



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, Hawaii 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

February 6, 2006

Mr. Sidney M. Fuke, Planning Consultant
100 Pauahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: 2005 Annual Report
LUC Docket No. A83-549/Gamrex, Inc.

Upon review of your 2005 annual report filed with our office on January 18, 2006, we have the following comments to offer:

1. We acknowledge that sometime in January or February 2006, Kona Vistas, LLC, a Delaware limited liability corporation acquired the Petition Area. Please note that the title of this docket remains A83-549/Gamrex, Inc. until such time that the new owner (Kona Vistas, LLC) files a motion with the Commission to change the docket title, and the Commission subsequently grants such amendment.
2. SMA Permit No. 430 and County of Hawaii Rezoning No. 02-131 have no direct bearing on the Conditions of Approval specified in the LUC's applicable Decision and Orders dated December 13, 1983 and May 10, 1993. Therefore, the details of the compliance with the SMA permit and rezoning ordinance should not be included in the annual report filed with the LUC. Your annual report should be limited to the LUC's standard format which is composed of two sections: (1) a narrative of Petitioner's status of the Project to date, and (2) the list of conditions of approval with a narrative of compliance to date. Upon request, the LUC can provide examples of annual reports utilizing the appropriate format.

Mr. Sidney M. Fuke, Planning Consultant

February 6, 2006

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3. For the second portion of the annual report, please list the condition of approval *verbatim* followed by a description of Petitioner's compliance. Abbreviating and/or combining the conditions of approval is not considered to be an acceptable format.
4. For your records please note that: 1) on March 5, 1984, the Petitioner filed with our office a copy of the Certificate of Conditions recorded in the Bureau of Conveyances on February 21, 1984, in Liber. 17675, page 712, for Increment I of the Petition Area and 2) on July 8, 1993, the Petitioner filed with our office a copy of the Certificate of Conditions, which was recorded in the Bureau of Conveyances as Document No. 93-107610 and certified by the Registrar of Conveyances for Increment II of the Petition Area.

Please incorporate these suggestions in your next annual report to the Commission. If you require clarification or any further assistance, please do not hesitate to contact Max Rogers of my staff at 587-3822.

Sincerely,



ANTHONY J. H. CHING

Executive Officer

c: Christopher Yuen, County of Hawaii Planning Department
Laura Thielen, State Office of Planning



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January 27, 2006

Mr. Sidney Fuke, Planning Consultant
100 Pauahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Fuke:

Subject: Filing of the Annual Report for LUC Docket No. A83-549 Gamrex, Inc.

This is to acknowledge receipt of the annual report for the subject docket dated January 9, 2006. Upon completion of our review of the annual report, we will submit our comments to you, if necessary.

Please note that we have requested the County of Hawaii, Planning Department, to review and comment on the annual report, with the understanding that you have submitted a copy of the annual report to the County. Any comments they may have will be provided to you.

As required by Condition No. 3 of the Findings of Fact, Conclusions of Law, and Decision and Order issued by the LUC on May 10, 1993, the Petitioner shall provide the annual report to the LUC, the Office of Planning, and the County of Hawaii Planning Department.

Please note that the annual report submitted to the LUC shall include: 1) an original annual report plus one copy, and 2) an email .pdf version of the annual report to Max Rogers, Staff Planner, at mrogers@dbedt.hawaii.gov. To initiate this new procedure for 2006, we request that you send a .pdf copy of this year's annual report to Max Rogers at your earliest convenience.

Thank you for your cooperation in this annual reporting requirement. Please do not hesitate to contact Max Rogers of my staff at 587-3822, should you require clarification or any further assistance.

Sincerely,


ANTHONY J. H. CHING
Executive Officer



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Fax: 808-587-3827

January 27, 2006

Mr. Christopher Yuen, Director
Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Dear Mr. Yuen:

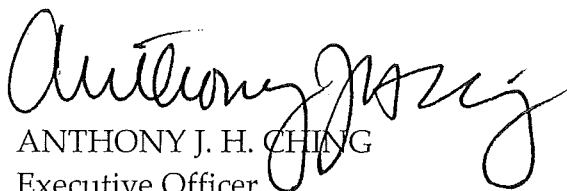
Subject: Filing of the Annual Report for LUC Docket No. A83-549 Gamrex, Inc.

On January 9, 2006, the Land Use Commission received the annual report from the Petitioner filed pursuant to Condition No. 3 of the Findings of Fact, Conclusions of Law, and Decision and Order issued on May 10, 1993. As required by said conditions, we understand that the County of Hawaii, Department of Planning has been served with a copy of the annual report.

We request your assistance in reviewing the annual report and provide us with any comments you may have regarding the Petitioner's 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 February 27, 2006.

Please do not hesitate to contact Maxwell Rogers of my staff at 587-3822, should you require clarification or any further assistance.

Sincerely,


ANTHONY J. H. CHING
Executive Officer