

**STATUS OF THE PROJECT**

The Engineering Division, Department of Land and Natural Resources (DLNR), continues to coordinate the water needs of all State agencies with property interests in North Kona. The University of Hawaii Center at West Hawaii (UHCWH), together with other agencies, signed a Memorandum of Understanding (MOU), to fund water improvement facilities jointly.

The status of the six Phase I projects approved by the 1995 Legislature is as follows:

- Construction of the 1.0 mg Keahole Reservoir was completed on February 1, 2000, and dedicated to the County of Hawaii.
- Construction for the Hina Lani Drive Water Transmission Line and Reservoir was completed on July 14, 2001 and dedicated to the County of Hawaii.
- Construction of the Keopu Exploratory Well was completed in September 2003.
- The north Kona Well Sites Planning and Land Acquisition Study that identifies land parcels to accommodate water wells, reservoirs, access roads, and a HELCO Substation, is currently scheduled for completion by October 2005.
- The planning, design and construction phases for the Palani Road Water Transmission Line and Reservoir project will not be implemented due to the Hawaii County Department of Water Supply, currently designing a new Water Transmission Line in lieu of the Palani Road Water Transmission Line.
- The planning, design and construction phases for the installation of the 16-inch waterline along Queen Kaahumanu Highway from Hina Lani Drive to the existing 0.5 mg Keahole Reservoir remains on hold indefinitely due to unavailability of funding for the project.

Hiluhilu Development, LLC (Hiluhilu) has expressed its willingness to coordinate development of 725.202 acres of the Kau Lands with the planned development of the UHCWH campus, and further cooperate by providing some major components of the supporting infrastructure required for the development of UHCWH. The new community

to be called Palamanui will be a mixed-use property of residential, recreational, and University related commercial uses. Hiluhilu has submitted the petition to the LUC for district boundary amendment from Conservation and Agricultural Districts to Urban District. A hearing was held on December 9 and 10, 2004, and will be continued in February 2005.

A MOU between the University of Hawaii and Hiluhilu was approved by the Board of Regents in November 2003. An amended and restated MOU (enclosed) was approved by the Board of Regents in April 2004. The initial phase of UHCWH will be developed on Hiluhilu land and in the future will be extended across the University parcel (TMK 7-3-10: 42). The University staff and regents continue to work closely with the Hiluhilu planning and development team. The University of Hawaii and Hiluhilu are in the process of identifying essential infrastructure that is needed to accommodate the initial relocation of the University's operations to the University Village from the present location in a commercial complex in Kealakekua. The infrastructure will include wastewater collection and treatment, potable water supply and distribution, and roadway access from Queen Kaahumanu Highway. This joint planning effort could speed up development of the UHCWH campus.

The Department of Transportation (DOT) has identified the roadway requirements along Queen Kaahumanu Highway to accommodate the Hiluhilu project and other developments in the vicinity.

Preferred access to the Hiluhilu Development/University Center has been determined to be via the unimproved road across from the Airport Access Road "T" currently used to access the Hawaii Electric Light Company generating station and County of Hawai'i water tanks. DOT is amenable to allowing an interim primary access initially only at the HELCO intersection. Hiluhilu will be responsible for all required improvements, to be determined by DOT- Highways Division. When the service level at the HELCO intersection deteriorates, DOT may permit the opening of a secondary access at the northerly location, identified as Hiluhilu's North Access Road. Until this occurs, the access roadways will need to be connected by an internal roadway to funnel traffic to

the primary access. DOT Highways Division is waiting for Hiluhilu to submit a *revised* Traffic Impact Analysis Report (TIAR) for the Proposed Palamanui Development.

DOT has prepared a Queen Kaahumanu Highway Master Plan (QKHMP). The QKHMP describes a limited access six-lane freeway with grade-separated interchanges. DOT's long-range transportation plan reflects an interchange and new access to Kona International Airport (KOA) located approximately 2,500 feet north of the current access between the northern end of Kona International Airport and parcels 7-3-10: 39 and 44. Upon completion of the interchange, the existing accesses to Queen Kaahumanu Highway will be closed and serviced by frontage roads. In light of this implementation strategy for the roadway access, Hiluhilu and the other landowners in the area should enter into agreement to ensure that the internal connector roads are constructed and setbacks for the required future infrastructure are preserved and /or dedicated. All land developments within the land-use-application area should be coordinated with the State's Queen Kaahumanu Highway widening project.

The Hawaii Long Range Land Transportation Plan (HLRLTP) and the General Plan Facilities Map provide the general alignments of the proposed roadway corridors for Hawaii County. The HLRLTP was developed in 1998 to identify the major land transportation improvement needs to support the projected growth of the County to 2020. Various State and County roadway systems located throughout the island were identified for improvement, including the Queen Kaahumanu Highway widening project to four lanes.

The Hawaii Long Range Land Transportation Plan, May 1998, Final Report, proposes four highway improvement projects within or adjacent to the project area. They are as follows:

- DOT widening of Queen Kaahumanu Highway to four lanes
- County extension of Kealakaa Street as a new two-lane "upper-level" highway (Kaiminani Drive to Palani Road) (This alignment is also being re-evaluated and may be realigned to consolidate itself with another proposed north-south arterial proposed within the planning area);
- County widening of Hina Lani Drive to four lanes (Queen Kaahumanu Highway to the proposed Mid-level Road); and
- County extension of Henry Street as a new two-lane "mid-level" highway (Kaiminani Drive to Palani Road).

The County of Hawaii Planning Department (Planning Department) is still re-evaluating the alignments of the north-south arterials and collectors as shown on the *Keahole to Kailua Development Plan*. The Planning Department is developing a scope of work for further defining roadway corridors within the North Kona Region. The Planning Department is developing an official roadway map that would be approved by the County Council in order to incorporate the north-south arterials and collectors in rezoning and subdivision applications.

The Department of Hawaiian Home Lands (DHHL) has a property interest in three parcels consisting of approximately 352.51 acres that are located within the Project Area. The DHHL lands within the State lands Project Area are identified by Tax Map Keys 7-3-10: 7, 39, & 40. Parcel 7-3-10: 39 is adjacent and north of the Keahole Generating Station, and parcel 7-3-10: 7 is adjacent and south of the State Agricultural Lots. Both parcels are bounded on the west by Queen Kaahumanu Highway. Parcel 40, the smallest of the three, is situated adjacent to the eastern boundary of the Keahole Generating Station. A fourth parcel (7-3-10: 41), consisting of 130 acres, was conveyed to DHHL under the same grant. However, this parcel is not included within the Project Area covered by LUC Docket BR92-685.

DHHL does not have plans to develop these parcels in the near future. The Department has other lands outside of the Keahole area that are more cost effective areas for residential development and therefore have higher development priorities. Consequently, there has been no development on any of the DHHL parcels within the Project Area during this reporting period.

## II

### PROGRESS IN COMPLYING WITH LUC CONDITIONS OF THE DECISION AND ORDER

1. "The developer and/or landowner of the subject Property shall provide affordable housing opportunities for low, low-moderate, and gap group income residents of the State of Hawaii to the satisfaction of the State Housing Finance and Development Corporation in accordance with the Affordable Housing Guidelines, adopted by the Housing Finance and Development Corporation (HFDC), effective July 1, 1992, as periodically amended. 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 developer and/or landowner of the subject Property and the State HFDC and the County of Hawaii. Agreement by the HFDC on the provision of affordable housing shall be obtained prior to the developer and/or landowner applying for county zoning or prior to the developer and/or landowner applying for county building permits if county rezoning is not required."

The developer and/or landowner of the Property will abide by this condition, provide affordable housing opportunities for low, low moderate and gap-group income residents of the State of Hawaii, and obtain an agreement by the HFDC on the provision of affordable housing.

2. "The developer and/or landowner of the subject Property shall contribute to the development, funding and/or construction of school facilities, on a pro-rata basis, as determined by and to the satisfaction of the Department of Education (DOE). Agreement by DOE on the level of funding and participation shall be obtained prior to the developer and/or landowner applying for county zoning or prior to the developer and/or landowner applying for county building permits if county rezoning is not required."

The developer and/or landowner of the Property will abide by this condition and will contribute to the development, funding and/or construction of school facilities, on a pro-rata basis, as determined by and to the satisfaction of the DOE.

3. "The developer and/or landowner of the subject Property shall prepare a Traffic Impact Analysis Report prior to applying for county zoning or prior to the developer and/or landowner applying for county building permits if county zoning is not required. The landowner and/or developer shall also participate in the 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 and the County Department of Public Works. Agreement by the State Department of Transportation on the level of funding and

participation shall be obtained prior to the developer and/or landowner applying for county zoning or prior to the developer and/or landowner applying for county building permits if county rezoning is not required."

The developer and/or landowner of the Property will abide by this condition and when appropriate, prior to applying for county zoning or county building permits, will prepare a Traffic Impact Analysis Report and participate in the 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 and the County Department of Public Works.

Hiluhilu's engineers have begun preparing intersection improvement and roadway plans. A draft report, Traffic Impact Report Hiluhilu Project Kau, North Kona, Hawaii, was prepared July 10, 2003. Under item No. 3 the Statement of Understanding executed between the University of Hawaii and Hiluhilu, Hiluhilu will include in its development planning, provisions to allow the West Hawaii Center to share roadway access from the Queen Kaahumanu Highway to the site of the University Village.

A traffic impact assessment for the University Parcel (TMK 7-3-10: 42) was completed October 2000, by Phillip Rowell and Associates.

A Traffic Impact Assessment Report, for the Hiluhilu Project was completed by Austin Tsutsumi & Associates, Inc. January 27, 2004 and included in the Final Environmental Impact Statement for Palamanui, September 2004. According to DOT (December 8, 2004), Hiluhilu Development will be submitting a *revised* traffic impact analyses report.

The University Village area will extend across the Hiluhilu parcel onto the University parcel in a north-south direction. In item No. 3 under the Statement of Understanding between the University of Hawaii and Hiluhilu Development LLC, it is stated that Hiluhilu will include in its development planning provisions to allow the West Hawai'i Center to share roadway access from the Queen Kaahumanu Highway to the site of the University Village. The parties will discuss the routing of such access, including the possibility that a portion of said roadway system may be located within State land.

4. "The developer and/or landowner of the subject Property shall monitor the traffic attributable to the project at on-site and off-site locations and shall undertake subsequent mitigative measures that may be reasonably required. These activities shall be coordinated with and approved by DOT."

The developer and/or landowner of the Property will abide by this condition and will monitor the traffic attributable to the project at on-site and off-site locations and shall undertake subsequent mitigative measures that may be reasonably required.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

5. "The developer and/or landowner of the subject Property, at no cost to the State, shall appoint a permanent transportation manager whose function is the formulation, use, and continuation of alternative transportation opportunities that would optimize the use of existing and proposed transportation systems. In the alternative, the developer and/or landowner of the subject Property may participate in a regional program for transportation management with other developers and/or landowners. This program shall address the transportation opportunities that would optimize the use of existing and proposed transportation systems. Either option will continue to be in effect unless otherwise directed by the State Department of Transportation prior to implementation. The transportation manager or developer and/or landowner of the subject Property shall conduct periodic evaluations of the program's effectiveness and shall make reports of these evaluations available to the State Department of Transportation for review."

The developer and/or landowner of the Property will abide by this condition and will appoint a permanent transportation manager or participate in a regional program for transportation management with other developers and/or landowners.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

6. "The developer and/or landowner of the subject Property shall participate in the funding and construction of adequate wastewater transmission and disposal facilities, on a pro-rata basis, as determined by the State Department of Health and the County Department of Public Works."

The developer and/or landowner of the Property will abide by this condition and will participate in the funding and construction of adequate wastewater transmission and disposal facilities, on a pro-rata basis, as determined by the State Department of Health, the County Department of Public Works, and the County Department of Environmental Management.  
The Petitioner proposes to construct an on-site facility for the collection, and disposal of wastewater.

7. "The developer and/or landowner of the subject Property 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 and County agencies."

The developer and/or landowner of the Property will abide by this condition and will fund the design and construction of drainage improvements required resulting from development of the Property to the satisfaction of the appropriate State and County agencies.

8. "The developer and/or landowner of the subject Property shall have an archaeological inventory survey conducted for those areas of the Property not already the subject of an inventory survey by a professional archaeologist prior to submitting an application to the County of Hawaii for rezoning or prior to applying for a building permit if county rezoning is not required. The findings of such survey(s) shall be submitted to the State's Historic Preservation Division in report format for adequacy review. The Division must verify that the survey report is acceptable, must approve significance evaluations, and must approve mitigation commitments for significant historic sites prior to the landowner and/or developer submitting an application to the county for rezoning or prior to applying for a building permit if county rezoning is not required."

The developer and/or landowner of the Property will abide by this condition and will have an archaeological inventory survey conducted for those areas of the Property not already the subject of an inventory survey by a professional archaeologist prior to submitting an application to the County of Hawaii for rezoning or prior to applying for a building permit .

The developer and/or landowner of the Property will abide by this condition. Archaeological investigations were conducted by Pacific Legacy within approximately 275 acres designated for the development of UHCWH within the 500-acre parcel.

9. "If significant historic sites are present, then the developer and/or landowner of the subject Property shall agree to develop and execute a detailed historic preservation mitigation plan prior to any ground altering construction in the area. The State's Historic Preservation Division must approve this plan, and that Division must verify in writing to the Land Use Commission that the plan has been successfully executed."

The developer and/or landowner of the Property will abide by this condition. Fifteen (15) archaeological sites are present in the study area. In October 1999, the developer prepared and submitted a detailed Conceptual Historic Preservation Plan to the State's Historic Preservation Division for approval. There has been no change in 2003 in the developer and/or landowner's intent to comply with this condition.

10. "Should any human burials or any historic sites such as artifacts, charcoal deposits, or stone platforms, paving or walls be found, the developer and/or landowner of



the subject Property shall stop work in the immediate vicinity and contact the State Historic Preservation 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 (if needed). 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."

The developer and/or landowner of the Property will abide by this condition. The developer and/or landowner will stop work in the immediate vicinity and contact the State Historic Preservation Division should any human burials or any historic sites such as artifacts, charcoal deposits, or stone platforms, pavings or walls be found on the subject property.

According to the Final EIS, the current UHCWH Long Range Development Plan (LRDP) avoids all known burial areas on the overall 500-acre Kalaoa site, including those in Preserve 2 See page 35 (Final EIS). A burial treatment plan for burial council determination would be similarly accomplished in conjunction with the completion of the Historic Preservation Plan prior to any construction or improvement permits and approvals. Council determination would also be requested if any burials not presently known were discovered during the course of work described in the current LRDP.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

11. "The developer and/or landowner of the subject Property shall conduct a flora survey and prepare and agree to execute a mitigation plan which meets the requirements of the Department of Land and Natural Resources prior to the developer and/or landowner applying for county zoning or prior to the developer and/or landowner applying for county building permits if county rezoning is not required. The Department of Land and Natural Resources must approve the plan, and a copy of the approved plan must be submitted to the Land Use Commission prior to the developer and/or landowner applying for county zoning or prior to the developer and/or landowner applying for county building permits if county rezoning is not required."

The developer and/or landowner of the Property will abide by this condition and will conduct a flora survey and prepare and agree to execute a mitigation plan which meets the requirements of the Department of Land and Natural Resources prior to the developer and/or landowner applying for county zoning or prior to the developer and/or landowner applying for county building permits if county rezoning is not required.

On March 3, 1998, a reconnaissance was made of the proposed site identified for the UHCWH. A detailed survey of the flora and vegetation was

conducted from March 10 through March 13, 1998. The purpose of the survey was to assess the botanical resources of the area to determine if any were significant or were protected by local or Federal regulations.

According to the survey report prepared by Derral R. Herbst, PhD, although listed species are known from nearby parcels, no plants which are candidate, proposed, or listed threatened or endangered species were seen during the survey, and none are known historically from the proposed project site. None of the trees on the site are, nor could be considered candidates for the county exceptional tree program. The vegetation is neither pristine nor unique and is not considered worthy of preservation.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

12. "The developer and/or landowner of the subject Property shall fund and construct adequate civil defense measures as determined by the County and State Civil Defense agencies."

The developer and/or landowner of the Property will abide by this condition and will fund and construct adequate civil defense measures as determined by the County and State Civil Defense agencies.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

13. "The developer and/or landowner of the subject Property shall not construct residential or condominium units within areas exposed to noise levels of 60 Ldn or greater."

The developer and/or landowner of the Property will abide by this condition and not construct residential or condominium units within areas exposed to noise levels of 60 Ldn or greater.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

14. "The developer and/or landowner of the subject Property shall grant to the State of Hawaii an avigation (right of flight) and noise easement in the form prescribed by the State Department of Transportation on any portion of the Property subject to noise levels exceeding 55 Ldn."

The developer and/or landowner of the Property will abide by this condition and will grant to the State of Hawaii an avigation (right of flight) and noise easement in the form prescribed by the State Department of Transportation on any portion of the Property subject to noise levels exceeding 55 Ldn.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

15. "The developer and/or landowner of the subject Property shall attenuate the noise in guest (living) suites and other noise sensitive areas within commercial and hotel development areas exposed to exterior noise levels of 60 Ldn (day-night average sound level) by a minimum of 25 decibels (A-weighted)."

The developer and/or landowner of the Property will abide by this condition and attenuate the noise in guest (living) suites and other noise sensitive areas within commercial and hotel development areas exposed to exterior noise levels of 60 Ldn (day-night average sound level) by a minimum of 25 decibels (A-weighted).

The provision of air conditioning for proposed educational facilities at the University Center should create a learning environment that is relatively unaffected by the distant sounds from Kona International Airport and the Keahole Generating Station.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

16. "The developer and/or landowner of the subject Property shall participate in an air quality monitoring program as specified by the State Department of Health."

The developer and/or landowner of the Property will abide by this condition and participate in an air quality-monitoring program as specified by the State Department of Health.

Proposed educational facilities would be air-conditioned to create a nurturing learning environment that is relatively unaffected by vog and other pollutant emissions.

When completed, the UHCWH would not be a major stationary source of air pollutant emissions. Traffic generated by the project would produce non-stationary sources of pollutants from vehicular emissions along existing roadways traversed by students, faculty, and staff of the UHCWH. In an effort to address potential increased vehicular emissions caused by a student enrollment up to 1,500, the University Center would provide parking and loading provisions for shuttles and vans. Ultimately, it would be the responsibility of conscientious students, faculty, and staff to utilize carpools, public transportation, and other more environmentally friendly modes of travel as opposed to the personal automobile. Given these considerations, no mitigation for future non-stationary impacts to air quality is proposed or deemed warranted.

An increased demand for electrical power and the demand for solid waste disposal would generate off-site stationary source of pollutants from the fuel burned and the use of heavy equipment to transport solid waste to the municipal landfill. The use of an energy efficient design would lower the electrical power requirements for the University Center. The use of recyclable products and the implementation of a recycling program would reduce the amount of solid waste disposal requirements generated from UHCWH operations. Because of the above features, no mitigation for offsite impacts to air quality is proposed or deemed warranted.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

17. "The developer and/or landowner of the subject Property shall cooperate with the State Department of Health and the County of Hawaii 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's approved integrated solid waste management plans in accordance with a schedule and time frame satisfactory to the Department of Health."

The developer and/or landowner of the Property will abide by this condition and cooperate with the State Department of Health and the County of Hawaii 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's approved integrated solid waste management plans in accordance with a schedule and time frame satisfactory to the Department of Health.

The use of recyclable products and the implementation of a recycling program would reduce the amount of solid waste disposal requirements generated from UHCWH operations. Because of the above features, no mitigation for offsite impacts to air quality is proposed or deemed warranted. There has been no change in 2003 in the developer and/or landowner's intent to comply with this condition.

18. "The developer of the subject Property shall maintain, to the extent required by the State Department of Health, on-site facilities to ensure that the nearshore, offshore and deep ocean waters remain in pristine condition. The developer of the subject Property shall also participate in a water quality monitoring program with the Natural Energy Laboratory of Hawaii and the Hawaii Ocean and Science Technology Park. This program shall be submitted for review to the State Department of Health."

The developer and/or landowner of the Property will abide by this condition and maintain on-site facilities to ensure that the nearshore, offshore and deep

ocean waters remain in pristine condition and participate in a water quality monitoring program with the Natural Energy Laboratory of Hawaii and the Hawaii Ocean and Science Technology Park.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

19. "The developer and/or landowner of the subject Property shall, to the satisfaction of the State Department of Health, keep wastewater ponds holding effluent for irrigation of golf courses at a sufficient distance from residential areas to prevent odor and insect nuisances."

The developer and/or landowner of the Property will abide by this condition if a golf course included in the development of the property.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

20. "If the development of the Property includes a golf course(s), the developer and/or landowner of the Property shall engage the services of a qualified golf course manager to oversee the irrigation of the golf course and application of fertilizers and pesticides to the golf course within the Property and who shall be qualified in the application of fertilizers and pesticides on those areas."

The developer and/or landowner of the Property will abide by this condition if a golf course included in the development of the property.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

21. "If a golf course(s) is included in the development of the Property, the developer and/or landowner of the Property shall comply with the State Department of Health's conditions for new golf course developments."

The developer and/or landowner of the Property will abide by this condition if a golf course is included in the development of the property.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

22. "The developer and/or landowner of the Property shall be responsible for implementing sound attenuation measures to bring noise levels from vehicular traffic in the Property down to levels acceptable to the State Department of Health and the State Department of Transportation."

The developer and/or landowner shall abide by this condition and assume responsibility for implementing sound attenuation measures to bring noise levels from vehicular traffic in the Property down to levels acceptable to the State Department of Health and the State Department of Transportation.

23. "The developer and/or landowner of the Property shall notify all prospective buyers of property of the potential odor, noise, and dust pollution resulting from surrounding Agricultural District land."

The developer and/or landowner shall abide by this condition and notify all prospective buyers of property of the potential odor, noise, and dust pollution resulting from surrounding Agricultural District land.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

24. "The developer and/or landowner of the Property 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 farming activities may be deemed a nuisance."

The developer and/or landowner shall abide by this condition to notify all prospective buyers of the Hawaii Right to Farm Act, Chapter 165, HRS.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

25. "If the future development of the Property includes a golf course, the developer and/or the landowner shall conduct an environmental risk assessment to analyze possible impacts that might occur as the result of the application of pesticides and fertilizers to the course prior to the developer and/or landowner applying for county zoning or prior to the developer and/or landowner applying for county building permits if county rezoning is not required."

The developer and/or landowner shall abide by this condition if the future development of the property includes a golf course.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

26. "Once specific land uses for the Property have been identified, the developer and/or landowner shall work closely with HELCO to identify any potential health hazards that might be present as the result of proximity to the transmission lines now found within the Property. The identification of potential health hazards shall

be done prior to any application for County zoning or prior to any application for a County building permit."

The developer and/or landowner shall work closely with HELCO, prior to any application for County zoning or prior to any application for a County building permit, to identify any potential health hazards which may result from the proposed development's proximity to the transmission lines.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

27. "The developer and/or landowner of the subject Property shall establish a buffer zone on the subject Property between the adjacent Keahole Agricultural Park and uses on the subject Property to the satisfaction of the State Department of Agriculture."

Plans for the development of the property will include a buffer zone on the property between the adjacent Keahole Agricultural Park and uses on the subject Property to the satisfaction of the State Department of Agriculture.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

28. "The Petitioner and/or developer shall comply with all applicable County land use and permitting approvals, including the County's zoning process."

As appropriate, the Petitioner and/or developer will comply with all applicable County land use and permitting approvals, including the County's zoning process.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

29. "The developer and/or landowner of the subject Property 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."

As planning progresses, the landowner will include plans that comply with the representations made to the Commission.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

30. "The developer and/or landowner of the subject Property shall promptly provide without any prior notice, annual reports to the Land Use Commission, the Office of State Planning, and the County of Hawaii Planning Department in connection with the status of the subject project and the developer's and/or landowner's progress in complying with the conditions imposed."

The Office of Planning will continue to comply with the above condition and with this report submits its Eleventh (11<sup>th</sup>) Annual Report to the Land Use Commission.

There has been no change from 2004 in the developer and/or landowner's willingness to continue to comply with this condition.

31. "The Land Use Commission may fully or partially release these conditions 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 the developer and/or landowner of the subject Property."

The developer and/or landowner shall abide by this condition, which would allow the Land Use Commission to fully, or partially release these conditions to all or any portion of the Property upon a timely motion and provision of adequate assurance of satisfaction of these conditions by the developer and/or landowner.

There has been no change in 2004 in the developer and/or landowner's intent to comply with this condition.

32. "The developer and/or landowner of the subject Property 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 the completion of the development of the Property."

The developer and/or landowner shall abide by this condition and 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 the completion of the development of the Property.

The consolidation/re-subdivision application submitted by DLNR creating 13 parcels within the Government Lands of Kalaoa 1-4 and Ooma 1<sup>st</sup> for the purpose of establishing, and subsequently, transferring certain lands to the Department of Hawaiian Home Lands was finalized May 1999. There has been no further subdivision of the lands covered by Land Use Docket BR92-685 since May 1999.

33. "Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall 1) record with the Bureau of Conveyances a statement to the effect that the Property is subject to conditions imposed by the



Land Use Commission in the reclassification of the Property; and 2) shall file a copy of such recorded statement with the Commission."

The statement of Imposition of Conditions by the Land Use Commission for the real property at Keahole, North Kona, was filed with the Bureau of Conveyances-Regular System, December 15, 1993.

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

The Declaration of Conditions imposed by the Land Use Commission for the real property at Keahole, North Kona, was filed with the Bureau of Conveyances-Regular System, on February 9, 1994.