

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of )  
KAPAPALA RANCH )  
For a Special Permit to Allow )  
Overnight Camping on Approximately )  
23,941.902 Acres Of Land Within The )  
State Land Use Agricultural )  
District at Kapapala, Ka'u, County )  
of Hawaii, State of Hawaii; Tax Map )  
Key No.: 9-8-01: 9, and Portion of )  
10 )  
\_\_\_\_\_ )

DOCKET NO. SP98-392  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
DECISION AND ORDER

This is to certify that this is a true and correct  
copy of the Decision and Order on file in the office  
of the State Land Use Commission, Honolulu Hawaii.

OCT 22 1998 by [Signature]  
Date Executive Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

OCT 22 1 46 PM '98  
LAND USE COMMISSION  
STATE OF HAWAII

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FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

Kapapala Ranch (hereinafter "Applicant") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes (hereinafter "HRS"), and Sections 15-15-95 and 15-15-96, Hawaii Administrative Rules (hereinafter "HAR"). The Land Use Commission (hereinafter "LUC"), having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On March 5, 1998, a Special Permit Application (hereinafter "Application") to allow ecotourism activities such as horseback riding, four-wheel drive tours, donkey rides, guided hikes, and overnight camping within Kapapala Ranch on approximately 23,408.36 acres at Kapapala, Ka'u, Hawaii, was

filed by the Applicant with the County of Hawaii Planning Department (hereinafter "Planning Department").

2. On May 11, 1998, the Applicant filed an amendment to its Application, requesting that the Special Permit be granted for overnight camping, since all other proposed activities were determined by the Planning Department to be open area recreational uses, and permitted within the State Land Use Agricultural District.

3. On July 17, 1998, the County of Hawaii Planning Commission (hereinafter "Planning Commission") conducted a public hearing on the Application. No oral public testimony was received by the Planning Commission.

4. On July 17, 1998, after due deliberation, the Planning Commission voted to recommend approval of the Application to the LUC subject to six (6) conditions.

5. On August 3, 1998, the LUC received a portion of the record of the proceedings for the Application before the Planning Commission. The record was deemed incomplete, pending the receipt of the minutes of the July 17, 1998 Planning Commission meeting, and clarification of the record provided.

6. On August 24, 1998, the LUC received the minutes of the July 17, 1998 meeting of the Planning Commission regarding the Application from the Planning Department. The LUC also received information providing clarification of the record, among which included a metes and bounds description and map of the approximately 23,941.902 acres leased by the Applicant from the

State of Hawaii. Upon receipt of the minutes and information, the Application was accepted for consideration by the LUC.

7. On September 10, 1998, the LUC held a meeting in Waikapu, Maui on the Application. Appearing for the Applicant were Mr. J. Gordon Cran, Ms. Rachel Keolanui, and Ms. Lani Cran Petrie. Ms. Virginia Goldstein appeared for the Planning Department.

8. At the Commission's September 10, 1998 meeting, the Commission admitted into the record LUC Exhibit No. 1, which included the information received on August 24, 1998, including the metes and bounds description and map of the Applicant's leased area.

#### DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

9. The Special Permit area, as initially filed with the Planning Department, consisted of approximately 23,408.36 acres located at Kapapala, Ka'u, Hawaii, and is identified as Tax Map Key No.: 9-8-01: 9 and 10.

10. Based on information contained in LUC Exhibit No. 1, the area leased by the Applicant from the State of Hawaii was defined as the Special Permit area. This area, based on the metes and bounds description and map, consists of approximately 23,941.902 acres, and is identified as Tax Map Key No.: 9-8-01: 9 and portion of 10 (hereinafter collectively "Permit Area" or "Property").

11. The Permit Area consists of two separate parcels. The first parcel consists of approximately 533.442 acres, and is commonly referred to as the Kapapala Ranch Headquarters. The

second parcel consists of approximately 23,408.46 acres, and is the location of the Applicant's existing ranch operations.

12. The Property is located between the 34-mile and 46-mile marker of the Hawaii Belt Road (Highway 11).

13. Current access to the Property is from Hawaii Belt Road (Highway 11), and is limited to gravel surfaced roads. Access to the Property will be through three (3) access points - the 34-mile marker via Peter Lee Road; between the 40- and 41-mile marker; and at the 46-mile marker (Kapapala Ranch Headquarters).

14. The Property is currently being utilized for ranching and grazing operations by the Applicant. Ranching and grazing activities will continue as the overnight camping and ecotourism activities will be on a small-scale basis.

15. The portion of the Property which is currently utilized for the Applicant's ranching and grazing operations is bounded on the north and west by the Ka'u and Kapapala Forest Reserves, to the east by the Hawaii Volcanoes National Park, and to the south by the Hawaii Belt Road (Highway 11). The Kapapala Ranch Headquarters site is surrounded by State Land Use Agricultural District lands owned by the Bishop Estate or the State of Hawaii.

16. According to the United States Department of Agriculture, Soil Conservation Service, soils on the Property have various classification, including: rKHD (Kekake extremely rocky muck), KMD (Kapapala very rocky loam), KLD (Kapapala loam), RB (Rough Broken land), rLv (Lava Flows, Aa) rLw (Lava Flows,

Pahoehoe), and HCD (Hanipoe very stony loam). Dependent upon the soil type, permeability and erosion hazard varies. Soil material ranges from very shallow to deep, and stones and rock outcrops are common.

17. The Land Study Bureau's Detailed Land Classification System (with "A" being the best and "E" being the worst) classifies the overall productivity rating of agricultural lands in the area as "D" or poor, and "E" or very poor.

18. The Agricultural Lands of Importance to the State of Hawaii (ALISH) system classifies the lands in the area as "Other Important" and "Prime" agricultural lands. The "Prime" agricultural lands are located in pockets in the vicinity of the Kapapala Ranch Headquarters.

19. Flood Insurance Rate Maps (FIRM) show that the Property is located in Zone X (outside of the 500 year flood plain).

#### DESCRIPTION OF PROPOSED USES

20. The Applicant is requesting the Special Permit to allow overnight camping on various locations within the Property. The proposed overnight camping activity will be one of a number of ecotourism activities that the Applicant proposes for the Property.

21. The Applicant has indicated that overnight camping would occur at the Kapapala Ranch Headquarters, and Ainapo House, both of which have existing cabins, or proposed cabins. The Applicant has also indicated that overnight camping would occur

at two remote "wilderness areas" within the Property. No structures are proposed at these wilderness areas.

22. The Applicant has represented that all overnight camping activities, as well as other proposed ecotourism activities, will be guided by a family member of J. Gordon Cran, or employees of Kapapala Ranch.

#### NEED FOR PROPOSED USE

23. The ecotourism activities proposed are intended to generate additional income to the Applicant in order to reinvest such income into ranch improvements. In turn, the improvements would bring the Applicant's cattle operations up to world class standards.

24. The proposed ecotourism activities will offer an opportunity for ranch visitors to experience the Ka'u ranch lifestyle, and provide visitors and community residents an education of the cultural and historic value of Kapapala lands.

#### STATE AND COUNTY PLANS AND PROGRAMS

25. The Property is situated within the State Land Use Agricultural District, as depicted on the State Land Use District Boundary Maps H-48 (Kipuka Pakekake), H-49 (Wood Valley), H-56 (Kilauea Crater), and H-57 (Ka'u Desert).

26. The County of Hawaii General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Intensive and Extensive Agricultural Uses.

27. Current county zoning for the Property is Agricultural - 20 acres (A-20a).

28. Although the Property is within the Coastal Zone Management Area, the Property is not located within the Special Management Area as designated by the County of Hawaii, pursuant to HRS Chapter 205A.

29. Pursuant to a letter dated April 27, 1998, the Department of Land and Natural Resources, Division of Land Management determined that a draft environmental assessment pursuant to HRS Chapter 343 was not required since activities are on-going within the existing lease character of use of pasture and residential, and that HAR section 11-200-8 allows exemption from environmental assessment requirements for certain classes of action.

30. According to the Planning Department's report to the Planning Commission, the request for a Special Permit is consistent with the economic element, land use element, natural beauty, and natural resources and shoreline goals, policies, and standards of the County of Hawaii General Plan.

SUMMARY OF COUNTY, STATE AND FEDERAL AGENCY COMMENTS

County Agencies

31. The Department of Public Works commented on a number of items including conformance to code and statutes for building construction, and erosion and sediment control.

32. The Department of Water Supply commented that the Property does not have an existing water service system since it is beyond the service limits of the existing water system facilities. In light of this information, the Department had no objection to the Application.



33. The Fire Department commented that the proposed activities should be in accordance with the County Fire Code. The Department also provided information on national standards covering Water Supplies and Rural Fire Fighting, and county standards on fire apparatus access roads.

34. The Department of Finance - Real Property Tax commented that the Property is receiving agricultural use value, and that real property taxes were paid through June 30, 1998.

35. The Police Department commented that it had no comments or objections to the Application.

36. No comments were provided by the Department of Parks and Recreation.

#### State Agencies

37. The LUC staff confirmed that the Property was within the State Land Use Agricultural District. Further, the LUC staff commented that because overnight camping was proposed on various locations within the area leased by the Applicant (greater than fifteen acres), the Special Permit request would require final action by the LUC.

38. The Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) commented that the proposed overnight camping would not have an effect on the Ainapo House or any other historic site within the Property. DLNR-SHPD also requested that it would like to conduct a field inspection of the historic structures at the various ranch locations to obtain basic inventory information for their records.

39. The Department of Transportation (DOT) commented that the access driveway intersection at Hawaii Belt Road (Highway 11) should be reconstructed and paved to current design standards, and that construction plans should be coordinated and reviewed by DOT's Hawaii District Engineer. Additionally, DOT commented that all work to be done within highway rights-of-way shall be implemented by the Applicant at no cost to the State.

40. The Department of Health (DOH) commented that the proposed project would require a determination from DOH in regards to whether the project would be considered a public water system. Further, DOH commented that the Property is located in a Non-Critical Wastewater Disposal Area where cesspools are allowed under current rules. The individual wastewater system would require approval by the Wastewater Branch of DOH. Lastly, DOH commented that the proposed food service operation is not required to meet requirements of HAR Chapter 12, Food Establishment Sanitation.

41. The Department of Land and Natural Resources - Land Management Division had no comments or objections to the Application.

42. The Department of Agriculture did not provide any comments on the Application.

#### Federal Agencies

43. As part of the Application, the National Park Service (Hawaii Volcanoes National Park) submitted a letter dated March 26, 1998 in support of the Application. Additionally, the

National Park Service supported limited use of a segment of Peter Lee Road for tourist access.

#### SOCIO-ECONOMIC IMPACTS

44. The Applicant has represented that the State of Hawaii Department of Land and Natural Resources will access two percent (2%) of the gross receipts of ecotourism revenues generated. No other socio-economic impacts were discussed in the Application.

#### IMPACTS UPON THE RESOURCES OF THE AREA

##### Agricultural Resources

45. The Applicant has represented that the proposed overnight camping and ecotourism activities would not diminish existing cattle ranching activities, as ranching and grazing activities would continue in conjunction with the proposed activities.

##### Archaeological and Cultural Resources

46. The Applicant has represented that the Property and surrounding area is associated with a great deal of history. The lands were once the property of Kamehameha II and IV, and were leased to W.H. Reed and C. Richardson, who formed Kapapala Ranch. The Kapapala Ranchhouse and Ainapo House were constructed in the 1800's.

47. The Applicant anticipates that overnight camping and other recreational uses on the Property will not have a negative impact on archaeological/historic resources on the Property.

## Flora/Fauna

48. The Property is currently being utilized for cattle ranching. Cattle, goats, horses, and other farm animals are raised on the Property.

49. Feral pigs, mouflon sheep, pheasants, turkeys, I`o (hawk), quail, mongoose, wild cats, and Nene may roam the Property.

50. Silveroak, eucalyptus, ohia, guava, various brush and other plants grow on the Property. Cattle grazing is done on major portions of the Property.

## ADEQUACY OF PUBLIC FACILITIES AND UTILITIES

### Highway and Roadway Facilities

51. The Department of Transportation has noted that improvements to access roads that have intersections with the Hawaii Belt Road (Highway 11) may be required.

52. The Applicant responded to DOT's comments that traffic to be generated by the proposed activities would be minimal and that the financial burden to reconstruct and pave access roads to current design standards would be prohibitive.

### Water

53. Water to Kapapala Ranch, cabins, and Ainapo House are provided by a private water system that originates from the top of Wood Valley. Water is transmitted via a 5,000 foot tunnel. Drinking water for ecotourism activities will be hauled in.

### Electricity and Telephone Service

54. Electricity is available to the Kapapala Ranchhouse and existing cabins.

55. All guides that accompany visitors on the proposed ecotourism activities will carry cellular phone and first aid kits.

### Fire Protection

56. The Applicant has proposed that the Fire Department utilize helicopters to provide access for emergencies and responses to fires. The Applicant has identified six sites within the Property that are suitable for helicopter landings.

57. Emergency and rescue services are available at Kilauea Military Center and Hawaii Volcanoes National Park, both of which are approximately five miles from the access points to the Property.

### Other Impacts

58. The Application did not include a discussion on the impacts of the proposed overnight camping or ecotourism activities upon scenic resources, drainage, air quality, noise, solid waste, sewage, and police service.

### CONFORMANCE WITH SPECIAL PERMIT CRITERIA

59. The Planning Department, in its report to the Planning Commission on the Application, provided the following findings in regards to the Applicant's conformance with the guidelines for "unusual and reasonable use" authorized by a Special Permit under Section 15-15-95(b), Hawaii Administrative Rules:

- (A) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission.

"The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands from those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawaii. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed project will be located on the Kapapala Ranch where existing cattle raising and ranch operations are ongoing. The applicant proposed to establish ecotourism activities - horseback trailrides, 4-wheel drive tours, donkey rides/packing, guided hiking and overnight camping that will complement the existing ranch operations. As open area recreational uses are a permitted use on Agricultural zoned lands and within the State Land Use Agricultural District, this Special Permit Application is to allow for overnight camping only, outdoors and in cabins, in various locations within the property. As the proposed uses will take place throughout approximately 23,408.36 acres of land, final review of the request shall be by the State Land Use Commission."

"As existing cattle ranching activities will continue, agricultural activity will not diminish and the agricultural potential of the area will be maintained. Therefore, the proposed use would not be contrary to the objectives of the State Land Use Law for Agricultural district."

"In recognizing that lands within agricultural districts might not be suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. In this particular situation, the Land Study Bureau ratings are "D" (Poor) and "E" (Very Poor). The lands are used for cattle grazing and will continue to operate primarily as a ranch. The ecotourism activities will complement the ranch activities. Although the open recreational activities are permitted, overnight camping in various locations on the property would require a Special Permit."

- (B) The desired use would not adversely affect surrounding property.

"A majority of the adjacent uses are the Kau and Kapapala Forests Reserves and National Park lands. To the south, are some State lands leased to Kau Agribusiness, Inc. The proposed uses will not involve any change to the existing ranch activities. Camp areas will be situated off trails or in cabins located at the Ranch headquarters and Ainapo. with the ranch lands being so large, it is not anticipated that overnight camping on the property will significantly impact surrounding properties."

- (C) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection.

"There are three access points to the subject properties. The first entrance is a gravel road owned by the National Park that leads to a corral area that will serve as a starting point for day activities. The second entrance is a gravel road and public access through State lands which leads to Ainapo. Both day and overnight camping activities will be offered here. The third entrance is the roadway leading to the Kapapala Ranchhouse. It is a gravel road through the leased ranch lands. Based on the proposed plan for overnight camping, it is not anticipated that traffic generated will have an adverse impact to existing roads nor should the roads be required to be improved. Although the State Department of Transportation has provided comments that access driveway intersections along Highway 11 be reconstructed and paved, these requirements are not being included as conditions of approval. Water for the ranch is provided through a private water system. Drinking water will be hauled in for guest[sic]. Wastewater will be designed and constructed in accordance with the Department of Health rules and regulations. Telephone service will be made available to the property through the use of cellular phones. Based on the proposed plan and nature of the activities, it is not anticipated that overnight camping - both outdoor and in cabins will unreasonable burden public agencies. In addition, the applicant shall comply with applicable agency requirements prior to establishment of the proposed use."

- (D) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established.

At the LUC's action meeting on the subject docket, the Planning Department stated two unusual conditions, trends or needs that have arisen since the district boundaries and rules were established.

The economics of ranch operations, particularly large ranches, have changed substantially over time. Marketing of products, the shipping of cattle to the mainland to be final fed, and the subsequent shipment to selling destinations, has added to the expense of ranch operations.

Furthermore, the Planning Department stated that the growth in the ecotourism industry was not evident when the district boundaries were established.

- (E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

"The site consists of various soil classifications - mainly Kekake extremely rocky muck (rKHD), Kapapala very rocky loam (KMD), Kapapala loam (KLD) and Rough Broken Land (RB); all which are used as pasture lands. The overnight camping will be supplementary to the permitted day recreational activities which are not unsuitable uses and permitted within the district. The overnight stay in cabins and in the outdoor will in fact raise public awareness of ranching activities and the natural environment and would operate well in conjunction with existing ranch activities."

#### PLANNING COMMISSION RECOMMENDATION

60. At its meeting on July 17, 1998, the Planning Commission recommended approval of the Application to the LUC, subject to the following conditions:

- 1) The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.



- 2) Comply with all applicable laws, rules, regulations and requirements, including those of the Department of Health and Fire Department.
- 3) Any substantial alterations to the proposed plan for overnight camping shall be forwarded to the Planning Commission pursuant to Rule 6.8 of the Planning Commission's Rules of Practice and Procedure.
- 4) Upon compliance with applicable requirements and prior to the start of operations, the applicant shall provide the Planning Director with a final status report.
- 5) Should any unanticipated sites including subsurface remains, such as burials or cave shelters, be encountered on the property, work within the immediate affected area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work within the affected area shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- 6) An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence.
  - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
  - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

61. Any findings of fact that may be a conclusion of law shall be deemed a conclusion of law.

CONCLUSIONS OF LAW

The Special Permit Application to allow overnight camping activity constitutes an "unusual and reasonable" use as provided in Section 205-6, HRS, and as established in Section 15-15-95(b), Hawai'i Administrative Rules, and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect, and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

ORDER

IT IS HEREBY ORDERED that the Special Permit Application that is the subject of LUC Docket No. SP98-392, requesting the allowance of overnight camping activity on approximately 23,941.902 acres of land designated within the State Land Use Agricultural District, and identified as Tax Map Key No.: 9-8-01: 9 and portion of 10, situated at Kapapala, Ka'u, Hawaii, and approximately identified on "Exhibit A" attached hereto and incorporated by reference herein, is hereby approved and subject to the following conditions:

1. The Applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Overnight camping shall be limited to the areas of the Kapapala Ranch Headquarters, Ainapo House, two remote wilderness sites, and the two new cabins proposed to be constructed. The Applicant shall submit a plan which identifies any proposed overnight camping sites other than those referenced

above. The plan shall be submitted to the Land Use Commission for review and approval prior to the use of the proposed new sites for overnight camping activities.

3. The Applicant shall comply with all applicable laws, rules, regulations, and requirements, including those of the County of Hawaii Fire Department.

4. The Applicant shall address the State Department of Health's concerns regarding whether the potable water system for the proposed overnight camping activity is a "public water system." The Applicant shall file the evidence of compliance with the Planning Department and Land Use Commission prior to initiating the proposed ecotourism activities.

5. The Applicant shall submit plans for its wastewater system to the State Department of Health (DOH), Wastewater Branch, Honolulu, for review and approval prior to initiating overnight camping activities. The Applicant shall submit evidence of DOH approval to the Planning Department and Land Use Commission.

6. The Applicant, as represented, shall allow the State Historic Preservation Division to conduct field inspections of historic structures on the Property at reasonable times.

7. The Applicant shall not erect or cause to be erected, any permanent tents or additional structures for any outdoor overnight camping activity.

8. Any amendment to the proposed plan for overnight camping, including amendments to the location and number of campsites, shall be forwarded to the Planning Commission. Upon

favorable recommendation by the Planning Commission, the amendment shall be transmitted to the Land Use Commission for approval.

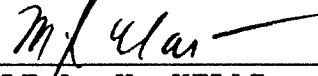
9. The Applicant shall timely provide, without any prior notice, annual reports to the County of Hawaii Planning Commission and the Land Use Commission in connection with the status of the subject property and the Applicant's progress in complying with the conditions enclosed herein. The annual report shall be due prior to or on the anniversary date of the issuance of this decision and order. The annual report shall be submitted in a form prescribed by the executive officer of the Land Use Commission.

10. Should any unanticipated sites, including subsurface remains such as burials or cave shelters, be encountered on the Property, work within the immediate affected area shall cease and the Department of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work within the affected area shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.


11. The Applicant shall establish its overnight camping activity within two years from the date of this decision and order.

Done at Honolulu, Hawai'i, this 22nd day of October 1998,  
per motions on September 10, 1998 and October 22, 1998.

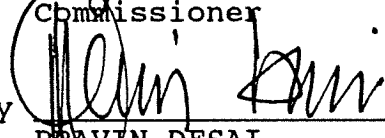
LAND USE COMMISSION  
STATE OF HAWAII


By   
MERLE A. K. KELAI  
Chairperson and Commissioner

By (absent)  
LAWRENCE N.C. ING  
Vice Chairperson and Commissioner

By   
P. ROY CATALANI  
Commissioner

By   
RUPERT K. CHUN  
Commissioner

By   
PRAVIN DESAI  
Commissioner

By   
ISAAC FIESTA, JR.  
Commissioner


By   
M. CASEY JARMAN  
Commissioner

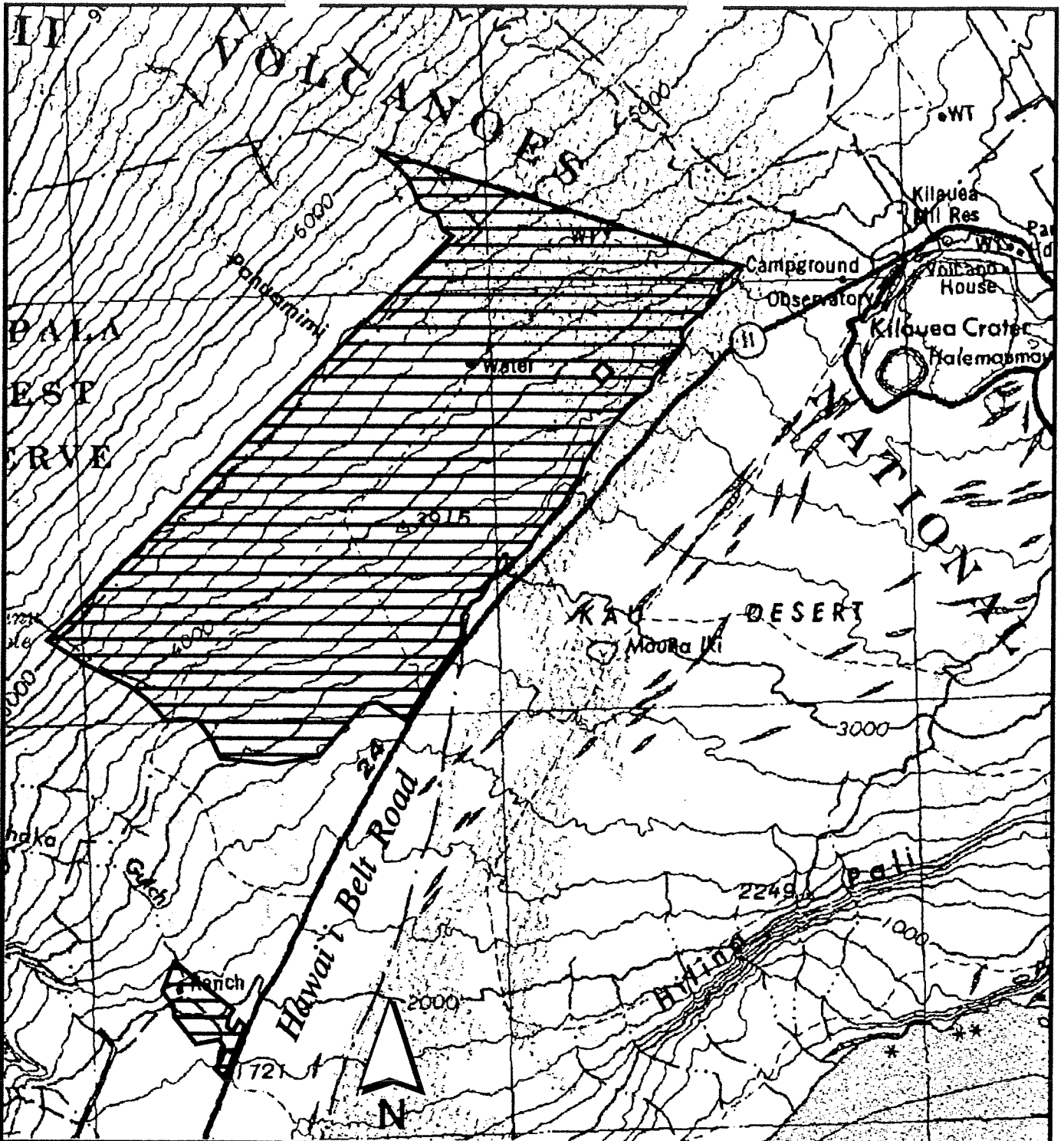
Filed and effective on  
October 22, 1998

Certified by:

  
Executive Officer

By (absent)  
HERBERT S.K. KAOPUA, SR.  
Commissioner

By   
PETER YOKIMURA  
Commissioner



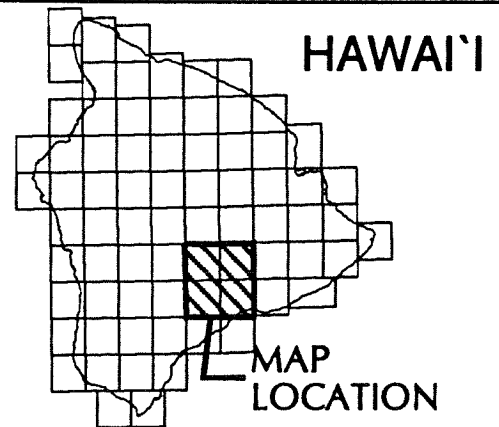
**SP98-392 / KAPAPALA RANCH**

**LOCATION MAP**

TAX MAP KEY: 9-8-01: 9 & por. 10  
KAPAPALA, KA'U, HAWAII

 PERMIT AREA

**EXHIBIT "A"**



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	DOCKET NO. SP98-392
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Key No.: 9-8-01: 9, and Portion of	)	
10	)	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT.        VIRGINIA GOLDSTEIN, Planning Director  
              Planning Department, County of Hawaii  
              25 Aupuni Street  
              Hilo, Hawaii 96720

CERT.        RICHARD D. WURDEMAN, ESQ.  
              Corporation Counsel  
              County of Hawaii  
              The Hilo Lagoon Center  
              101 Aupuni Street, Suite 325  
              Hilo, Hawaii 96720

CERT.        J. GORDON CRAN  
              Kapapala Ranch  
              P. O. Box 1639  
              Hilo, Hawaii 96720

CERT.        RACHAEL KEOLANUI  
              P. O. Box 1768  
              Keaau, Hawaii 96749

DATED:       Honolulu, Hawaii, this 22nd day of October 1998.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer