

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEXTER KISHIDA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

December 30, 2024



State of Hawai'i Land Use Commission  
Department of Business, Economic Development & Tourism  
P.O. Box 2359  
Honolulu, Hawai'i 96804-2359

Dear Land Use Commission,

RK II Partners LLC's ("RK II") Petition for Declaratory Order, filed on December 6, 2024, ("Petition") should be denied. The Petition takes snippets of documents, paraphrases them, and attempts to argue that Condition 19 does not apply to their property. However, this argument is incorrect.

RK II argues that the stipulation provides that RK II is not required to complete the infrastructure as required by Condition 19. The stipulation provides as follows:

That with respect to Condition No. 19 set forth in the 1996 LUC Order, upon conveyance of the 150 acre Agriculture Park Site as herein set forth, the portion of said Condition No. 19 dealing with the conveyance of the 150 acre Park Site to the State of Hawaii shall be deemed to be fully satisfied; provided, however, that the portion of Condition No. 19 dealing with providing off-site infrastructure shall apply to and encumber lands other than HRT Lands.

See Attachment 1.

While RK II correctly cited the stipulation, RK II inaccurately characterized the weight of the stipulation upon the Land Use Commission (LUC) and the other parties. RK II argues that the stipulation is binding on all parties. However, the LUC is not a party to the stipulation, and thus is not bound by that stipulation

In fact, the LUC did not accept the stipulation as is. On February 23, 2004, the Land Use Commission issued an Order Granting the Office of Planning's Amended Motion to Exempt HRT, Ltd.'s Property from the Order to Show Cause Granted on February 26, 2003 ("Order"). Pursuant to the Order, the purpose of the initial Motion was to allow for HRT, Ltd., to convey the 150 acres of land to the State of Hawaii. The conveyance would exempt HRT, Ltd., from the previous Order to Show Cause, not from a Decision and Order issued by the LUC.

Specifically, the Order states that "the HRT lands within the Petition Area at the time of filing of the Motion shall not be reclassified to the Agricultural District for purposes of this Commission's Order to Show Cause proceedings in this docket unless requested by HRT." See Attachment 2 (emphasis added). The stipulation between OPSD and HRT entities was not accepted as

presented. Rather, the LUC made its own finding and order and qualified the Order for the purposes of the Order to Show Cause proceedings back in 2004. The LUC Order continued to state explicitly that "all other conditions to the Decision and Order shall continue to run with the land and remain in full force and effect." Id. To request that the LUC abide by the stipulation not included in the Order, obviates the existing Orders.

Further, the Office of Planning/Office of Planning and Sustainable Development (OPSD) is not the LUC. In other words, OPSD is unable to bind the LUC in decision-making. OPSD is in a completely different departmental agency than the LUC and has different jurisdictions. RK II's argument that the stipulation somehow binds the LUC's decision making and application of conditions, is incorrect.

Therefore, there is no question that RK II must comply with Condition 19 and their request should be denied.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Kau", written in a cursive style.

**BRIAN KAU, P.E.**  
Administrator and Chief Engineer  
Agricultural Resource Management Division

**ATTACHMENT 1**

6408  
Of Counsel  
LAW OFFICES OF  
REUBEN S F WONG

LAND USE COMMISSION  
STATE OF HAWAII

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REUBEN S F WONG 638-0  
DELWYN H.W WONG 7170-0  
Suite 2288, Central Pacific Plaza  
220 South King Street  
Honolulu, Hawaii 96813  
Telephone No 531-3526

Attorneys for HRT, LTD , 300 Corporation  
and Honolulu Limited

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A92-683
	)	
HALEKUA DEVELOPMENT	)	
CORPORATION, a Hawaii corporation	)	STIPULATION, EXHIBITS A to D
	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban Land	)	
Use District for Approximately 503,883	)	
Acres of Land at Waikele and Ho'ae'ae,	)	
Ewa, Oahu, City and County of Honolulu,	)	
Hawai'i, Tax Map Key No 9-4-02 1,	)	
portion of 52, 70, and 71	)	
	)	
	)	
	)	
	)	

STIPULATION

COMES NOW, the Office of Planning of the State of Hawaii, by and through Theodore E. Liu, (hereinafter referred to as the "Office of Planning") and HRT, Ltd , 300 Corporation, and Honolulu Limited, by and through their attorney, the Law Offices of Reuben S F Wong, (hereinafter collectively and simply referred to as the "HRT Entities") and stipulate as follows

**EXHIBIT "10"**

WHEREAS, Halekua Development Corporation ("Halekua" or the "Petitioner") is the developer of approximately 504 865 acres of land located at Waikele and Hoaeae, Ewa, Oahu, State of Hawaii, identified as Tax map Key No 9-4-02: portion of 1 and 52 (the "Petition Area"), which lands are more particularly described in the Findings of Fact, Conclusions of Law and Decision and Order of the Land Use Commission dated December 9, 1993,

WHEREAS, the HRT Entities acquired certain interests within the Petition Area (collectively, the "HRT Lands") including without limitations the following. (1) 123 712 acres of industrial-zoned land acquired by HRT, Ltd., 300 Corporation, and Honolulu Limited, by Deed dated April 15, 1996, recorded in the Bureau of Conveyances of the State of Hawaii as Document No 96-051982, (2) 13 304 acres of apartment-zoned land acquired by HRT, Ltd by Deed dated April 15, 1996, recorded in the Bureau of Conveyances of the State of Hawaii as Document No 96-051983, and (3) 36 660 acres of apartment-zoned land acquired by HRT, Ltd by Deed dated July 11, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No 2001-168369 Said HRT Lands are shown on the map attached hereto as Exhibit "A", and more particularly described on Exhibits "B", "C", and "D", respectively

WHEREAS, the Office of Planning filed a Motion For An Order To Show Cause To Rescind The Decision And Order Dated October 1, 1996, before the State Land Use Commission on October 15, 2002 to "reclassify" the Petition Area to agricultural use (the "Motion to Reclassify") by reason of Halekua's failure to convey 150 acres of agricultural land to the State of Hawaii, as required by the Land Use Commission's Order dated December 9, 1993, as amended by that certain Order dated October 1, 1996 (collectively referred to hereinafter as the "1996 LUC Order"),

WHEREAS, the Land Use Commission has set a hearing with respect to the said Motion to Reclassify to be heard on April 25, 2003,

WHEREAS, the Robinson Estate and other owners related to the Robinson Estate (collectively referred to as "Robinson Owners"), are the owners of 307 acres of agricultural land located adjacent to the Petition Area, out of which 150 acres will be subdivided for conveyance to the State of Hawaii (the "150 acre Agricultural Park Site");

WHEREAS, as a protective advance under that certain Mortgage made by Halekua in favor of HRT, Ltd, which Mortgage is dated September 1, 1995, recorded as Document No 95-117011, and secures certain obligations by Halekua to HRT, Ltd and to the Land Use Commission under the 1996 LUC Order, HRT, Ltd is willing to buy, with its own funds, the 150 acre Agricultural Park Site from the Robinson Owners and to convey the same to the State of Hawaii in order to cure Halekua's default in failing to convey 150 acres of agricultural land to the State of Hawaii

NOW THEREFORE, it is stipulated by and between the Office of Planning and the HRT Entities as follows

1 That in the event Halekua fails to perform its obligation to convey said 150 acres of agricultural land to the State of Hawaii by January 31, 2004, then HRT, Ltd shall proceed to acquire the 150 acre Agricultural Park Site from the Robinson Owners for conveyance to the State of Hawaii no later than February 28, 2004, provided that the conveyance shall be subject to the approval of the State of Hawaii

2 That the Office of Planning hereby agrees that should HRT, Ltd acquire said 150 acre Agricultural Park Site from the Robinson Owners and convey the same to the State of

Hawaii, then such conveyance by HRT, Ltd shall satisfy the 1996 LUC Order with respect to Halekua's obligation to convey 150 acres of agricultural land to the State of Hawaii

3 That as a condition to the conveyance by HRT, Ltd., the Land Use Commission shall enter an Order providing that (1) the HRT Lands shall not be reclassified for any use other than the presently designated uses of such HRT Lands, unless such reclassification is made at the request of HRT, Ltd , (2) that Halekua's failure to fulfill any of the terms and conditions of the 1996 LUC Order shall have no adverse effect upon the HRT Lands; (3) that should Halekua fail to comply with any other condition of the 1996 LUC Order, then in such event, the Land Use Commission shall give notice thereof to HRT, Ltd , and HRT, Ltd. shall have the right to cure, at its sole discretion, such default on behalf of Halekua.

4 That the following conditions set forth in the 1996 LUC Order shall no longer apply or encumber the HRT Lands, but shall continue to apply and encumber lands owned by the Petitioner, to wit

- a Condition No 6, dealing with Petitioner's obligation to contribute towards the construction of a school,
- b Condition No 9, dealing with Petitioner's obligation to construct a chain link fence,
- c Condition No 10, dealing with Petitioner's obligation to clear away trees,
- d Condition No 18, dealing with Petitioner's obligation to obtain City permits within five (5) years of the 1996 LUC Order,
- e Condition No 24, dealing with Petitioner's obligation to record a statement with the Bureau of Conveyances.

5 That the following conditions set forth in the 1996 LUC Order shall be modified to read as follows.

- a Condition No 21 "Petitioner and/or the HRT Entities shall give notice to the Commission of any intent to sell, lease, assign, place in trust or


otherwise voluntarily alter their respective ownership interests in the reclassified area, prior to development of their respective reclassified areas. This notice shall be satisfied by the giving of notice only, and shall not require approval by the Commission "

- b Condition No 22 "Petitioner and/or the HRT Entities shall provide without any prior notice, annual reports to the Commission, the Office of Planning, the City and County of Honolulu Department of Planning and Permitting with the status of their respective development proposed for the reclassified area and their progress in complying with the conditions imposed. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall be due prior to or on the anniversary date of the Commission's approval of the Petition."
- c Condition No 23 "Petitioner and/or the HRT Entities shall seek from the Commission full or partial release of the conditions provided herein as to all or any portion of the reclassified area upon evidence acceptable to the Commission of satisfaction of these conditions"

6 That with respect to Condition No 19 set forth in the 1996 LUC Order, upon conveyance of the 150 acre Agriculture Park Site as herein set forth, the portion of said Condition No 19 dealing with the conveyance of the 150 acre Agriculture Park Site to the State of Hawaii shall be deemed to be fully satisfied; provided, however, that the portion of Condition No 19 dealing with providing off-site infrastructure shall continue to apply to and encumber lands other than the HRT Lands

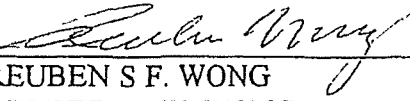
7 That the following conditions set forth in the 1996 LUC Order shall continue to be covenants and conditions affecting lands owned by the Petitioner as well as the HRT Lands, to wit 1-5, 7, 8, 11-17, 20, and 25

DATED Honolulu, Hawaii DEC 29 2003, 2003

OFFICE OF PLANNING, STATE OF HAWAII  
  
By \_\_\_\_\_  
THEODORE E LIU

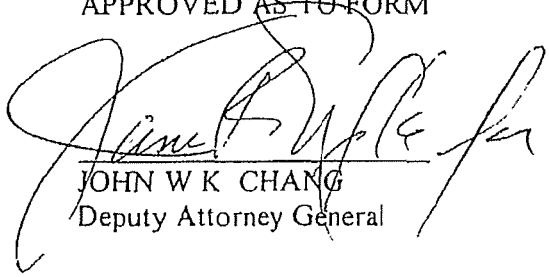


HRT, LTD , 300 CORPORATION and  
HONOLULU LIMITED

By   
REUBEN S F. WONG  
DELWYN H W WONG  
Their Attorney

"HRT Entities"

APPROVED AS TO FORM

  
JOHN W K CHANG  
Deputy Attorney General

**ATTACHMENT 2**

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of	)	DOCKET NO. A92-683
	)	
HALEKUA DEVELOPMENT	)	ORDER GRANTING THE OFFICE
CORPORATION, A Hawai'i	)	OF PLANNING'S AMENDED
Corporation	)	MOTION TO EXEMPT HRT, LTD.'S
	)	PROPERTY FROM THE ORDER TO
To Amend The Agricultural Land	)	SHOW CAUSE GRANTED ON
Use District Boundary Into The	)	FEBRUARY 26, 2003, PURSUANT
Urban Land Use District For	)	TO THE STIPULATION FILED ON
Approximately 503.886 Acres Of Land	)	DECEMBER 30, 2003
At Waikele And Ho`ae`ae, `Ewa, O`ahu,	)	
City And County Of Honolulu,	)	
Hawai'i, Tax Map Key No. 9-4-02: 1,	)	
Portion of 52, 70, And 71	)	
_____	)	

ORDER GRANTING THE OFFICE OF PLANNING'S AMENDED MOTION  
 TO EXEMPT HRT, LTD.'S PROPERTY FROM THE ORDER TO SHOW CAUSE  
 GRANTED ON FEBRUARY 26, 2003, PURSUANT TO THE  
 STIPULATION FILED ON DECEMBER 30, 2003

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 LAND USE COMMISSION  
 STATE OF HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of	)	DOCKET NO. A92-683
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HALEKUA DEVELOPMENT	)	ORDER GRANTING THE OFFICE
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At Waikele And Ho`ae`ae, `Ewa, O`ahu,	)	
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Hawai'i, Tax Map Key No. 9-4-02: 1,	)	
Portion of 52, 70, And 71	)	
_____	)	

ORDER GRANTING THE OFFICE OF PLANNING'S AMENDED MOTION  
TO EXEMPT HRT, LTD.'S PROPERTY FROM THE ORDER TO SHOW CAUSE  
GRANTED ON FEBRUARY 26, 2003, PURSUANT TO THE  
STIPULATION FILED ON DECEMBER 30, 2003

On January 12, 2004, the Office of Planning ("OP") filed a Motion To Exempt HRT, Ltd.'s Property From The Order To Show Cause Granted On February 26, 2003, Pursuant To The Stipulation Filed On December 30, 2003 ("Motion"), pursuant to section 15-15-70, Hawaii Administrative Rules ("HAR"). OP requested that the Land Use Commission ("Commission") exempt all real property owned by HRT, Ltd., and its sister companies, 300 Corporation and Honolulu Limited (collectively "HRT"), located within the Petition Area<sup>1</sup> from any order which rescinds the Amended Findings of Fact,

<sup>1</sup> HRT owns approximately 173.676 acres of the Petition Area consisting of Tax Map Key No. 9-4-02: 1, 70, and 78. Parcel 78 was created from the subdivision of parcel 71.

Conclusions of Law, and Decision and Order ("Decision and Order") dated October 1, 1996, if HRT fulfills the terms and conditions contained in the Stipulation filed with this Commission on December 30, 2003.<sup>2</sup> OP further requested that this Commission approve the other terms and conditions set forth in the Stipulation, which affect HRT's ownership of land within the Petition Area.

Attached to the Motion was an Affidavit Of John W. K. Chang ("Affidavit"), Deputy Attorney General for the State of Hawai`i and the attorney for OP. The Affidavit stated, among other things, that i) on December 29, 2003, OP and HRT entered into a Stipulation, which provides that should Halekua Development Corporation ("Petitioner") fail to perform its obligation to convey 150 acres of agricultural land to the State of Hawai`i by January 31, 2004, then HRT shall proceed to acquire the 150-acre site from the Robinson Estate and other owners related to the Estate for conveyance to the State of Hawai`i no later than February 28, 2004; ii) in return for the 150-acre site, OP agreed to request from this Commission that the lands owned by HRT located within the Petition Area should not be reclassified for any use other than the present designation unless requested by HRT, that Petitioner's failure to fulfill any of the terms and conditions of the Decision and Order would have no adverse effect upon HRT's lands, and that should Petitioner not comply with any other conditions of the Decision and Order, HRT would be given notice and have a right to

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<sup>2</sup> The Stipulation was also attached to the Motion as Exhibit "A."  
Docket No. A92-683  
Halekua Development Corporation

cure any default; iii) Condition Numbers 6, 9, 10, 18, and 24 would continue to apply but no longer encumber lands owned by HRT in the Petition Area; iv) Condition Numbers 21, 22, and 23 be modified; v) conveyance of the land to the State of Hawai`i would fulfill only that portion of Condition Number 19, and that the portion pertaining to Petitioner's obligation to provide offsite infrastructure to the 150 acres would continue to remain in full force and effect; and vi) this Commission approve the Stipulation along with all the terms therein.

The Commission considered the Motion at its meeting on January 15, 2004, in Honolulu, Hawai`i. John W. K. Chang, Esq., and Abe Mitsuda appeared on behalf of OP. Also present were Reuben S. F. Wong, Esq., on behalf of HRT; and Mike Watkins on behalf of the City and County of Honolulu Department of Planning and Permitting ("DPP"). Petitioner was served with a copy of the Motion but advised the Commission staff that it would not be present at this proceeding, and in fact was not present or represented.

At the meeting, this Commission heard public testimony from Richard K. Mirikitani, Esq., senior vice-president and corporate counsel at Castle and Cooke Hawaii ("CCH")<sup>3</sup>, and Walter Davison, Esq., attorney for CCH, who expressed concerns about the impact upon development of the Petition Area, the Kunia community, adjacent landowners such as CCH, and Petitioner's current bankruptcy proceedings if

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<sup>3</sup> Castle & Cooke Kunia is the managing general partner of Kunia Residential Partners, which is the developer of Royal Kunia Phase I that is located adjacent to the Petition Area.

the Motion were granted in its entirety.<sup>4</sup> This Commission also heard testimony from OP's witness, Randy Teruya, Agricultural Asset Manager, Department of Agriculture ("DOA"), who reiterated the DOA's position that the 150-acre site has significant value because of its historically high crop yields, and ideal location, and also reiterated the DOA's desire to acquire the site to preserve agriculture in the State.

Following discussion, this Commission entered into evidence, without objection, HRT's metes and bounds property description and a map showing the 150-acre site proposed to be conveyed to the State as Exhibits 1 and 2, respectively.

Thereafter, HRT asked this Commission to i) acknowledge that if Petitioner fails to convey the 150-acre agricultural site to the State of Hawai'i by January 31, 2004, HRT will acquire the site at its own expense and convey it to the State of Hawai'i no later than February 28, 2004, as required by part (a) Condition Number 19, and ii) as a condition to the conveyance, agree not to reclassify or downzone lands in the Petition area presently owned by HRT. HRT further asked this Commission to disregard the relief sought for all of the other conditions that were specified in the Stipulation and have them remain in full force and effect. HRT clarified that this request would address that portion of Condition Number 19 pertaining to the conveyance of the site to the State of Hawai'i, but that Petitioner's obligation to provide infrastructure to the site as required by said condition would remain in full force and

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<sup>4</sup> CCH is the holder of a mortgage as it relates to Petitioner's interest in the Petition Area.  
Docket No. A92-683  
Halekua Development Corporation

effect. OP stated that it agreed with HRT's proposal and amended its Motion ("Amended Motion") consistent with HRT's request in this matter.

Following further discussion, a motion was made and seconded to grant OP's Amended Motion to provide that i) in the event Petitioner fails to comply with Condition Number 19 regarding the conveyance of the 150-acre agricultural park site to the State of Hawai'i by January 31, 2004, HRT shall proceed to acquire the site for conveyance to the State of Hawai'i no later than February 28, 2004, ii) the HRT lands within the Petition Area shall not be reclassified to the Agricultural District; iii) upon the completion of the conveyance of the 150-acre agricultural park site to the State, only that portion of Condition Number 19 pertaining to the conveyance of the agricultural park site to the State of Hawai'i shall be deemed satisfied and released; and iv) all other conditions to the Decision and Order shall remain in full force and effect. Following discussion by the Commissioners, the motion was restated to clarify that i) in the event Petitioner fails to comply with Condition Number 19 regarding the conveyance of the 150-acre agricultural park site to the State of Hawai'i by January 31, 2004, HRT shall proceed to acquire the site and convey it to the State of Hawai'i no later than February 28, 2004, ii) the HRT lands within the Petition Area at the time of filing of the Motion shall not be reclassified to the Agricultural District for purposes of this Commission's Order to Show Cause proceedings in this docket unless requested by HRT, its successors or interests, or HRT violates other conditions of approval; iii) HRT shall report back to this Commission in six months regarding the status of Petitioner's



bankruptcy proceedings; and iv) all other conditions to the Decision and Order shall continue to run with the land and remain in full force and effect. There being a vote tally of 9 ayes, 0 nays, and 0 absent, the motion carried.

### ORDER

Having duly considered OP's Amended Motion, the Affidavit, the statements made by the public witnesses, the arguments of OP, HRT, and the DPP, and a motion having been made at a meeting conducted on January 15, 2004, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, this Commission ORDERS as follows:

OP's Amended Motion is GRANTED, that for purposes of this Commission's Order to Show Cause proceedings in this docket, i) in the event Petitioner fails to comply with Condition Number 19 with respect to the conveyance of the 150-acre agricultural park site to the State of Hawai'i by January 31, 2004, HRT shall proceed to acquire the site and convey it to the State of Hawai'i no later than February 28, 2004; ii) the HRT lands within the Petition Area at the time of filing of the Motion shall not be reclassified to the Agricultural District unless requested by HRT, its successors or interests, or HRT violates other conditions of approval; and iii) HRT shall report back to this Commission in six months regarding the status of Petitioner's bankruptcy proceedings. All other conditions to the Decision and Order shall continue to run with the land and remain in full force and effect.

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 20th day of February, 2004. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Kaanapali, Maui, Hawai`i, this 20th day of February, 2004, per motion on February 20, 2004.

APPROVED AS TO FORM


Deane Jackson  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAII

By Lawrence N.C. Ing  
LAWRENCE N.C. ING  
Chairperson and Commissioner

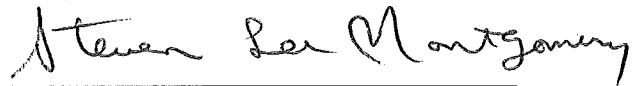
By P. Roy Catalani  
P. ROY CATALANI  
Vice-Chairperson and Commissioner

By Bruce A. Coppa  
BRUCE A. COPPA  
Vice-Chairperson and Commissioner

By   
PRAVIN DESAI  
Commissioner

By Excused  
KYONG-SU IM  
Commissioner

By Absent  
ISAAC FIESTA, JR.  
Commissioner

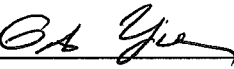
By   
STEVEN LEE MONTGOMERY  
Commissioner

Filed and effective on  
February 23, 2004

By Excused  
RANDALL F. SAKUMOTO  
Commissioner

Certified by:

  
ANTHONY CHING

By   
PETER YUKIMURA  
Commissioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A92-683
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HALEKUA DEVELOPMENT	)	ORDER GRANTING THE OFFICE OF
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City and County of Honolulu,	)	
Hawai'i, Tax Map Key No. 9-4-02: 1,	)	
portion of 52, 70, and 71	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting the Office of Planning's Amended Motion to Exempt HRT, Ltd.'s Property from the Order to Show Cause Granted on February 26, 2003, Pursuant to the Stipulation Filed on December 30, 2003 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL.           MARY LOU KOBAYASHI  
                  Office of Planning  
                  P. O. Box 2359  
                  Honolulu, Hawaii 96804-2359

CERT.         JONATHAN S. DURRETT, ESQ.  
                  Stubenberg & Durrett  
                  1001 Bishop Street, 808 Pauahi Tower  
                  Honolulu, Hawaii 96813

CERT. DAVID ARAKAWA, ESQ.  
Corporation Counsel  
City & County of Honolulu  
530 South King Street  
Honolulu, Hawaii 96813

CERT. ERIC CRISPIN, DIRECTOR  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street  
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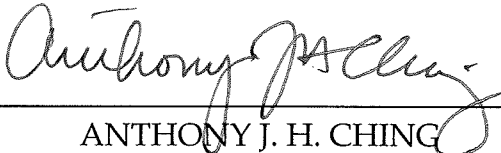
CERT. RICHARD MIRIKITANI, ESQ.  
Castle & Cooke Hawaii, Inc.  
P. O. Box 898900  
Mililani, Hawaii 96789

CERT. STEVEN K.C. MAU, ESQ.  
Rush, Moore, Craven, Sutton, Morry & Beh  
737 Bishop Street, #2400  
Honolulu, Hawaii 96813-3214

CERT. BRIAN KAU, ADMINISTRATOR – CHIEF ENGINEER  
Agricultural Resource Management Division  
Department of Agriculture  
1428 S. King Street  
Honolulu, Hawaii 96814-2512

CERT. JOHN CHANG, Esq.  
Deputy Attorney General  
Hale Auhau  
425 Queen Street  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 23rd day of February, 2004.

  
\_\_\_\_\_  
ANTHONY J. H. CHING  
Executive Officer