BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

ROBERT E. & CHRISTINE M. STENGLE
(HAWAII)

For a Declaratory Order Clarifying and
Correcting the Boundary Interpretations
of the Land Use Commission Under
Boundary Interpretation No. 98-36
dated October 29, 1998, and Boundary
Interpretation No. 98-50 dated January 12,
1999.

DOCKET NO. DR 99-21

TESTIMONY
OF THE OFFICE OF PLANNING

The subject property is located at the twenty-mile marker makai of Mamalahoa Highway along the Hamakua Coast and is identified by Tax Map Key Nos. 3-2-03: 23 and 41.

According to the Tax Map, the property is bounded on the north by Manoloa Stream and to the south partially by Hualolo Stream. The Petition states that it was formerly planted in sugar cane and converted to a macadamia nut orchard in 1982.

The Petition states that a topographical survey map was submitted to the Land Use Commission with contour lines and the "Top of Pali" delineated in metes and bounds. The Land Use Commission Executive Officer issued Boundary Interpretation No. 98-50 overlaid on this map on January 12, 1999. The Petition claims that the State Land Use Agricultural/Conservation District Boundary was substantially removed from the "Top of Pali" and as a result, approximately 46,699 square feet of land planted in macadamia nuts is within the Conservation District while approximately 22,888 square feet of land containing stream beds and a waterfall is within the Agricultural District.

The Petition is requesting a Declaratory Order clarifying the Agricultural/Conservation District boundary as being the "Top of Pali" to place 46,699 square feet of land planted in
macadamia nuts in the Agricultural District and 22,888 square feet of land containing stream beds and a waterfall in the Conservation District.

Based upon the aerial photograph submitted as Petition Exhibit A and the Boundary Interpretation No. 98-50 map submitted as Petition Exhibit C, the Office of Planning has no objections to the Petitioners' request. This position is based on the information provided and should not be interpreted to mean that "Top of Pali" is public policy in the Agricultural/Conservation District Boundary in all cases.

DATED: at Honolulu, Hawaii, this 24th day of February, 1999.

[Signature]

DAVID W. BLANE
Director
Office of Planning
DR99-21

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Testimony was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service:

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DATED: Honolulu, Hawaii, this 24th day of February, 1999.

[Signature]
DAVID W. BLANE
Director, Office of Planning
State of Hawaii