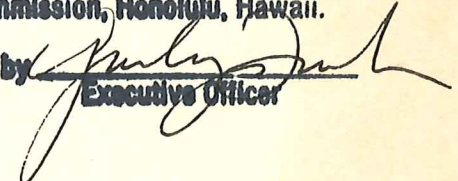


BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of Determining)
Compliance with Section 6.3 of the)
Land Use Commission's Regulations)
Concerning the Boundary Amendment)
of Pukoo Properties, Inc., et al)

DOCKET NO. A69-242
PUKOO PROPERTIES, INC.

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.

12/19/83 by 
Date Executive Officer

ORDER DETERMINING THAT MAUD VAN CORTLANDT
HILL TRUST IS IN COMPLIANCE WITH SECTION 6.3
OF THE LAND USE COMMISSION'S REGULATIONS

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of Determining)
Compliance with Section 6.3 of the) DOCKET NO. A69-242
Land Use Commission's Regulations)
Concerning the Boundary Amendment) PUKOO PROPERTIES, INC.
of Pukoo Properties, Inc., et al)
_____)

ORDER DETERMINING THAT MAUD VAN CORTLANDT
HILL TRUST IS IN COMPLIANCE WITH SECTION 6.3
OF THE LAND USE COMMISSION'S REGULATIONS

This proceeding was initiated by the Land Use Commission (hereinafter referred to as "Commission") on October 6, 1982 by the issuance of an order to show cause why Commission should not reclassify the subject property for failure to comply with Section 6-3, Performance Time, of the State Land Use Regulations. The Commission, on October 4, 1983, having considered the oral and written testimony and exhibits from Benjamin Kudo, counsel for the Maud Van Cortlandt Hill Schroll Trust (hereinafter referred to as "Schroll Trust"); Laurence Dorcy, Jr., beneficiary of the Schroll Trust; Joseph Vierra, engineer for the Schroll Trust; and George Peabody, Kila DeMello and Mervyn Dudoit, Molokai residents, found the following facts:

1. On December 2, 1982, having considered oral and written testimony and exhibits from Messrs. Meyer Ueoka, Esq. and David Irons, Esq., co-counsels for the landowners and Laurence Holmes

Dorcy, Jr. and Johann Christopher Schroll, beneficiaries of the Maud Van Cortlandt Hill Schroll Trust; and Guy Archer, Esq., representing the County of Maui Planning Department; Mr. Tatsuo Fujimoto from the State Department of Planning and Economic Development; Mr. George Peabody and Miss Colette Machado, both Molokai residents; and a Land Use Commission Staff Memorandum; ordered the Schroll Trust to present a progress report and a definitive development plan for the subject property by September 1, 1983 and that no action to reclassify the property be taken at that time.

2. The petition to reclassify approximately 39 acres from the Rural (10 acres) and Conservation (29 acres) Districts at Pukoo, Molokai, to an Urban District was filed by the petitioner, Pukoo Properties, Inc., Keoni Apeka Holdings, Inc., and Shell Pacific Properties, Inc. on December 23, 1969. Pukoo Properties, Inc. and Keoni Apeka Holdings, Inc. were associated as a joint venture under the name "Canadian-Hawaiian Developers" and owned the Pukoo Fish Pond and adjoining lands comprising approximately 30 acres. Shell Pacific Properties, Inc. owned the additional 9 acres of land adjoining the Pukoo Fish Pond.

3. The subject properties identified as Tax Map Keys 5-7-07: 21, 24, 25, 57, 62 and 63 are located on the southeastern shore of the island, approximately 16 miles east of Kaunakakai. The parcels to be developed include the Pukoo Fish Pond with an area of about 29 acres and land adjoining the fish pond to the west of approximately 10 acres.

4. The petitioners proposed to fill a portion of the fish pond and create a lagoon and develop three condominiums and two hotel sites. A total of 500 condominium units and 450 hotel rooms was projected for development on the site. In addition, an off-shore boat basin was proposed.

5. The State Land Use Commission approved the request on June 12, 1970.

6. Subsequent to the Land Use Commission's action, Canadian-Hawaiian Developers obtained the necessary permits and licenses for the initial dredging and filling operations. On October 27, 1970, Canadian-Hawaiian Developers submitted its Application for Conservation District Use, requesting use of the submerged public lands fronting Pukoo Fish Pond for boat basin purposes. This application was approved by the State Board of Land and Natural Resources.

7. The Board's approval was followed by the State Department of Transportation -- Harbors Division's issuance to Canadian-Hawaiian Developers of Shore Waters Construction Permit No. 1475, allowing the developer to excavate and dredge approximately 214,000 cubic yards of material for the Pukoo Fish Pond, the creation of a cloverleaf lagoon with the remainder of the fish pond, and the construction of approximately 950 hotel and condominium units, four restaurants and accompanying recreational facilities.

8. The State Board of Land and Natural Resources, on July 23, 1971, issued Land License S-195 allowing the joint venture, to excavate and remove dredged material from the submerged

lands fronting Pukoo Fish Pond and the adjacent Panahaa Fish Pond.

9. According to its terms as approved, Land License S-195 expired on March 21, 1976. The Board of Land and Natural Resources additionally approved a right-of-entry in favor of Canadian-Hawaiian Developers for construction of the boat basin.

10. On June 30, 1971, the U. S. Corps of Engineers issued Permit PODCO-969-D covering the excavation, and the Department of the Army granted to Canadian-Hawaiian Developers DA Permit No. 969, "Proposed dredging at Pukoo, Molokai, Hawaii," again authorizing the developer to excavate approximately 214,000 cubic yards of material to create public beaches, a boat anchorage basin, and approach channels. The latter permit expired on December 31, 1974. The excavation and dredging of public submerged lands fronting the pond-lagoon, pursuant to the permits described above was completed in 1973.

11. Canadian-Hawaiian Developers sold the Pukoo property in 1979 to its present owners, the Maud Van Cortlandt Hill Schroll 1947 Trust.

12. The Schroll Trust Development Plan includes the construction of three private residences which are intended to be used by the trustees of the Schroll Trust; landscaping; and construction of a private, non-commercial boat storage area on the southwest portion of the lagoon entrance.

13. It is estimated that construction of all of the proposed improvements will be completed within three years.

14. The development plan further proposes to grant to the County of Maui, one 15 foot vehicular right of way to the

beach on the east side of the lagoon, along with parking stalls, turn-around area and showerhead facility and to provide beach access to the west side of the lagoon by way of connecting an existing 5' walkway to an existing easement situated on an adjoining parcel.

15. A minor shoreline management area permit application and preliminary subdivision plat will be filed very shortly with the County of Maui in an attempt to substantially develop the property, and build the three residences.

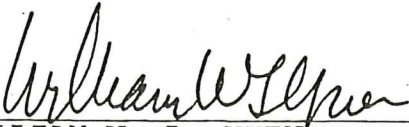
The Commission has determined that Canadian-Hawaiian Developers and its successor the Schroll Trust has made substantial progress to develop the subject property pursuant Section 6.3 of the Commission's Regulations; and

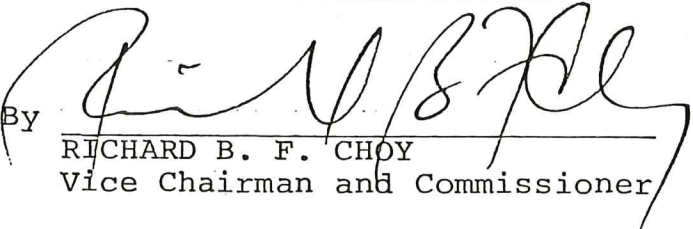
HEREBY ORDERS that there is no cause to initiate a reclassification of the property.


A69-242 - PUKOO PROPERTIES, INC.

Dated at Honolulu, Hawaii, this 13th day of December,
1983, upon motion duly adopted by the Land Use Commission on the
4th day of October, 1983.

LAND USE COMMISSION
STATE OF HAWAII

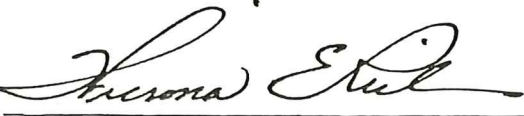
By 
WILLIAM W. L. YUEN
Chairman and Commissioner

By 
RICHARD B. F. CHOY
Vice Chairman and Commissioner

By 
LAWRENCE F. CHUN
Commissioner

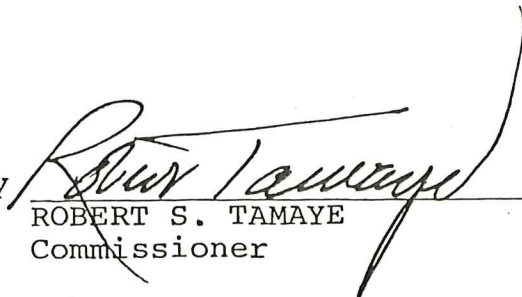
By 
EVERETT L. CUSKADEN
Commissioner

By 
SHINSEI MIYASATO
Commissioner


By 
WINONA R. RUBIN
Commissioner

By 
TEOFILO PHIL TACBIAN
Commissioner

By


ROBERT S. TAMAYE
Commissioner

By


FREDERICK P. WHITTEMORE
Commissioner

Docket No. A69-242 - Pukoo Properties, Inc.

A certified copy of the Land Use Commission's Order Determining That Maud Van Cortlandt Hill Trust is in Compliance with Section 6.3 of the Land Use Commission's Regulations was served by regular mail to the following on December 19, 1983.

ANNETTE CHOCK, Deputy Attorney General
Department of the Attorney General
4th Floor, State Capitol
Honolulu, Hawaii 96813

H. RODGER BETTS, Corporation Counsel
Office of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793