

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

In the Matter of the Petition Of

WAIKOLOA MAUKA, LLC

To Amend the Agricultural Land Use District  
Boundary Into the Rural Land Use District for  
Approximately 731.581 Acres in South Kohala  
District, Island of Hawai'i, Tax Map Key No.  
(3) 6-8-02:016 (por.)

DOCKET NO. A06-767

DECLARATION OF DEREK B. SIMON

DECLARATION OF DEREK B. SIMON

I, DEREK B. SIMON, declare and state as follows:

1. I am an attorney with Carlsmith Ball LLP, attorneys for Waikoloa Highlands, Inc. (“WHI”), successor-in-interest to Waikoloa Mauka, LLC (“WML”), the original Petitioner in Docket No. A06-767.

2. Attached hereto as **Exhibit 18** is a true and correct copy of a draft Joint Stipulation to Continue Hearing on Order to Show Cause, which WHI presented to the State of Hawai'i Land Use Commission (the “**Commission**”) at its September 6, 2018 hearing regarding Docket No. A06-767.

3. Attached hereto as **Exhibit 19** is a true and correct copy of the transcript from the Commission's September 6, 2018 hearing regarding Docket No. A06-767.

4. Attached hereto as **Exhibit 21** is a true and correct copy of a letter submitted by WHI to the Land Use Commission, dated September 14, 2018, which provided comments on the Commission's proposed amendments to its Rules.

5. Attached hereto as **Exhibit 22** and **Exhibit 22a** through **Exhibit 22e** are true and correct copies of the line-item tables of WML's and WHI's expenditures on the Project up to this date, prepared by my office based upon documents provided by WHI.

6. Attached hereto as **Exhibit 23** is a true and correct copy of a signed declaration from Paul J. Sulla, Esq., dated October 10, 2018.

7. Attached hereto as **Exhibit 24** is a true and correct copy of the State of Hawai'i Department of Land and Natural Resources, State Historical Preservation Division's ("SHPD") Preliminary Site Information Form for requesting Hawai'i State Inventory of Historic Places numbers, completed and filed with SHPD on August 8, 2018 by SM Affiliates, who has been retained by WHI.

8. Attached hereto as **Exhibit 25** is a true and correct copy of a map showing that the Waikoloa Maneuver Area, which includes the Petition Area. Exhibit 25 was provided to my office by the United States Army Corps of Engineers.

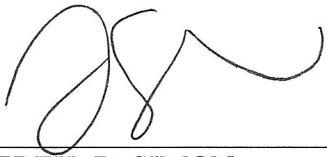
9. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts of County of Hawai'i (the "**County**") Communication No. 45.30, dated June 4, 2004, which my office obtained from the County's online database.

10. Attached hereto as **Exhibit 36** is a true and correct copy of a map showing the Land and Study Bureau classifications of the Petition Area, which was generated by my office using Arc GIS.

11. Attached hereto as **Exhibit 37** is a true and correct copy of a map showing the Agricultural Lands of Importance to the State of Hawaii classifications of the Petition Area, which was generated by my office using Arc GIS.

I, DEREK B. SIMON, do declare under the penalties of perjury that the foregoing is true  
and correct.

DATED: Honolulu, Hawai'i, October 12, 2018.



---

DEREK. B. SIMON