BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition

of

MOANA CORPORATION,

For Reclassification of
Certain Lands Situated at
Poipu, Island of Kauai

DOCKET NO. A76-418

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

July 5, 1978 by

Executive Officer

DECISION AND ORDER
ON MOTION TO AMEND CONDITION
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition
of
MOANA CORPORATION,
For Reclassification of
Certain Lands Situated at
Poipu, Island of Kauai.

DOCKET NO. A 76-418
DECISION AND ORDER

DECISION AND ORDER

MOANA CORPORATION, through its attorney Walton D. Y. Hong, having filed a Motion to Amend Condition in Decision and Order to amend Condition Number 7, as contained in the Land Use Commission's Decision and Order of July 7, 1977 in the above-entitled docket, and

Hearings having been conducted on the above Motion on May 11, 1978 and May 25, 1978 by the Land Use Commission, all parties having an opportunity to participate and present evidence and arguments, and

The Land Use Commission having considered the Motion, the evidence adduced and testimony taken, and the files and records of the above-entitled docket,

IT IS HEREBY ORDERED that Condition No. 7, as contained in the Decision and Order dated July 7, 1977 by the Land Use Commission in the above-entitled proceeding, be amended to read in its entirety as follows:

"7. That Petitioner commission and complete a comprehensive archaeological and biological study with actual inventories of archaeological sites and flora and fauna on the subject property, and that the Petitioner preserve any archaeological sites which archaeologist conducting such archaeological study believes to be significant and worthy of preservation and protect and preserve the present
habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers which the biologist conducting the biological study believes to be worthy of preservation. The Petitioner may commission such archaeological and biological study to any archaeologist and biologist or firm connected therewith who is qualified to conduct such a study to satisfy the foregoing condition. The Petitioner may apply to the County of Kauai for rezoning of the subject property before the completion of the archaeological and biological study, provided that no actual work on any portion of the subject property begins until the archaeological and biological study for that portion to be worked on has been completed. Actual work on any portion of the subject property may be commenced by the Petitioner upon certification by the archaeologist and biologist that the area for which work is to commence does not contain any archaeological sites deemed significant and worthy of preservation, nor contains any habitats of any blind, eyeless, big-eyed, hunting spiders and blind terrestrial sandhoppers deemed worthy of preservation."


STATE LAND USE COMMISSION
STATE OF HAWAII

By

CHARLES DUKE
Chairman and Commissioner

By

SHINICHI NAKAGAWA
Vice Chairman and Commissioner

By

James R. Carras
Commissioner

By

CAROL WHITESELL
Commissioner

-2-
By SHINSEI MIYASATO
Commissioner

By COLLETT MACHADO
Commissioner

By MITSUO OURA
Commissioner

By GEORGE PASCUA
Commissioner
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of )
MOANA CORPORATION, for the re- ) DOCKET NO. A76-418
classification of certain lands )
situated at Poipu, Island of Kauai )

CERTIFICATE OF SERVICE

I hereby certify that copy of the Decision and
Order on Motion to Amend Condition was served upon the
following by either hand delivery or depositing the same
in the U. S. Postal Service by certified mail:

HIDETO KONO, Director
Department of Planning & Economic Development
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MAURICE KATO, Deputy Attorney General
Department of Attorney General
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Lihue, Kauai 96766

Dated: Honolulu, Hawaii, this 5th day of July, 1978.

GORDON Y. FARUTANI
Executive Officer
Land Use Commission