



W.H. SHIPMAN, LIMITED

KEAAU
HAWAII ISLAND

June 23, 1997

Ms. Esther Ueda
Executive Officer
Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, HI 96804

Re: 1997 Annual Progress Report
LUC Docket No. A84-570
W.H. Shipman, Limited

JUN 26 9 49 AM '97
LAND USE COMMISSION
STATE OF HAWAII

Dear Ms. Ueda:

Submitted herein, is our report for this past year.

General Progress of Project

The market for industrial lots in East Hawaii continues to be very, very slow, despite our efforts to stimulate it. Further, nothing can be seen on the horizon that will change this. All of this even though we have the lowest price industrial lots in the State.

Phase 1-D has been completed with the exception of the power poles and street lights which is required for dedication to the County, but not gone forward because of the slowness of lot sales.



Those buyers/tenants presently in the park conduct business and receive good comments about the condition of the park. While we continue to market the lots and do have occasional interest, we expect that it will be some time before our back-log of finished lots is sold or leased.

Conditions and efforts to comply

Condition 1: Petitioner shall coordinate with the County of Hawaii and the State Department of Health regarding the establishment of appropriate systems to contain spills and prevent materials associated with industrial uses such as petroleum products, chemical or other pollutants, from adversely affecting the ground water.

Response: As mentioned in earlier reports, we recorded an additional amendment to the Covenants using language recommended by the State Health Department requiring improvements by each lot owner to mitigate against ground water contamination. To our knowledge, all of our purchasers/lessees have complied with these requirements for groundwater protection.

Condition 2: Petitioner shall comply with the requirements of the State Department of Health and the County of Hawaii Department of Public Works with respect to the installation of the projects sewage system.

Response: To our knowledge all buyers/lessees have complied and have approved sewage systems.

Condition 3: Storage and/or disposal of hazardous wastes shall be approved by the Department of Health prior to their establishment on the Property.

Response: To our knowledge all buyers/lessees are complying with this.



Condition 4: Petitioner shall complete the proposed project in substantial compliance with the representations made before the Land Use Commission. Failure to so develop the Property may result in reversion of the Property to its former land use classification, or change to a more appropriate classification.

Response: We will continue to develop the Property in substantial compliance with our representations before the Land Use Commission.

Condition 5: Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Hawaii Planning Department in connection with the status of the subject property and the Petitioner's progress in complying with the conditions imposed.

Response: We will continue to provide annual reports.

Condition 6: The Land Use Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

Response: At a Land Use Commission meeting held on December 12, 1996 the Commission received our annual report and Motion to Release Conditions imposed by Order dated February 19, 1985 and subsequent Order dated July 2, 1993.

The result of this meeting was an Order Granting in Part and Denying in Part our motion. Conditions 7 and 8 imposed by the Commission pursuant to Findings of Fact, Conclusions of Law, and Decision and Order dated July 2, 1993 were released.

It should be noted that, by letter dated October 22, 1996, the County of Hawaii Planning Director said that they will no longer require annual reports for this project.



W.H. SHIPMAN, LTD.

Condition 7: The conditions imposed by the Land Use Commission shall be recorded with the Bureau of Conveyances and Land Court of the State of Hawaii, if applicable, pursuant to Section 15-15-92, H.A.R.

Response: This condition has now been released.

Condition 8: Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances or Land Court of the State of Hawaii, whichever is appropriate, a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.

Response: This condition has now been released.

Sincerely,

Robert E. Saunders
President

CC Office of Planning
Planning Department, County of Hawaii