

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. DR09-38
)	
ALEXANDER & BALDWIN, INC.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
For Declaratory Order to Designate)	AND DECISION AND ORDER
Important Agricultural Lands)	
for approximately 27,102 acres at Wailuku)	
and Makawao, Maui, Hawai`i,)	
TMK: 2-5-01: portion of 01, 05 and 08; 2-5-02:)	
portion of 01 and portion of 02; 2-5-03: 06, 07,)	
08 and 09; 2-5-04: 13 and portion of 39;)	
2-5-05: portion of 19 and portion of 20;)	
3-8-01: portion of 01, 05, 06, portion of 07, 11,)	
12, 14, 15, 33 and 135; 3-8-03: 01, 02, 03,)	
portion of 04, 05, 06 and 07; 3-8-04: portion of)	
01, portion of 02 and portion of 22; 3-8-05:)	
portion of 01, portion of 02 and 18; 3-8-06:)	
portion of 01, portion of 02, portion of 03, 15)	
and 29; 3-8-08: 06)	

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

ALEXANDER & BALDWIN, INC. ("Petitioner"), filed a Petition for Declaratory Order to Designate Important Agricultural Lands on April 6, 2009, pursuant to Hawai`i Revised Statutes ("HRS") §§ 205-44 and 45, and Hawai`i Administrative Rules ("HAR") chapter 15-15, to designate as Important Agricultural Lands ("IAL") approximately 27,133¹ acres at Wailuku and Makawao, Maui, Hawai`i ("Property"), more particularly described below, as Important Agricultural Lands ("IAL") pursuant to §§205-44 and 45

¹ The acreage was subsequently reduced to 27, 102 acres.

of the Hawaii Revised Statutes (“HRS”) and §§15-15-98 and 99 of the Hawaii Administrative Rules (“HAR”). Tax Map Key Nos.: 2-5-01:portion of 01, 05, and 08; 2-5-02: portion of 01 and portion of 02; 2-5-03: 06, 07, 08, 09; 2-5-04: 13 and portion of 39; 2-5-05: portion of 19 and portion of 20; 3-8-01: portion of 01, 05, 06 portion of 07, 11, 12, 14, 15, 33 and 135; 3-8-03: 01, 02, 03, portion of 04, 05, 06, and 07; 3-8-04: portion of 01, portion of 02 and portion of 22; 3-8-05: portion of 01, portion of 02 and 18; 3-8-06: portion of 01, portion of 02, portion of 03, 15 and 29; 3-8-08:06. ("Petition Area").

The Land Use Commission ("Commission"), having heard and examined the testimony, evidence, and argument of counsel presented during the hearings, along with the pleadings filed herein, hereby makes the following Findings of Fact, Conclusions of Law, and Decision and Order.

I. PROCEDURAL MATTERS

1. On April 6, 2009 the Commission received Petitioner’s Petition for Declaratory Order to designate Important Agricultural Lands (“Petition”), and Exhibits “A” through “D” of the Petition.

2. On April 9, 2009, the LUC sent letters to the State Department of Agriculture, the State Office of Planning, and the County of Maui, Department of Planning; requesting comments regarding the suitability of the Petition.

3. On May 19, 2009 the Commission received the State of Hawaii, Office of Planning (“OP”) comments to the Petition.

4. On May 15, 2009 the Commission received the State of Hawaii, Department of Agriculture (“DOA”) comments to the petition.

5. On May 13, 2009, the Commission received County of Maui's ("County") comments to the Petition.

6. On May 22, 2009, pursuant to discussions with LUC staff concerning a minor mapping revision to the Petition area, the Petitioner submitted a correction to the acreage of the Petition Area to reflect a reduction of 28.5 acres in Tax Map Key parcels: 3-8-03:04 and 3-8-04: 01. Subsequently, the Petition Area was reduced by an additional 2.5 acres to account for another mapping revision in Tax Map Key Nos. 3-8-06:02 and 3-8-06:03.

7. On May 26, 2009, the Commission received Petitioner's response to comments from OP, DOA, and the County of Maui.

8. On June 3, 2009, the Commission held a site visit to view the Petition Area in Wailuku and Makawao, Maui, Hawaii.

9. On June 4, 2009, the Commission held an action hearing on the Petition in Makena, Maui, Hawaii. Benjamin Matsubara, Esq. appeared on behalf of the Petitioner. Jeffrey Hunt of the County of Maui, Planning Department and Abe Mitsuda of the Office of Planning appeared and provided public testimony. Irene Bowie, on behalf of Maui Tomorrow and Lucienne de Naie, on behalf of Sierra Club Maui Group, also provided public testimony.

10. The written comments of OP, DOA, and County, and Petitioner's response to the comments of DOA, county and OP, were made a part of the record in this proceeding.

11. Petitioner is not seeking to reclassify any agricultural lands to the urban, rural or conservation land use district.

12. Petitioner has represented that it is not claiming and will not claim any credits described in HRS § 205-45(h).

II. FINDINGS OF FACT

13. The Petition Area consists of approximately approximately 27,102 acres at Wailuku and Makawao, Maui, Hawai'i. Tax Map Key Nos. 2-5-01: portion of 01, 2-5-01: 05, 2-5-01: 08, 2-5-02: portion of 01, 2-5-02: portion of 02, 2-5-03: 06, 2-5-03: 07, 2-5-03: 08, 2-5-03: 09, 2-5-04: 13, 2-5-04: portion of 39, 2-5-05: portion of 19, 2-5-05: portion of 20, 3-8-01: portion of 01, 3-8-01: 05, 3-8-01: 06, 3-8-01: portion of 07, 3-8-01: 11, 3-8-01: 12, 3-8-01: 14, 3-8-01: 15, 3-8-01: 33, 3-8-01: 135, 3-8-03: 01, 3-8-03: 02, 3-8-03: 03, 3-8-03: portion of 04, 3-8-03: 05, 3-8-03: 06, 3-8-03: 07, 3-8-04: portion of 01, 3-8-04: portion of 2, 3-8-04: portion of 22, 3-8-05: portion of 01, 3-8-05: portion of 02, 3-8-05: 18, 3-8-06: portion of 01, 3-8-06: portion of 02, 3-8-06: portion of 03, 3-8-06: 15, 3-8-06: 29, and 3-8-08: 06 ("Petition Area").

14. The description of the Petition Area acreage by Tax Map Key Numbers and Tax Maps depicting the Petition Area is shown in Petitioner's Exhibit B, which is attached hereto and incorporated herein by reference as Exhibit "A".

15. The Petition Area is owned in fee simple by Alexander & Baldwin Inc, who has provided its written authorization to file the Petition.

16. Petitioner seeks a determination from the Commission as to whether the lands identified by Petitioner in this Petition should be designated as IAL pursuant to HRS §§ 205-44 and 45.

17. It is Petitioner's position that the Petition Area meets the qualifications for designation as IAL under HRS § 205-44, and that the Commission should issue a declaratory order designating the Property as IAL pursuant to HRS § 205-45.

18. The majority of the Petition Area is being actively utilized for the cultivation and processing of sugar cane by the Hawaiian Commercial & Sugar Co. (“HC&S”), a division of the Petitioner. Also, portions of the Property located in Waikapu and Hamakauapoko are used for the cultivation of seed corn, pineapple and pasture.

19. Of the 27,102 acres proposed to be designated IAL, approximately 87% is in sugarcane cultivation, and 6% is used for the cultivation of seed corn, pineapple and pasture. The remaining 7% of the lands is not in cultivation, however, are essential components of the agricultural operation, such as gulches and steep slopes which serve a drainage function or other key agricultural infrastructure, such as reservoirs and irrigation distribution infrastructure.

20. There are a total of four pasture leases for ranching operations in the area identified as Tax Map Key No. 2-5-01:08.

21. The University of Hawaii, Land Study Bureau (“LSB”) developed the Overall Productivity Rating, which classified soils according to five (5) levels, with “A” representing the class of highest productivity soils and “E” representing the lowest. These letters are followed by numbers which further classify the soil types by conveying such information as texture, drainage and stoniness. Based on this, approximately 59% of the Petition Area is rated "A" and approximately 14% of the Petition Area is rated "B". Approximately 27% of the Petition Area is rated “C”, “D”, and “E”. Less than 1% of the

Petition Area is not classified by the LSB, but includes drainage gulches and reservoirs that are essential elements of the active agricultural operations.

22. Based on the Sunshine Maps prepared in 1985 by the Department of Business, Economic Development and Tourism, formerly known as the State Department of Planning and Economic Development, Energy Division, approximately 84% of the Petition Area receives an annual average of 450 calories of solar energy per square centimeter per day.

23. In 1977, the State Department of Agriculture developed a classification system to identify Agricultural Lands of Importance to the State of Hawaii (“ALISH”). The classification system is based primarily, though not exclusively, upon the soil characteristics of the lands. The three (3) classes of ALISH lands are: "Prime", "Unique", and "Other", with all remaining lands termed "Unclassified". When utilized with modern farming methods, "Prime" agricultural lands have a soil quality, growing season, and moisture supply necessary to produce sustained crop yields economically. "Unique" agricultural lands possess a combination of soil quality, growing season, and moisture supply to produce sustained high yields of a specific crop. "Other" agricultural lands include those that have not been rated as "Prime" or "Unique". The ALISH system classifies approximately 76% of the Petition Area as "Prime" and 13% as “Other”. The balance of the Petition Area is farmed or includes essential elements of the active agricultural operation including gulches, and reservoirs that are not classified under ALISH.

24. The majority of the Petition Area has been in active sugarcane cultivation for at least a century. Portions of the Petition Area are used for the cultivation of seed corn, pineapple and pasture.

25. To conserve water, all sugar cane fields in the Petition Area are served by HC&S' existing drip irrigation systems. Currently, irrigation water is derived from a combination of sources consisting of brackish water wells, reservoirs and two surface water ditch systems. The irrigation system also includes ditches, pipelines and reservoirs for the transport and storage of water. The cultivated areas within the Petition Area have historically relied upon these water sources to sufficiently meet their irrigation needs.

26. The Petition Area is provided water by the East Maui Irrigation Ditch (EMI) which is owned, operated/maintained by the East Maui Irrigation Company, a wholly owned subsidiary of the Petitioner and the West Maui Ditch system which is co-owned, operated and maintained by HC&S and the Wailuku Water Company, formerly Wailuku Sugar Company. The delivery capacity of the East and West Maui systems totals approximately 570 million gallons per day (East Maui Irrigation system: 450 mgd; West Maui ditch system: 120 mgd). The long-term average water delivery from the two systems is approximately 195 mgd, which includes only the water delivered from the West Maui systems used by HC&S, not the total delivery of the system. In addition, HC&S owns and operates 15 brackish water wells with a total pumping capacity of approximately 228 mgd which are used to supplement ditch flows as needed.

27. In addition to the existing wells, reservoirs and irrigation system, the Petition Area receives an average of 15.8 to 59.1 inches of rain annually. Therefore, the Petition Area has sufficient quantities of water to support viable agricultural production.

28. The Draft Maui Island Plan (April 2008) is a part of the County's on-going effort to prepare the General Plan 2030 of the County of Maui. Intended to provide a long-term comprehensive strategic planning document for the physical, economic, environmental development and cultural identity of the County, it encompasses goals, polices, programs and actions that are recommended based on an assessment of current and future needs and available resources. According to the Land Use Policy Map published within the Draft Maui Island Plan, the entire Petition Area is outside of the proposed Urban Growth Boundary, Resort Areas, and Developed Areas.

29. As a more detailed land use element of the County's General Plan, the Maui Community Plans are land use planning documents that guide government action and decision-making for the total of nine community planning districts within the County. The documents are district specific and include planning goals, objectives, policies and implementation considerations that provide for optimum planning effectiveness and benefits for the residents in the respective community districts.

30. Three of the Community Plans Land Use Maps contain portions of the Petition Area: the 1990 Wailuku-Kahului Community Plan Land Use Map, the 1998 Kihei-Makena Community Plan Land Use Map, and the 1995 Paia-Haiku Community Plan Land Use Map.

31. Petition Area lands within the 1990 Wailuku-Kahului Community Plan Land Use Map are designated Agriculture. Petition Area lands within the 1998 Kihei-Makena Community Plan Land Use Map are designated Agriculture, with the Waikapu Stream and a few small areas outside Kealia Pond National Wildlife Refuge designated as Open

Space. Petition Areas lands within the 1995 Paia-Haiku Community Plan Land Use Map are designated as Agriculture.

32. The portions of the Petition Area that are designated as “Open Space” in the County of Maui’s Kihei Makena Community Plan and designated as “Sensitive Lands” in the County of Maui’s Draft Maui Island Plan are consistent with said designations. These designated areas are principally internal gulches within cultivated fields of the plantation, where agricultural use is permitted. The management of these gulches is part of an overall stewardship program for HC&S, which includes prudent agricultural practices (mitigation of soil erosion, runoff and impacts to water quality). This conservation program is administered in consultation with the USDA Natural Resources Conservation Service, whose primary mission is the conservation of natural resources. The intent of the “Open Space” designation is to limit development on lands which may be inappropriate due to environmental, physical or scenic constraints, while “Sensitive Lands” are characterized by native habitat, natural floodways and steep slopes where future growth should be discouraged. The designation of the Petition Area as IAL is consistent with the intent and purpose of these respective County land use designations.

33. The Petition Area is situated within the State Agricultural District.

34. The Petition Area contributes to maintaining a critical land mass important to agricultural operating productivity.

35. Lands containing high to steep slopes which include gulches, valleys, ravines and drainage ways provide critical infrastructure support of the adjacent highly productive lands by providing and preserving the necessary natural drainage ways for adjacent lands which have been identified as highly productive.

36. Lands containing natural and/or man-made water ways and features such as streams, reservoirs, wetlands, and drainage basins provide critical infrastructure support for adjacent highly productive lands by providing and preserving the necessary water source for existing as well as potential future irrigation systems necessary to assure agriculture productivity for the Petition Area.

37. Additional lands proposed for inclusion, although not identified as “Prime” agricultural lands, nor characteristic of , or containing elements which may provide critical infrastructure support for highly productive lands being proposed, are necessary to provide the overall critical “contiguous” land mass necessary for the agricultural operating productivity of the overall approximately 27,102 acres of land being proposed by the Petitioner.

38. The Petition Area is fully integrated with the infrastructure necessary to support intensive agricultural production, harvesting, processing, and shipping of product.

III. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Petition pursuant to HRS §§ 91-8, 205-44 and 205-45 and HAR § 15-15-98.

2. The entire Petition Area is currently used for agricultural production and ninety-three percent of the Petition Area is in active cultivation in accordance with HRS § 205-44(c)(1).

3. The Petition Area has soil qualities and growing conditions that support agricultural production in accordance with HRS § 205-44(c)(2).

4. Seventy-six percent of the Petition Area is rated as Prime under ALISH in accordance with HRS § 205-44(c)(3).

5. Eighty-seven percent of the Petition Area is currently in sugar cane cultivation in accordance with HRS § 205-44(c)(4).

6. The Petition Area has sufficient quantities of water to support viable agricultural production in accordance with HRS § 205-44(c)(5).

7. The Petition Area's designation as IAL is consistent with the general, development, and community plans of the County in accordance with HRS § 205-44(c)(6).

8. The entire Petition Area, including those areas comprised of gulches, streams and reservoirs, that are not actively cultivated constitute a critical land mass that is important to agricultural operating productivity in accordance with HRS § 205-44(c)(7).

9. The Petition Area is within close proximity to or is near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power in accordance with HRS § 205-44(c)(8).

10. The entire Petition Area, including those areas that are not actively cultivated comprised of gulches, streams and reservoirs, constitute a contiguous, intact, and functional land unit large enough to allow flexibility in agricultural production and management and is consistent with the policies of HRS § 205-43(1).

11. The Petition Area meets the requirements of HRS § 205-45(c) for designation as important agricultural land.

12. Any conclusion of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact herein

improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

IV. DECISION AND ORDER

IT IS HEREBY ORDERED that the Petition Area, consisting of approximately designate approximately 27,102 acres at Wailuku and Makawao, Maui, Hawai'i ("Property"), more particularly described below, as Important Agricultural Lands ("IAL") pursuant to §§205-44 and 45 of the Hawaii Revised Statutes ("HRS") and §§15-15-98 and 99 of the Hawaii Administrative Rules ("HAR"). Tax Map Key Nos. 2-5-01: portion of 01, 2-5-01: 05, 2-5-01: 08, 2-5-02: portion of 01, 2-5-02: portion of 02, 2-5-03: 06, 2-5-03: 07, 2-5-03: 08, 2-5-03: 09, 2-5-04: 13, 2-5-04: portion of 39, 2-5-05: portion of 19, 2-5-05: portion of 20, 3-8-01: portion of 01, 3-8-01: 05, 3-8-01: 06, 3-8-01: portion of 07, 3-8-01: 11, 3-8-01: 12, 3-8-01: 14, 3-8-01: 15, 3-8-01: 33, 3-8-01: 135, 3-8-03: 01, 3-8-03: 02, 3-8-03: 03, 3-8-03: portion of 04, 3-8-03: 05, 3-8-03: 06, 3-8-03: 07, 3-8-04: portion of 01, 3-8-04: portion of 2, 3-8-04: portion of 22, 3-8-05: portion of 01, 3-8-05: portion of 02, 3-8-05: 18, 3-8-06: portion of 01, 3-8-06: portion of 02, 3-8-06: portion of 03, 3-8-06: 15, 3-8-06: 29, and 3-8-08: 06, and shown approximately on Exhibit "A," attached hereto and incorporated by reference herein, shall be and is hereby designated as Important Agricultural Lands as governed by HRS Chapter 205.

IT IS HEREBY FURTHER ORDERED that the designation of the Petition Area as Important Agricultural Lands shall be subject to the following conditions:

1. Petitioner shall comply with representations made to the Commission with respect to not claiming any credits described in HRS § 205-45(h) with respect to the Petition Area.

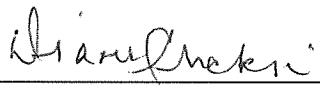
2. Within seven days of the issuance of the Commission's Decision and Order, Petitioner shall record it with the Bureau of Conveyances.

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 26 day of June, 2009. This ORDER may be executed in counterparts. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

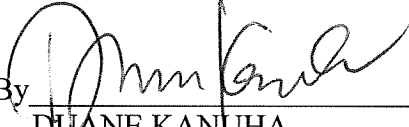
Done at Honolulu, Hawai'i, this 26 day of June 2009.

APPROVED AS TO FORM



Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By 

DUANE KANUHA
Chairperson and Commissioner

By _____
RANSOM PILTZ
Vice Chairperson and Commissioner

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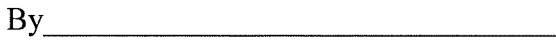
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APPROVED AS TO FORM

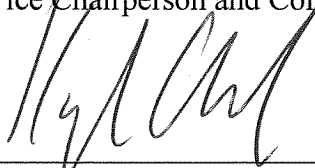

Deputy Attorney General

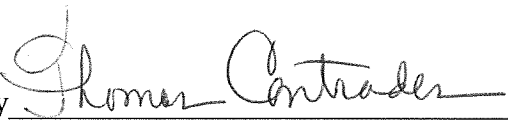
LAND USE COMMISSION
STATE OF HAWAII

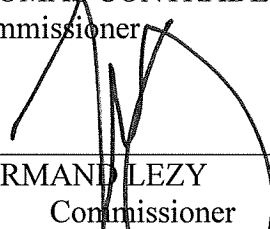
By 
DUANE KANUHA
Chairperson and Commissioner

By 
RANSOM PILTZ
Vice Chairperson and Commissioner

By ABSENT
VLADIMIR PAUL DEVENS
Vice Chairperson and Commissioner

By 
KYLE CHOCK
Commissioner

By 
THOMAS CONTRADES
Commissioner

By 
NORMAND LEZY
Commissioner

By 
LISA JUDGE
Commissioner

By ABSENT
NICHOLAS W. TEVES, JR.
Commissioner

Filed and effective on:

June 29, 2009

By ABSENT
REUBEN S.F. WONG
Commissioner

Certified by:



Orlando Davidson, Executive Officer

EXHIBIT A

(Consisting of 15 pages)

Petitioner's Exhibit B to Petition
DR09-38

June 2009

EXHIBIT B

Proposed Important Agricultural Lands
Tax Map Key Parcels
for
Alexander & Baldwin, Inc.
Maui Lands

June 2009

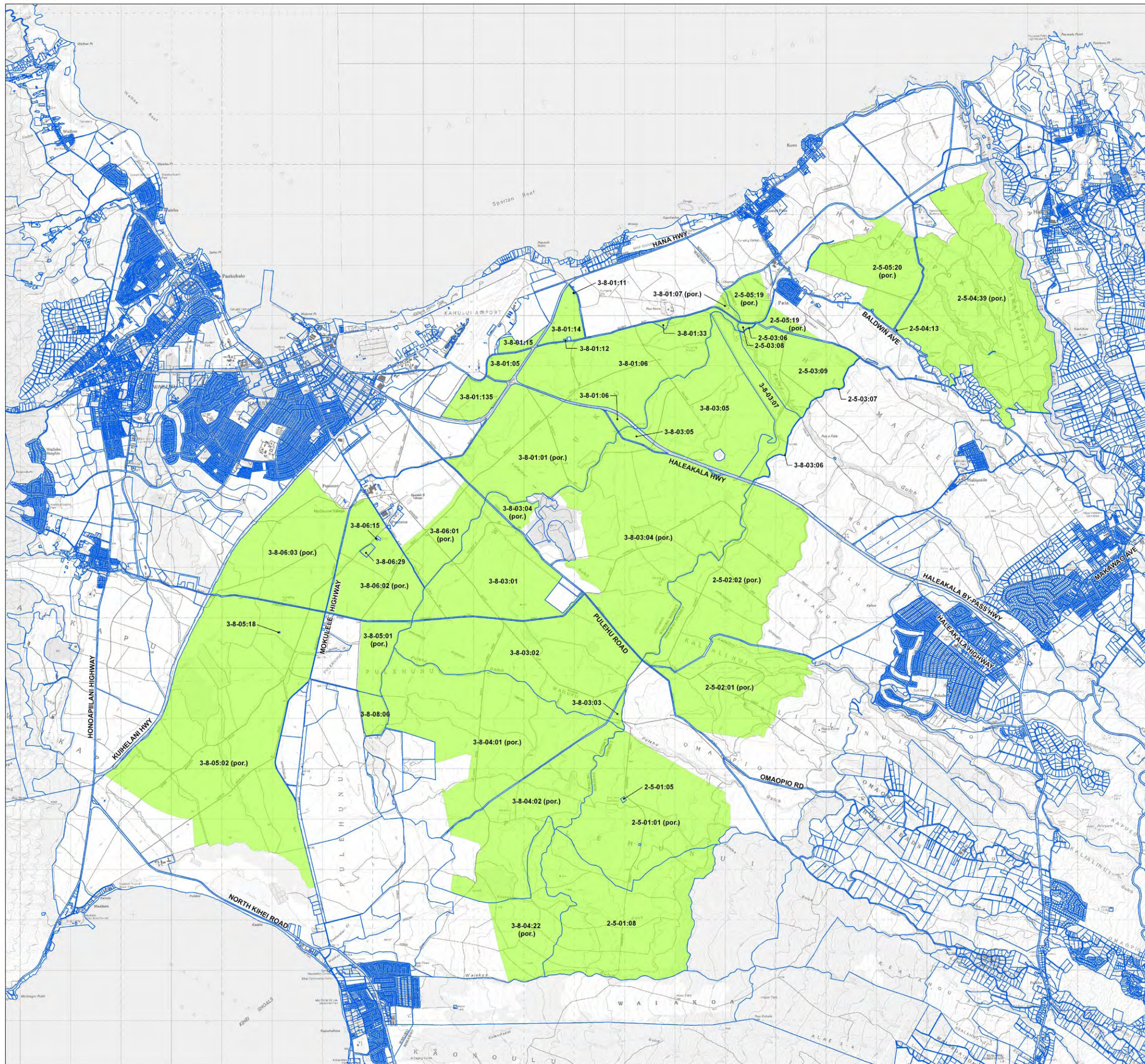
Exhibit B: Tax Map Key Description

Approximately 27,102 acres of land owned by Alexander & Baldwin, Inc. on Maui are proposed to be designated as IAL, including 42 Tax Map Key (TMK) parcels (entire parcel or portions thereof). The parcels are specifically described as TMK numbers: 2-5-01: 01 (portion), 05, and 08; 2-5-02: 01 (portion), and 02 (portion); 2-5-03: 06, 07, 08, and 09; 2-5-04: 13, and 39 (portion); 2-5-05: 19 (portion), and 20 (portion); 3-8-01: 01 (portion), 05, 06, 07 (portion), 11, 12, 14, 15, 33, and 135; 3-8-03: 01, 02, 03, 04 (portion), 05, 06, and 07; 3-8-04: 01 (portion), 02 (portion), and 22 (portion); 3-8-05: 01 (portion), 02 (portion), and 18; 3-8-06: 01 (portion), 02 (portion), 03 (portion), 15, and 29; and 3-8-08: 06.

The following table shows a summary of TMK numbers and approximate acreage for proposed IAL lands:

	TMK NUMBER	APPROXIMATE ACREAGE		TMK NUMBER	APPROXIMATE ACREAGE
1	2-5-01:01 (POR.)	1,269.2	24	3-8-03:01	1,005.2
2	2-5-01:05	2.2	25	3-8-03:02	1,538.7
3	2-5-01:08	1,815.5	26	3-8-03:03	23.5
4	2-5-02:01 (POR.)	954.4	27	3-8-03:04 (POR.)	2,334.3
5	2-5-02:02 (POR.)	1,316.0	28	3-8-03:05	1,078.6
6	2-5-03:06	0.9	29	3-8-03:06	5.7
7	2-5-03:07	4.8	30	3-8-03:07	323.9
8	2-5-03:08	9.0	31	3-8-04:01 (POR.)	1,717.6
9	2-5-03:09	538.9	32	3-8-04:02 (POR.)	1,002.5
10	2-5-04:13	0.8	33	3-8-04:22 (POR.)	589.7
11	2-5-04:39 (POR.)	2,150.5	34	3-8-05:01 (POR.)	223.1
12	2-5-05:19 (POR.)	214.8	35	3-8-05:02 (POR.)	3,224.8
13	2-5-05:20 (POR.)	643.8	36	3-8-05:18	0.1
14	3-8-01:01 (POR.)	1,194.0	37	3-8-06:01 (POR.)	359.0
15	3-8-01:05	83.5	38	3-8-06:02 (POR.)	739.1
16	3-8-01:06	1,198.2	39	3-8-06:03 (POR.)	1,038.6
17	3-8-01:07 (POR.)	25.6	40	3-8-06:15	0.5
18	3-8-01:11	0.2	41	3-8-06:29	11.5
19	3-8-01:12	0.6	42	3-8-08:06	101.5
20	3-8-01:14	141.2			
21	3-8-01:15	49.7			
22	3-8-01:33	5.6			
23	3-8-01:135	164.7			
TOTAL:					27,102.0

Exhibit B illustrates the proposed IAL lands and the related Tax Map Key parcels. To illustrate the individual TMK parcels, Exhibits B-1 to B-11 identify the individual TMK parcels and portions thereof that are proposed to be designated IAL.



- Legend**
- TMK Parcel Boundary
 - Proposed Important Agricultural Lands

Source:
County of Maui
U.S. Geological Survey

Disclaimer:
This map has been prepared for general planning purposes only.

EXHIBIT B
Tax Map Key
A&B IAL Maui

A&B INC. ISLAND OF MAUI

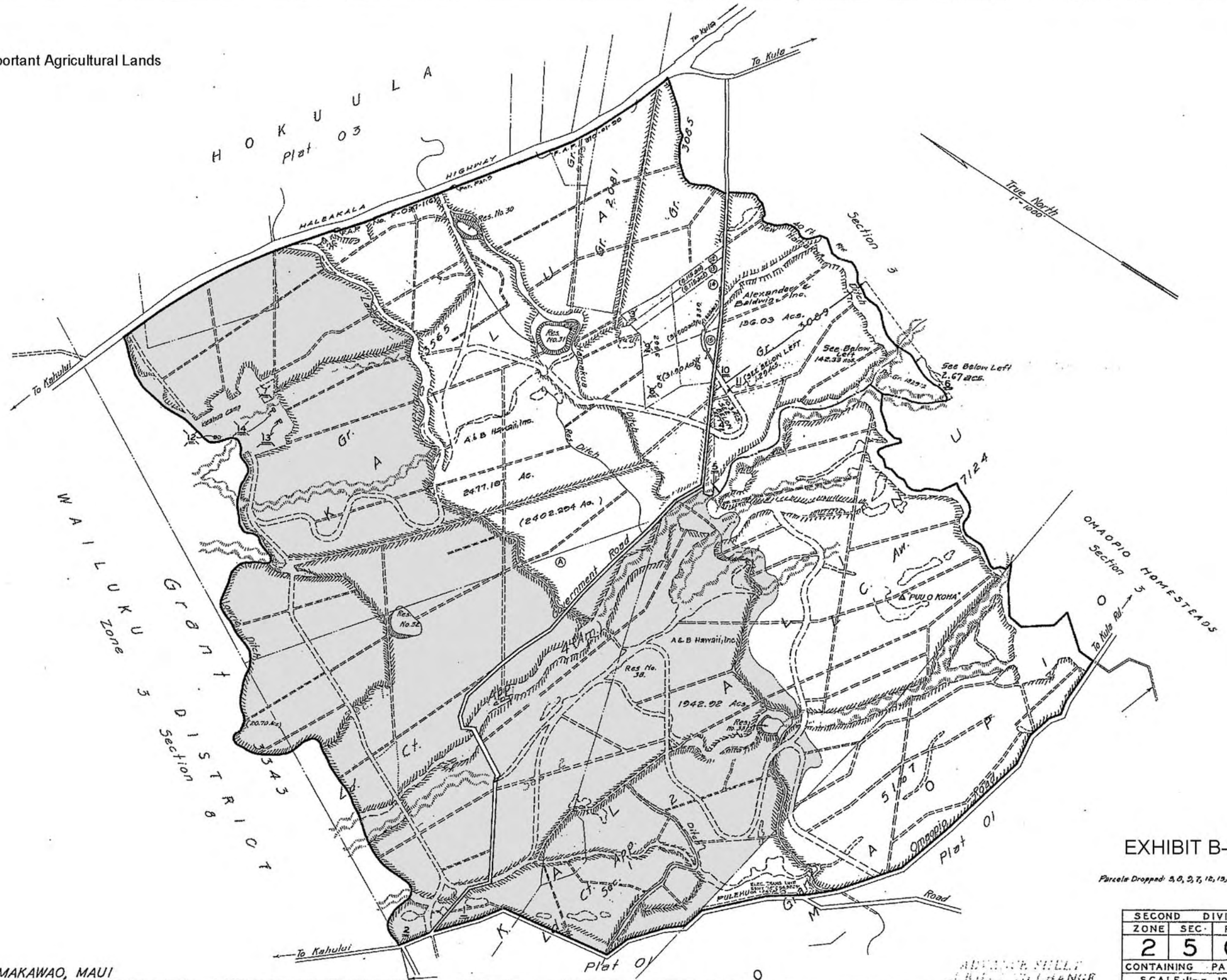
NORTH

LINEAR SCALE (FEET)
0 1,000 2,000 4,000 8,000

June 2009

PBR HAWAII & ASSOCIATES, INC.

Proposed Important Agricultural Lands



OWNERS OF PARCELS 4, 5, 6 & 11
Alexander & Baldwin, Inc.

EXHIBIT B-2

Parcels Dropped: 5, 6, 9, 7, 12, 13, 14.

SECOND DIVISION		
ZONE	SEC.	PLAT
2	5	02
CONTAINING PARCELS		
SCALE 1 in = 1000 Ft.		

ADVANCE SHEET
SUBJECT TO CHANGE

PRINTED

POR. KULA, MAKAWAO, MAUI

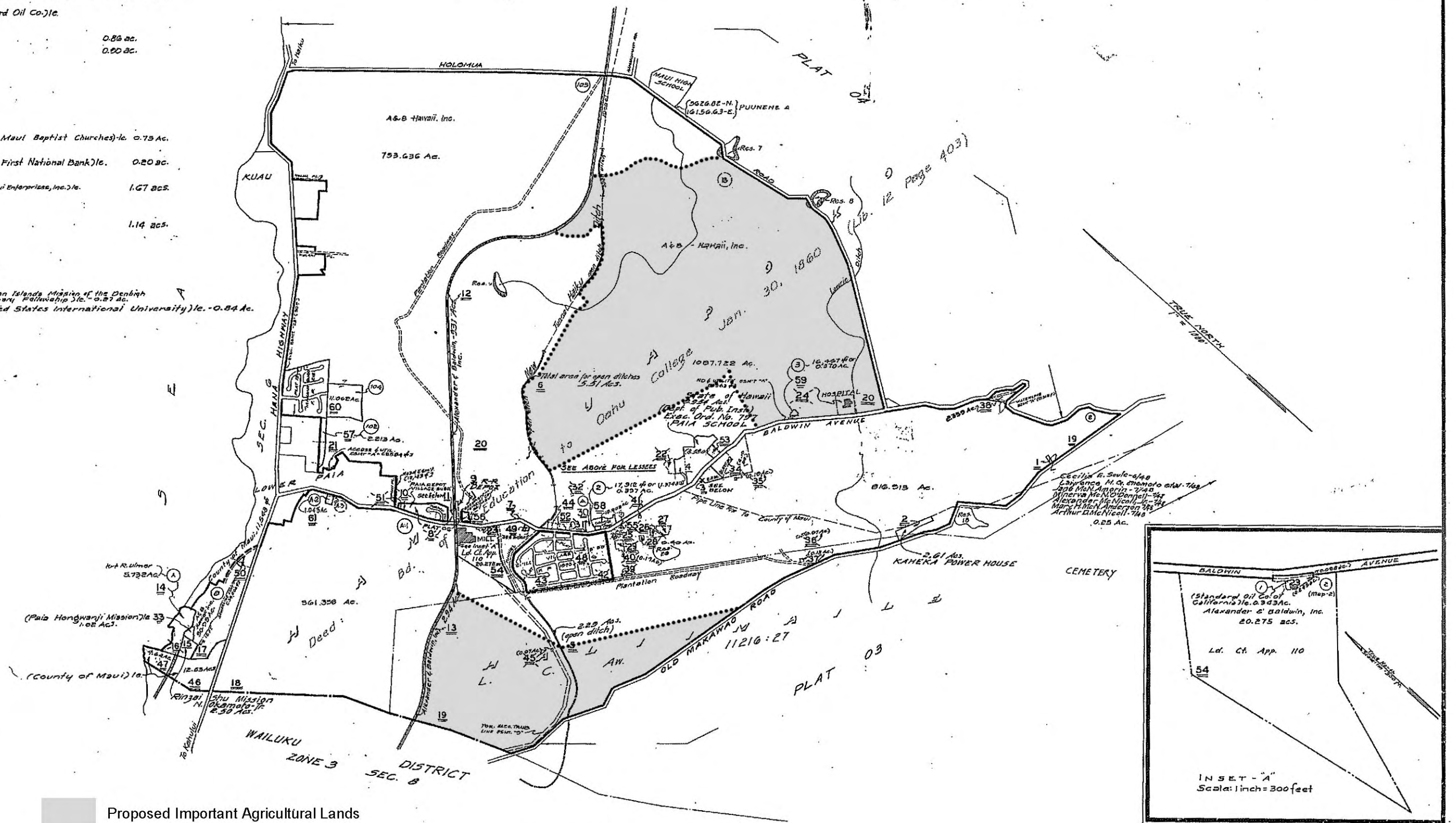
JUL 1 1950
 AUG 1 1950
 SEP 1 1950
 OCT 1 1950
 NOV 1 1950
 DEC 1 1950
 JAN 1 1951
 FEB 1 1951
 MAR 1 1951
 APR 1 1951
 MAY 1 1951
 JUN 1 1951
 JUL 1 1951
 AUG 1 1951
 SEP 1 1951
 OCT 1 1951
 NOV 1 1951
 DEC 1 1951
 JAN 1 1952
 FEB 1 1952
 MAR 1 1952
 APR 1 1952
 MAY 1 1952
 JUN 1 1952
 JUL 1 1952
 AUG 1 1952
 SEP 1 1952
 OCT 1 1952
 NOV 1 1952
 DEC 1 1952

Div. No. 1910
 By D.S.C. & H.N. March, 1934.
 Source: Tax Maps, Bureau.

JUN 1 1898
 FEB 19 1940
 AUG 1 1940
 FEB 1 1941
 FEB 20 1941
 FEB 21 1941
 FEB 22 1941
 FEB 23 1941
 FEB 24 1941
 FEB 25 1941
 FEB 26 1941
 FEB 27 1941
 FEB 28 1941
 FEB 29 1941
 FEB 30 1941
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 MAR 4 1941
 MAR 5 1941
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 APR 4 1941
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 APR 6 1941
 APR 7 1941
 APR 8 1941
 APR 9 1941
 APR 10 1941
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 JUN 6 1941
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 JUN 8 1941
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 JUN 20 1941
 JUN 21 1941
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 JUN 25 1941
 JUN 26 1941
 JUN 27 1941
 JUN 28 1941
 JUN 29 1941
 JUN 30 1941
 JUL 1 1941
 JUL 2 1941
 JUL 3 1941
 JUL 4 1941
 JUL 5 1941
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 JUL 15 1941
 JUL 16 1941
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 JUL 20 1941
 JUL 21 1941
 JUL 22 1941
 JUL 23 1941
 JUL 24 1941
 JUL 25 1941
 JUL 26 1941
 JUL 27 1941
 JUL 28 1941
 JUL 29 1941
 JUL 30 1941
 JUL 31 1941

All parcels listed below owned by Alexander & Baldwin, Inc. & leased, unless otherwise noted.

- 23 (Standard Oil Co.) le.
- 26 0.88 ac.
- 27 0.00 ac.
- 44 (East Maui Baptist Churches) le. 0.79 Ac.
- 7 (Bishop First National Bank) le. 0.20 ac.
- 18 (Maui Enterprises, Inc.) le. 1.67 acs.
- 30 1.14 acs.
- 52 (Capeau Islands Mission of the Danish Missionary Fellowship) le. 0.27 ac.
- 53 (United States International University) le. 0.54 Ac.



Proposed Important Agricultural Lands

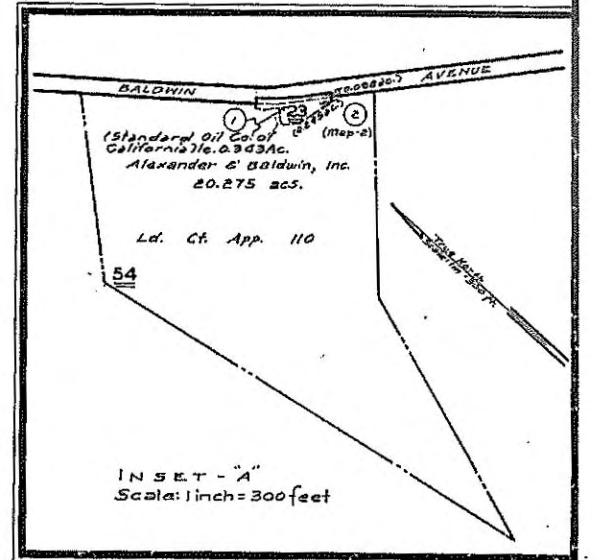
- 3 Roman Catholic Church in the State of Hawaii - 2.00 Acs.
- 11 Alexander & Baldwin, Inc. - 0.51 ac.
- 49 Hann. Telephone Co. - 6.037 ac or 0.198 ac.

Note: All parcels owned by Alexander & Baldwin, Inc. unless otherwise noted.

EXHIBIT B-5
ADVANCE SHEET
SUBJECT TO CHANGE

Parcels dropped: 35, 45, 8, 10, 51, 52, 57, 60, 26, 34, 55, 56, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
SECOND DIVISION		
ZONE	SEC.	PLAT
2	5	05
CONTAINING PARCELS		
SCALE: 1 in. = 1000 ft.		



Div. No. 3421
 Source: Tax Maps Bureau
 By: B.S.C. & H. May 1977

FOR HAMAKUAPOKO, MAKAWAO MAUI

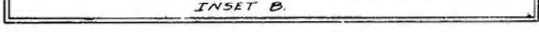
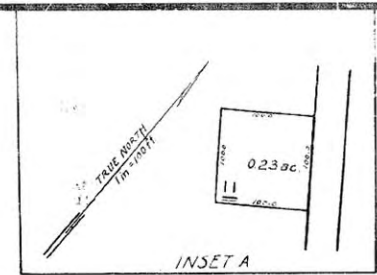
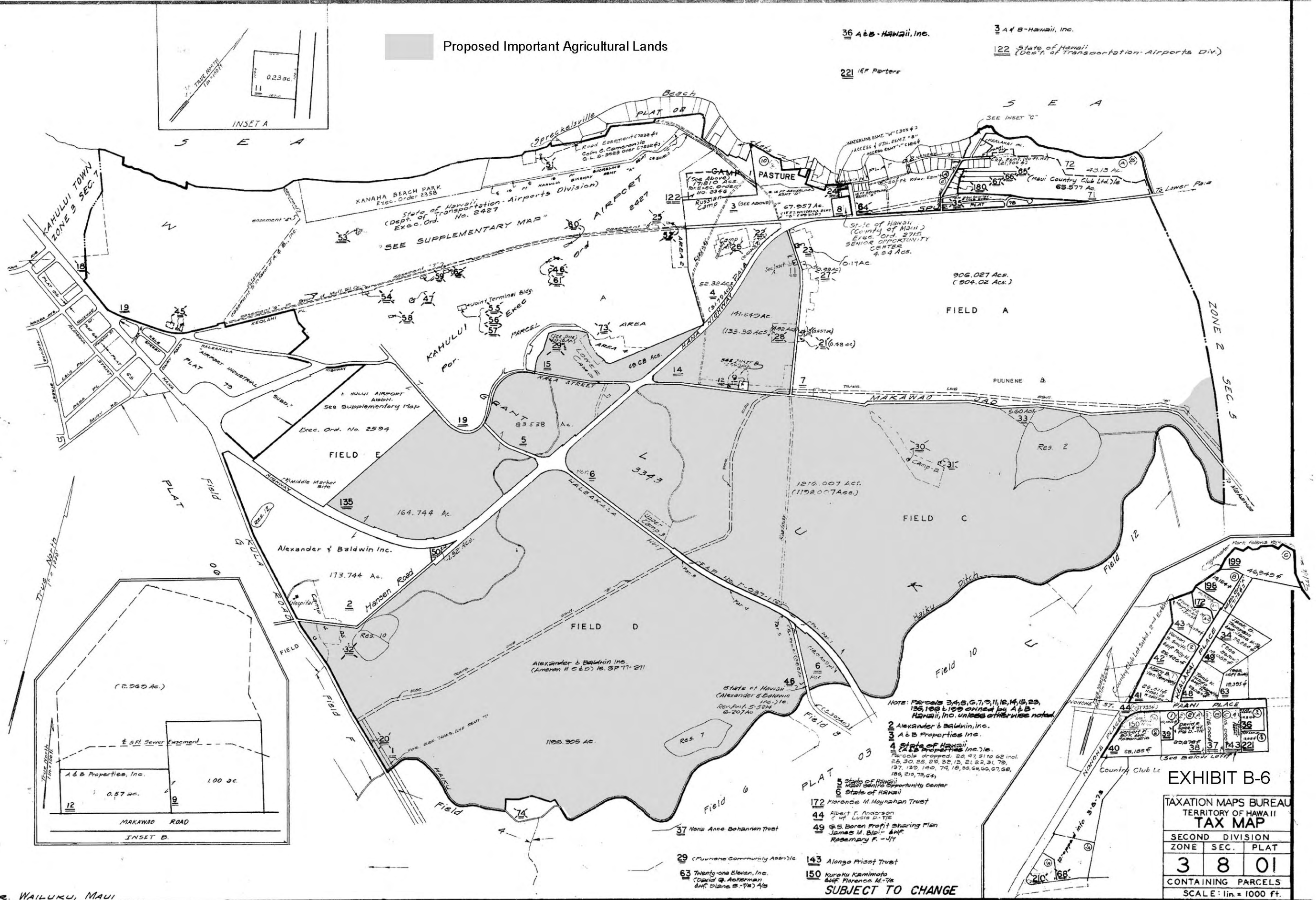
Proposed Important Agricultural Lands

36 A & B - Hawaii, Inc.

3 A & B - Hawaii, Inc.

122 State of Hawaii (Dept. of Transportation - Airports Div.)

221 147 Parsons



- NOTE: Parcels 3, 4, 5, 6, 7, 9, 11, 12, 14, 15, 23, 135, 102 & 100 owned by A & B - Hawaii, Inc. unless otherwise noted.
- 2 Alexander & Baldwin, Inc.
 - 3 A & B Properties, Inc.
 - 4 State of Hawaii (A & B Properties, Inc.)
 - 172 Florence M. Moynahan Trust
 - 44 Albert F. Anderson & wife Lucie D. Tye
 - 49 G.S. Boren Profit Sharing Plan James M. Boren & wife Rosemary F. - JT
 - 29 Puunene Community Ass'n/Co
 - 63 Twenty-one Eleven, Inc. Capital G. Ackerman & wife Diane B. - JT & A/S
 - 143 Alonge Priest Trust
 - 150 Kureku Kaminoto & wife Florence M. - JT
- SUBJECT TO CHANGE**

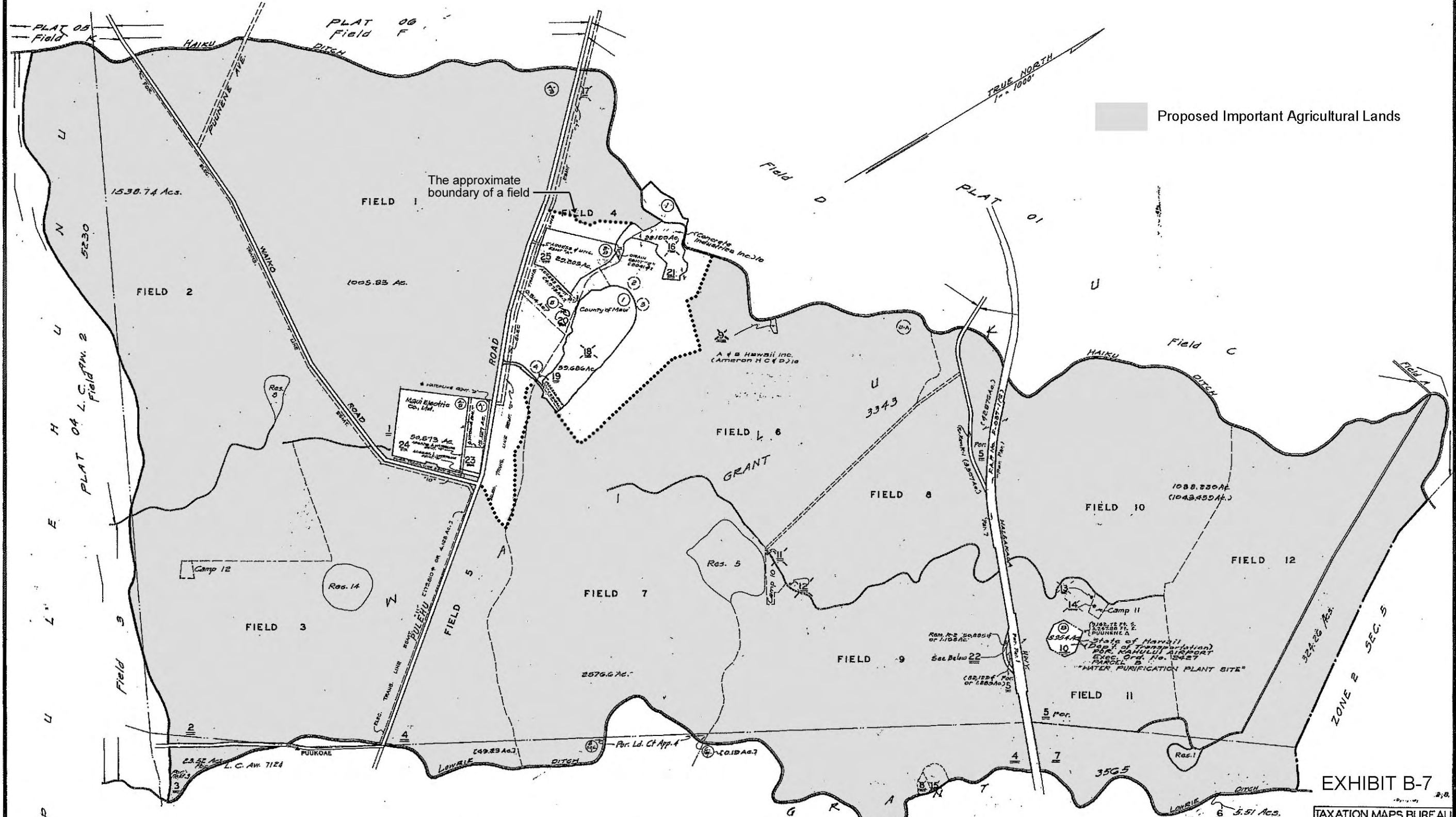
EXHIBIT B-6

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
SECOND DIVISION	PLAT	
ZONE	SEC.	PLAT
3	8	01
CONTAINING PARCELS		
SCALE: 1 in. = 1000 ft.		

1950
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 2019
 2020

FOR WAILUKU, MAUI

DEC 5 1929
 JAN 1 1930
 JUL 20 1945
 1948
 3 5 1950
 10 15 1950
 APR 23 1951
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 1978
 1979
 1980



Proposed Important Agricultural Lands

Div. No. 3430
 Source: H.C. & C. Ltd. (Sug. Phila. Map)
 By: R.S.G. & H.N. June 1939

FOR WAILUKU MAUI

ZONE 2 SEC. 5

22 State of Hawaii
 (Alexander & Baldwin, Inc.)
 Rev. Pmt. 6-2485

Note: All parcels owned by A&B. Hawaii, Inc. unless otherwise noted.

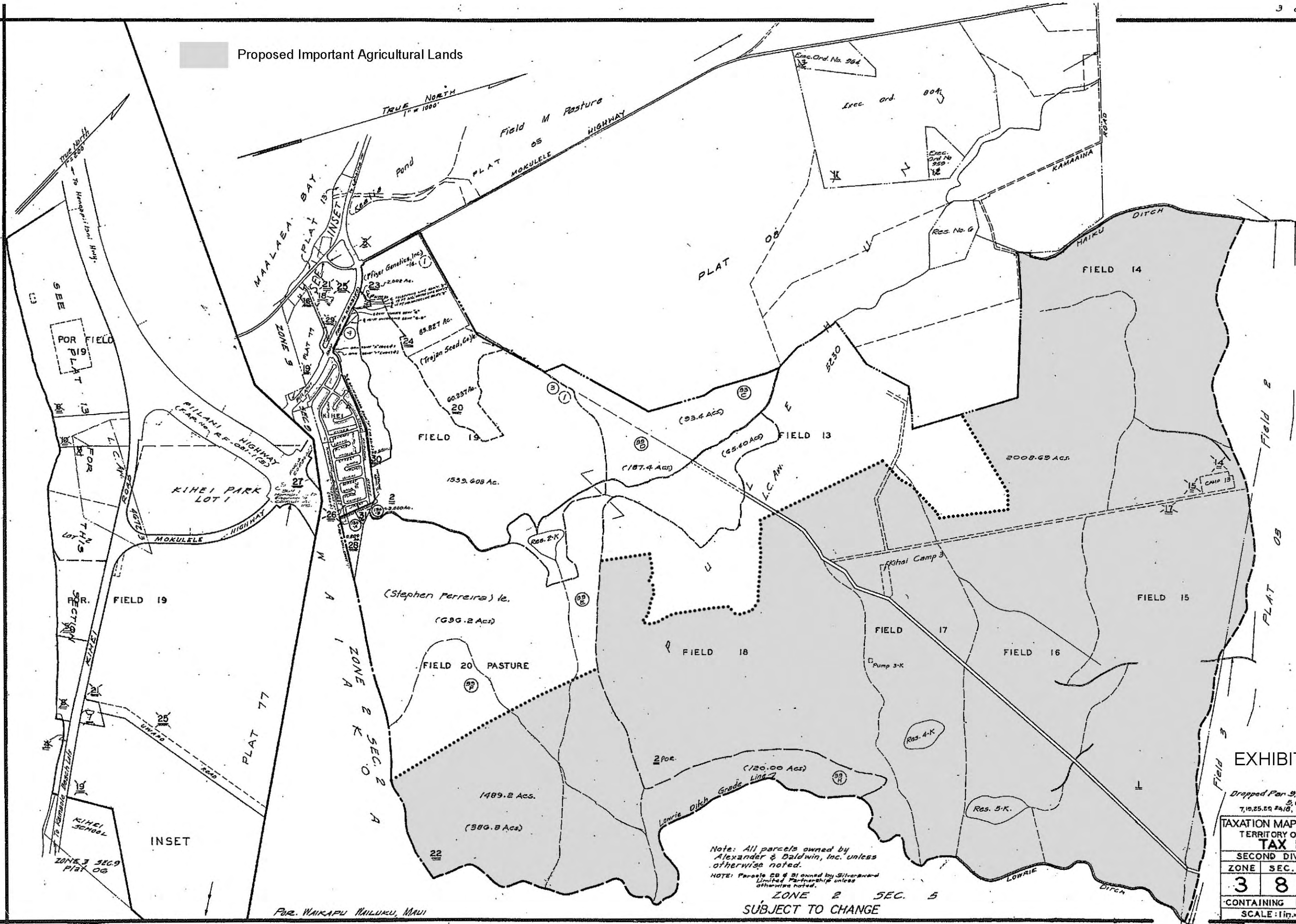
EXHIBIT B-7

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
SECOND DIVISION		
ZONE	SEC.	PLAT
3	8	03
CONTAINING PARCELS		
SCALE: 1 in. = 1000 ft.		

SUBJECT TO CHANGE

DEC 3 1943
 DEC 11 1943
 FEB 1 1944
 FEB 14 1945
 JUN 10 1946
 OCT 1 1946
 DEC 1 1946
 FEB 3 1947
 FEB 15 1950
 APR 5 1951
 JUN 1 1951
 JUN 15 1951
 JUN 27 1951
 JUL 1 1951
 AUG 1 1951
 SEP 1 1951
 OCT 1 1951
 NOV 1 1951
 DEC 1 1951
 JAN 2 1952
 JAN 25 1953
 OCT 3 1953
 JAN 2 1955
 APR 4 1955

Proposed Important Agricultural Lands



Div. No. 8129
 Source: H.C.L.S. Co. (Copy Blk. Map)
 By: D.S.C. & H.N. (Date 1959)

Note: All parcels owned by Alexander & Baldwin, Inc. unless otherwise noted.
 NOTE: Parcels 05 & 06 owned by Silverward Limited Partnership unless otherwise noted.

ZONE 2 SEC. 5
 SUBJECT TO CHANGE

EXHIBIT B-8

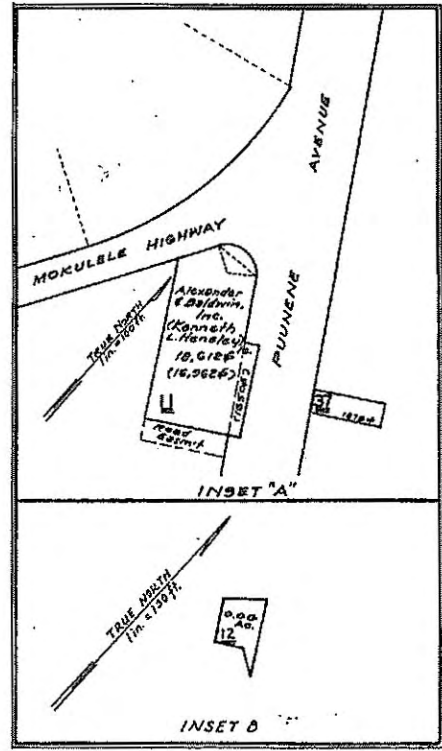
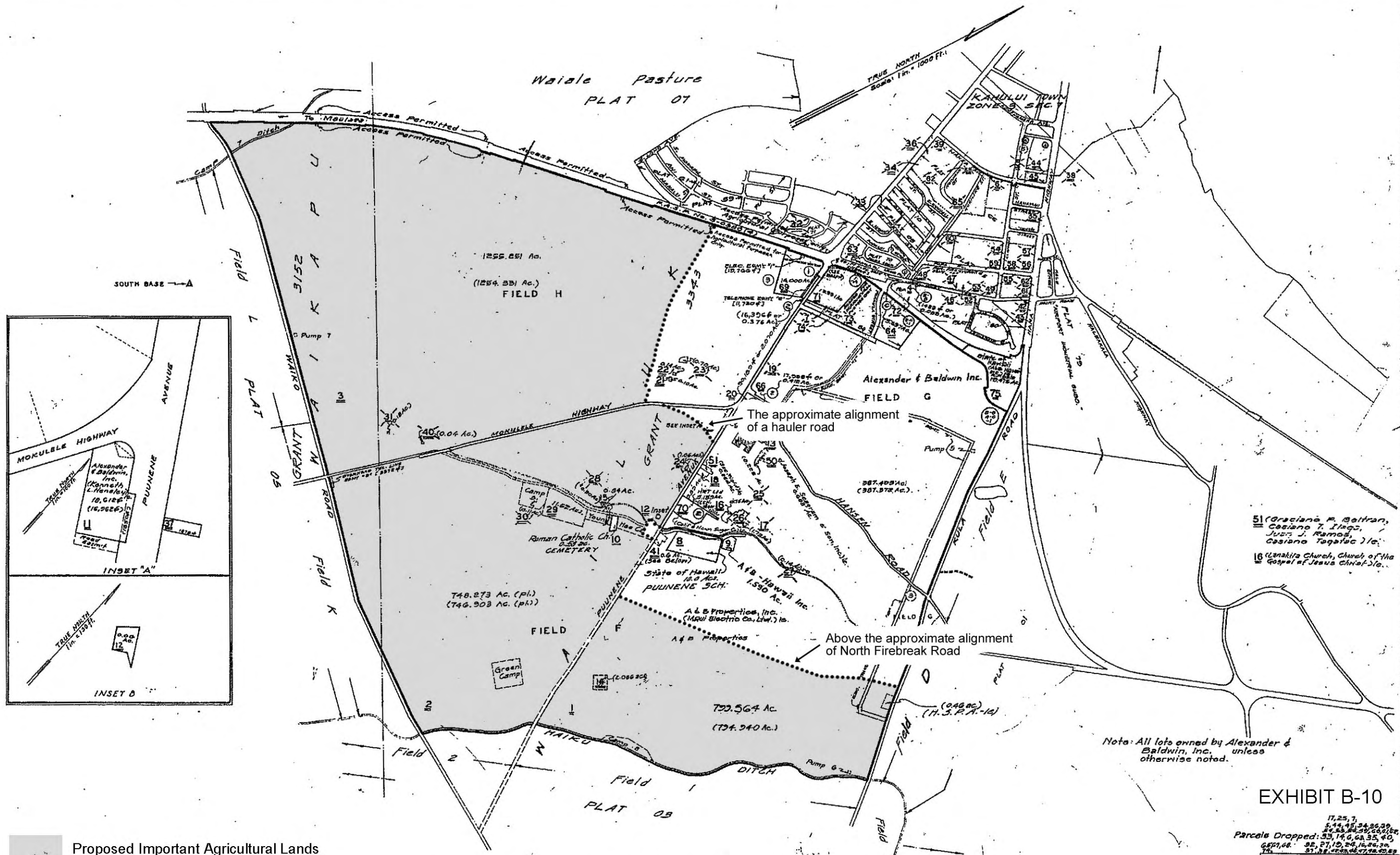
Dropped Parcels 9, 11, 12, 13, 3, 4,
 5, 6, 8, 10, 16, 17,
 7, 18, 25, 26, 28, 14, 15, 17, 21

TAXATION MAPS BUREAU
 TERRITORY OF HAWAII
TAX MAP

SECOND DIVISION		
ZONE	SEC.	PLAT
3	8	04
CONTAINING PARCELS		
SCALE: 1 in. = AS NOTED		

FEB 7 '50
 JUN 1 2 '50
 NOV 25 1951
 MAY 13 1951

ACT 7 1950
 ACT 10 1950
 ACT 11 1950
 ACT 12 1950
 ACT 13 1950
 ACT 14 1950
 ACT 15 1950
 ACT 16 1950
 ACT 17 1950
 ACT 18 1950
 ACT 19 1950
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 ACT 22 1950
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 ACT 25 1950
 ACT 26 1950
 ACT 27 1950
 ACT 28 1950
 ACT 29 1950
 ACT 30 1950
 ACT 31 1950
 ACT 32 1950
 ACT 33 1950
 ACT 34 1950
 ACT 35 1950
 ACT 36 1950
 ACT 37 1950
 ACT 38 1950
 ACT 39 1950
 ACT 40 1950
 ACT 41 1950
 ACT 42 1950
 ACT 43 1950
 ACT 44 1950
 ACT 45 1950
 ACT 46 1950
 ACT 47 1950
 ACT 48 1950
 ACT 49 1950
 ACT 50 1950
 ACT 51 1950
 ACT 52 1950
 ACT 53 1950
 ACT 54 1950
 ACT 55 1950
 ACT 56 1950
 ACT 57 1950
 ACT 58 1950
 ACT 59 1950
 ACT 60 1950
 ACT 61 1950
 ACT 62 1950
 ACT 63 1950
 ACT 64 1950
 ACT 65 1950
 ACT 66 1950
 ACT 67 1950
 ACT 68 1950
 ACT 69 1950
 ACT 70 1950
 ACT 71 1950
 ACT 72 1950
 ACT 73 1950
 ACT 74 1950
 ACT 75 1950
 ACT 76 1950
 ACT 77 1950
 ACT 78 1950
 ACT 79 1950
 ACT 80 1950
 ACT 81 1950
 ACT 82 1950
 ACT 83 1950
 ACT 84 1950
 ACT 85 1950
 ACT 86 1950
 ACT 87 1950
 ACT 88 1950
 ACT 89 1950
 ACT 90 1950
 ACT 91 1950
 ACT 92 1950
 ACT 93 1950
 ACT 94 1950
 ACT 95 1950
 ACT 96 1950
 ACT 97 1950
 ACT 98 1950
 ACT 99 1950
 ACT 100 1950



Proposed Important Agricultural Lands

- 41 (Assemblies of God in the Hawaiian Islands), Inc.
- 11 First Assembly of God

Note: All lots owned by Alexander & Baldwin, Inc. unless otherwise noted.

EXHIBIT B-10

17,25,7
 5,14,45,54,55,59
 54,55,56,57,58,59,60,61,62
 Parcels Dropped: 33, 14, 6, 28, 35, 40,
 65, 68, 82, 27, 10, 24, 16, 26, 34,
 74,
 57, 58, 59, 60, 61, 62, 63, 64, 65

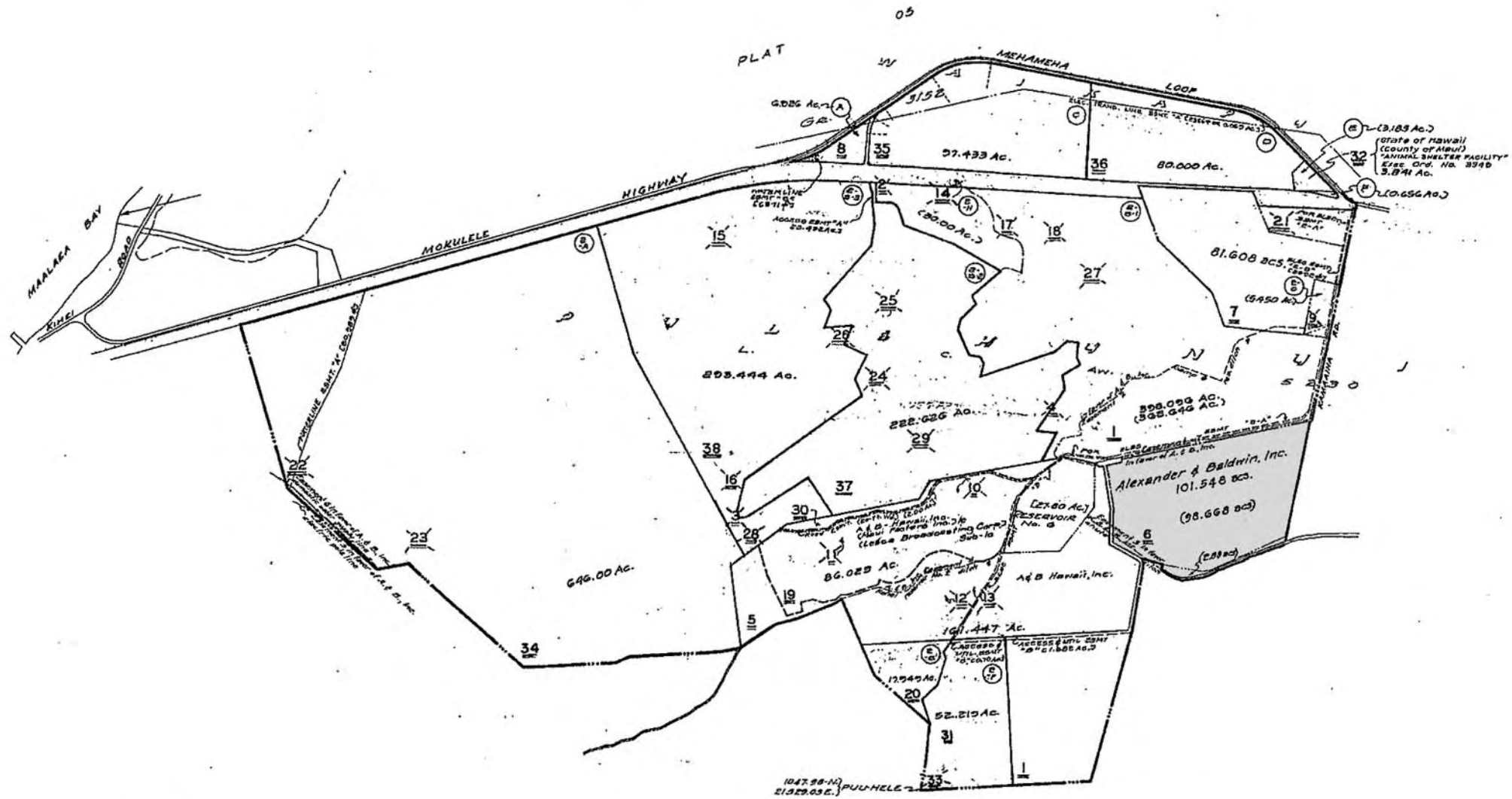
TAXATION MAPS BUREAU
 TERRITORY OF HAWAII
TAX MAP

SECOND DISTRICT	
ZONE	SEC. PLAT
3	8 06

CONTAINING PARCELS
 SCALE: 1 in. = 1000 FT.

SUBJECT TO CHANGE

JUL 1 1946
 OCT 1 1946
 DEC 1 1946
 FEB 1 1947
 APR 1 1947
 JUN 1 1947
 AUG 1 1947
 OCT 1 1947
 DEC 1 1947
 FEB 1 1948
 APR 1 1948
 JUN 1 1948
 AUG 1 1948
 OCT 1 1948
 DEC 1 1948
 FEB 1 1949
 APR 1 1949
 JUN 1 1949
 AUG 1 1949
 OCT 1 1949
 DEC 1 1949
 FEB 1 1950
 APR 1 1950
 JUN 1 1950
 AUG 1 1950
 OCT 1 1950
 DEC 1 1950
 FEB 1 1951
 APR 1 1951
 JUN 1 1951
 AUG 1 1951
 OCT 1 1951
 DEC 1 1951
 FEB 1 1952
 APR 1 1952
 JUN 1 1952
 AUG 1 1952
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 DEC 1 1952
 FEB 1 1953
 APR 1 1953
 JUN 1 1953
 AUG 1 1953
 OCT 1 1953
 DEC 1 1953
 FEB 1 1954
 APR 1 1954
 JUN 1 1954
 AUG 1 1954
 OCT 1 1954
 DEC 1 1954
 FEB 1 1955
 APR 1 1955
 JUN 1 1955
 AUG 1 1955
 OCT 1 1955
 DEC 1 1955
 FEB 1 1956
 APR 1 1956
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 AUG 1 1956
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 DEC 1 1961
 FEB 1 1962
 APR 1 1962
 JUN 1 1962
 AUG 1 1962
 OCT 1 1962
 DEC 1 1962
 FEB 1 1963
 APR 1 1963
 JUN 1 1963
 AUG 1 1963
 OCT 1 1963
 DEC 1 1963
 FEB 1 1964
 APR 1 1964
 JUN 1 1964
 AUG 1 1964
 OCT 1 1964
 DEC 1 1964
 FEB 1 1965
 APR 1 1965
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 DEC 1 1965
 FEB 1 1966
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 APR 1 1974
 JUN 1 1974
 AUG 1 1974
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 DEC 1 1975
 FEB 1 1976
 APR 1 1976
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 DEC 1 2024
 FEB 1 2025
 APR 1 2025
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 AUG 1 2025
 OCT 1 2025
 DEC 1 2025



TRUE NORTH
 1" = 1000'

Proposed Important Agricultural Lands

Note: All lots owned by the State of Hawaii unless otherwise noted.

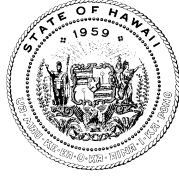
EXHIBIT B-11

Dropped parcels: 10, 11, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
SECOND DIVISION		
ZONE	SEC.	PLAT
3	8	08
CONTAINING PARCELS		
SCALE: 1 in. = 1000 ft.		

SUBJECT TO CHANGE

FOR OFFICIAL USE ONLY



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. DR09-38
)
ALEXANDER & BALDWIN, INC.) CERTIFICATE OF SERVICE
)
For Declaratory Order to Designate)
Important Agricultural Lands)
for approximately 27,102 acres at Wailuku)
and Makawao, Maui, Hawai'i,)
TMK: 2-5-01: portion of 01, 05 and 08; 2-5-02:)
portion of 01 and portion of 02; 2-5-03: 06, 07,)
08 and 09; 2-5-04: 13 and portion of 39;)
2-5-05: portion of 19 and portion of 20;)
3-8-01: portion of 01, 05, 06, portion of 07, 11,)
12, 14, 15, 33 and 135; 3-8-03: 01, 02, 03,)
portion of 04, 05, 06 and 07; 3-8-04: portion of)
01, portion of 02 and portion of 22; 3-8-05:)
portion of 01, portion of 02 and 18; 3-8-06:)
portion of 01, portion of 02, portion of 03, 15)
and 29; 3-8-08: 06)

CERTIFICATE OF SERVICE

I hereby certify that a certified 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 regular or certified mail as noted:

DEL. ABBEY SETH MAYER, Director
 State Office of Planning
 P. O. Box 2359
 Honolulu, Hawai'i 96804-2359

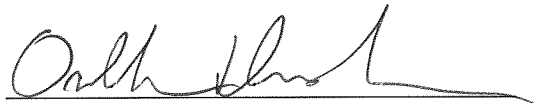
REGULAR MAIL: BRYAN C. YEE, Esq.
Deputy Attorney General
425 Queen Street
Honolulu, Hawai'i 96813
Attorney for State Office of Planning

REGULAR MAIL: JEFF HUNT, Director of Planning
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

REGULAR MAIL: BRIAN MOTO, Esq.
Corporation Counsel
County of Maui
250 South High Street
Wailuku, Hawaii 96793

CERTIFIED MAIL: BENJAMIN M. MATSUBARA
CURTIS T. TABATA
888 Mililani Street, 8th Floor
Honolulu, HI 96813

Dated: Honolulu, Hawai'i, JUN 29 2009.



ORLANDO DAVIDSON
Executive Officer