BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of
MSM & ASSOCIATES, INC

To Amend the Agricultural Land Use
District Boundary into the Urban Land
Use District for approximately 181 acres
at Oneula, Ewa, Oahu, TMK: 9-1-12: 7,
8, 9, 11, 12, 13, 16, 17, and Portion of 5.

DOCKET NO. A83-558
ORDER GRANTING HASEKO (EWA)
INC.'S MOTION TO DELETE
CONDITION 9

ORDER GRANTING HASEKO (EWA), INC.'S
MOTION TO DELETE CONDITION 9

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.

February 22, 2010, by

[Signature]
Executive Officer
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of

MSM & ASSOCIATES, INC

To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for approximately 181 acres at Oneula, Ewa, Oahu, TMK: 9-1-12: 7, 8, 9, 11, 12, 13, 16, 17, and Portion of 5.

DOCKET NO. A83-558
ORDER GRANTING HASEKO (EWA) INC.'S MOTION TO DELETE CONDITION 9

ORDER GRANTING HASEKO (EWA), INC.'S MOTION TO DELETE CONDITION 9

On December 29, 2009, Haseko (Ewa), Inc, the master planner of the Ocean Pointe and Hoakalei development projects, which include the petition area in Docket No. A83-558, filed a Motion to Delete Condition 9 of the Decision and Order in said docket filed on September 21, 1984 (hereinafter 1984 D & O). The Motion was filed pursuant to Sections §15-15-70 and §15-15-94 of the Hawai'i Administrative Rules. Condition 9 of the 1984 D & O provides as follows:

The Petitioner shall petition the Land Use Commission to reclassify the lands actually developed for the marina waterways to the Conservation District within two years of completion of the marina.

Docket No. A83-558, Order Granting Haseko (Ewa), Inc.'s Motion to Delete Condition 9
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 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 HAWAI‘I

Deputy Attorney General

By REUBEN WONG
Vice-Chairperson and Commissioner

Filed and effective on:

February 22, 2010

Certified by

ORLANDO DAVIDSON
Executive Officer
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI’I

In The Matter Of The Petition Of MSM & ASSOCIATES, INC

DOCKET NO. A83-558

CERTIFICATE OF SERVICE

To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for approximately 181 acres at Oneula, Ewa, Oahu, TMK: 9-1-12: 7, 8, 9, 11, 12, 13, 16, 17, and Portion of 5.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER GRANTING HASEKO (EWA), INC.'S MOTION TO DELETE CONDITION 9 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:

<table>
<thead>
<tr>
<th>Name</th>
<th>HAND DELIVERED</th>
<th>REGULAR MAIL</th>
<th>CERTIFIED MAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABBEY SETH MAYER, DIRECTOR</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Office of Planning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>235 S. Beretania Street Rm. 600</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Honolulu, Hawaii 96813</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BRYAN YEE, ESQ.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Deputy Attorney General</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale Auhaus, Third Floor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>425 Queen Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Honolulu, Hawaii 96813</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>HAND DELIVERED</td>
<td>REGULAR MAIL</td>
<td>CERTIFIED MAIL</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------</td>
<td>--------------</td>
<td>----------------</td>
</tr>
<tr>
<td>DAVID TANOUÉ, DIRECTOR</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Department of Planning and Permitting City and County of Honolulu 650 South King Street Honolulu, Hawai'i 96813</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CARRIE OKINAGA, ESQ. Corporation Counsel City &amp; County of Honolulu 530 South King Street Honolulu, Hawai'i 96813</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>YVONNE IZU, ESQ. Morihara, Lau &amp; Fong LLP 400 Davies Pacific Center 841 Bishop Street Honolulu, HI 96813</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Honolulu, Hawai'i, February 22, 2010.

[Signature]

ORLANDO DAVIDSON
Executive Officer