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OUR REFERENCE NO.:
066928-00012

October 25, 2017

VIA HAND DELIVERY AND EMAIL

Mr. Daniel E. Orodenker, Executive Officer
Land Use Commission, State of Hawaii
235 South Beretania Street
Room 406, Leiopapa A. Kamehameha Bldg.
Honolulu, Hawaii 96813

2017 OCT 25 P 3:42
LAND USE COMMISSION
STATE OF HAWAII

Re: Monsanto Company, DR17-60, Petition for Declaratory Order to Designate Important Agricultural Lands for approximately 1,084.079 acres at Naiwa, Manowainui, Kahanui, Moloka'i, identified by TMK (2) 5-2-012-004

Dear Executive Officer Orodenker:

For the reasons stated below, Petitioner Monsanto Company (“**Petitioner**”) hereby withdraws its Petition for Declaratory Order to Designate Important Agricultural Lands that we filed with the Commission on September 29, 2017 (the “**Petition**”).

Petitioner continues to strongly believe that the land that it sought to have designated as Important Agricultural Lands (“**IAL**”) in this proceeding would have helped to fulfill the constitutional mandate in Article XI, Section 3 of the Hawai'i constitution, to conserve and protect agricultural lands, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands into the future. At great cost, Petitioner voluntarily sought IAL designation of its land on the island of Moloka'i. Petitioner continues to believe that its land meets all of the legal requirements to be designated as IAL.

Through the very transparent and public process at the Commission, the community, both on Moloka'i and elsewhere in the State of Hawai'i, was given an opportunity to be better informed about Petitioner's sustainable farming practices, including soil and water conservation, and other best management practices. The IAL designation process is about whether the land being sought for IAL designation has any of the statutory attributes for agricultural production, such as good soil quality, good growing conditions, sufficient quantities of water, consistency with County land use plans and designations, and if the land can contribute to maintaining a critical land mass important to agricultural operating productivity. The Petitioner's land has all of these attributes, and has been used for agricultural purposes for well over 100 years.

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Unfortunately, the proceedings at the Commission, and the discussion in the community, became more about who was doing the farming, rather than the simple statutory question of whether the Petitioner's land was appropriate for IAL designation. Petitioner never intended that its Petition cause divisiveness, but that nevertheless appears to be an unintended result of these proceedings.

An IAL designation will not change the permitted land uses of Petitioner's land. The Petitioner intends to continue to use its land for agricultural purposes in compliance with all applicable laws, with or without IAL designation. What is being lost, however, is the constitutionally mandated protection of land as agricultural land for future generations.

Although Petitioner is withdrawing its IAL Petition, Petitioner thanks the Commission and its staff for the time and effort spent on this proceeding, and gratefully acknowledges those who supported its efforts, including the Office of Planning and the Department of Agriculture of the State of Hawaii, the County of Maui, and others in the Moloka'i community.

Respectfully submitted,

CARLSMITH BALL LLP



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Jennifer A. Lim
Attorneys for Monsanto Company

c: Office of Planning, State of Hawaii
Department of Agriculture, State of Hawaii
Planning Department, County of Maui
Monsanto Company

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