

(Via email to: dbedt.luc.web@hawaii.gov)

State of Hawai`i Land Use Commission
Department of Business, Economic Development & Tourism
c/o Chairman Jonathan L. Scheuer
P.O. Box 2359
Honolulu, Hawai`i 96804-2359



Re: Important Agricultural Lands

Dear Chair Scheuer and Commissioners:

We write to you on behalf of Petitioners Kaukonahua Ranch, LLC and K View, LLC who filed DR 21-75, which appears to still not be formally scheduled for a hearing by the Commission. As of this date, Petitioners wish, for reasons explained below, to formally withdraw DR 21-75 at this point and await a future date to re-file their petition seeking a declaratory order from the Commission approving the voluntary designation of a portion of their lands as important agricultural lands, pursuant to HRS § 205-45.

Petitioners initially began exploring the possibility of voluntary designation under HRS § 205-45 in 2017, via an initial meeting with officials at the City and County of Honolulu. At that time and based on the results of those discussions with City leaders and administrators, Petitioners informed the City that while they saw great value and importance in possible designation of their lands as IAL, they eagerly awaited the development and enactment of the IAL incentives that City officials indicated would be forthcoming.

Thereafter, Petitioners awaited the enactment of City incentives and protections for IAL lands and farmers. When the City had still not enacted IAL incentives by the time the LUC commenced its 2021 hearings on the City's IAL Maps and recommendations, Petitioners grew concerned that such incentives and protections, though required by HRS §§ 205-48 and 49, were unlikely to be enacted. This concern was enhanced by specific comments made by City officials in the LUC's hearings in April 2021; further casting doubt on the likelihood that the required incentives would ever be enacted. This all caused Petitioners to prepare and file its petition in August 2021.

Given the above, Petitioners were relieved to see the Commissioners specifically acknowledge in the LUC's January 6, 2022 hearing that the City incentives need to be enacted prior the LUC's acceptance of the City's IAL maps and recommendations.

Petitioners now hope the City will take prompt and appropriate action to properly enact the required incentives and protections for IAL lands and farmers. This should enable Petitioners to more properly weigh the value of all such incentives and protections and make more fully informed decisions regarding the potential designation of their lands and the proper re-filing of their petition with the Commission.

Thank you for your time and understanding in this matter. Please feel free to have your staff reach out to our office for any administrative details that may need to be worked out to finalize the withdrawal of DR 21-75.

Very truly yours,

DURRETT LANG MORSE, LLLP

A handwritten signature in black ink, appearing to be 'Kalani A. Morse', written in a cursive style.

Kalani A. Morse

KAM

CC: State of Hawai'i Office of Planning and Sustainable Development
State of Hawai'i Department of Agriculture
City and County of Honolulu Department of Planning and Permitting