

LAND USE COMMISSION  
STATE OF HAWAII

2022 JUL -5 P 1:08

June 29, 2022

Mr. Daniel E. Orodener  
Executive Officer  
Land Use Commission  
State of Hawai'i  
P.O. Box 2359  
Honolulu, HI 96804-2359

**Richard J. Kiefer**  
444 Hana Highway, Suite 204  
Kahului, Hawai'i 96732  
Direct Line: (808) 871-9700  
Direct Fax: (808) 871-6017  
Email: rkiefer@ca-des.com

Re: Docket No. A90-654 -- Notice of Change of Ownership of a 233.499-acre portion of the land  
situate at Eleele, Kauai (Tax Map Key No. (4) 2-1-001-003)

Dear Mr. Orodener:

By its Findings of Fact, Conclusions of Law, and Decision and Order (“**D&O**”) dated December 18, 1990, the State Land Use Commission (the “**Commission**”) approved a petition by A & B Properties, Inc., a Hawaii corporation (“**Petitioner**”) to reclassify certain lands at Eleele, Kauai described therein (the “**Property**”) from the “Agricultural” to the “Urban” land use district. Petitioner filed the petition on behalf of McBryde Sugar Company, Ltd., a Hawaii corporation (“**McBryde**”),<sup>1</sup> the owner of the Property.

Condition No. 19 of the D&O requires notice to the Commission of any intent to “sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property”. Accordingly, the Commission is hereby notified that McBryde intends to sell the Property to BBCP Kauai Operating, LLC, a Colorado limited liability company (“**Buyer**”). Buyer has been informed of the conditions of approval for the reclassification of the Property in the D&O, as incorporated in the Declaration of Conditions recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 91-009980.

Your acceptance of this notice is appreciated. Please contact me should you require any additional information.

Very truly yours,



Richard J. Kiefer  
Imran Naeemullah  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RJK/IN/jey  
cc: Office of State Planning  
County of Kauai Planning Department  
McBryde Sugar Company, LLC  
6611820.2

<sup>1</sup> On June 7, 2012, McBryde converted to a Hawaii limited liability company, changing its name to “McBryde Sugar Company, LLC”. Thereafter, on December 21, 2016, McBryde converted to a Delaware limited liability company, keeping the same name but thereafter being registered in the State of Delaware as a limited liability company.