



LAND USE COMMISSION  
STATE OF HAWAII

2018 JUN -1 P 2: 56

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Petition Of	)	DOCKET NO. DR18-61
	)	
HARTUNG BROTHERS HAWAII, LLC,	)	FINDINGS OF FACT, CONCLUSIONS
a Hawaii limited liability company	)	OF LAW, AND DECISION AND ORDER
	)	AND CERTIFICATE OF SERVICE
For A Declaratory Order To Designate	)	
Important Agricultural Lands For	)	
Approximately 462.967 Acres Of Land	)	
Situated At Kunia, O`ahu, State Of	)	
Hawai`i, Tax Map Key: (1) 9-2-004: 006	)	
(Por.), 011, And 012 (Por.)	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

AND

CERTIFICATE OF SERVICE

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, Hawai`i

6/1/18

by

Executive Officer



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FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

Petitioner HARTUNG BROTHERS HAWAII, LLC, a Hawaii limited liability company ("Petitioner"),<sup>1</sup> filed a Petition for Declaratory Order to Designate Important Agricultural Lands ("Petition") on March 21, 2018, pursuant to Hawai`i Revised Statutes ("HRS") §§205-44 and -45 and Hawai`i Administrative Rules ("HAR") §§15-15-98, -99, -120, and -121 to designate approximately 462.967 acres of land situated

<sup>1</sup> Petitioner is a subsidiary of Hartung Brothers, Inc., a Wisconsin corporation.  
Docket No. DR18-61/Hartung Brothers Hawaii, LLC, a Hawaii limited liability company  
Findings Of Fact, Conclusions Of Law, And Decision And Order

at Kunia, O`ahu ("Petition Area"), consisting of Tax Map Key ("TMK"): (1) 9-2-004: 006 (por.), 011, and 012 (por.), as Important Agricultural Lands ("IAL").

The Land Use Commission of the State of Hawai`i ("Commission"), having heard and examined the testimony, evidence, and argument of counsel presented during the hearings, along with the pleadings filed herein, hereby makes the following findings of fact, conclusions of law, and decision and order.

### FINDINGS OF FACT

#### PROCEDURAL MATTERS

1. On March 21, 2018, Petitioner filed the Petition, Verification, and Exhibits "A" through "F" with the Commission, and submitted the \$1,000 application fee and electronic copy of the Petition, Verification, and Exhibits to the Commission.
2. On April 24, 2018, the State Department of Agriculture ("DOA") filed comments in support of the Petition.
3. On April 27, 2018, the State Office of Planning ("OP") filed comments in support of the Petition.
4. On April 27, 2018, the City and County of Honolulu Department of Planning and Permitting ("DPP") filed comments on the Petition, stating that it had no objections to the designation of the Petition Area as IAL, but it asked that the

Commission also include Petitioner's 91.345 acres, identified as TMK: (1) 9-2-004: 003 and 006 (por.), along Kunia Road in the Petition.<sup>2</sup>

5. On May 15, 2018, Petitioner filed a response to the written comments of OP, the DPP, and the DOA.

6. On May 15, 2018, Petitioner filed a curriculum vitae each for Tom Schnell, Planner, PBR Hawaii ("PBR"), and Ramsay Taum, Cultural Sustainability Planner, PBR.

7. On May 15, 2018, Petitioner filed a *Report of Findings on Cultural Research Related to the Designation of a Majority of Hartung Brothers Hawaii's Land as Important Agricultural Lands*.

8. On May 24, 2018, the Commission held a meeting on the Petition in Honolulu, Hawai'i.

9. Joseph Dane, Esq., and Joshua Uyehara appeared on behalf of Petitioner.

10. Dawn Takeuchi-Apuna, Esq., and Rodney Funakoshi appeared on behalf of OP.

11. Earl Yamamoto appeared on behalf of the DOA.

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<sup>2</sup> This acreage consists primarily of Petitioner's processing facilities and offices as well as other fields used for seed corn production

12. The DPP was duly notified of the Commission's meeting on the Petition, but no representative of the DPP was present at the meeting.

13. At the meeting, the Commission admitted into the record the Petition; Petitioner's Exhibits "A" through "F"; the written comments on the Petition from OP, the DOA, and the DPP; the submittals of Petitioner filed on May 15, 2018; and the hardcopy of Petitioner's PowerPoint slide presentation. The Commission also heard public testimony from Brian Miyamoto on behalf of Randy Cabral, Hawai'i Farm Bureau, and admitted Mr. Cabral's written testimony into the record.

14. Petitioner called Joshua Uyehara and Tom Schnell as witnesses. Mr. Uyehara is the Vice President and General Manager of Petitioner. Mr. Schnell was qualified as an expert in land use planning.

15. OP supported the designation of the Petition Area as IAL.

16. The DOA supported the designation of the Petition Area as IAL.

17. Following the receipt of public testimony and Petitioner's case-in-chief, and upon due deliberation, a motion was made and seconded to grant the Petition. The movant subsequently clarified that the motion included the condition requiring Petitioner to comply with representations made to the Commission with respect to not claiming any credits described in HRS §205-45(h) with respect to the

Petition Area. There being a vote tally of 6 ayes and 2 excused, the motion carried unanimously.<sup>3</sup>

#### DESCRIPTION OF THE PETITION AREA

18. Petitioner is the fee simple owner of four contiguous parcels located in Kunia, O`ahu, State of Hawai`i, and identified by TMK: (1) 9-2-004: 003, 006, 011, and 012, consisting of approximately 848.627 acres ("Petitioner's Land").

19. The Petition Area consists of approximately 462.967 acres of Petitioner's Land, and represents the best situated, most productive, and most agriculturally valuable land that is prioritized for cultivation.

20. The Petition Area represents approximately 54.6 percent of Petitioner's Land.

21. The entire Petition Area is currently in active agricultural use.

22. Approximately 302 acres, or 65 percent, of the Petition Area are in active crop production, approximately 299 acres of which are planted in seed corn and the remaining three acres are planted with sorghum. Petitioner is currently investigating other crops for the Petition Area.

23. A field area is used to produce one crop per year. Approximately one-half of the field areas on the Petition Area can be planted at any given time. This allows for year-round crop production of up to two crops per year under Petitioner's

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<sup>3</sup> There are currently eight sitting commissioners on the LUC. The one remaining seat is vacant. Docket No. DR18-61/Hartung Brothers Hawaii, LLC, a Hawaii limited liability company  
Findings Of Fact, Conclusions Of Law, And Decision And Order

current practice, which requires crop isolation and soil re-generation/fallow fields between corn crops.

24. The balance of the Petition Area (approximately 161 acres, or 35 percent of the Petition Area) consists of water infrastructure (such as a reservoir, detention basins, berms, and filter strips), roads, soil conservation measures, and gulch land, all of which are used in connection with the ongoing agricultural uses on the Petition Area.

25. Petitioner's agricultural operations utilize a comprehensive conservation plan developed in conjunction with the U.S. Department of Agriculture's Natural Resource Conservation Service with a goal of soil and water conservation. The plan includes the use of vegetative barriers established across slopes to slow and divert rainwater runoff, grassed waterways to channel rainwater runoff and slow its flow rate, and sediment basins. In addition, the plan includes the use of drip irrigation, cover crops, windbreaks, and other tillage and dust mitigation measures. Petitioner's agricultural practices emphasize impact minimization and sustainability of the long-term health and productivity of the soil and water.

26. There are 14 full-time employees currently at Petitioner's Kunia operations, including at the Petition Area.

27. Petitioner has no tenants, and no other private party has an interest in this matter.



28. There are no Native Hawaiian cultural activities and sites located on the Petition Area.

29. The remainder of Petitioner's Land, which are not proposed for IAL designation, consists of approximately 385.660 ("Remainder Land") and includes (a) Petitioner's processing facilities and offices along Kunia Road on approximately 19.296 acres within TMK: (1) 9-2-004: 003; (b) other fields used for seed corn production adjacent to Kunia Road (an approximately 72.049-acre portion of TMK: (1) 9-2-004: 006); and (c) mauka land to the west of the Petition Area (an approximately 258.306-acre portion of TMK: (1) 9-2-004: 006 and an approximately 36.009-acre portion of TMK: (1) 9-2-004: 012). The quantity of Petitioner's current irrigation water allocation and the current state of the irrigation infrastructure are not sufficient to service all of Petitioner's Land in active production at the same time. Petitioner's existing water allocations would significantly constrain cropping and production if all of Petitioner's Land were attempted to be farmed simultaneously.

30. The mauka land to the west of the Petition Area is less suitable for production agriculture than the Petition Area, because this land (a) has steeper slopes; (b) is more prone to erosion; (c) is further from the processing facility, presenting logistical challenges for transporting crops and equipment; (d) is more prone to pests due to its proximity to the Honouliuli Forest Reserve and unmanaged or minimally-

managed properties bordering the fields; and (e) is not evenly supplied with functional irrigation infrastructure.<sup>4</sup>

31. Petitioner fully intends to continue use of its processing facilities and production of seed corn on the Remainder Land as part of its agricultural operations.

#### DESCRIPTION OF REQUEST

32. Petitioner asks that the Commission designate the Petition Area as IAL pursuant to HRS §§205-44 and -45 and HAR §§15-15-98, -99, -120, and -121.

33. Petitioner is not seeking a reclassification of land pursuant to HRS §205-45(b) in conjunction with its Petition.

34. Petitioner represents that it is voluntarily waiving any and all right to assert, claim, or exercise any credits pursuant to HRS §205-45(h), effective as of the date of its Petition, that may be earned by Petitioner. Petitioner has represented that this waiver is limited to the aforesaid credits and shall not apply to any other right, credit, entitlement, or privilege held now or in the future with respect to any of Petitioner's Land.

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<sup>4</sup> For the portions that do have irrigation, the increased elevation results in higher operational costs due to having to pump water further uphill.

CONFORMANCE WITH THE OBJECTIVES FOR THE IDENTIFICATION OF IAL

35. HRS §205-42 sets forth the objectives for identifying IAL, including contribution to the State's economic base and production of agricultural commodities for export or local consumption, and to support a diversity of agricultural activities and opportunities that expand agricultural income and job opportunities.

36. The growing of seed corn and sorghum constitute "agricultural production" under HRS §205-44.

37. Seed corn production and sorghum are "crops" under HRS §§205-2(d)(1) and 205-4.5(a)(1).

38. Petitioner employs 14 full-time employees at its Kunia operations, including at the Petition Area.

CONFORMANCE WITH THE STANDARDS AND CRITERIA FOR THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS

39. HRS §205-44(c) and HAR §15-15-120(c) set forth the standards and criteria for identifying IAL. Lands identified as IAL do not need to meet every standard and criterion listed in HRS §205-44(c). Rather, lands meeting any of the criteria in HRS §205-44(c) shall be given initial consideration, and the designation of IAL shall be made by weighing standards and criteria to meet the constitutionally mandated purposes in Article XI, Section 3, of the Constitution of the State of Hawai'i and the objectives and policies for IAL identified in HRS §§205-42 and -43.

40. Land currently used for agricultural production (HRS §205-44(c)(1) and HAR §15-15-120(c)(1)).

The Petition Area has been in agricultural use for over 120 years, first in sugar operations, then pineapple production, and then for research, development, and production of seed corn. Currently, most of the Petition Area is in active year-round agricultural production. Approximately 302 acres, or 65 percent, of the Petition Area are in active crop production, with approximately 299 acres planted in seed corn and the remaining three acres planted in sorghum. The other portion of the Petition Area, consisting of approximately 161 acres, or 35 percent, includes water infrastructure, roads, soil conservation measures, and gulch land, all of which are used in connection with the ongoing agricultural uses on the Petition Area. Petitioner intends to keep the Petition Area in these uses for the foreseeable future.

41. Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops (HRS §205-44(c)(2) and HAR §15-15-120(c)(2)).

The Detailed Land Classification System and Agricultural Land Productivity Ratings by the University of Hawai'i Land Study Bureau (LSB) (1972) is a five-tiered productivity rating system using the letters A, B, C, D, and E, with A representing the class of highest productivity and E the lowest. Approximately 75 percent of the Petition Area is rated A or B; approximately 62 percent is rated A, and approximately 13 percent is rated B. The remaining approximately 25 percent of the Petition Area is rated C, D, or E. The soil productivity ratings of the Petition Area are

high, and this high productivity land has been and continues to be used for active agriculture.

42. The following table summarizes the productivity rating of the

Petition Area:

Productivity Rating	Total IAL	
	Acres	% of IAL
A	284.672	61.5%
B	61.906	13.4%
C	56.490	12.2%
D	24.295	5.2%
E	35.604	7.7%
Unclassified	0.000	0.0%
Total	462.967	100%

43. The mean annual solar radiation on the Petition Area ranges from 186 to 188 watts per square meter per hour, based on information from the *Evapotranspiration of Hawai`i Final Report* prepared in February 2014 for the U.S. Army Corps of Engineers, Honolulu District, and the State of Hawai`i's Commission on Water Resource Management by the Department of Geography at the University of Hawai`i at Mānoa.

44. Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawai`i (ALISH) system adopted by the board of agriculture on January 28, 1977 (HRS §205-44(c)(3) and HAR §15-15-120(c)(3)).

The Agricultural Lands of Importance to the State of Hawai'i ("ALISH") classification system was developed in 1977 by the DOA. The system was primarily, but not exclusively, based on the soil characteristics of lands and existing cultivation. There are three classes of land under the ALISH system: Prime, Unique, and Other.

45. Approximately 96.3 percent of the Petition Area is assigned a classification rating under the ALISH system: 66.8 percent is classified as Prime, 0.5 percent is classified as Unique, and 29.0 percent is classified as Other. The balance of the Petition Area (3.7 percent) is not classified under the ALISH system but includes essential elements for active agricultural operations, such as drainage ways, water system infrastructure, roadways, or areas for soil conservation.

46. The table below summarizes the ALISH classification of the Petition Area:

ALISH Classifications	Total IAL	
	Acres	% of IAL
Prime	309.308	66.8%
Unique	2.449	0.5%
Other	134.210	29.0%
Not ALISH	17.000	3.7%
Total:	462.967	100%

47. Land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation, or unique agricultural crops and uses,

such as coffee, vineyards, aquaculture, and energy production (HRS §205-44(c)(4) and HAR §15-15-120(c)(4)).

The Petition Area is not associated with traditional Native Hawaiian agricultural uses or unique agricultural crops and uses.

48. Land with sufficient quantities of water to support viable agricultural production (HRS §205-44(c)(5) and HAR §15-15-120(c)(5)).

A majority of the Petition Area is irrigated by a plantation-era, onsite irrigation system, portions of which were installed by Oahu Sugar Company, Ltd., Del Monte Fresh Produce (Hawaii), Inc., and Syngenta Hawaii, LLC. The system includes one onsite reservoir, two reservoirs on neighboring land, three water pumps, and two booster pumps.

49. The onsite irrigation system draws water from Reservoirs #155, #23, and #90. Reservoir #155 was built in 1927 to store irrigation water for the previous sugarcane cultivation operations on the Petition Area and in the region. Reservoirs #155 and #90 lie on an adjacent parcel, currently owned by Monsanto Company, to which Petitioner has access over various easements, and Reservoir #23 is a new addition recently built on Petitioner's Land. Each of these reservoirs receive water from the Waiāhole Ditch, the western most portion of which is located on the makai boundary of the Petition Area, and which serves as the primary source of irrigation water for the Petition Area.

50. Petitioner is permitted to withdraw Waiāhole Ditch water pursuant to Water Use Permit No. 1052, issued by the Commission on Water Resource Management, State of Hawai`i, which allows the withdrawal of 0.590 million gallons per day (“mgd”) of water on a 12-month moving average basis for use on Petitioner’s Land. Since June 2017, the 12-month moving average collective water use by Petitioner has ranged from 0.560 mgd to 0.427 mgd. Approximately 80 percent of this water is used for crops on the Petition Area. Petitioner’s current allocation of water from the Waiāhole Ditch is sufficient to meet crop irrigation needs within the Petition Area.

51. Petitioner is a member of the Kunia Water Association (“KWA”). Petitioner’s Land has been allocated 3.82 percent of the total water available from the KWA. The actual amount of water (i.e., a specific number of gallons per day) that is available to Petitioner under this allocation is not set and can vary based on KWA well capacities and pump systems. Currently, Petitioner does not use any water from Petitioner’s KWA allocation, and water from the KWA allocation does not play a critical role in meeting Petitioner’s irrigation needs. Petitioner’s KWA allocation provides a backup source of water in the event of a disruption of water availability from the Waiāhole Ditch system.

52. In addition to water from the Waiāhole Ditch system, the Petition Area receives a mean annual rainfall of approximately 30 to 40 inches annually.



53. Land whose designation as important agricultural lands is consistent with general, development, and community plans of the county (HRS §205-44(c)(6) and HAR §15-15-120(c)(6)).

Designation of the Petition Area as IAL is consistent with the State Land Use Agricultural District designation, the General Plan of the City and County of Honolulu (2002) (“General Plan”), applicable community plans, and the zoning designation of the Petition Area.

54. All of the Petition Area is within the State Land Use Agricultural District, and designation of the Petition Area as IAL will be consistent with such land use designation.

55. Designation of the Petition Area as IAL is consistent with the General Plan by maintaining the viability of agriculture on O`ahu, particularly by preserving land in `Ewa and Central O`ahu for continued agricultural uses and contributing toward the continuation of agriculture as an important source of income and employment.

56. The Petition Area is located mostly within the Central O`ahu Sustainable Communities Plan (2002) (“Central O`ahu SCP”) region, with a small portion in the `Ewa Development Plan (2013) (“`Ewa DP”) region. All of the Central O`ahu SCP maps designate the portion of the Petition Area that is in the Central O`ahu SCP area as “Agricultural Areas” of some type. Similarly, the `Ewa DP also contains a series of maps, and all of the `Ewa DP maps designate the portion of the Petition Area

that is in the `Ewa DP area as “Agricultural Areas” of some type. Additionally, the Petition Area is not within the growth boundaries on any of the Central O`ahu SCP and `Ewa DP maps. In the Central O`ahu SCP Proposed Revised Plan (2016), the maps continue to designate the portion of the Petition Area that is in the Central O`ahu SCP area as “Agricultural Areas” of some type.

57. The entire Petition Area has an AG-1 Restricted Agricultural District designation under the Land Use Ordinance of the City and County of Honolulu. The designation of the Petition Area as IAL will be consistent with such designation.

58. Land that contributes to maintaining a critical land mass important to agricultural operating productivity (HRS §205-44(c)(7) and HAR §15-15-120(c)(7)).

The Petition Area, consisting of a contiguous block of approximately 462.967 acres of agricultural land, in and of itself contributes to maintaining a critical land mass important to agricultural operating productivity. Furthermore, the Petition Area is contiguous with land to the south owned by Monsanto Company, which has been designated as IAL pursuant to the Decision and Order adopted by the Commission pertaining to Monsanto’s Kunia land (Docket No. DR17-59).

59. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power (HRS §205-44(c)(8) and HAR §15-15-120(c)(8)).

The Petition Area is near support infrastructure conducive to agricultural productivity. In addition to onsite infrastructure, the Petition Area contains agricultural roads between fields, and Kunia Road is capable of supporting farming equipment and direct road transportation to/from markets. The Petition Area has direct access to electrical power, either through land owned by Petitioner or via easements running to the south over Monsanto's property. Petitioner's own processing facility is located on land immediately adjacent to the Petition Area. The Petition Area also has fences, gates, berms, and windbreaks to improve agricultural productivity and protect the environment.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Petition pursuant to HRS §§91-8, 205-44 and 205-45, and HAR §15-15-98.
2. Pursuant to HRS §§205-45(e) and 205-44(b), the Commission has the authority to designate lands as IAL as long as any of the standards and criteria in HRS §205-44(c) are met.
3. The Petition Area is currently used for agricultural production in accordance with HRS §205-44(c)(1) and HAR §15-15-120(c)(1).
4. The Petition Area has soil qualities and growing conditions that support agricultural production in accordance with HRS §205-44(c)(2) and HAR §15-15-120(c)(2).

5. A majority (66.8 percent) of the Petition Area consists of prime agricultural lands identified under agricultural productivity rating systems, such as the ALISH system, in accordance with HRS §205-44(c)(3) and HAR §15-15-120(c)(3).

6. The Petition Area is not associated with traditional Native Hawaiian agricultural uses or unique agricultural crops and uses, and therefore does not satisfy HRS §205-44(c)(4) or and HAR §15-15-120(c)(4).

7. The Petition Area has sufficient quantities of water to support viable agricultural production in accordance with HRS §205-44(c)(5) and HAR §15-15-120(c)(5).

8. Designation of the Petition Area as IAL is consistent with the General Plan for the City and County of Honolulu, the Central O`ahu Sustainable Communities Plan, and the `Ewa Development Plan in accordance with HRS §205-44(c)(6) and HAR §15-15-120(c)(6).

9. The Petition Area contributes to maintaining a critical land mass that is important to agricultural operating productivity in accordance with HRS §205-44(c)(7) and HAR §15-15-120(c)(7).

10. The Petition Area is near support infrastructure conducive to agricultural productivity, such a transportation to markets, water, and power in accordance with HRS §205-44(c)(8) and HAR §15-15-120(c)(8).

11. The designation of the Petition Area as IAL generally meets the purposes of Article XI, Section 3, of the Constitution of the State of Hawai`i by conserving and protecting agricultural lands, promoting diversified agriculture, increasing agricultural self-sufficiency, and assuring the availability of agriculturally suitable lands.

12. The designation of the Petition Area as IAL meets the objectives of HRS §205-42(a)(1) because the Petition Area is capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology.

13. The designation of the Petition Area as IAL meets the objectives of HRS §205-42(a)(2) because the Petition Area contributes to the State's economic base and produces agricultural commodities for export or local consumption.

14. The designation of the Petition Area as IAL meets the objectives of HRS §205-42(b) by contributing to the maintenance of a strategic agricultural land resource base that can support a diversity of agricultural activities and opportunities that expand agricultural income and job opportunities and increase agricultural sufficiency for current and future generations.

15. The designation of the Petition Area as IAL furthers the policies of HRS §205-43(1) by promoting the retention of IAL in blocks of contiguous, intact, and

functional land units large enough to allow flexibility in agricultural production and management.

16. The designation of the Petition Area as IAL furthers the policies of HRS §205-43(2) by discouraging the fragmentation of IAL and the conversion of these land to non-agricultural uses.

17. The designation of the Petition Area as IAL furthers the policies of HRS §205-43(8) by promoting the maintenance of essential agricultural infrastructure systems, including irrigation systems.

18. The Petition Area meets the requirements of HRS §205-44 and -45 for designation as IAL.

19. Any conclusion of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

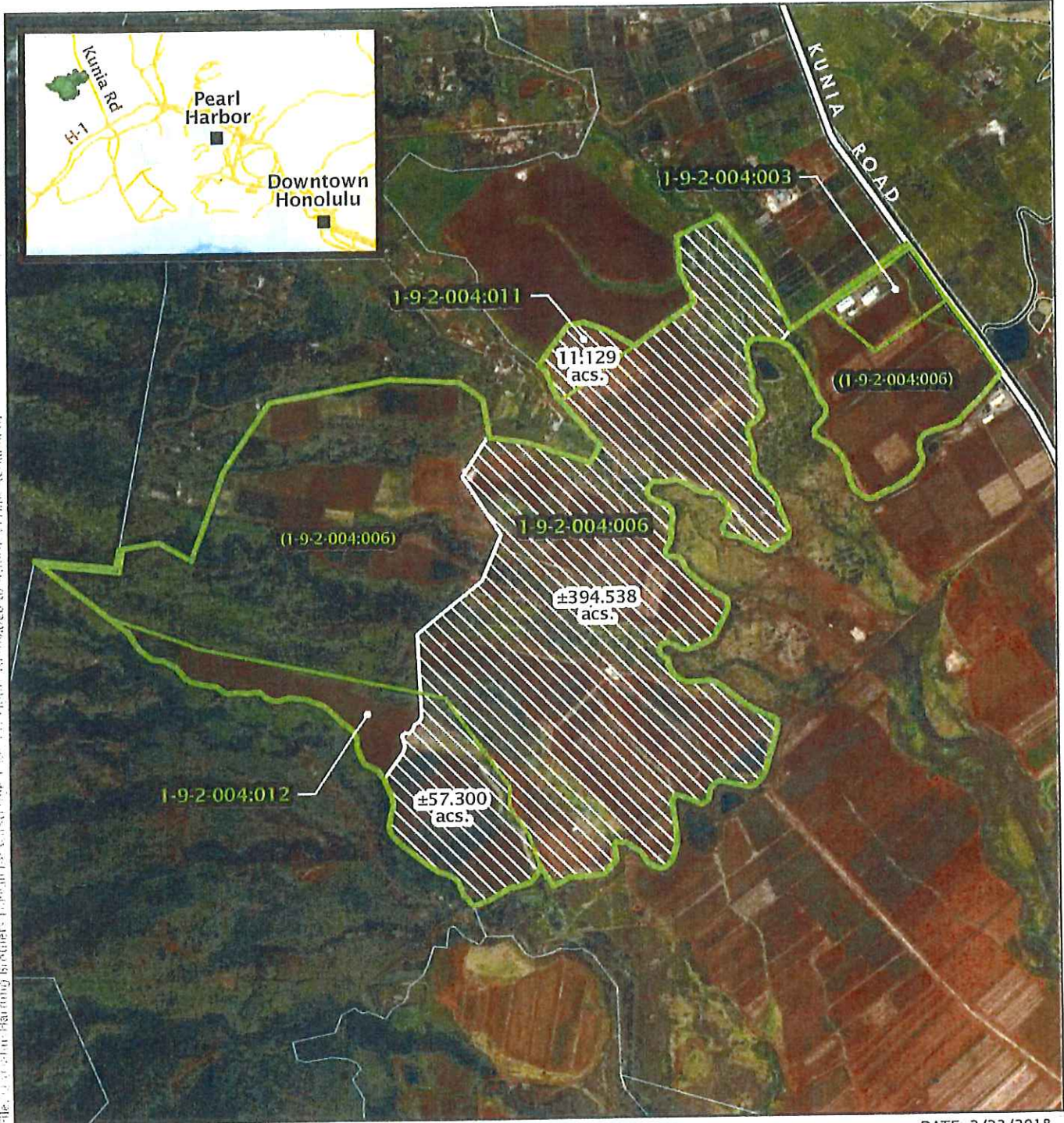
#### DECISION AND ORDER

This Commission, having duly considered the Petition, the oral and/or written testimony of OP, the DOA, and the DPP, and a motion having been made at a meeting on May 24, 2018, in Honolulu, Hawai`i, and the motion having received the affirmative votes required by HRS §§15-15-98 and -99 and HRS §§205-44 and -45, and there being good cause for the motion,

HEREBY ORDERS that the Petition Area, consisting of approximately 462.967 acres of land situated at Kunia, O`ahu, State of Hawai`i, consisting of TMK: (1) 9-2-004: 006 (por.), 011, and 012 (por.), as shown on Exhibit "A" attached hereto and incorporated by reference herein, shall be and is hereby designated as IAL as governed by HRS chapter 205.



IT IS FURTHER ORDERED that the designation of the Petition Area as IAL shall be subject to the following conditions:

1. Petitioner shall comply with the representations made to the Commission with respect to not claiming any credits described in HRS §205-45(h) with respect to the Petition Area.
2. Within seven days of the issuance of the Commission's Decision and Order, Petitioner shall record it with the Bureau of Conveyances.



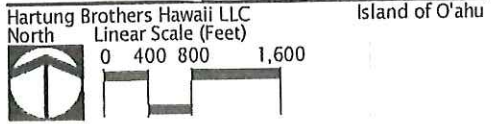
DATE: 2/23/2018

**LEGEND**

-  Petitioner's Land
-  Petition Area

Docket No. DR18-61

Hartung Brothers Hawaii, LLC



Source: Hartung Brothers Hawaii, LLC, City & County of Honolulu, ESRI World Imagery (2015, 2016).  
 Disclaimer: This graphic has been prepared for general planning purposes only.

Exhibit "A"

File:///C:/Users/Hartung Brothers Hawaii/Desktop/DR18-61/2018-02-23/2018-02-23\_Hartung%20Brothers%20Hawaii%20DR18-61\_Serial%20A.pdf



ADOPTION OF ORDER

This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawai'i, this 1<sup>ST</sup> day of June, 2018, per motion on May 24, 2018.

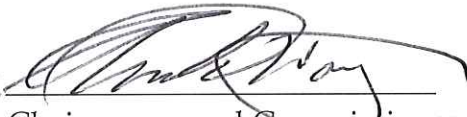
APPROVED AS TO FORM:

Randall S. Nishiyama  
Deputy Attorney General

Filed and effective on:

6/1/2018

LAND USE COMMISSION  
STATE OF HAWAII

By   
Chairperson and Commissioner

Certified by:

  
DANIEL E. ORODENKER  
Executive Officer



LAND USE COMMISSION  
STATE OF HAWAII

2010 JUN -1 P 2:50

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(Por.), 011, And 012 (Por.) )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER** 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:

Regular CITY & COUNTY OF HONOLULU DEPARTMENT OF  
PLANNING & PERMITTING  
650 South King Street  
Honolulu, Hawaii 96813  
Attention: Acting Director Kathy Sokugawa

Regular STATE OF HAWAII  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814  
Attention: Chairperson Scott E. Enright

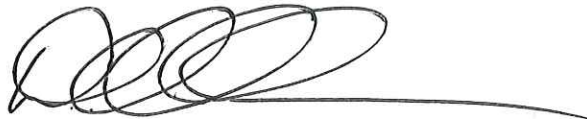
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DATED: Honolulu, Hawai'i,  
June 1, 2018.



DANIEL RODENKER

Executive Officer