing sugarcane cultivation within the Property.

STATUS:

Petitioner will comply with this condition.

17. Petitioner shall initiate and fund a stream biological monitoring program. The monitoring program shall include quarterly monitoring as warranted, and be reviewed by the U.S. Fish and Wildlife Service, and approved by the State Division of Aquatic Resources, Department of Land and Natural Resources. Mitigation measures necessitated by this Project shall be implemented by the Petitioner if the results of the monitoring program warrant them. Mitigation measures, if necessary, shall be reviewed by the U.S. Fish and Wildlife Service, and approved by the State Division of Aquatic Resources, Department of Land and Natural Resources.

STATUS:

Petitioner has prepared a stream biological monitoring program plan that has been reviewed by the U.S. Fish and Wildlife Service and has received approval from the Division of Aquatic Resources (“DAR”), Department of Land and Natural Resources. Stream biological monitoring will be conducted in accordance with the plan.

18. Petitioner shall initiate and fund a nearshore and stream water quality monitoring program. The monitoring program shall be approved by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the State Department of Health and the State Division of Aquatic Resources, Department of Land and Natural Resources. Mitigation measures shall be implemented by the Petitioner if the results of the monitoring program warrant them. Mitigation measures shall be approved by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the State Department of Health and the State Division of Aquatic Resources, Department of Land and Natural Resources.

STATUS:

Petitioner has prepared a nearshore and stream water quality monitoring program plan and has revised the plan in accordance with reviewing agency comments. The monitoring program plan has been approved by the DOH, DAR, and the National Marine Fisheries Service. The Petitioner is currently working with the State Office of Planning and the U.S. Fish and Wildlife Service to address their concerns and obtain their approval. Monitoring will be conducted in accordance with the approved plan.

19. Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification.

STATUS:

Petitioner will comply with this condition during the course of the development of the Project.

20. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property.

STATUS:

Petitioner will continue to comply with this condition.

21. Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of State Planning, and the County of Kauai Planning Department in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

STATUS:

Petitioner has and will continue to comply with this condition.

22. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

STATUS:

Petitioner is fully aware of this condition.

23. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

STATUS:

Petitioner has complied with this condition.

24. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92, Hawaii Administrative Rules.

Status:

Petitioner has complied with this condition.



Amfac Land Company, Limited

700 Bishop Street, Suite 501 • Honolulu, Hawaii 96813

May 18, 1999

LAND USE COMMISSION
STATE OF HAWAII
1999 MAY 19 P 12:44

Ms. Ester Ueda
Executive Officer, Land Use Commission
Dept. of Business, Economic Development and Tourism
State of Hawaii
P. O. box 2359
Honolulu, HI 96804-2359

Re: Filing of the 1999 Annual report of LUC Docket No. A94-703/The Lihue Plantation Company, Limited

Dear Ms. Ueda:

Please find enclosed for your review one (1) original and two (2) copies of the 1999 Annual Report in accordance with Condition No. 21 of the January 4, 1996 Decision and Order for the above-captioned docket. In the future please send all correspondence relating to Dockets A94-703, A90-658 and A92-686 to my attention at Amfac Land Company, Limited. If you should have any questions or need additional information, please call me at 543-8929.

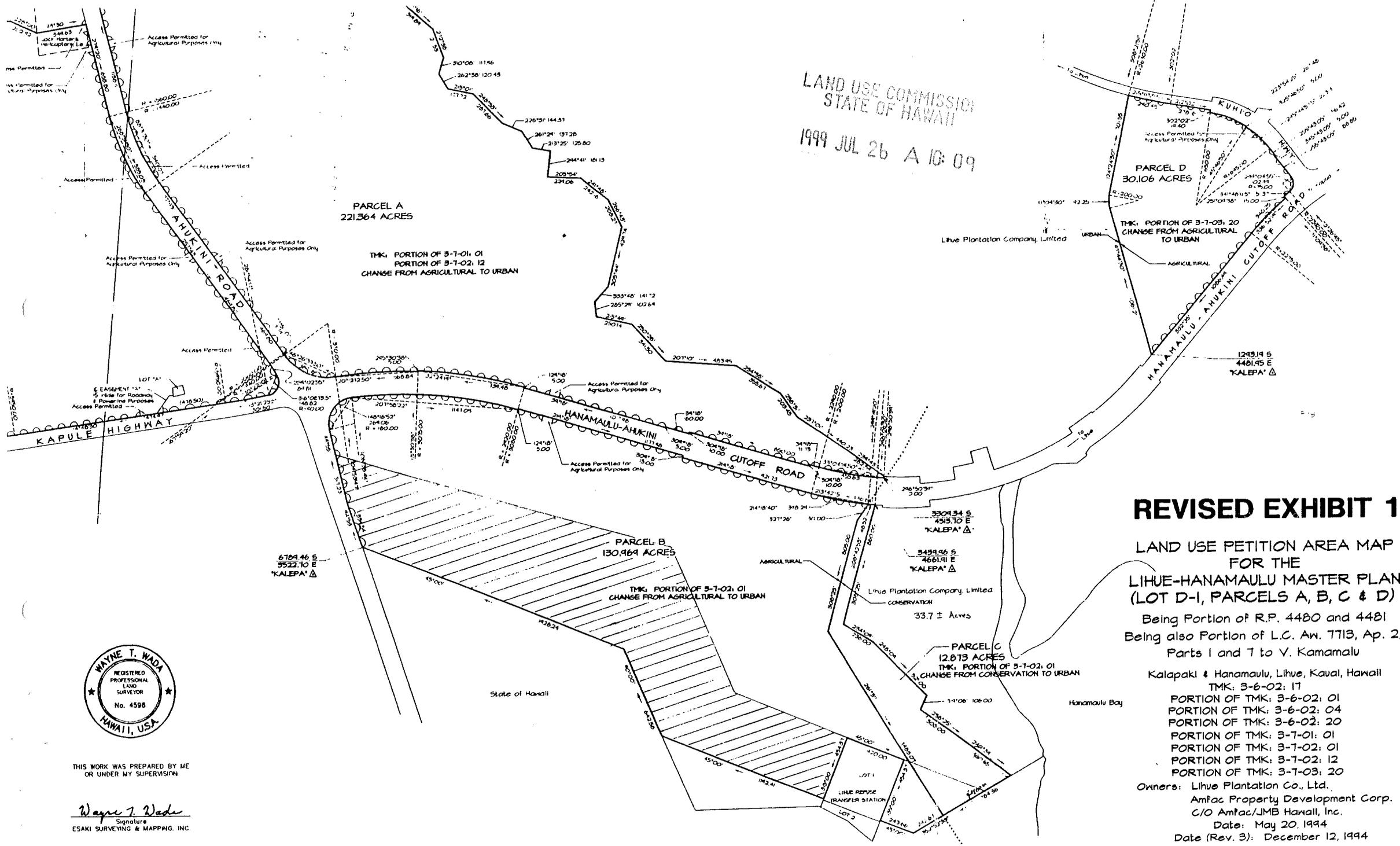
Very truly yours,

AMFAC LAND COMPANY, LIMITED,
as agent for The Lihue Plantation Company, Limited

John L. Higham
Vice President

Enclosures

cc: Mr. Abe Mitsuda, Office State Planning (with enclosure)
Mr. Keith Nitta, County of Kauai Planning Department (with enclosure)
Mr. Tom Witten (with enclosure)



LAND USE COMMISSION
STATE OF HAWAII
1999 JUL 26 A 10:09

REVISED EXHIBIT 1

LAND USE PETITION AREA MAP
FOR THE
LIHUE-HANAMAULU MASTER PLAN
(LOT D-1, PARCELS A, B, C & D)

Being Portion of R.P. 4480 and 4481
Being also Portion of L.C. Aw. 7713, Ap. 2,
Parts 1 and 7 to V. Kamamalu

- Kalapaki & Hanamaulu, Lihue, Kaula, Hawaii
- TMK: 3-6-02: 17
 - PORTION OF TMK: 3-6-02: 01
 - PORTION OF TMK: 3-6-02: 04
 - PORTION OF TMK: 3-6-02: 20
 - PORTION OF TMK: 3-7-01: 01
 - PORTION OF TMK: 3-7-02: 01
 - PORTION OF TMK: 3-7-02: 12
 - PORTION OF TMK: 3-7-03: 20

Owners: Lihue Plantation Co., Ltd.
Amfac Property Development Corp.
C/O Amfac/JMB Hawaii, Inc.
Date: May 20, 1994
Date (Rev. 3): December 12, 1994



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION

Wayne T. Wade
Signature
ESAKI SURVEYING & MAPPING, INC.