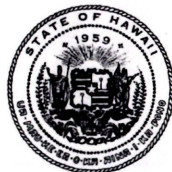


(SEE FOLDER 2)

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

August 28, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *Teri Hee*
Land Use Commission

SUBJECT: A00-731/Destination Villages Kauai, A Limited Liability Company

The commission received the following correspondence:

1. Letter received on August 25, 2000 from Blair Goldberg.

Subject

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

August 24, 2000

Michael J. Belles, Esq.
Belles Graham Proudfoot &
Wilson
Watumull Plaza
4334 Rice Street, Suite 202
Lihue, Hawaii 96766-1388

Dear Mr. Belles:

Subject: LUC Docket No. A00-731/Destination Villages Kauai,
A Limited Liability Company

This is to acknowledge receipt of your letter dated August 4, 2000, transmitting an original and 15 copies of the Final Draft Report, dated March 12, 2000, entitled "Market Assessment for Rental Housing in the Waimea District, Island of Kauai," prepared by Mikiko Corporation.

We request that Petitioner assign an exhibit number to the above document inasmuch as reference to the document was made during the course of testimony on the July 20, 21, 2000, hearing. We also request that an amended exhibit list reflecting the addition of the above document be submitted. A request to enter the document into the record should be made to the Commission at the next hearing on the subject docket.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

Eu:aa

c: OP
County of Kauai Planning Dept.

**BELLES GRAHAM
PROUDFOOT & WILSON**

ATTORNEYS AT LAW

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com

ASSOCIATE
PAMELA P. RASK

OF COUNSEL
JONATHAN J. CHUN

August 4, 2000

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

2000 AUG -7 A 9:54
LAND USE COMMISSION
STATE OF HAWAII

Subject: LUC Docket No. A00-731
Destination Villages Kauai, A Limited Liability Company

Dear Ms. Ueda:

On behalf of my client, Destination Villages Kauai, LLC, in the above-captioned Docket and Petition, I am transmitting herewith the original and fifteen (15) copies of the Final Draft Report, dated March 12, 2000, entitled "Market Assessment For Rental Housing In The Waimea District, Island Of Kauai" prepared by Mikiko Corporation.

As you will recall, during the public hearing that was conducted by the Land Use Commission of the State of Hawaii on the Island of Kauai on July 20, 2000 and July 21, 2000, reference was made during the course of the testimony to a rental housing market study that was prepared for the County of Kauai by my client. Subsequently, a request was made by members of the Land Use Commission for a copy of the report to be filed with the Land Use Commission.

Thus, in response to the aforementioned request of the Land Use Commission, the County of Kauai authorized the undersigned to provide the Commission with the study in question. By copy of this transmittal, a copy of the report will be served upon the parties to the proceeding. Please advise the undersigned if the report is to be assigned an exhibit number or otherwise entered into the record as may be authorized by the Land Use Commission.

Ms. Esther Ueda
Executive Officer
Land Use Commission
State of Hawaii
August 4, 2000
Page 2

In the event you have any questions concerning this matter, or if you are in need of any additional information or clarification regarding this issue, please feel free to contact me any time.

Respectfully submitted,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc
Enclosure

cc: Honorable Ronald Kouchi, Chairman,
Kauai County Council (with enclosure)
Ms. Ann Ogata-Deal, Deputy Attorney General (with enclosure)
Hartwell H. K. Blake, Esq., Kauai County Attorney (with enclosure)
Mr. Abe Mitsuda, Administrator, Office of Planning (with enclosure)
Mr. Dee Crowell, Kauai County Planning Director (with enclosure)

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

In the Matter of the Petition of)
DESTINATION VILLAGES KAUAI, A)
LIMITED LIABILITY COMPANY)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
153.696 Acres of Land at Makaweli,)
Kaua'i, Hawai'i, Tax Map Key No.:)
1-7-05: portion of 1)

DOCKET NO. A00-731

ORDER GRANTING REQUEST
TO WITHDRAW PETITION FOR
INTERVENTION

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

AUG 22 2000

by

Date

Executive Officer

ORDER GRANTING REQUEST TO WITHDRAW PETITION FOR INTERVENTION

LAND USE COMMISSION
STATE OF HAWAII
2000 AUG 22 A 10:59

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

In the Matter of the Petition of	)	DOCKET NO. A00-731
	)	
DESTINATION VILLAGES KAUAI, A	)	ORDER GRANTING REQUEST
LIMITED LIABILITY COMPANY	)	TO WITHDRAW PETITION FOR
	)	INTERVENTION
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
153.696 Acres of Land at Makaweli,	)	
Kaua'i, Hawai'i, Tax Map Key No.:	)	
1-7-05: portion of 1	)	

ORDER GRANTING REQUEST TO WITHDRAW PETITION FOR INTERVENTION

On June 30, 2000, Joseph Punilei Manini, Sr., filed a Petition for Intervention ("Petition") in this proceeding, pursuant to section 15-15-52, Hawai'i Administrative Rules ("HAR").

On July 13, 2000, Mr. Manini filed a letter requesting that his Petition be withdrawn and be accepted as written testimony in this proceeding.

This matter came on for hearing before the Land Use Commission ("Commission") on July 20, 2000, in Koloa, Kaua'i, with appearances by the parties as noted in the minutes. At the hearing, Mr. Manini stated that he wished to withdraw his Petition and to testify as a public witness. Petitioner, the County of Kaua'i Planning Department, and the Office of Planning had no objections to the withdrawal of the Petition.

Thereafter, a motion was made and seconded to grant Mr. Manini's request to withdraw his Petition. Following discussion by the Commissioners, a vote was taken on this motion. There

being a vote tally of 7 ayes, 0 nays, and 2 excused, the motion carried.

ORDER

Having duly considered Mr. Manini's request to withdraw his Petition, the oral arguments presented by the parties, and a motion having been made at a hearing conducted on July 20, 2000, 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:

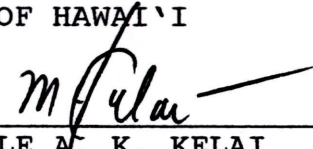
Joseph Punilei Manini, Sr.'s, request
to withdraw his Petition is GRANTED.

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and the proceedings, hereby adopt and approve the foregoing ORDER this 17th day of August 2000. The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

LAND USE COMMISSION
STATE OF HAWAII

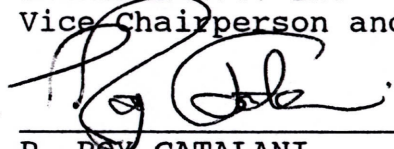
By


MERLE A. K. KELAI
Chairperson and Commissioner

By

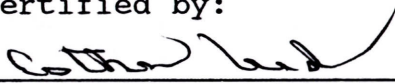
(absent)
LAWRENCE N.C. ING
Vice Chairperson and Commissioner

By


P. ROY CATALANI
Commissioner

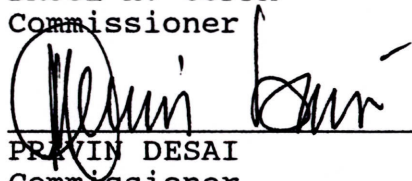
Filed and effective on
August 22, 2000

Certified by:

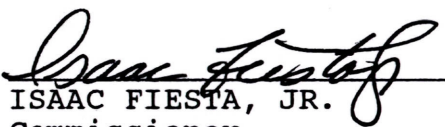

Executive Officer

By (excused)

BRUCE A. COPPA
Commissioner

By 

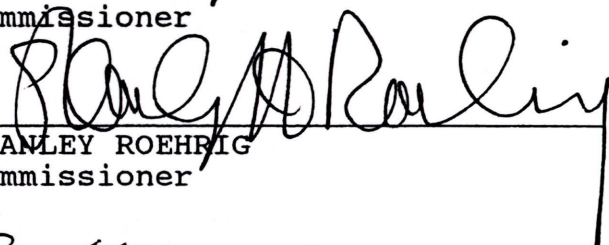
PRAVIN DESAI
Commissioner

By 

ISAAC FIESTA, JR.
Commissioner

By 

M. CASEY JARMAN
Commissioner

By 

STANLEY ROEHRIG
Commissioner

By 

PETER YUKIMURA
Commissioner

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

In the Matter of the Petition of	)	DOCKET NO. A00-731
	)	
DESTINATION VILLAGES KAUAI, A	)	CERTIFICATE OF SERVICE
LIMITED LIABILITY COMPANY	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
153.696 Acres of Land at Makaweli,	)	
Kaua'i, Hawai'i, Tax Map Key No.:	)	
1-7-05: portion of 1	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Request to Withdraw Petition for Intervention was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. DAVID W. BLANE, Director
 Office of Planning
 P. O. Box 2359
 Honolulu, Hawaii 96804-2359

CERT. DEE CROWELL, Planning Director
 Planning Department, County of Kauai
 Suite 473, Building A
 4444 Rice Street
 Lihue, Hawaii 96766

CERT. HARTWELL H.K. BLAKE, ESQ.
 County Attorney
 Office of the County Attorney
 County of Kauai
 4444 Rice Street, #220
 Lihue, Hawaii 96766

CERT. MICHAEL J. BELLES, ESQ., Attorney for Petitioner
 Belles Graham Proudfoot & Wilson
 4334 Rice Street, Suite 202
 Lihue, Hawaii 96766

CERT. JOSEPH PUNILEI MANINI, SR.
 P. O. Box 690201
 Makaweli, Hawaii 96769

DATED: Honolulu, Hawaii, this 22nd day of August 2000.



ESTHER UEDA
Executive Officer

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

A00-731/Destination Villages Kauai

Postage	\$ 55
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.20



Rec Mr. Dee Crowell, Director
Stre Kauai County Planning Department
City Suite 473, Building A
 4444 Rice Street
PS Lihue, HI 96766

Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Dee Crowell, Director
Kauai County Planning Department
Suite 473, Building A
4444 Rice Street
Lihue, HI 96766

2. Article Number (Conv from service label)

7000 0600 0027 7114 3897

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

[Signature]

☒ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

A00-731/Destination Villages Kauai

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

A00-731/Destination Villages Kauai

Postage	\$	55
Certified Fee		1.40
Return Receipt Fee (Endorsement Required)		1.25
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	3.20

Hartwell Blake, Esq.
County Attorney
COUNTY OF KAUAI
4444 Rice Street, #220
Lihue, HI 96766

Postmark
 AUG 22 2000
 HI DOWNTOWN STATION
 USPS

completed by mailer)

See Reverse for Instructions

7000 0600 0028 0872 2743

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>ARCTURUS FIRM</u> B. Date of Delivery <u>8/23/00</u>	
1. Article Addressed to: Hartwell Blake, Esq. County Attorney COUNTY OF KAUAI 4444 Rice Street, #220 Lihue, HI 96766		C. Signature <u>[Signature]</u> ☒ Agent ☐ Addressee	
2. Article Number (Copy from service label) 7000 0600 0028 0872 2743		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
		A00-731/Destination Villages Kauai	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

A00-731/Destination Villages Kauai

Postage	\$ 55
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 57.70



Reci Michael J. Belles, Esq.
Street Belles Graham Proudfoot & Wilson
City 4334 Rice Street, Suite 202
Lihue, HI 96766

PS Form 3800, February 2000

See Reverse for Instructions

7000 0600 0028 0872 2750

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, HI 96766

2. Article Number (Copy from service label)

7000 0600 0028 0872 2750

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Jennifer A. Uyeda **8/23/00**

C. Signature *Jennifer A. Uyeda* ☒ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

A00-731/Destination Villages Kauai

Domestic Return Receipt

102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

A00-731/Destination Villages Kauai

Postage	\$ 55
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.20



R (Endorsed by mailer)
S **Joseph Punilei Manini, Sr.**
C **P. O. Box 690201**
Makaweli, Hawaii 96769

PS Form 3800, February 2000

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph Punilei Manini, Sr.
P. O. Box 690201
Makaweli, Hawaii 96769

2. Article Number (Copy from service label)

7000 0600 0028 0872 2767

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature *Joseph P. Manini Sr* ☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

A00-731/Destination Villages Kauai

Domestic Return Receipt

102595-00-M-0952



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

August 14, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *Teri Hee*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The Commission received the following correspondence:

1. Letter received on August 8, 2000 from Raymond, Jaclyn and Cody Mierta.

The following documents were received at the hearings on July 20 and 21, 2000:

1. Testimony of Monica Anohea Davis.
2. Testimony of David Walker dated July 20, 2000.
3. Testimony of John Isobe dated July 18, 2000.
4. Testimony of Rachel Watarai dated July 20, 2000.
5. Memorandum dated July 3, 2000 from the Kauai Historic Preservation Review Commission to the Planning Commission, submitted by Bruce Pleas.
6. Petition dated January 27, 2000 in opposition to the project submitted by Bruce Pleas.
7. Petition from the employees of Gay & Robinson, Inc. in support of the project submitted by Charlie Okamoto.

8. Petition from the residents of Pakala in support of the project submitted by Tsutomu Kojiri.
9. Petition from the residents of Kaawanui in support of the project submitted by Juan Villalobos.
10. Petition from the residents of Kaumakani in support of the project submitted by Jerry Lagazo.

LAND USE COMMISSION

Minutes of Meeting

Lawai Room
Sheraton Kauai Resort
2440 Hoonani Road
Koloa, Kauai

July 21, 2000

Approved
8/17/00

COMMISSIONERS PRESENT: P. Roy Catalani
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Stanley Roehrig
Peter Yukimura

COMMISSIONER ABSENT: Bruce A. Coppa (excused)
Merle Kelai

STAFF PRESENT: Esther Ueda, Executive Officer
Presley Pang, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Yukimura called the meeting to order at
8:35 a.m.

CONTINUED HEARING

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

Presiding Officer Yukimura announced that this matter before
the Commission is a continuation of the hearing which was
adjourned yesterday at 4:50 p.m.

Commissioner Coppa was excused from this proceeding due to a
previously declared conflict of interest.

Appearances

Michael Belles, Esq., representing petitioner

Scott Ezer, Helber, Hastert & Fee

Sanjay Bhatt, Esq., Deputy Corporation Counsel

Keith Nitta, Kauai County Planning Department, Staff Planner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

PUBLIC WITNESSES

1. Bill Blackburn for John Isobe
2. Ross Barker
3. Alan Carveiro
4. Bruce Pleas
5. James Bennett
6. Evelyn Baniaga
7. Clement Lum
8. Richard Lutao
9. Ron Kouchi
10. Charles Carveiro

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 51 were admitted into evidence by the Land Use Commission.

2. County's Exhibit Nos. 1, 2, 3, and 4 were admitted into evidence by the Land Use Commission.

3. Office of Planning's Exhibit Nos. 1 and 2 were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESS

1. Scott Ezer

MINUTES - July 21, 2000
Page 3

The Commission entered the following correspondence into evidence:

1. Letter from Judy Dalton, Chair of the Sierra Club, Kauai Group of the Hawaii Chapter.
2. Letter dated July 20, 2000, from Rachel Watarai.
3. Memo dated July 3, 2000, from the Kauai Historic Preservation Review Commission to the Planning Commission received from Bruce Pleas on July 21, 2000.

The meeting was adjourned at 12:15 p.m.

LAND USE COMMISSION

Minutes of Meeting

Lawai Room
Sheraton Kauai Resort
2440 Hoonani Road
Koloa, Kauai

July 20, 2000

Approved
8/17/00

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce A. Coppa
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Stanley Roehrig
Peter Yukimura

COMMISSIONER ABSENT: Merle Kelai

STAFF PRESENT: Esther Ueda, Executive Officer
Presley Pang, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Yukimura called the meeting to order at
1:10 p.m.

HEARING

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

Pursuant to a notice published in the Hawaii State & County Public Notices of MidWeek and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Destination Villages Kauai, a Limited Liability Company to consider reclassifying approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

The Commission entered the following correspondence into evidence:

MINUTES - July 20, 2000
Page 2

1. Memorandum dated May 12, 2000 from Linnel T. Nishioka, Deputy Director of the Commission on Water Resource Management (CWRM).
2. Letter dated June 23, 2000, from Don Hibbard, Administrator of the State Historic Preservation Division.
3. Request to Intervene dated June 28, 2000, from Joseph Punilei Manini, Sr.
4. Request to Withdraw Intervention dated July 12, 2000, from Joseph Punilei Manini, Sr. and request to be a public witness.
5. Facsimile letter dated July 14, 2000, from Bruce Pleas requesting to testify.
6. Facsimile letter dated July 17, 2000, from Carol A. Furtado requesting to testify.
7. Facsimile letter dated July 18, 2000, from Vida N. Mossman and Monica A. Davis requesting to testify.
8. Facsimile testimony dated July 18, 2000, from Mark Nellis, President of the West Kauai Business & Professional Association.
9. Letter received on July 19, 2000, from Toni Looney.
10. Letter received on July 20, 2000, from John Isobe, Coordinator of the Kauai Rural Development Project.
11. Testimony received on July 20, 2000, from Carol A. Furtado.
12. Approximately 157 facsimile letters in opposition to the project. (Three samples of facsimile letters were read by staff.)

Commissioner Coppa excused himself from this proceeding due to a conflict of interest.

A disclosure was made by Commissioner Fiesta. There were no objections by the parties to have Commissioner Fiesta participate in the proceedings.

Appearances

Michael Belles, Esq., representing petitioner

Scott Ezer, Helber, Hastert & Fee

Sanjay Bhatt, Esq., Deputy Corporation Counsel

Keith Nitta, Kauai County Planning Department, Staff Planner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Lorene Maki, Land Use Division, Office of Planning

Bert Saruwatari, staff planner, oriented the Commission to the subject area on the Land Use District Boundaries and tax maps.

Mr. Pang briefed everyone on Mr. Manini's request to intervene. After Mr. Manini presented his argument and having no objections from the parties, Presiding Officer Yukimura accepted Mr. Manini's motion to withdraw his intervention.

PUBLIC WITNESSES

1. Joseph Puilei Manini, Sr.
2. Bruce Pleas
3. Carol A. Furtado
4. Ian Emberson
5. Beryl Blaich
6. Charlie Okamoto
7. Vida N. Mossman
8. Monica A. Davis (testimony read by Vida Mossman)
9. Mark Nellis
10. Paul Matsunaga

MINUTES - July 20, 2000
Page 4

11. Tsutomu Kojiri
12. Randall Uyehara
13. Juan Villalobos
14. Douglas Aviguatero
15. Jerry Lagazo
16. Cayetano Gerardo
17. Lissa Dunford
18. Angie Chinen
19. James Pacopac
20. Cheryl Lovell-Obatake
21. Rob Swigart
22. Kaleo Hookano
23. David Walker
24. Sandra Makuaole

The Commission entered the following correspondence into evidence:

1. Testimony received on July 20, 2000, from Vida Kilauano Mossman.
2. Testimony received on July 20, 2000, from Monica Anohea Davis.
3. Testimony dated July 20, 2000, from David Walker.
4. Testimony dated July 20, 2000, from Mamo P. Cummings, President of the Kauai Chamber of Commerce.
5. Testimony dated July 20, 2000, from Owen Moe, President of the West Kauai Community Development Corporation.
6. Testimony dated July 19, 2000, from Linda Faye' Collins, President of the Kikiaola Land Company, Ltd.

7. Testimony dated July 20, 2000, from Kris Nakata, Executive Director of the Kauai Economic Development Board.
8. Testimony dated July 20, 2000, from Pam Parker, Ready to Learn Coordinator of the Kauai Economic Development Board.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting dates of July 6 and 7, 2000. The motion was seconded by Commissioner Catalani and unanimously approved by voice votes.

2. LITIGATION MATTERS

- a) A status report on the following docket was given by Deputy Attorney General Presley Pang:
 - i) Status of Civil No. 92-0698(1) Sierra Club et al. vs. Waihee, et. al. - Mr. Pang reported that the LUC was dismissed without prejudice subject to reinstatement should the DOT Defendants refile an application for a boundary amendment for any of the projects which are the subject of the EIS.

3. OTHER PENDING MATTERS

- a) Staff is recommending the submittal of a legislative proposal to give the Commission the authority to require mediation by the parties.
- b) Commissioner Jarman volunteered to be a moderator for one of the panels of the Smart Growth Workshop to be held on September 22, 2000. If she is unable to make it, Commissioner Catalani will be the back up person.
- c) LUC Meeting Schedule
 - i) Because of the Smart Growth Workshop, there will be only one meeting in September on the 14th and 15th for the continuation of the Kapalawai hearing.

MINUTES - July 20, 2000
Page 6

- ii) The HCPO materials have finally arrived.
Please contact Angie by July 28th regarding
your arrangements.
- iii) August 16, 2000 field trip to also include
A92-679/White Hat Development, Corp. and the
Natural Energy Laboratory of Hawaii.

The meeting was adjourned at 4:50 p.m. with the announcement
that the Commission will reconvene tomorrow at 8:30 a.m.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Field Trip

July 20, 2000 at 9:35 a.m.

Approved
8/1/100

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Stanley Roehrig
Peter Yukimura

COMMISSIONER ABSENT: Merle A. K. Kelai

STAFF PRESENT: Esther Ueda, Executive Officer
Presley Pang, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk

Docket No. A00-731 - Destination Villages Kauai, LLC (Kauai)

PARTIES PRESENT

For Petitioner: Michael Belles, Esq.
Scott Ezer
Lew Geyser

For the County: Dee Crowell, Planning Director
Sanjay Bhatt, Esq.
Deputy Corporation Counsel
Keith Nitta, Staff Planner

For the State: Ann Ogata-Deal, Esq.
Deputy Attorney General
Abe Mitsuda, LUD Administrator
Lorene Maki, Staff Planner

Others: (see attached)

At the Robinson Estate, Presley Pang, Deputy Attorney General, provided guidelines for Land Use Commission site visits and instructed the attendees regarding purposes and procedures for the field trip.

Executive Officer Esther Ueda introduced the Commissioners to the attendees.

FIELD TRIP MINUTES - July 20, 2000
Page 2

Mr. Belles introduced Mr. Ezer who provided an orientation of the Petition Area and pointed out the various areas on the map route as shown on the attached map that was handed out to the attendees. The attendees then proceeded in their cars to tour five areas: (1) Robin Family Residence Complex, (2) fishpond, (3) a view of the corridor/beach, (4) rock mound and, (5) the existing shoreline access adjacent to Aakukui Stream.

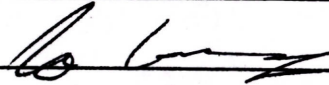
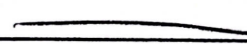
The field trip adjourned at approximately 11:55 a.m.

FIELD TRIP SIGN-IN SHEET

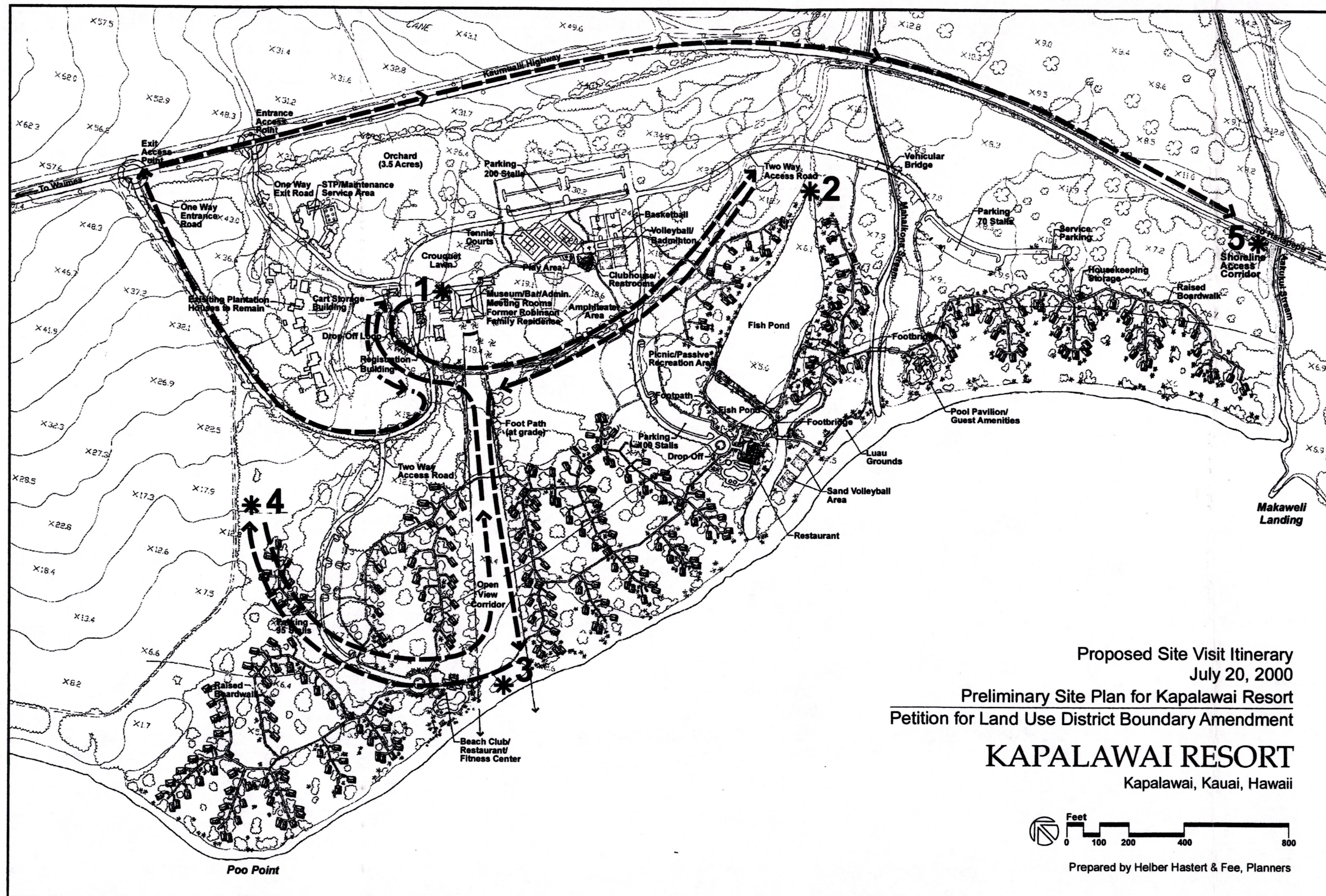
DATE: July 20, 2000

Docket No.: A00-731/Destination Villages Kauai, LLC

PLEASE PRINT NAME	ORGANIZATION
1. Richard W. Shideler	
2. BEATRICE BITMARS	
3. David W. Shideler	Cultural Surveys Kauai
4. PAUL C. CURTIS	THE GARDEN ISLAND
5. DENNIS FUJIMOTO	" " "
6. RHODA L. LIBRE	H/O ICE ("HSCA PROFILES")
7. JOSEPH MANINI, SR.	PERSONAL
8. Jim Powell	" "
9. BLAIR LOUBERT	personal
10. Wilma Holi	personal
11. LAM GAYARU	Dest Vill Kauai, LLC
12. Laurie Lee	personal
13. Sheila Heathcote Arthur	PMRF
14. Dee Crowell	Kauai Planning Dept
15. Doris Ngemata	
16. Ruth Shabe	
17. BHATT / SANJAY L.	DEP. COUNTY ATTORNEY
18. BHATT KALINDI	Kauai Electric
19. Lisette Langlois	Self

PLEASE PRINT NAME	ORGANIZATION
20. Wolfgang Langlois	
21. Hewionani WYETH	MAKA TAUMAKO
22. KARRY EGGER	
23. PATRICIA Egger	
24. Bruce PLOAS	
25. Keith Karasic	
26. USM	
27. Bob Pfenmayer	
28. Susan Pfenmayer	
29. Jim Cox	Kauai Environmental
30. David W. Edge	
31. Chae Kerns Edge	
32. Don Edge	
33. Nancy Gillett Jones	
34. Rachel Ann Francis	
35. Don Cram	
36. Marge Freeman	
37. Judy Dalton	
38. Rolf Eulbertson	
39. Martin Wensler	Wensler Enterprises LLC
40. Linda Oshiro	
41. Mike Felter	MW Felter
42. Sharon Felter	Sharon Felter

PLEASE PRINT NAME	ORGANIZATION
43. Keith Nitta	COK Planning Dept.
44. Lorene Maki	Office of Planning
45. Ann Ogata-Deal	Aq's off.
46. Robert Charlie McMahon	Tourist
47. Jeanne Meyer	Tourist
48. Charles Okamoto	G & R Inc.
49. Abe Mitsuda	OP/DBEDT
50. Beryl Blainch	Sierra Club
51.	
52.	
53.	
54.	
55.	
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57.	
58.	
59.	
60.	
61.	
62.	
63.	
64.	
65.	



Legend

1. Robinson Family Residence Complex
2. Fishpond
3. View Corridor/Beach
4. Rock Mound
5. Existing Shoreline access adjacent to Aakukui Stream

Some proposed viewing stops may be skipped based on time availability

Time Schedule

1. 9:30 AM - 10:15 AM
2. 10:20 AM - 10:40 AM
3. 10:45 AM - 11:00 AM
4. 11:05 AM - 11:40 AM
5. 11:45 AM - 12:00 PM

successive whale surfacings increased slightly with increasing sound levels. These detected effects were found after intensive statistical analysis, and MMRP investigators concluded that these effects would not adversely impact the survival of an individual whale or the status of the North Pacific humpback whale population.

Based on these positive results, Scripps is proposing to continue operations for an additional five years using roughly the same source signal and transmission schedule to conduct the second phase of the research. The long-range goals are to use these data to study seasonal and interannual variability associated with a variety of oceanographic phenomena, such as El Nino/La Nina and the Pacific Decadal Oscillation (PDO), and to test and refine climate models in order to gain a better understanding of the Earth's changing climate.

Previously Published Projects Pending Public Comments

Environmental Impact Statement Preparation Notices

♦ Kapalawai Resort

Applicant: Destination Villages Kauai, LLC
4439 Via Abrigada
Santa Barbara, CA 93110
Contact: Lewis Geyser (805-687-8788)

Approving Agency/Accepting

Authority: County of Kauai, Planning Department
4444 Rice Street, Suite 473
Lihue, Hawaii 96766
Contact: Keith Nitta (241-6677)

Public Comment

Deadline: August 23, 1999

ATTENTION OEQC GUIDEBOOK USERS

If you plan to make a submission to OEQC, please note: *the City & County of Honolulu has recently reorganized and some of the agency names and functions have changed.* Some agencies were merged, others dissolved. Check the list below and make corrections to the document distribution list in your guidebook. The Mayor's Office of Information (523-4385) can supply correct addresses, phone numbers and current directors names.

Former Name

Board of Water Supply
Building Department
Department of Community & Social Resources
Department of Housing & Community Development
Department of Land Utilization
Department of Parks & Recreation
Department of Personnel
Planning Department
Department of Public Works
Department of Transportation Services
Department of Wastewater Management
Honolulu Police Department
Honolulu Fire Department

New Name

No change
Department of Design and Construction
Department of Community Services
Dissolved
Department of Planning & Permitting
Department of Parks & Recreation Services
Department of Human Resources
Department of Planning & Permitting
Department of Facility Maintenance
No change
Department of Environmental Services
No change
No change

00 AUG -7 A11:23

LAND USE COMMISSION
NOTIFICATION OF LAND USE COMMISSION MEETING

A G E N D A

DATE, TIME AND PLACE

August 16, 2000 - 9:00 a.m.

The Land Use Commission will be taking a field trip to the project site and surrounding areas for Docket Nos. A88-620 - Kohala Joint Venture and A92-679 - White Hat Development, Corp. and the Natural Energy Laboratory of Hawaii.

August 17, 2000 - 8:30 a.m.

King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

I. ACTION

1. A92-680 - C. BREWER PROPERTIES, INC.,
a Hawaii Corporation (Hawaii)

To consider the Greer's Motion to Withdraw Land Use Commission Approvals and Revert Land Use District Boundary Classification to Agriculture for approximately 288.240 acres of land situated in the Urban District at Puueo, South Hilo, Hawaii.

II. CONTINUED ACTION

1. A91-665 - KAMAAINA EIGHT, a Hawaii general partnership
(Hawaii)

To consider Petitioner Kamaaina Eight's Request to Withdraw their Motion to Release, Discharge and Delete All Conditions in the Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order Filed April 6, 1992 which reclassified approximately 70.65 acres of land from the Conservation and Agricultural Districts into the Urban District at Kohanaiki, North Kona, Hawaii for a commercial and light industrial development.

III. STATUS REPORT

1. A88-620 - KOHALA JOINT VENTURE (Hawaii)
2. A92-679 - WHITE HAT DEVELOPMENT, CORP. (Hawaii)

IV. PRESENTATION

1. Presentation by the Department of Transportation regarding highway improvements in the North Kona area.

V. MISCELLANEOUS

1. Election of Officers
2. Adoption of Minutes
3. Adoption of Decisions and Orders - (*Monire Withdrawn*)
4. Discussion of Litigation Matters
5. Discussion of Pending Matters
6. Staff Report on Annual Report Monitoring

(Executive Sessions may be called in order for the Commission to consult with their attorney pursuant to Section 92-5, HRS.)



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

August 4, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *Teri Hee*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following unsigned facsimile letters were received by the Commission.

Dated July 19, 2000:

1. Stephanie Fried

Dated July 20, 2000:

2. Melissa F. Armstrong
3. Janine Denny
4. Lea Heimerman
5. Kimberly Ramos
6. Healani Waiwaiiole

Dated July 21, 2000:

7. Michael Douglas
8. Stephen Herrington
9. Bob Meyers

Dated July 23, 2000:

10. Eve Hutchinson

The Commission also received the following correspondence:

1. Facsimile testimony dated July 18, 2000, from E. Kalani Flores.
2. Letter received on July 24, 2000 from Jim Kitamura.
3. Letter received on July 24, 2000 from Rob Swigart.
4. Letter dated July 20, 2000, from Richard S. Morris.
5. Letter received on August 1, 2000, from Barbara Guthrie.

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

In the Matter of the Petition of)
DESTINATION VILLAGES KAUAI, A)
LIMITED LIABILITY COMPANY)
To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
153.696 Acres of Land at Makaweli,)
Kauai, Hawai'i, Tax Map Key No.:)
1-7-05: portion of 1)
_____)

DOCKET NO. A00-731

STIPULATED PREHEARING
ORDER

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

JUL 26 2000 by Dot Law
Date for Executive Officer

STIPULATED PREHEARING ORDER

LAND USE COMMISSION
STATE OF HAWAII
2000 JUL 26 A 8:40

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)) DESTINATION VILLAGES KAUAI, A) LIMITED LIABILITY COMPANY)) To Amend the Agricultural Land Use) District Boundary into the Urban) Land Use District for Approximately) 153.696 Acres of Land at Makaweli,) Kauai, Hawai'i, Tax Map Key No.:) 1-7-05: portion of 1) _____)	DOCKET NO. A00-731 STIPULATED PREHEARING ORDER
--	--

STIPULATED PREHEARING ORDER

WHEREAS, the undersigned parties desire to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of exhibits, written testimonies, and witness lists;

WHEREAS, at the Prehearing Conference held on June 29, 2000, the parties agreed to enter into a Stipulated Prehearing Order concerning the timely submission of witness lists, exhibit lists, and exhibits to all parties; now, therefore,

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein, that no later than July 7, 2000, each party shall submit and serve upon the other parties any exhibits, memoranda, or other documentary information it intends to submit at the hearing; and, that no later than July 12, 2000, a party may submit and serve upon the other parties any exhibits, memoranda, or other documentary information in response to the documents submitted on July 7, 2000.

IT IS FURTHER STIPULATED AND AGREED, that no later than July 7, 2000, each party shall identify all witnesses that will be providing testimony in support of the respective party's position; and, that no later than July 12, 2000, each party shall file a final witness list of all witnesses providing oral testimony, including any responsive or rebuttal witnesses;

IT IS FURTHER STIPULATED AND AGREED, that unless there has been a showing of good cause or the lack of significant prejudice, filings or submissions which are untimely may be stricken or rejected by the Commission at the time of the hearing; and

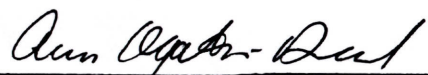
IT IS FURTHER STIPULATED AND AGREED, that unless there has been a showing of good cause or lack of significant prejudice, or unless otherwise ordered by this Commission, a party shall not be allowed at any continued hearing in this proceeding to submit any additional exhibits not previously submitted or present any oral testimony of any witness not previously identified by the dates provided herein.

Dated: Honolulu, Hawaii, June 30, 2000

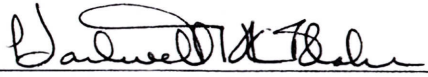
PETITIONER:

By 
Its: Legal Counsel

STATE OF HAWAII
OFFICE OF STATE PLANNING

By 
Its: Deputy Attorney General

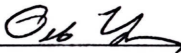
COUNTY OF KAUAI
PLANNING DEPARTMENT

By 

Its:

~~Deputy~~ County Attorney

APPROVED AND SO ORDERED:


Peter Yukimura
Presiding Officer

July 20, 2000
Date

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A00-731
	)	
DESTINATION VILLAGES KAUAI, A	)	CERTIFICATE OF SERVICE
LIMITED LIABILITY COMPANY	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
153.696 Acres of Land at Makaweli,	)	
Kauai, Hawaii, Tax Map Key No.:	)	
1-7-05: portion of 1	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Stipulated Prehearing Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

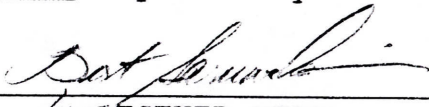
DEL. DAVID W. BLANE, Director
 Office of Planning
 P. O. Box 2359
 Honolulu, Hawaii 96804-2359

CERT. DEE CROWELL, Planning Director
 Planning Department, County of Kauai
 Suite 473, Building A
 4444 Rice Street
 Lihue, Hawaii 96766

CERT. HARTWELL H.K. BLAKE, ESQ.
 County Attorney
 Office of the County Attorney
 County of Kauai
 4444 Rice Street, #220
 Lihue, Hawaii 96766

CERT. MICHAEL J. BELLES, ESQ., Attorney for Petitioner
 Belles Graham Proudfoot & Wilson
 4334 Rice Street, Suite 202
 Lihue, Hawaii 96766

DATED: Honolulu, Hawaii, this 26th day of July 2000.



ESTHER UEDA
Executive Officer

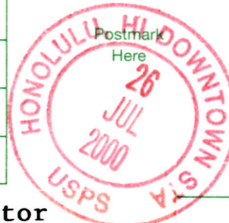
U.S. Postal Service CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 7114 4245

A00-731/Destination Villages Kauai

Postage	\$ 55
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.20



Mr. Dee Crowell, Director
Kauai County Planning Department
Suite 473, Building A
4444 Rice Street
Lihue, HI 96766

Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Dee Crowell, Director
Kauai County Planning Department
Suite 473, Building A
4444 Rice Street
Lihue, HI 96766

2. Article Number (Copy from service label)

7000 0600 0027 7114 4245

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

VILL BALISAGAN **7/27/00**

C. Signature

X **[Signature]** ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

A00-731/Destination Villages Kauai

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

A00-731/Destination Villages Kauai

Postage	\$.55
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.20

Hartwell Blake, Esq.
County Attorney
COUNTY OF KAUAI
4444 Rice Street, #220
Lihue, HI 96766

Postmark Here


See Reverse for Instructions

7000 0600 0027 7114 4221

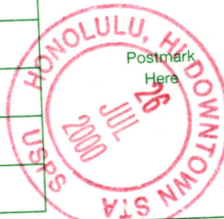
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) OWEN L. TANGO B. Date of Delivery 7/27/00 C. Signature X Owen L. Tango ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
1. Article Addressed to: Hartwell Blake, Esq. County Attorney COUNTY OF KAUAI 4444 Rice Street, #220 Lihue, HI 96766		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) 7000 0600 0027 7114 4221		4. Restricted Delivery? (Extra Fee) ☐ Yes	
A00-731/Destination Villages Kauai			

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

A00-731/Destination Villages Kauai

Postage	\$ 53
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.20



Recipient's Name (Please Print Clearly) (to be completed by mailer)

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, HI 96766

Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, HI 96766

2. Article Number (Copy from service label)

7000 0600 0027 7114 4238

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) *Jennifer Uy* B. Date of Delivery **7/27/00**
- C. Signature *Jennifer Uy* ☐ Agent ☐ Addressee
- D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

- Service Type
- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt **A00-731/Destination Villages Kauai**



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 19, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *TH*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following unsigned facsimile letters were received by the Commission.

Dated July 17, 2000:

1. Tony Akioka
2. Crystal De Soto

Dated July 18, 2000:

3. Diana Bennett
4. Autumn Marie Dion
5. Larry Morningstar

Dated July 19, 2000:

6. Esther Shomper

The Commission also received the following correspondence:

1. Facsimile testimony dated July 18, 2000, from Mark Nellis, President of the West Kauai Business & Professional Association.
2. Letter received on July 19, 2000, from Toni Looney.

FACSIMILE TRANSMISSION SHEET

**BELLES GRAHAM
PROUDFOOT & WILSON**
ATTORNEYS AT LAW

DATE: July 17, 2000

TO: Ms. Esther Ueda
State Land Use Commission
Attn: TerriWatumull Plaza
4334 Rice Street, Suite 202
Lihue, Kauai, Hawaii 96766

FROM: Michael J. Belles, Esq.

Telephone: (808)245-4705
Fax: (808)245-3277FAX NUMBER: (808)587-3827
No. of Pages (Incl. this page) 4OPERATOR: Sandra

If you do not receive all pages, or some pages
are illegible, please call (808) 245-4705 or
you may fax this transmission sheet, indicating
under message response, which pages are to be
resent.

CONFIDENTIAL COMMUNICATION. THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE DESIGNATED
RECIPIENT NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND MAY
CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER
APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT
RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT
YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR
COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR,
PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE
ADDRESS BY MAIL. THANK YOU.

MESSAGERe: LUC Docket No. A00-731
Destination Villages Kauai, LLC

Per our telephone conversation, enclosed is a copy of the STIPULATED PREHEARING ORDER
regarding the Petition of Destination Villages Kauai, LLC, to amend the Agricultural Land Use
District Boundary into the Urban Land Use District.

I will personally hand-deliver the original and three copies of this document to the appropriate
person at the Land Use Commission hearing to be held here on Kauai on Thursday, July 20, 2000.

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
DESTINATION VILLAGES KAUAI, A)
LIMITED LIABILITY COMPANY)

DOCKET NO. A00-731

STIPULATED PREHEARING
ORDER

To Amend the Agricultural Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
153.696 Acres of Land at Makaweli,)
Kauai, Hawai'i, Tax Map Key No.:)
1-7-05: portion of 1)

STIPULATED PREHEARING ORDER

WHEREAS, the undersigned parties desire to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of exhibits, written testimonies, and witness lists;

WHEREAS, at the Prehearing Conference held on June 29, 2000, the parties agreed to enter into a Stipulated Prehearing Order concerning the timely submission of witness lists, exhibit lists, and exhibits to all parties; now, therefore,

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein, that no later than July 7, 2000, each party shall submit and serve upon the other parties any exhibits, memoranda, or other documentary information it intends to submit at the hearing; and, that no later than July 12, 2000, a party may submit and serve upon the other parties any exhibits, memoranda, or other documentary information in response to the documents submitted on July 7, 2000.

LAND USE COMMISSION
STATE OF HAWAII
2000 JUL 17 A 11:20

IT IS FURTHER STIPULATED AND AGREED, that no later than July 7, 2000, each party shall identify all witnesses that will be providing testimony in support of the respective party's position; and, that no later than July 12, 2000, each party shall file a final witness list of all witnesses providing oral testimony, including any responsive or rebuttal witnesses;

IT IS FURTHER STIPULATED AND AGREED, that unless there has been a showing of good cause or the lack of significant prejudice, filings or submissions which are untimely may be stricken or rejected by the Commission at the time of the hearing; and

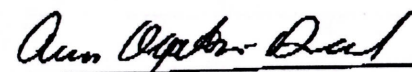
IT IS FURTHER STIPULATED AND AGREED, that unless there has been a showing of good cause or lack of significant prejudice, or unless otherwise ordered by this Commission, a party shall not be allowed at any continued hearing in this proceeding to submit any additional exhibits not previously submitted or present any oral testimony of any witness not previously identified by the dates provided herein.

Dated: Honolulu, Hawaii, June 30, 2000

PETITIONER:

By 
Its: Legal Counsel

STATE OF HAWAII
OFFICE OF STATE PLANNING

By 
Its: Deputy Attorney General

COUNTY OF KAUAI
PLANNING DEPARTMENT

By Barney K. Baker

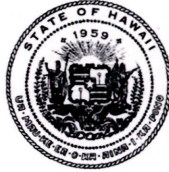
Its:

~~Deputy~~ County Attorney

APPROVED AND SO ORDERED:

Peter Yukimura
Presiding Officer

Date _____



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 14, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *Teri Hee*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following unsigned facsimile letters were received by the Commission.

Dated June 30, 2000:

1. Claire Poertner
2. Puanani Rogers

Dated July 1, 2000:

3. Lynne Delabre

Dated July 6, 2000:

4. Scott Barnes
5. Ruth Ann Bates
6. Nathan Boddie
7. Ruby Lewis

Dated July 7, 2000:

8. Jeffri H. Frontz
9. Donna Killian

Dated July 10, 2000:

10. Janice Budzinski
11. Cohenour Tina
12. Rosemarie Zellers

Dated July 13, 2000:

13. Sean Adler
14. Neil Bajwa
15. Scott Barnes
16. Ruth Ann Bates
17. Matthew Carr
18. Bruce Cate
19. George Ciervo, Jr.
20. Lynne Delabre
21. Laure Dillon
22. Tyler Forman
23. Jeff Fishman
24. Jeffri H. Frontz
25. Brandon Haltiwanger
26. Siobhan Harrington
27. Elliott Harris
28. Tina Horowitz
29. Bianca Isaki
30. Robin Johnson
31. Anjanette Kalb
32. Adrian Kamalii
33. Rosemary A. Kekoa
34. Lizbeth Kendall
35. Donna Killian
36. Kawika Liu
37. Leonard D. Logan
38. Barbara London
39. Daniel Lovejoy
40. Timothy Mahar
41. C. Cabanilla Maza
42. Dick Miller
43. Gian Andrea Morresi
44. Dr. P. Neil
45. Claire Poertner
46. Gary Ratliff
47. Becki Retzlaff
48. Bill Smith
49. Peter Sofman
50. Jeremiah Spence
51. Joshua Stanbro
52. Jill Strawder
53. Matt Taylor
54. Gabriel Andres Thoumi
55. Bob Tripp
56. Joe Weichman
57. Breana Wheeler
58. Ricky Wright

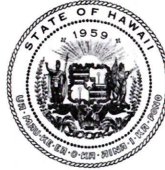
Dated July 14, 2000:

59. Sharol Awai
60. Nathan Boddie

61. Bill Brooks
62. Dan Freedman
63. Donna Hampson
64. Monica Kaiwi
65. Eliza Linser
66. Susan McGuire
67. Alan Murakami
68. Tracie Naranjo
69. Bruce Pleas
70. Lori Sgambati
71. Cohenour Tina
72. Healani Trembath
73. Rosemarie Zellers

The Commission also received the following correspondence:

74. Letter dated June 23, 2000 from Don Hibbard,
Administrator, State Historic Preservation Division.



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 13, 2000

MEMORANDUM

TO: Land Use Commission

FROM: Staff *Esther Ueda*

SUBJECT: LUC Docket No. A00-731/Destination Villages Kauai, A
Limited Liability Company: Background Information and
Summary of Project Impacts and Issues

I. BACKGROUND INFORMATION

Petitioner: Destination Villages Kauai, a limited liability company ("Petitioner").
Petitioner is composed of two members: Lewis P. Geyser and Excel Legacy Corporation.

Petitioner's Representative: Michael J. Belles, Esq.

Landowner: Robinson Family Partners; Gay & Robinson, Inc.; and Bruce Robinson.

Location/TMK: Makaweli, Kauai.
1-7-05: por. 1 ("Property").

Reclassification Requested/Acreage: Agricultural to Urban.
Approximately 153.696 acres. The Property has been in the Agricultural District since 1964.

County General Plan: Open and Agriculture.¹

¹ The 1984 General Plan is presently being updated. As part of this update, the Property is being recommended for designation to Resort. Petitioner has also filed an application to amend the General Plan designation of the Property to Resort as a separate action apart from the County's update

**Waimea-Kekaha
Regional**

Development Plan: Agriculture and Open Space.

**County Zoning
Designation:**

Open and Agriculture.²

**Other Permits/
Approvals Needed:**

Federal: Department of the Army Permit.
State: National Pollutant Discharge
Elimination System Permit; Certification of a
New Drinking Water Source; Well Construction
Permit; Pump Installation Permit; Permit to
Perform Work Upon a State Highway; and Stream
Alteration Permit.
County: General Plan Amendment; Zoning
Amendment; Special Management Area Use
Permit; Project Development Use Permit; Class
IV Zoning Permit; Grading, Grubbing and
Stockpiling Permit; and Building Permit.

**Previous Dockets
in the Area:**

None.

Existing Uses:

The vacant, former residence of the Robinson Family is located on the Property. There are also a dwelling, which is occupied; a carriage house; employee quarters (used as an office building); and eight plantation-era homes, five of which are occupied.

Proposed Uses:

Petitioner proposes to develop a 250-unit resort and accessory uses. Approximately 164 of the units will be free-standing and 86 units will be constructed as 43 duplex units. Each of the units will be approximately 400 square feet, with a 200-foot deck. The units will not have cooking facilities, telephones, or televisions. In addition, the resort will include two restaurants, a snackbar, three swimming pools, a fitness center/beach club, sport courts (tennis, basketball, volleyball, badminton), an amphitheater, and a wastewater treatment plant. As part of the project, the former Robinson Family residence will be renovated, portions of which will be turned

process. Petitioner's application has received Planning Commission approval and is currently before the County Council for final action.

² Petitioner has filed a rezoning application for the Property. According to the Planning Department, the public hearing on the application opened in April 2000 and will remain open until action is taken by the Commission on the subject Petition.

into a museum and administrative/meeting rooms. Finally, the existing 6.5-acre fishpond will be preserved by removing silt and excess vegetation to re-establish its open water character.

Projected

Costs:

The estimated construction of the resort is approximately \$33 million.

Development

Timeframe:

Construction is anticipated to take approximately 12 to 15 months following receipt of all permits and entitlements. Petitioner plans to build the entire development in one phase.

Project Need:

Mikiko Corporation prepared a market assessment for the proposed resort, dated May 21, 1999. The assessment examined several factors in determining the market environment for the resort. In addition to the physical characteristics of the Property and the surrounding area, the assessment looked at the development concept of the resort, including the proposed services and amenities; visitor industry trends; the present and planned visitor unit inventory on Kauai; and the recent market performance of selected properties. Based on the findings of the assessment, it is anticipated that the target guest markets for the resort will primarily include vacationers, with some business/corporate use. Most of the market for the resort is expected to be on the West Coast of the mainland, with kamaaina and international guests comprising the remaining market.

OP's

Representatives:

Abe Mitsuda, Land Use Division Administrator.
Ann Ogata-Deal, Esq., Deputy Attorney General.

OP's

Position:

Support (7/6/00 written testimony).

County of Kauai

Representatives:

Keith Nitta, Staff Planner, County Planning Department.
Amy Esaki, Esq., Corporation Counsel.

County of Kauai

Position:

Support (6/21/00 written testimony).

**Public Witnesses/
Intervenors:**

There have been two requests to provide public testimony thus far. Additionally, there have been numerous letters from the public opposing the project.³ Further, an untimely petition for intervention, which has since been withdrawn, was filed by Joseph Punilei Manini, Sr.⁴

Field Trip/Hearing

Date: July 20, 21, 2000.

II. SUMMARY OF PROJECT IMPACTS:

The following summary of project impacts is based on the Petition; the Issues Analysis; Petitioner's Final Environmental Impact Statement ("FEIS")⁵ that was prepared in conjunction with Petitioner's General Plan Amendment application; the written testimonies of OP and the Planning Department; the comments from the Commission on Water Resource Management ("CWRM"); and the prehearing conference held on June 29, 2000.

Economic Impacts: Mikiko Corporation prepared a fiscal and economic impact analysis for the project, dated July 22, 1999. The project is expected to impact the economies of the State and Kauai by generating visitor expenditures and construction activity. It is anticipated that both activities will create new jobs and in turn generate additional personal income. Total direct visitor expenditures as a result of the project are estimated to be \$17.8 million in 2002, increasing to \$21.2 million by 2004 (in 1998 dollars). Factoring in indirect and induced multiplier effects, over

³ All of the letters state that the Property is environmentally sensitive and represents significant cultural heritage and history. Specifically, the letters allege that three endangered mammal and bird species and three endangered marine species (see discussion of fauna on pages 7-8) will be adversely affected by the development. The letters also oppose the development because of the proposed alteration of the existing structures on the Property, the existence of the fishpond and archaeological sites which are sacred to the Hawaiians, and the need to preserve the coastal land for use by the local residents and visitors.

⁴ Mr. Manini claimed property interest in the Property and opposed the development.

⁵ The Planning Department accepted the FEIS as satisfactorily fulfilling the requirements of Chapter 343, Hawaii Revised Statutes, per letter dated March 31, 2000.

\$36 million in new annual visitor expenditures are projected by 2004.

Construction expenditures associated with the project include professional services and construction of the infrastructure and buildings comprising the project. Direct personal income from this employment is estimated to be \$15.7 million. Including its direct, indirect, and induced impacts, the project's development could support \$30.2 million in wage, salaried, and proprietary incomes for Hawaii residents.

The project is also expected to result in direct operational employment and income. Approximately 200 full-time jobs are anticipated. Total employment impacts from the project, including its indirect and induced jobs, could represent 320 full-time jobs throughout the State.

In addition to approximately \$420,000 net new property tax revenues by 2003, the project is anticipated to generate for the County \$480,000 per year of net new taxes on an ongoing basis by 2004. The State is anticipated to receive \$1.3 million annually in new operating revenues by 2004.

County government operating expenditures as a result of the project are expected to be \$420,000 per year by 2004. Government operating expenditures for the State is expected to be \$560,000 per year.

For both the County and the State, the net fiscal revenues from the project are expected to exceed the operating expenses by \$60,000 and \$760,000 per year, respectively.

Social Impacts:

Earthplan prepared an issues analysis for the project, dated February 2000, which included interviews with several individuals in the community. Based on the analysis, the project is expected to complement the community strengths which include its people, a strong and stable community identity, the rural landscape, and optimism for the future. The economic opportunities from the project were viewed as possibly reversing the economic decline on Kauai. For most of the interviewees, the size and scale of the project were deemed acceptable and compatible

to what people envisioned for the region. Many believed that it could serve as a guide for developing a community vision and future planning for the area.

Concerns expressed about the project included the potential impacts to the region's infrastructure, including the roadways and electrical utilities; impacts to the ocean from the project's wastewater system; impacts to existing surfing and fishing spots due to increased use of the offshore waters by resort guests; increased social disparity between wealthy tourists and local residents; and unwanted commercialization of the region's small town atmosphere.

While most agreed with the concept, location, and density of the project, others raised concerns. Some believed that the project was cited too close to the ocean, increasing the possibility of flooding. Some called for a reduction in the number of units proposed or their incremental development.

Finally, concerns regarding the visual impacts of the project on ocean/beach users were raised. Some interviewees noted that there was no study of the project from this viewpoint.

Impacts Upon Resources of the Area

Agricultural Resources:

According to the ALISH system, 70 percent of the Property is identified as "Other." The remaining 30 percent is identified as "Prime." Petitioner notes that half of the area designated as "Prime" comprises the former Robinson Estate residence and accessory buildings and the employee housing. The LSB rating of the soils on the Property are primarily rated "D" and "E," indicating poor to very poor suitability for agricultural use. A small percentage of the soils is rated "B," indicating good suitability. The U.S. Department of Agriculture Soil Conservation Service identifies the soil types on the Property as beaches, fill land, loamy fine sand, silty loam, silty clay loam, stony silty clay loam, and stony clay.

According to Petitioner, the Property was never used for commercial agriculture. The only agriculture on the Property involved limited fruit and vegetable farming for personal consumption. Livestock was also raised on the Property. Until recently, portions of the Property were used as pasturage for 20 bulls. Based on the limited use of the Property for agriculture, Petitioner notes that the project will not have any adverse impacts to agricultural production on Kauai.

**Flora & Fauna
Resources:**

Char & Associates conducted a botanical survey of the Property and a written report, dated April 1999. The vegetation on the Property is characterized by introduced or alien species. Scrub vegetation is a predominant feature. Wetland vegetation is found along the two streams, while coastal vegetation is found behind the white sand beach on the makai side of the Property. None of the plants inventoried on the Property are threatened, endangered, or a species of concern. As such, Petitioner states that the project will have no significant impacts to the flora resources on the Property.

Philip Bruner conducted an avifauna and feral mammal survey for the Property and a written report, dated March 15, 1999. No native landbirds were recorded during the survey. However, there is a possibility that the Pueo, or short-eared owl, could forage on the Property. Although three species of migratory shorebirds were recorded during the survey, none are listed as endangered or threatened. The endangered Common Moorhen and the Koloa, or Hawaiian Duck, were observed on the Property. Also, the Hawaiian Hoary Bat was observed flying over the Property.

Based on these findings, the consultant recommended that some vegetation be retained in the fishpond to provide cover and nesting opportunities for the native waterbirds. No mitigation measures are proposed for the Hawaiian Hoary bat, as the project is not expected to adversely impact the foraging opportunities for the bat, which has been known to forage in urban habitats.

Marine Research Consultants prepared a marine environmental assessment for the project, dated April 1999. In the assessment, potential impacts to endangered and protected species of marine animals that frequent Hawaiian waters were addressed. Several threatened green sea turtles were sighted on the surface and underwater. However, no monk seals were observed. Because there are no changes planned to the existing shoreline or nearshore, Petitioner notes that there should be no adverse impacts that might affect the health or behavior of turtles or any other protected species. Although the shoreline could be used as a turtle nesting ground or haul out area for monk seals, Petitioner points out that the beach along the Property has not been documented as a locale for either scenario.

Nevertheless, Petitioner notes that there are several measures that could be incorporated to minimize any potential impact upon these marine animals, including designing project lighting in areas near the shoreline so as not to illuminate the beach strand, educating employees of the resort and its guests about the animals, and utilizing best management practices during construction as they relate to drainage and grading.

**Archaeological/
Cultural
Resources:**

Cultural Surveys Hawaii prepared an archaeological inventory survey for the Property, dated July 1999 (revised February 2000). The survey has been accepted by the Department of Land and Natural Resources, Historic Preservation Division ("DLNR-SHPD"). A total of six sites were identified and recorded. The sites include a series of rock walls and a terrace; a large oval platform; the former Robinson Estate residence and associated buildings, including eight employee dwellings (14 structures in all); a 6.5-acre fishpond; a Portuguese Oven; a subsurface cultural layer containing remains of prehistoric habitation and other activities; and a prehistoric human burial.

Petitioner plans to retain and possibly restore many of the structural historic sites

identified on the Property. Other structures will be demolished because of their poor condition. The eight employee dwellings will continue to be used for employees of the project. The fishpond is intended to be cleared of exotic vegetation and restored. The exact method of pond clearance has not been determined at this time. The Portuguese Oven, the platform and the rock walls and terrace will be preserved as is and integrated into the site design of the project. The cultural layer is recommended for preservation for future archaeological research. The human burial is recommended for preservation in place, and will require the preparation of a burial treatment plan. The Kauai Island Burial Council must approve all mitigation and/or treatment measures for the burial.

Petitioner plans to prepare a mitigation plan to be implemented for all historic properties identified on the Property. The plan will include interim mitigation measures to protect historic properties during construction and development related activities. A long-term preservation plan and interpretative plan will also be prepared.

Cultural Surveys Hawaii also prepared a Hawaiian traditional customs and practices report for the entire ahupuaa of Makaweli in which the Property is situated, dated July 1999, February 2000, and March 2000. The assessment included research of historical documents and maps, as well as interviews with several individuals, the majority of whom consisted of past employees of the Robinson family who had either worked and/or lived at the Property at some time during their employment.

According to Petitioner, there was no evidence of traditional customs and practices on the Property. Petitioner notes that any traditional customs that may have been carried out on the Property prior to the arrival of the Robinsons were probably discontinued during the Robinson's 135-year ownership of the Property, and that any native Hawaiian who may have utilized the Property for traditional and customary practices has long since passed away. Based

on this, Petitioner believes that the project is not likely to have any adverse impact on native Hawaiian traditional customs and practices.

**Groundwater
Resources:**

The Property is located on coastal sediments that are comprised of alluvium on the inland side and grade into beach sand on the coastal side. The 6.5-acre fishpond on the Property is spring fed by at least two springs, possibly discharging from different aquifers. There is a continuous mauka-makai movement of water through the pond, with a discharge rate of approximately 1.8 million gallons per day ("MGD"). The flow discharges through a beach berm at the seaward end of the pond.

The CWRM recommends that Petitioner coordinate with the County to incorporate the project into the County's Water Use and Development Plan. The CWRM also points out that a Well Construction Permit and/or a Pump Installation Permit from the CWRM would be required before groundwater was developed as a source of supply for the project. The CWRM further notes that groundwater withdrawals from the project may affect streamflows, which may require an instream flow standard amendment.

**Visual
Resources:**

The interior of the Property is not currently visible from Kaumualii Highway because of the dense vegetation on the mauka portion of the Property. Because of this vegetation, Petitioner notes that development of the project will not be visible from Kaumualii Highway.

Several interviewees of the issue analysis study prepared by Earthplan indicated that there was no consideration of the visual impacts of the project on ocean/beach users. Review of the conceptual plan of the project shows that the 250 units are proposed to be concentrated on the makai half of the Property without any major mitigative measures proposed to buffer the visual appearance of the units upon ocean/beach users.

The Planning Department has recommended a condition requiring building setback lines to be established to ensure proper siting of the proposed buildings and structures to mitigate any adverse visual and/or environmental impacts.

**Recreational
Resources:**

There are many federal, State, and County recreational facilities in the Waimea District. Petitioner does not anticipate that the project will adversely impact the existing recreational facilities because i) the guests of the resort will represent a small percentage of the overall district and island population utilizing the facilities; ii) the project will offer recreational facilities itself, meeting some of the demand by guests; and iii) the project will provide increased shoreline access for Kauai residents to surf, fish, dive, picnic, and engage in other ocean and beach-related activities.

Petitioner notes that at this time, there is an informal agreement between the Robinson family and the County to allow beachgoers (primarily surfers) access to the shoreline on the southern side of the Property in the vicinity of Aakukui Stream.

The Planning Department recommends that a condition requiring Petitioner to provide beach access, parking, and facilities to accommodate beach users be imposed.

Environmental Quality

Noise:

The project will generate both short-term and long-term noise impacts. Short-term impacts will be associated with grubbing, grading, excavation, and the construction of the infrastructure, cottages, restaurants, and other accessory facilities. Petitioner anticipates these noise impacts to be minimal upon the nearest noise receptors (i.e., the five occupied dwellings) due to the distances involved, the buffers provided by the existing vegetation, and the temporary nature of the construction. (9 to 12 months).

The long-term noise impacts will be associated with the operation of the resort. Potential noise sources include lawnmowers

and other landscaping machinery, wastewater treatment plant and irrigation system pumps, and the guests and vehicles arriving and departing from the Property. Petitioner anticipates that due to the distances involved between the occupied dwellings and the areas where the landscaping equipment would be employed, the noise impacts will not be objectionable. Petitioner also notes that the pumps will be housed within buildings, minimizing any potential impacts. With respect to noise generated by construction activity, Petitioner states that all construction vehicles and activities will comply with Department of Health ("DOH") rules and regulations regarding noise.

Air Quality:

The project will generate both short-term and long-term air quality impacts. Short-term impacts will be associated with construction activity, particularly from construction vehicle emissions and particulate emissions. Petitioner notes that the Property has good exposure to tradewinds and ample open space which may mitigate potential impacts. Also, vehicular traffic flow on Kaumualii Highway fronting the Property is relatively smooth, minimizing the concentration of exhaust from motor vehicles.

Long-term impacts are associated with the operation of the resort. Increased vehicle emissions due to increases in traffic volume and fugitive dust from disturbances of dry exposed soil are the two primary sources of long-term impacts to ambient air quality. Petitioner proposes to utilize electric-powered vehicles in the resort to reduce on-site emissions. Petitioner notes that the normal wind patterns at the Property and the smooth traffic flow on Kaumualii Highway will help to minimize any significant impact upon air quality. Petitioner points out that construction activity will comply with DOH regulations regarding air pollution control. Best management practices that may be employed include use of water on exposed soil; covering all moving, open-bodied trucks transporting materials; use of wind screens; prompt removal of stockpiled earth and other materials; and limiting the land area exposed by construction.

Water Quality:

Marine Research Consultants prepared a marine environmental assessment for the project, dated April 1999. The nearshore coastal waters fronting the Property are designated Class "A" waters.

Petitioner notes that the marine environment off of the Property appears to have been subjected to substantial sediment stresses from runoff for many decades from upland drainage basins. This has resulted in a substantial permanent depositional zone of mud within the bend of Hoanuanu Bay at the southern end of the Property.

Petitioner points out that there are no changes planned to the existing shoreline or nearshore area that would impact water quality or cause changes in biological community structure. Petitioner notes that the addition of impervious surfaces is small in comparison to the total area (8,000 acres) that drains through the Property, and may actually reduce sediment delivery to the ocean by displacing erodable lands.

According to Petitioner, the use of effluent as an irrigation source is not anticipated to have an impact to the marine environment. In light of the substantial amount of dissolved inorganic nutrients to the nearshore ocean as a result of existing groundwater fluxes and the unrestricted circulation of the offshore zone by tidal and wind-driven currents, eddies, and wave action which promotes rapid dilution and water exchange and limits long-term buildup of any dissolved constituent, the small augmentation to groundwater from the disposal of wastewater is likely to be undetectable or very small.

Adequacy of Public Services and Facilities**Highway &**

Roadway Facilities: Wilbur Smith Associates prepared a traffic impact assessment for the project, dated March 1999. Kaumualii Highway, a two-lane State highway, is the major roadway serving the Property and surrounding areas. There are also other roads in the vicinity of the Property which form intersections with Kaumualii Highway. Existing traffic conditions at key intersections were

analyzed. During Friday morning, Friday afternoon, and Saturday midday peak hours, the level of service ("LOS") ranged from B to D.

Traffic volumes and conditions in 2002 (the year in which the project will be in full operation) with and without the project was forecasted. The scenarios were based on the understanding that the Department of Transportation ("DOT") had no major modifications planned for the roadways near the Property by 2002, except for left-turn lanes onto Kaumualii Highway at several intersections.

In addition, no major new developments were anticipated near the Property by 2002. Traffic increases over the next three years were expected to result primarily from increases in activity levels for the existing commercial and recreational uses in the southwest Kauai area and small infill development or small increments of new developments, such as the Pioneer Hi-Bred Facility, in the area.

Under the 2002 scenario without the project, traffic conditions at certain key intersections during the peak hours on Fridays and Saturdays were forecasted to worsen.⁶ The remaining intersections were projected to remain at their existing LOS B or C conditions.

Under the 2002 scenario with the project, it was anticipated that there would be construction period impacts. Because of the temporary nature of the traffic (one-year construction period), the nature of travel of the construction-related vehicles which would be counter to the peak directional flow, and proposed mitigative measures, this impact was deemed to be minimal. Mitigative measures to minimize traffic disruptions include scheduling work hours and delivery of materials to avoid morning and afternoon peak

⁶ Due to the unavailability of recent weekend traffic counts along Kaumualii Highway, the consultant utilized DOT's daily traffic counts for January 1998 obtained on Kuhio Highway near Kilauea. Based on these counts, Fridays had the highest traffic volumes of the weekdays, whereas Saturdays experienced higher traffic volumes than on Sundays.

hours, constructing the recommended left-turn storage lane as soon as practicable, and stationing personnel at the exit points to the Property during periods of high volume of deliveries and arrival of heavy equipment to assist in the direction of traffic.

The impacts of the project during its full operation in 2002 were analyzed in terms of the number of occupied rooms (90 percent occupancy) during the weekday (Friday) and Saturday. Vehicle trips from the public utilizing the beach areas of the Property were also taken into account.

The project is estimated to increase the peak hour volumes on Kaumualii Highway to the east of the Property by 8 percent during the weekday peak hours and by 20 percent on a Saturday with special events at the Property. To the west, of the Property, project traffic would add a 6 percent increase to the weekday peak hour volumes and 18 percent to the Saturday peak hour volumes on Kaumualii Highway near the Property.

At certain key intersections, the project would increase the average delay per vehicle (measured in seconds). At the most affected intersections with Kaumualii Highway, the average delay for left-turn movements would increase by 4 to 5 seconds (LOS D to LOS E). At the other intersections, the existing LOS was anticipated to remain unchanged, although the average delay per vehicle would slightly increase.

Based on these impacts, STOP sign control would be appropriate for the exit driveway approach to Kaumualii Highway for 2002 peak hour conditions. A left-turn storage lane into the Property from westbound Kaumualii Highway would also be warranted, as would a right-turn deceleration lane at the entrance driveway for the project. At this time, forecasted traffic conditions for the most affected intersections do not warrant traffic signals.

Water Service:

The average potable water use of the project is anticipated to be approximately 0.12 MGD year-round. Peak seasonal use could rise to 0.18 MGD. Irrigation use is also expected to vary depending on the season. In the summer,

irrigation may be as high as 10,200 gallons per acre per day. Year-round irrigation use for the project is estimated to be 0.36 MGD, although in the summer months, this could rise to 0.66 MGD.

The CWRM pointed out that the proposed potable supply is from a new well in the Makaweli Aquifer System, and that actual withdrawals from this aquifer are 2.41 MGD (based on 1991 pumpage data), which is well within the aquifer's estimated sustainable yield of 30 MGD.

Because water service is not available in the area from the Department of Water Supply, Petitioner proposes to utilize a dual, private, potable/irrigation water system for the project.

Petitioner plans to utilize 360,000 to 660,000 gallons per day from the fishpond for onsite irrigation. Petitioner states that this withdrawal will not have any adverse impacts on the hydrogeology of the fishpond, and would even improve the water quality by increasing the turnover rate of water in the pond and limiting the time in which algae and phytoplankton can become established. Petitioner notes that water level in the pond is expected to drop slightly with increased withdrawal but is anticipated to ultimately reach equilibrium between input and throughput.

The CWRM notes that more information on the spring sources and the configuration of the water diversion system would be needed before it could comment on whether a well permit or stream diversion works permit would be required. The CWRM recommends that Petitioner continue to pursue other options for additional irrigation water in the event the use of the spring water is either not hydrologically viable or not acceptable for historic or other resource reasons.

**Wastewater
Disposal:**

Wagner Engineering Services prepared a civil engineering report for the project, including a wastewater analysis, dated September 27, 1999. A private wastewater treatment plant is proposed to be constructed on the Property to handle all wastewater generated by the

project. The wastewater collection system will include 14,600 linear feet of gravity sewer main, 15,500 feet of sewer laterals, 4,200 linear feet of force main, 44 sewer manholes, 4 sewage pumping stations, and 1 wastewater treatment plant. Petitioner plans to locate three of the pumping stations on the makai portion of the Property. These pumping stations will lift wastewater to a main pumping station, which will then lift and transmit the wastewater to the treatment plant. Petitioner plans to incorporate odor scrubbers, biofilters, or other odor-inhibiting devices to control odor problems.

The year-round projected wastewater flow for the project is 0.068 MGD. The peak season flow is projected to be 0.102 MGD. Taking into account a peaking factor of 5.0, the peak flow for the project is projected to be 0.51 MGD. An infiltration factor must also be considered to determine wastewater flow. Factoring in the level of infiltration, the treatment plant must be sized for an average flow of approximately 0.12 MGD, and a peak flow of 0.53 MGD.

Petitioner notes that disposal of the solids from the treatment plant could occur at the County's Kekaha landfill. The solids could also be composed onsite, which together with green waste, could then be applied in project landscaping. Petitioner plans to recycle the effluent from the treatment plant as irrigation water.

Drainage:

Wagner Engineering Services prepared a civil engineering report for the project, including a preliminary drainage analysis, dated September 27, 1999. The Nonopahu Ridge drainage basin (830 acres), the Waipao Valley drainage basin (4,617 acres), and the Aakukui Valley drainage basin (3,107 acres) are tributary to the Property. All three basins contribute to the water flow entering the Property under Kaunualii Highway. During a 100-year storm event, each drainage course is expected to overtop its existing banks. In the case of flows from the Waipao drainage basin, the watercourse is through Mahaikona Stream on the Property, while the flows from the Aakukui drainage basins are conveyed to Aakukui Stream, also located on the Property. The flows from the Nonopahu drainage basin

sheetflows in a makai direction and also collects in a manmade ditch found in the Gay & Robinson, Inc., Akia field system. The flow eventually traverses into two existing 36-inch culverts and then into a manmade ditch on the western side of the Property and finally into a settling basin.

Approximately 11,173 cubic feet per second ("cfs") of runoff generated within the tributary drainage basins reach the Property. Peak flow runoff for a 100-year storm event is approximately 310 cfs, or 2.7 percent of the total.

Petitioner notes that Gay & Robinson, Inc., is constructing a new retention basin mauka of the highway within the Nonopahu Ridge drainage basin. This retention basin will eliminate any sugarcane irrigation discharge and most stormwater runoff from the Nonopahu Ridge system from reaching the Property since collected water will be pumped mauka for reuse.

Peak flow runoff for a 100-year storm event from the Property will increase from 310 cfs in a primarily undeveloped condition to 589 cfs after the project is developed. Petitioner points out that this increase is insignificant when compared to the total peak offsite flow, and therefore impacts to near coastal water quality will be minimal.

As part of the proposed drainage system for the project, Petitioner proposes a six-foot deep trapezoidal grass channel with a bottom width of 30 feet and an overall top width of 54 feet, accommodating the 100-year storm event with two feet of freeboard. This drainway (Drainway "A") will be constructed to follow the same draincourse as the existing man-made ditch. Three other drainways are proposed as part of the drainage system. Drainway "B" will drain the western portion of the main parking lot and empty into Drainway "A." Drainway "C" will drain the eastern portion of the main parking lot and the roadway to the main restaurant and its parking lot, and outlet to an open lawn area downstream of the fishpond. Drainway "D" will drain the parking area and roadway on the eastern portion of the

Property and outlet into Mahaikona Stream. Petitioner plans to grade the remainder of the Property to approximate the existing slope in order to promote sheetflow runoff from the Property.

In addition to regular maintenance of the existing streambeds and the proposed grass-lined channel, Petitioner notes that best management practices in the design of the drainage system will reduce the potential for sediments and other pollutants to reach the ocean and onsite streams. Petitioner will select the exact practices at the time of detailed project design.

The CWRM points out that a stream diversion works permit and instream flow standard amendment would be required if the project included construction of a stream diversion. The CWRM also notes that the project may require a stream channel alteration permit if the project altered the bed and banks of a stream channel.

**Solid Waste
Disposal:**

Wagner Engineering Services prepared a civil engineering report for the project, including a solid waste analysis, dated September 27, 1999. The project is anticipated to generate 70 to 90 cubic yards of waste per week. Petitioner anticipates that approximately 15 percent of the project's solid waste will be recycled. Food waste and green waste may also be composted onsite and reduce the amount of solid waste entering into the Kekaha landfill. Liquid wastes (other than wastewater) is proposed to be collected by a vendor and shipped off-island for recycling.

**Police & Fire
Protection:**

The Waimea District has one beat officer on patrol at any one time. There are three nine-hour shifts, resulting in some overlap between patrol officers. One sergeant oversees four officers from Koloa to Polihale and provides backup to the beat officers during evening and late night shifts. During the day shift, the district commander takes care of administrative matters at the Waimea Substation and provides additional backup response to the beat officer and sergeant. According to Petitioner, having on-site

security personnel would reduce the impact to police serves.

Fire protection services are provided by Station 6 in Hanapepe and Station 7 in Waimea. Either or both stations would respond to structural fires on the Property. Only Station 7 would respond to brush fires, unless additional backup was required. Each station has a five-man crew. Response time from Waimea and Hanapepe to the Property is approximately three minutes and six minutes, respectively.

Petitioner notes that the Fire Department believes the existing fire protection equipment and manning to be sufficient to serve the project, provided that the project includes a private fire protection system consisting of storage tanks, lines, stand pipes, and access roads.

Emergency services are contracted by the State to American Medical Response. The Waimea Unit serves the Property. It is an advanced life support unit with one paramedic and one emergency medical technician. The unit usually transports patients to Kauai Veterans Memorial Hospital. Severe trauma and isolated orthopedic cases are transported to Wilcox Hospital or to Honolulu. If backup response is needed, the Poipu Unit will respond. Petitioner notes that the emergency services staff has stated that the project will not require additional staff or equipment to the Waimea Unit.

**Electrical &
Telephone
Service:**

According to Petitioner, electric, telephone, and cable television service are readily available from overhead lines on Kaumualii Highway. The project will be serviced by underground utility lines. Petitioner plans to extend high voltage primary electric service to several points within the Property and to transform it for service to all facilities. Petitioner intends to service the individual cottages with power only; telephone and cable service will be extended to the common areas of the project.

III. SUMMARY OF ISSUES

The following summary of issues is based on the FEIS; the written testimonies of OP and the Planning Department; the prehearing conference held on June 29, 2000; the comments from the CWRM; and the public witness letters.

Timing of Renovations

The resort and accessory uses are anticipated to be constructed within 12 to 15 months after receipt of all permits. However, it is unclear when the renovations to the existing structures (e.g., the former Robinson Family residence) will take place or how long they are expected to take. Petitioner represents that the renovations to the residence alone will be close to a million dollars.

Fishpond Improvement

According to the FEIS, the method and equipment to clear the silt and vegetation from the fishpond have not yet been determined. Petitioner notes that discussions with federal, State, and County agencies will be required before the specific method and equipment are identified. Until such time, the cost and timing of the clearing are unknown. Also, other than a National Pollutant Discharge Elimination System permit, it is unclear whether any other approvals will be required for the fishpond improvement.

Public Access to Shoreline

Public access to the shoreline is currently by way of an informal agreement between the County and the landowners. This access is through a pasture, paralleling Aakukui Stream, and is primarily used by surfers to surf at Pakalas. At this time, no formal agreement has been formalized. Petitioner points out that there is no agreement as to what kind of beach facilities should be located at the seaward end of the public access. Petitioner anticipates that any formal agreement will need to involve the County, stakeholders in the community, Petitioner, and the landowners.

In the event the Petition is approved, the Planning Department recommends that a condition be imposed requiring Petitioner to provide beach access, parking, and facilities to accommodate beach users.

Contiguity with the Urban District

The Planning Department points out that because the Property is not contiguous to the existing Urban District, reclassification of the Property will leave a 65-acre gap of Agricultural District land between the Russian Fort State Park and the Property. These 65 acres, identified as TMK 1-7-05: 4, are currently under

cultivation. The Planning Department notes that it is important to address the "spot" effect of the Property and the future of the 65 acres, and recommends that a condition requiring Petitioner to address the future use of the 65 acres. In the event this cannot be addressed, the Planning Department recommends that an understanding be established between the landowner and the County regarding the future of the 65 acres prior to any Commission action on the Petition.

Density of the Project

The Planning Department points out that although the land area requested to be reclassified is much larger than normally required for a standard 250-unit resort project, the low-density nature of the project is consistent with the low key lifestyle and character of the communities on the west side of Kauai. In order to ensure that the project density of 1.6 units per acre is maintained, the Planning Department recommends that the development be restricted to the 250-unit density and limited to those uses proposed in the development. OP agrees with the recommendation of the Planning Department to retain the low-key scale and character of the development and recommends a condition that would call for the imposition of fines, removal of the improvements and reversion of the Property to its former condition at Petitioner's expense, or reversion of the Property to its former classification in the event Petitioner fails to comply with the representations made regarding the development, including the cap of 250 units.

Impacts Upon Resources and Infrastructure

In its written testimony, OP raises concern over the large area proposed to be urbanized, given the storm surge line and flood plains of the existing streams. OP further expresses concern regarding the provision of transportation improvements, drainage, water, sewer, civil defense, and police, fire, and emergency response. Also of concern to OP are the restoration of the fishpond and other historic and cultural resources, shoreline access and recreational opportunities, impacts to conservation lands along the shoreline, existing wetland areas, and impacts to threatened/endangered fauna, including marine mammals and other organisms. OP recommends conditions be imposed to mitigate the development's potential impacts in these areas.

OP further notes that the cumulative impacts of proposed resort developments in the Waimea-Kekaha area and Poipu should be discussed in relation to the subject development. OP points out that resort facilities on the west side of Kauai should offer a variety of visitor experiences and should share the cost of regional infrastructure and facilities.

Flood Hazards

According to Petitioner, many of the proposed structures are affected by flood hazards in the AE and X zones, with flood elevations ranging from one to five feet above existing grade. Petitioner plans to raise all habitable floors above the base flood height, with all affected structures constructed in compliance with flood hazard regulations. Petitioner does not intend to build within the area affected by the zone of inland overwash from the storm surge associated with Hurricane Iniki. Although the overwash from Hurricane Iniki is known, the overwash from Hurricane Iwa relative to the Property is unknown. According to Petitioner, there are no records documenting the extent to which any overwash from Iwa impacted the proposed development's makai boundaries.

Comments from the CWRM

In its comments on the Petition, the CWRM requested more information on the spring sources and the configuration of the water diversion system before it could comment on whether a well permit or stream diversion works permit would be required to use the springs to supplement the irrigation needs of the project.

Public Witness Letters

There have been numerous letters submitted by various individuals opposing the project. The letters express concern that the Property should be preserved and protected from all development because of the environmentally sensitive nature of the Property and its cultural heritage and history.

LAND USE COMMISSION
STATE OF HAWAII

July 12, 2000

2000 JUL 13 A 9:30

JOSEPH PUNILEI MANINI, SR.
P. O. BOX 690201
Makaweli, Kauai HI 96769
Phone: (808) 338 - 1538

STATE of HAWAII

LAND USE COMMISSION
Attn: ESTHER UEDA (Executive Officer) and COMMISSIONER(S)
P. O. BOX 2359
Honolulu, HI 96804 - 2359
Phone: (808) 587 - 3822

Subject: LUC Docket No. AOO - 731/Destination Villages Kauai,
a Limited Liability Company (Kapalawai Resort)

Notice of Hearing Dated: July 20, 2000, 1:00 P.M. and
July 21, 2000

SHERATON KAUAI RESORT
LAWAI ROOM
2440 HOONANI ROAD, KOLOA, KAUAI

Upon review of your letter dated July 5, 2000 and
considering my Complaint to be untimely by your comments, and
pursuant to sec. 15 - 15 - 52 (e) Hawaii Administrative Rules .

I request that my Complaint for Intervention be withdrawn
on this 12th day of July 2000, and to be accepted as a
written testimony filed with the Land Use Commission for the
July 20, 2000, Public Meeting to be held on Kauai, in opposition
to the development of my property, The Makaweli Lands of which
includes the proposed (Kapalawai Resort) area, a portion of the
Archipelago Chain of Islands Mark by survey since 1839 by Kamalu
as The Polynesian Triangle of the Pacific Ocean and belonging to

DES A ET JUL 0001

xc LUC

7/13/00 Abe Mitsuda Faxed to M. Bules - Mike confirmed

Continued :

ESTHER UEDA
Executive Officer
July 12, 2000
page 2

the GRANTEE of TITLE DEED Docket No. 99 - 193279 enclosed
within my Complaint or testimony .

A representative will be present at the scheduled Commission
meeting .

Should you have any questions , please feel free to call
(808) 338 - 1538 .

Respectfully submitted

Joseph Punilei Manini, Sr.

JOSEPH PUNILEI MANINI, SR.
GRANTEE of this ESTATE

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on the following by Hand Carrier and or by mailing postage prepaid to the addresses shown on or before July 13, 2000 .

STATE of HAWAII
LAND USE COMMISSION
Attn. MERLE A. K. KELAI, (Chairperson) & ESTHER UEDA (Executive)
P. O. Box 2359
Honolulu , Hawaii 96804 - 2359

STATE of HAWAII
Office of Hawaiian Affairs
711 Kapiolani Boulevard , Suite 500
Honolulu , Hawaii 96813
(MEETING OF THE COMMITTEE ON LAND
ISLAND OF KAUAI)

His Excellency KOFI ANAN
Honorable Secretary of the United Nations
United Nation Plaza , New York NY 10017,
U.S.A. , Tele : (212) 963 - 1234

BELLES GRAHAM PROUDFOOT & WILSON
4334 Rice Street Suite 202
Tele : (808) 245 - 4705
Lihue , Kauai 96766

Michael J. Belles , Esq.
COUNTY OF KAUAI PLANNING DEPT. OP
4444 Rice Street , Lihue , Kauai 96766

Respectfully submitted

Joseph Puntieri Manini, Sr.
JOSEPH PUNTIERI MANINI , SR.
GRANTEE of this ESTATE.

LAND USE COMMISSION
NOTIFICATION OF LAND USE COMMISSION MEETING

A G E N D A

DATE, TIME AND PLACE

July 20, 2000 - 9:30 a.m.

The Land Use Commission will be taking a field trip to the project site for Docket No. A00-731 - Destination Villages Kauai, LLC.*

July 20, 2000 - 1:00 p.m.

July 21, 2000**

Sheraton Kauai Resort
Changed from Lawai Room to Koloa Room
2440 Hoonani Road
Koloa, Kauai

I. ACTION

1. A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

To consider the Petition for Intervention filed by Joseph Punilei Manini, Sr.

II. HEARING

1. A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

To reclassify approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

III. MISCELLANEOUS

1. Adoption of Minutes
2. Adoption of Decisions and Orders
3. Discussion of Litigation Matters
4. Discussion of Pending Matters

-over-

7/11/00

Agenda (7/11/00) sent to all persons & organization on the following mailing lists:
Kauai-5/4/00, Destination Villages-7/11/00, Statewide-7/5/00. Also sent to M. Belles, Esq.,
D. Blane, D. Crowell, Ann Ogata-Deal, Esq., Hartwell Blake, Esq. & J. Manini

LIEUTENANT GOVERNOR'S
OFFICE

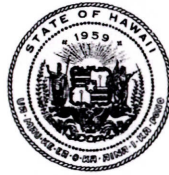
00 JUL 11 A9:52

(Executive Sessions may be called in order for the Commission to consult with their attorney pursuant to Section 92-5, HRS.)

*Any member of the public who would like to attend the field trip should contact the Commission office at 587-3822.

**The meeting will continue from 8:30 a.m. to approximately 1:00 p.m. on July 21, 2000 if not completed on July 20, 2000.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 11, 2000

Mr. David W. Blane, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Mr. Blane:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

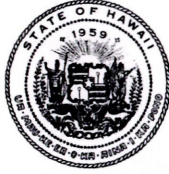
ESTHER UEDA
Executive Officer

EU:th

Enclosure

cc: Mr. Abe Mitsuda

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 11, 2000

Ann Ogata-Deal, Esq.
Deputy Attorney General
No. 1 Capitol District Building
Hemmeter Building, Room 108
250 S. Hotel Street
Honolulu, Hawaii 96813

Dear Ms. Ogata-Deal:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

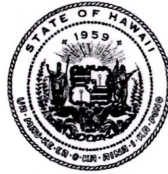
Very truly yours,

ESTHER UEDA
Executive Officer

EU:th

Enclosure

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 11, 2000

VIA CERTIFIED MAIL

Hartwell H.K. Blake, Esq.
County Attorney
Office of the County Attorney
County of Kauai
4444 Rice Street, #220
Lihue, Hawaii 96766

Dear Mr. Blake:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:th

Enclosure

P 331 035 526

US Postal Service

Receipt for Certified Mail

Hartwell Blake, Esq.
County Attorney
COUNTY OF KAUAI
4444 Rice Street, #220
Lihue, HI 96766

Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	298
Postmark or Date	JUL 11 2000

PS Form 3800, April 1995

A00-731/Destination Villages Kauai

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

A00-731/Destination Villages Kauai

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Hartwell Blake, Esq.
County Attorney
Office of the County Attorney
4444 Rice Street, #220
Lihue, HI 96766

4a. Article Number

P 331 035 526

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7/12/00

5. Received By: (Print Name)

OWEN TANGO

6. Signature (Addressee or Agent)

Owen Tango

8. Addressee's Address (Only if requested and fee is paid)

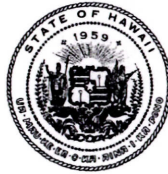
PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 11, 2000

VIA CERTIFIED MAIL

Mr. Dee Crowell, Director
Planning Department
County of Kauai
4444 Rice Street, Suite 473
Lihue, Hawaii 96766

Dear Mr. Crowell:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

ESTHER UEDA
Executive Officer

EU:th

Enclosure

P 331 035 533

US Postal Service

Receipt for Certified Mail

Mr. Dee Crowell, Director
Kauai County Planning Department
Suite 473, Building A
4444 Rice Street
Lihue, HI 96766

Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$ 298
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai

A00-731/Destination Villages Kauai

ad on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Mr. Dee Crowell, Director
Kauai County Planning Department
Suite 473, Building A
4444 Rice Street
Lihue, HI 96766

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

4a. Article Number

P 331 035 533

4b. Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery

7/12/00

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

Dee Crowell

6. Signature (Addressee or Agent)

Dee Crowell

Is your RETURN

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 11, 2000

VIA CERTIFIED MAIL

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

Dear Mr. Belles:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:th

cc: Scott Ezer

Enclosure

P 331 035 532

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Michael J. Belles, Esq.
 Belles Graham Proudfoot & Wilson
 4334 Rice Street, Suite 202
 Lihue, HI 96766

Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 86
Postmark or Date	

PS Form 3800, April 1995

HONOLULU, HI 96811

NOV 11 2000

A00-731/Destination Villages Kauai

A00-731/Destination Villages Kauai

SENDER:

☐ Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
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3. Article Addressed to:

Michael J. Belles, Esq.
 Belles Graham Proudfoot & Wilson
 4334 Rice Street, Suite 202
 Lihue, HI 96766

4a. Article Number

P 331 035 532

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7/12/00

5. Received By: (Print Name)

D. Jennifer Wyde

6. Signature (Addressee or Agent)

D. Jennifer Wyde

8. Addressee's Address (Only if requested and fee is paid)

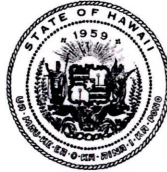
PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 11, 2000

VIA CERTIFIED MAIL

Mr. Joseph Punilei Manini, Sr.
P. O. Box 690201
Makaweli, Hawaii 96769

Dear Mr. Manini:

Enclosed is a Land Use Commission meeting agenda.

Please note that petition (s)

A00-731 - DESTINATION VILLAGES KAUAI, LLC (Kauai)

will be acted on or heard at that time. You or your representative should be present at this meeting. If you cannot attend this meeting, please contact our office as soon as possible.

Should you have any questions on this matter, please contact this office at 587-3822.

Very truly yours,

ESTHER UEDA
Executive Officer

EU:th

Enclosure

P 612 308 932

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Joseph Punilei Manini, Sr.
P. O. Box 690201
Makaweli, HI 96769

Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date & Addressee's Address	
TOTAL Postage & Fees	\$ 298
Postmark or Date	

PS Form 3800 April 1995



A00-731/Destination Villages

A00-731/Destination Villages Kauai

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☒ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Joseph Punilei Manini, Sr.
P. O. Box 690201
Makaweli, HI 96769

4a. Article Number

P 612 308 932

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7/13/00

5. Received By: (Print Name)

Joseph Punilei Manini, Sr.

6. Signature (Addressee or Agent)

Joseph Punilei Manini, Sr.

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 5, 2000

Mr. Timothy Johns, Director
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Johns:

Subject: LUC Docket No. A00-731/Destination Villages Kauai,
A Limited Liability Company

This is a follow-up to our letter dated May 2, 2000, in which we requested your review and comment on the boundary amendment petition filed in the subject docket with respect to the effect of the proposed project on historic properties or burial sites, consistent with §6E-43, HRS.

To date, we have not received a response from your office regarding this matter. Inasmuch as the Commission's hearing on the petition is scheduled for July 20, 2000, we request that you provide your comments to our office by July 10, 2000.

Thank you for your cooperation in this matter.

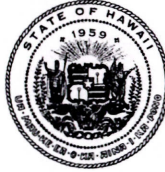
Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:aa

c: Michael J. Belles, Esq.
County of Kauai Planning Dept.
OP



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

July 5, 2000

VIA CERTIFIED MAIL

Mr. Joseph Manini, Sr.
P.O. Box 690201
Makaweli, Hawaii 96769

Dear Mr. Manini:

Subject: LUC Docket No. A00-731/Destination Villages Kauai,
a Limited Liability Company (Kapalawai Resort)

We are in receipt of your Petition for Intervention (Petition) filed on June 30, 2000. Please be advised that pursuant to §15-15-52(e), Hawaii Administrative Rules (HAR), petitions for intervention are required to be filed with the Commission within fifteen days after the notice of hearing is published. The notice of hearing for the subject docket was published on May 15, 2000. Any petition for intervention was required to be filed by May 30, 2000. Inasmuch as your Petition was received on June 30, 2000, your Petition is considered untimely.

Upon review of your Petition, we have the following comments:

- 1) Pursuant to §15-15-52(e), HAR, an original and 15 copies of your Petition with proof of service on all parties shall be filed with the Commission.
- 2) Pursuant to §15-15-52(f), HAR, your Petition should address the following, if applicable:
 - i) Other means available whereby the petitioner's interest may be protected;
 - ii) Extent the petitioner's interest may be represented by existing parties;
 - iii) Extent the petitioner's interest in proceeding differs from that of the other parties;
 - iv) Extent the petitioner's participation can assist in development of a complete record;

Mr. Joseph Manini, Sr.
July 5, 2000
Page 2

- v) Extent the petitioner's participation will broaden the issue; and
 - vi) How the petitioner's intervention would serve the public interest.
- 3) Pursuant to §15-15-52(h), HAR, petitions for intervention shall be accompanied by a filing fee of \$50.

We have no further comments to offer at this time. We request that you address items 1 through 3 as soon as possible.

The Commission's meeting on this docket is scheduled for July 20, 2000 at the Sheraton Kauai Resort, Koloa Room. Your Petition will be considered at that time. You or a representative should be present. A copy of the Commission's agenda will be sent to you shortly.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,



ESTHER UEDA
Executive Officer

EU:th

c: Michael J. Belles, Esq.
County of Kauai Planning Dept.
OP

P 612 308 931

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Joseph Punilei Namini, Sr.
 P. O. Box 690201
 Makaweli, HI 96769

Postage	33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 298
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai

A00-731/Destination Villages Kauai

SENDER:

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Joseph Punilei Namini, Sr.
 P. O. Box 690201
 Makaweli, HI 96769

4a. Article Number

P 612 308 931

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

Joseph Punilei Namini, Sr.

6. Signature (Addressee or Agent)

Joseph Punilei Namini, Sr.

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

BELLES GRAHAM
PROUDFOOT & WILSON

ATTORNEYS AT LAW

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

TELEPHONE NO (808) 245-4705
FACSIMILE NO (808) 245-3277
E-MAIL: mail@kauai-law.com

MICHAEL J. BELLES
MAX W. GRAHAM JR.
DAVID W. PROUDFOOT
DONALD H. WILSON
Federal ID No. 99010663

ASSOCIATE
FAMILIA F. RAY
OF COUNSEL
JONATHAN L. CHUN

MEMO

TO: Presley W. Pang
Deputy Attorney General

FROM: Michael J. Belles *msb*

SUBJECT: LUC Docket No. A00-731
DESTINATION VILLAGES KAUAI, LLC.

Further to the pre-hearing conference that was held before the LUC staff on Thursday, June 29, 2000, I am transmitting to you for your execution and processing the original and three copies of the Stipulated Rehearing Order for A00-731. Please execute the same and forward to the Office of the Kauai County Attorney with instructions to file the order with the LUC for follow-up and processing after it is fully executed.

Thank you.

cc: Ms. Esther Ueda, Executive Officer, Land Use Commission w/enclosure
Hartwell K. Blake, County Attorney w/enclosure

2000 JUL -3 A 8:35
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. A00-731
	)	
DESTINATION VILLAGES KAUAI, A	)	STIPULATED PREHEARING
LIMITED LIABILITY COMPANY	)	ORDER
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
153.696 Acres of Land at Makaweli,	)	
Kauai, Hawai'i, Tax Map Key No.:	)	
1-7-05: portion of 1	)	
	)	

STIPULATED PREHEARING ORDER

WHEREAS, the undersigned parties desire to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of exhibits, written testimonies, and witness lists;

WHEREAS, at the Prehearing Conference held on June 29, 2000, the parties agreed to enter into a Stipulated Prehearing Order concerning the timely submission of witness lists, exhibit lists, and exhibits to all parties; now, therefore,

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein, that no later than July 7, 2000, each party shall submit and serve upon the other parties any exhibits, memoranda, or other documentary information it intends to submit at the hearing; and, that no later than July 12, 2000, a party may submit and serve upon the other parties any exhibits, memoranda, or other documentary information in response to the documents submitted on July 7, 2000.

IT IS FURTHER STIPULATED AND AGREED, that no later than July 7, 2000, each party shall identify all witnesses that will be providing testimony in support of the respective party's position; and, that no later than July 12, 2000, each party shall file a final witness list of all witnesses providing oral testimony, including any responsive or rebuttal witnesses;

IT IS FURTHER STIPULATED AND AGREED, that unless there has been a showing of good cause or the lack of significant prejudice, filings or submissions which are untimely may be stricken or rejected by the Commission at the time of the hearing; and

IT IS FURTHER STIPULATED AND AGREED, that unless there has been a showing of good cause or lack of significant prejudice, or unless otherwise ordered by this Commission, a party shall not be allowed at any continued hearing in this proceeding to submit any additional exhibits not previously submitted or present any oral testimony of any witness not previously identified by the dates provided herein.

Dated: Honolulu, Hawaii, JUNE 30, 2000

PETITIONER:

By 
Its: Legal Counsel

STATE OF HAWAII
OFFICE OF STATE PLANNING

By _____
Its: Deputy Attorney General

COUNTY OF KAUAI
PLANNING DEPARTMENT

By _____
Its:
Deputy County Attorney

APPROVED AND SO ORDERED:

Peter Yukimura
Presiding Officer

Date

Maryanne W. Kusaka
Mayor



Hartwell H. K. Blake
County Attorney

OFFICE OF THE COUNTY ATTORNEY

COUNTY OF KAUAI, STATE OF HAWAII
MO'IKEHA BUILDING
4444 RICE STREET, SUITE 220
LIHU'E, KAUAI, HAWAII 96766
TEL (808) 241-6315
FAX (808) 241-6319

Deputies
Amy I. Esaki, First Deputy
Galen T. Nakamura
Margaret Hanson
Blaine J. Kobayashi
Wayne S. Shimizu
Sanjay L. Bhatt
Aric T. Fujii

LETTER OF TRANSMITTAL

June 30, 2000

TO: Land Use Commission
Dept of Business Economic Development & Tourism
P. O. Box 2359
Honolulu, HI 96804-2359

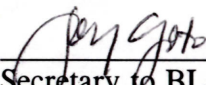
RE: Docket No A00-731, Destination Villages Kauai, LLC

We are enclosing the following:

Orig + 15 - County of Kauai's First Amended List of Exhibits
Orig + 15 - Certificate of Service

- | | |
|---|--|
| ☐ For your information | ☒ For necessary action |
| ☐ For your files | ☐ For signature in BLACK |
| ☐ For review and comment | INK and RETURN |
| ☐ For correction | ☐ For signature in BLACK |
| ☐ For distribution | INK and FORWARD TO |
| ☐ Per your request | |
| ☐ Per our agreement | ☐ For filing or recording |
| ☐ Per our conversation | ☐ See remarks below |

REMARKS:


Secretary to BLAINE J. KOBAYASHI
Deputy County Attorney

enclosure(s)

2000 JUL -3 A 8:37
LAND USE COMMISSION
STATE OF HAWAII

1000 100 - 3 A & 3 J



DIAMOND WHITE ORANGE
322 - 1000 100 - 3 A & 3 J

7/3/00 LUC, EU & BS - in County's Arch. files



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

June 26, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *TH*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following unsigned facsimile letters were received by the Commission.

Dated June 13, 2000:

1. Brian Gravlin
2. Gabriel Andres Thoumi

Dated June 18, 2000:

3. Anjanette Kalb

Dated June 20, 2000:

4. Stephen Herrington

Dated June 22, 2000:

5. Cabanilla Maza

Maryanne W. Kusaka
Mayor



Hartwell H. K. Blake
County Attorney

OFFICE OF THE COUNTY ATTORNEY

COUNTY OF KAUAI, STATE OF HAWAII
MO'IKEHA BUILDING
4444 RICE STREET, SUITE 220
LIHU'E, KAUAI, HAWAII 96766
TEL (808) 241-6315
FAX (808) 241-6319

Deputies
Amy I. Esaki, First Deputy
Galen T. Nakamura
Margaret Hanson
Blaine J. Kobayashi
Wayne S. Shimizu
Sanjay L. Bhatt
Aric T. Fujii

LETTER OF TRANSMITTAL

June 20, 2000

TO: Land Use Commission
Dept of Business Economic Development & Tourism
P. O. Box 2359
Honolulu, HI 96804-2359

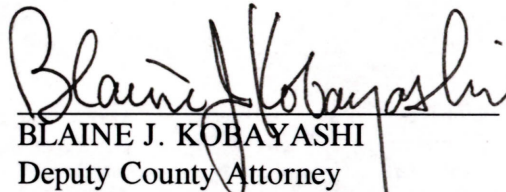
RE: Docket No A00-731, Destination Villages Kauai, LLC

We are enclosing the following:

Orig + 15 - Testimony of the Kauai County Planning Department
In Support of the Petition

- | | |
|---|--|
| ☐ For your information | ☒ For necessary action |
| ☐ For your files | ☐ For signature in BLACK |
| ☐ For review and comment | INK and RETURN |
| ☐ For correction | ☐ For signature in BLACK |
| ☐ For distribution | INK and FORWARD TO |
| ☐ Per your request | |
| ☐ Per our agreement | ☐ For filing or recording |
| ☐ Per our conversation | ☐ See remarks below |

REMARKS:


BLAINE J. KOBAYASHI
Deputy County Attorney

enclosure(s)

2000 JUN 21 A 10:03
LAND USE COMMISSION
STATE OF HAWAII

Helber Hastert

Planners

LAND USE COMMISSION
STATE OF HAWAII

June 20, 2000

2000 JUN 20 A 8:44



Ms. Esther Ueda, Executive Officer
State of Hawaii
Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

Dear Ms. Ueda:

**Third Amendment to Petition
for State Land Use District Boundary Amendment
First Amended Witness List
First Amended Exhibit List
Kapalawai Resort
Makaweli, Kauai, Hawaii
TMK 1-7-05: portion of 1
Docket No. A00-731**

On behalf of our client Destination Villages Kauai, LLC, pursuant to §15-15-48, Hawaii Administrative Rules (HAR), we are pleased to serve this Third Amendment to the Petition for State Land Use District Boundary Amendment from Agricultural to the Urban District. Pursuant to §15-15-55.1 we have also attached copies of the First Amended Witness and Exhibit Lists. We have attached one original and 15 copies of the Third Amendment to Petition and the First Amended Witness and Exhibit Lists.

If you need additional information, please call me at 545-2055.

Sincerely,

HELBERT HASTERT & FEE, Planners

Scott Ezer
Senior Associate

Attachments

C: Michael J. Belles
Lewis P. Geyser

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

IN THE MATTER OF THE PETITION	)	DOCKET NO. A00-731
	)	
of	)	
	)	
DESTINATION VILLAGES KAUAI,	)	
A LIMITED LIABILITY COMPANY	)	CERTIFICATE OF SERVICE
	)	
	)	
To amend the Agricultural Land Use	)	
Boundary into the Urban Land Use	)	
District for 153.696 acres at Makaweli,	)	
Kauai, Hawaii, further identified as	)	
TMK: (4) 1-7-05: portion of 1.	)	
_____	)	

CERTIFICATE OF SERVICE

SCOTT H. EZER, being first duly sworn, deposes and says:

1. Affiant is a Senior Associate at Helber Hastert & Fee, Planners, Inc. a duly authorized agent for the petitioner, Destination Villages Kauai, LLC.
2. He hereby certifies that on June 20, 2000, he served one copy of the foregoing First Amended List of Exhibits and First Amended List of Witnesses either by hand-delivery or certified mail addressed to each of the following at the following addresses:

LAND USE COMMISSION
STATE OF HAWAII
2000 JUN 20 A 8:45

County of Kauai
Planning Commission
4444 Rice Street, Suite 473
Lihue, HI 96766

County of Kauai
Planning Department
4444 Rice Street, Suite 473
Lihue, HI 96766

State of Hawaii
Office of Planning
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

County of Kauai
Office of the County Attorney
4444 Rice Street, Suite 235
Lihue, HI 96766

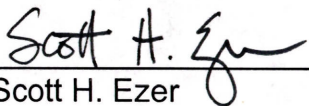
Robinson Family Partners
P.O. Box 690088
Makaweli, HI, 96769

Gay & Robinson, Inc.
P.O. Box 156
Kaunakakai, HI 96747

Bruce Robinson
P.O. Box 11
Makaweli, HI 96769

Citizens Utilities Company
4463 Pahee Street
Lihue, HI 96766

DATED: Honolulu, Hawaii; June 20, 2000



Scott H. Ezer

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

June 16, 2000

MEMORANDUM

TO: Land Use Commissioners
FROM: Staff *Esther Ueda*
SUBJECT: PREHEARING CONFERENCE

Please be advised that the time for the prehearing conference on A00-731 -DESTINATION VILLAGES KAUAI, A LIMITED LIABILITY COMPANY (Kauai) has been changed:

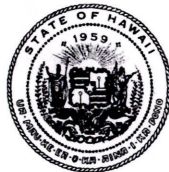
DATE: June 29, 2000

TIME: 9:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

Commissioners' attendance at these informal conferences are not required; however, you are welcome to attend. If neighbor island Commissioners desire to attend the conference, please notify staff.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

June 16, 2000

Mr. David W. Blane, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Mr. Blane:

This is to advise you that the time for the prehearing conference has been changed:

DOCKET NO.: A00-731 - DESTINATION VILLAGES KAUAI, A LIMITED
LIABILITY COMPANY (Kauai)

DATE: June 29, 2000

TIME: 9:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

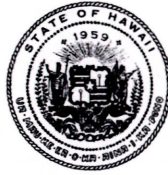
A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:th

cc: Mr. Abe Mitsuda
Ann Ogata-Deal, Esq.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

June 16, 2000

VIA CERTIFIED MAIL

Mr. Dee Crowell, Director
Planning Department
County of Kauai
4444 Rice Street, Suite 473
Lihue, Hawaii 96766

Dear Mr. Crowell:

This is to advise you that the time for the prehearing conference has been changed:

DOCKET NO.: A00-731 - DESTINATION VILLAGES KAUAI, A LIMITED
LIABILITY COMPANY (Kauai)

DATE: June 29, 2000

TIME: 9:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

cc: Hartwell H.K. Blake, Esq.

P 331 035 527

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.

Mr. Dee Crowell, Director
 Kauai County Planning Department
 Suite 473, Building A
 4444 Rice Street
 Lihue, HI 96766

Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 298
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai

A00-731/Destination Villages Kauai

on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Mr. Dee Crowell, Director
 Kauai County Planning Department
 Suite 473, Building A
 4444 Rice Street
 Lihue, HI 96766

4a. Article Number

P 331 035 527

4b. Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery

6/19/00

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

Wesley Masumura

6. Signature (Addressee or Agent)

[Signature]

Is your RETURN

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

June 15, 2000

VIA CERTIFIED MAIL

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

Dear Mr. Belles:

This is to advise you that the time for the prehearing conference has been changed:

DOCKET NO.: A00-731 - DESTINATION VILLAGES KAUAI, A LIMITED
LIABILITY COMPANY (Kauai)

DATE: June 29, 2000

TIME: 9:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

cc: Scott Ezer

P 331 035 528

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, HI 96766

Postage	\$ 37
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 298
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai

A00-731/Destination Villages Kauai

Is your RETURN
ed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, HI 96766

4a. Article Number

P 331 035 528

4b. Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery

6/19/00

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 31, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *TH*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following unsigned facsimile letters were received by the Commission.

Dated May 26, 2000:

1. Neil Bajwa
2. Bill Brooks
3. George Ciervo, Jr.
4. Kevin Correll
5. Tyler Forman
6. Siobhan Harrington
7. Kathy Harter
8. Tina Horowitz
9. Bianca Isaki
10. Adrian Kamalii
11. Anna Kaohelauii
12. Azur Moulaert
13. Dr. P. Neil
14. Kimberly Ramos
15. Gary Ratliff
16. Cha Smith
17. Philip Thomas
18. Ricky Wright

6/1 LUC, AG + BS + EN

Dated May 27, 2000:

19. Diana Bennett
20. Matthew Carr
21. Kima Douglas
22. Michael Douglas
23. Kawika Liu
24. Barbara London
25. Gian Andrea Morresi
26. Barbara Peck
27. Paul Rodriguez
28. Shannon Rudolph
29. RAI Weigel

Dated May 28, 2000:

30. Andrea Cronrod
31. Donna Hampson
32. Rosemary A. Kekoa
33. Chris Kubiak
34. C. Cabanilla Maza
35. Matt Nadell
36. Bruce Pleas
37. Bob Tripp
38. Joe Weichman

Dated May 29, 2000:

39. Monica Kaiwi
40. Kealii Pang
41. Brian Sussman

Dated May 30, 2000:

42. Jennifer Chelf
43. Clarence Ching
44. Ed Coll
45. Janine Denny
46. Laure Dillon
47. Linda Lyerly
48. Ryan Manro
49. Lori Sgambati
50. D. Kapua Sproat
51. Cliff White

Dated May 31, 2000:

52. Helen & Colleen Carr
53. Autumn Marie Dion
54. Brandon Haltiwanger
55. Maya Moiseyev
56. Jade Sullivan



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

June 7, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *TH*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following unsigned facsimile letters were received by the Commission.

Dated June 1, 2000:

1. Joshua Stanbro

Dated June 2, 2000:

2. Melissa F. Armstrong
3. Matt Taylor

Dated June 3, 2000:

4. Marcia Sheppard

Dated June 5, 2000:

5. Esther Shomper

Dated June 6, 2000:

6. Lea Heimerman
7. Eve Hutchison
8. Gary Manfredi
9. Breana Wheeler

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

IN THE MATTER OF THE PETITION	)	DOCKET NO. A00-731
	)	
of	)	
	)	
DESTINATION VILLAGES KAUAI,	)	
A LIMITED LIABILITY COMPANY	)	CERTIFICATE OF SERVICE
	)	
	)	
To amend the Agricultural Land Use	)	
Boundary into the Urban Land Use	)	
District for 153.696 acres at Makaweli,	)	
Kauai, Hawaii, further identified as	)	
TMK: (4) 1-7-05: portion of 1.	)	
_____	)	

CERTIFICATE OF SERVICE

SCOTT H. EZER, being first duly sworn, deposes and says:

1. Affiant is a Senior Associate at Helber Hastert & Fee, Planners, Inc. a duly authorized agent for the petitioner, Destination Villages Kauai, LLC.
2. He hereby certifies that on June 5, 2000, he served one copy of the foregoing List of Exhibits and List of Witnesses either by hand-delivery or certified mail addressed to each of the following at the following addresses:

LAND USE COMMISSION
STATE OF HAWAII
2000 JUN -5 P 12:32

6/5/00 LUG. AG. AS, E4, F7

RECEIVED 2-11-00

U.S. AIR FORCE

County of Kauai
Planning Commission
4444 Rice Street, Suite 473
Lihue, HI 96766

County of Kauai
Planning Department
4444 Rice Street, Suite 473
Lihue, HI 96766

State of Hawaii
Office of Planning
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

County of Kauai
Office of the County Attorney
4444 Rice Street, Suite 235
Lihue, HI 96766

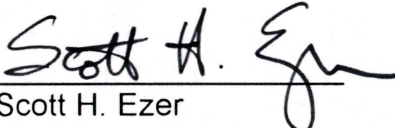
Robinson Family Partners
P.O. Box 690088
Makaweli, HI, 96769

Gay & Robinson, Inc.
P.O. Box 156
Kaumakani, HI 96747

Bruce Robinson
P.O. Box 11
Makaweli, HI 96769

Citizens Utilities Company
4463 Pahee Street
Lihue, HI 96766

DATED: Honolulu, Hawaii; June 5, 2000


Scott H. Ezer

LAND USE COMMISSION
STATE OF HAWAII

2000 JUN -5 P 12:32

June 5, 2000

Ms. Esther Ueda, Executive Officer
State of Hawaii
Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359



Dear Ms. Ueda:

**Second Amendment to Petition for State Land Use District Boundary
Amendment
Witness List
Exhibit List
Kapalawai Resort
Makaweli, Kauai, Hawaii
TMK 1-7-05: portion of 1
Docket No. A00-731**

On behalf of our client Destination Villages Kauai, LLC, pursuant to §15-15-48, Hawaii Administrative Rules (HAR), we are pleased to serve this Second Amendment to the Petition for State Land Use District Boundary Amendment from Agricultural to the Urban District. Pursuant to §15-15-55.1 we have also attached copies of our proposed Witness and Exhibit Lists. We have attached one original and 15 copies of the Second Amendment to Petition and the Witness and Exhibit Lists.

If you need additional information, please call me at 545-2055.

Sincerely,

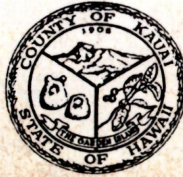
HELBERT HASTERT & FEE, Planners

Scott Ezer
Senior Associate

Attachments

C: Michael J. Belles
Lewis P. Geyser

Maryanne W. Kusaka
Mayor



Hartwell H. K. Blake
County Attorney

OFFICE OF THE COUNTY ATTORNEY

COUNTY OF KAUAI, STATE OF HAWAII
MO'IKEHA BUILDING
4444 RICE STREET, SUITE 220
LIHU'E, KAUAI, HAWAII 96766
TEL (808) 241-6315
FAX (808) 241-6319

Deputies

Amy I. Esaki, First Deputy
Galen T. Nakamura
Margaret Hanson
Blaine J. Kobayashi
Wayne S. Shimizu
Sanjay L. Bhatt
Aric T. Fujii

LETTER OF TRANSMITTAL

June 1, 2000

TO: Land Use Commission
Dept of Business Economic Development & Tourism
P. O. Box 2359
Honolulu, HI 96804-2359

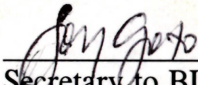
RE: Docket No A00-731, Destination Villages Kauai, LLC

We are enclosing the following:

Orig + 15 - County of Kauai's List of Witnesses
Orig + 15 - County of Kauai's Exhibit List
Orig + 15 - County of Kauai Exhibit 1

- | | |
|---|--|
| ☐ For your information | ☒ For necessary action |
| ☐ For your files | ☐ For signature in BLACK |
| ☐ For review and comment | INK and RETURN |
| ☐ For correction | ☐ For signature in BLACK |
| ☐ For distribution | INK and FORWARD TO |
| ☐ Per your request | |
| ☐ Per our agreement | ☐ For filing or recording |
| ☐ Per our conversation | ☐ See remarks below |

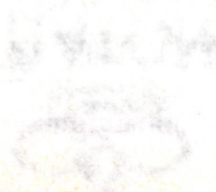
REMARKS:


Secretary to BLAINE J. KOBAYASHI
Deputy County Attorney

enclosure(s)

2000 JUN -5 A 9:54
LAND USE COMMISSION
STATE OF HAWAII

6/5/00 LUC, AG, BS+EU





STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 31, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. Scott Ezer
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *TH*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following unsigned facsimile letters were received by the Commission.

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14. Kimberly Ramos
15. Gary Ratliff
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48. Ryan Manro
49. Lori Sgambati
50. D. Kapua Sproat
51. Cliff White

Dated May 31, 2000:

52. Helen & Colleen Carr
53. Autumn Marie Dion
54. Brandon Haltiwanger
55. Maya Moiseyev
56. Jade Sullivan

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 17, 2000

MEMORANDUM

TO: Michael J. Belles, Esq.
Mr. David W. Blane
Ann Ogata-Deal, Esq.
Mr. Dee Crowell
Hartwell Blake, Esq.

FROM: Teri Hee *TH*
Land Use Commission

SUBJECT: A00-731 - Destination Villages Kauai, A Limited
Liability Company

The following correspondence was received by the Commission on May 17, 2000:

1. Memorandum from Linnel T. Nishioka, Deputy Director of the Commission on Water Resource Management (CWRM) dated May 12, 2000.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 17, 2000

Mr. David W. Blane, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Mr. Blane:

This is to advise you that a prehearing conference will be held on:

DOCKET NO.: A00-731 - DESTINATION VILLAGES KAUAI, A LIMITED
LIABILITY COMPANY (Kauai)

DATE: June 29, 2000

TIME: 10:00 a.m.

PLACE: Conference Room 405
Leiopapa A Kamehameha
235 So. Beretania Street
Honolulu, Hawaii

In order for the conference to be meaningful and beneficial to all parties, we are enclosing forms for identifying the exhibits that you intend to submit and witnesses you intend to introduce. In accordance with Section 15-15-55.1 of the Land Use Commission Rules, please serve the completed forms and exhibits to all parties and the Land Use Commission by June 5, 2000. Timeframes for submitting any rebuttal exhibits, final exhibit and witness lists is June 20, 2000.

As required by the Hawaii Land Use Commission Rules, please transmit 1 original and 15 copies of all materials to be submitted to the Land Use Commission and serve each party one copy of the same.

If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

enclosures

cc: Mr. Abe Mitsuda (w/o encl.)
Ann Ogata-Deal, Esq. (w/o encl.)

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 17, 2000

VIA CERTIFIED MAIL

Mr. Dee Crowell, Director
Planning Department
County of Kauai
4444 Rice Street, Suite 473
Lihue, Hawaii 96766

Dear Mr. Crowell:

This is to advise you that a prehearing conference will be held on:

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LIABILITY COMPANY (Kauai)

DATE: June 29, 2000

TIME: 10:00 a.m.

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Sincerely,

ESTHER UEDA
Executive Officer

EU:th

enclosures

cc: Hartwell H.K. Blake, Esq.

P 331 035 505

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to Dee Crowell	
Street & Number 4444 Rice Street, #473	
Post Office, State, & ZIP Code Lihue 96766	
Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 298
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai (Kauai)

A00-731/Destination Villages Kauai (Kauai)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Mr. Dee Crowell, Director
 Planning Department
 County of Kauai
 4444 Rice Street, Suite 473
 Lihue, HI 96766

4a. Article Number

P 331 035 505

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/18/00

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 17, 2000

VIA CERTIFIED MAIL

Michael J. Belles, Esq.
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

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Honolulu, Hawaii

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If you cannot attend the prehearing conference or have any questions regarding the above, please contact this office.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

enclosures

cc: Scott Ezer (w/o encl.)

P 331 035 504

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to Michael J. Belles, Esq.	
Street & Number 4334 Rice Street, #202	
Post Office, State, & ZIP Code Lihue 96766	
Postage	\$.33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom Date & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai (Kauai)

A00-731/Destination Villages Kauai (Kauai)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

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- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Michael J. Belles, Esq.
 Belles Graham Proudfoot
 & Wilson
 4334 Rice Street, Suite 202
 Lihue, HI 96766

4a. Article Number

P 331 035 504

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/18/00

5. Received By: (Print Name)

[Signature]

6. Signature (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 17, 2000

MEMORANDUM

TO: Land Use Commissioners
FROM: Staff *Esther Ueda*
SUBJECT: PREHEARING CONFERENCE

Please be advised that a prehearing conference on A00-731 -
DESTINATION VILLAGES KAUAI, A LIMITED LIABILITY COMPANY (Kauai)
will be held as follows:

DATE: June 29, 2000
TIME: 10:00 a.m.
PLACE: Conference Room 405
Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

Commissioners' attendance at these informal conferences
are not required; however, you are welcome to attend. If
neighbor island Commissioners desire to attend the conference,
please notify staff.

AFFIDAVIT OF PUBLICATION 2000 MAY 17 P 1:26

KEN BERRY being duly sworn deposes and says, that he is the PUBLISHER of RFD Publications, Inc., publishers of the Hawaii State & County Public Notices which are circulated in the State of Hawaii, Sun Press community and military newspapers and MidWeek which are circulated in the City and County of Honolulu, State of Hawaii, and furthermore that the following representation is a true and correct accounting of publication and distribution:

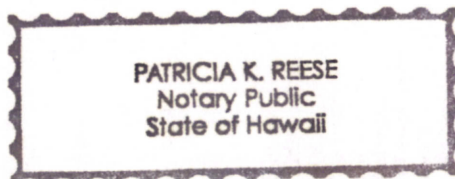
Description: HS&CPN AD# 01502730

Print Date: 05/15/00

Distribution: Approximately 350,000 statewide

Additional: NOTICE OF HEARING NOTICE IS

STATE OF HAWAII)
) S. S.
City & County of Honolulu)



[Signature]
PUBLISHER

Subscribed and sworn to before me this

11th day of MAY, 2000

[Signature]
Notary Public of the First Judicial
Circuit, State of Hawaii

My commission expires:

October 07, 2002

Public Hearings

NOTICE OF PUBLIC HEARINGS

Pursuant to Chapter 91, Hawaii Revised Statutes, notice is hereby given that the State of Hawaii, Department of Transportation, Airports Division, will hold public hearings to consider the following proposed changes to the Hawaii Administrative Rules.

It should be noted that only housekeeping changes are being proposed. These changes are being proposed to comply with Lt. Governor Mazie Hirono's Slice Waste and Tape (SWAT) initiative.

The proposed changes, as outlined below will:

- Simplify rules;
- Update rules; and
- Eliminate redundant or unnecessary rules.

Chapter 19-22 "Baggage Pickup and Delivery Services at Public Airports". The following changes are being proposed:

- Compile the following amended sections into Chapter 19-22:
 - Section 19-22-1 amended 11/26/90;
 - Section 19-22-2 amended 10/7/88;
 - Section 19-22-3 amended 10/7/88 and 11/26/90; and
 - Section 19-22-8 amended 11/26/90.
- Amend Section 19-22-4 by updating the names of the Hilo and Kona airports.

Chapter 19-25 "Commercial Photography at Public Airports". The following changes are being proposed:

- Compile the following amended sections into Chapter 19-25:
 - Section 19-25-2 amended 3/7/88; and
 - Section 19-25-3 amended 3/7/88.
- Amend Section 19-25-4 by updating the names of the Hilo and Kona airports.

Chapter 19-34 "Tour Aircraft Operations at Public Airports". The following changes are being proposed:

- Compile the following new or amended sections into Chapter 19-34:
 - Section 19-34-1.1 adopted 8/28/95;
 - Section 19-34-2 amended 8/28/95;
 - Section 19-34-3 amended 8/28/95;
 - Section 19-34-4 amended 8/28/95;
 - Section 19-34-5 amended 8/28/95;
 - Section 19-34-6 amended 8/28/95;
 - Section 19-34-7 amended 8/28/95;
 - Section 19-34-8 amended 8/28/95; and
 - Section 19-34-13 adopted 8/28/95.
- Repeal Section 19-34-10 because it is a redundant rule. The right to a hearing prescribed by this section is already provided for in:
 - Section 19-34-8; and
 - Chapter 19-1, Hawaii Administrative Rules.
- Eliminate the "Application for Tour Aircraft Operators Permit" attached to Chapter 19-34 because it is not necessary:
 - The application requirements are already delineated in Section 19-34-4; and
 - An application form will be provided to anyone upon request.

The public hearings will be held as follows:

DATE	TIME	PLACE
June 27, 2000	9:00 am	Airport Conference Center Interisland Terminal, Seventh Floor Honolulu International Airport Honolulu, Oahu
June 27, 2000	3:00 pm	Airport Mezzanine Conference Room South Terminal, Third Floor Lihue Airport Lihue, Kauai
June 28, 2000	9:30 am	Airport Conference Room Kahului Airport Kahului, Maui
June 28, 2000	3:00 pm	Airport Conference Room Kona International Airport at Keahole Kailua-Kona, Hawaii

Interested persons are invited to present their views on the proposed rules at the public hearings. Written comments will be accepted until July 5, 2000, at the following address:

State of Hawaii
Department of Transportation
Airports Division
400 Rodgers Blvd., Suite 700
Honolulu, Hawaii 96819-1880

A copy of the proposed rules may be requested by calling 838-8622. Upon receiving such a request, a copy will be mailed at no cost to the requester. Copies may also be obtained or reviewed at the airport manager's office at Honolulu International, Kahului, Kona International at Keahole and Lihue airports from Monday through Friday (except state holidays), between the hours of 7:45 a.m. and 4:30 p.m.

Persons with disabilities requiring special assistance should call 838-8622 at least two weeks before the hearing.

KAZU HAYASHIDA
Director of Transportation

(HS&CPN01502765: May 15, 2000)

Public Hearings

NOTICE OF PUBLIC HEARING

Pursuant to chapter 91, Hawaii Revised Statutes, notice is hereby given that the Department of Land and Natural Resources, State of Hawaii, will hold a public hearing at the Hanalei Elementary School, 5-5415 Kuhio Highway, on June 26, 2000 beginning at 9:00 a.m., County of Kauai to consider the proposed amendments to the Hawaii Administrative Rules, Chapter 13-256, as it relates to commercial vessel activity on Hanalei River and Bay ocean waters as follows:

Section 13-256-36 is amended by deleting reference to fifteen commercial use permits and replacing this with two commercial use permits for commercial kayak operations on Hanalei River or Hanalei Bay. No more than twenty-four passengers per day shall be allowed under each permit. A kayak tour group shall not exceed six vessels for passengers and shall be required to have at least one guide per six passengers.

All interested parties are invited to attend and to state their views on the proposed amendments, either orally or in writing. Written statements may be submitted at the public hearing or to the Chairperson any time prior to 4:30 p.m., July 3, 2000.

Copies of the proposed amendments to the rules will be mailed at no cost to any interested person who requests a copy or may be obtained in advance of the hearing by calling for them in person at the Division of Boating and Ocean Recreation, Kauai Boating District Office, 4370 Kukui Grove St., Suite 109, Lihue, Kauai, Hawaii 96766 or at 333 Queen St., Suite 300, Honolulu, Hawaii 98613.

The meeting locations are disability accessible. If special needs are required (i.e., large print, taped materials, sign language interpreter, etc.) call Ms. Carol Shé, Boating Regulation Planner, at 587-1972 prior to June 12, 2000.

TIMOTHY E. JOHNS

Chairperson,

Board of Land and Natural Resources

(HS&CPN07500045: May 15, 2000)

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE:

July 20, 2000 - 1:00 p.m.
and July 21, 2000

Sheraton Kauai Resort
Lawai Room
2440 Hoonani Road
Koloa, Kauai

Docket Number: A00-731

Petitioner: DESTINATION VILLAGES KAUAI,
A LIMITED LIABILITY COMPANY

Tax Map Key: 1-7-05: portion of 1

Change Requested: To reclassify approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai Planning Department, County of Kauai, Suite 473, Building A, 4444 Rice Street, Lihue, Kauai, 96766; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 So. Beretania Street, Honolulu, Hawaii 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commis-

Public Hearings

sion Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by May 30, 2000.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by July 6, 2000.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION

MERLE A.K. KELAI, Chairperson

By ESTHER UEDA, Executive Officer

(HS&CPN01502730: May 15, 2000)

Request for Proposals

REQUEST FOR PROJECT PROPOSALS
Docket No. _____

The Department of Health is soliciting proposals for nonpoint source pollution control projects for Fiscal Years 2000 and 2001 grant funding. To be eligible for funding, projects must demonstrate or implement measures that prevent, control, and/or reduce nonpoint source pollution of Hawaii's rivers, streams, lakes, wetlands, coastal waters, and/or groundwater resources. Projects contained within watersheds listed in Category I of the State's Unified Watershed Assessment are encouraged. However, all projects meeting the listed requirements, and occurring throughout the State, are eligible.

Proposals must be received no later than 4:00 pm on Friday, June 30, 2000. Five copies of the submitted proposal hand delivered will be accepted at the address shown below. Proposals received after the specified deadline will not be considered. The selection and award will be based on capabilities, addressing targets, qualifications, and cost. The Department of Health reserves the right to reject any or all proposals and to award with or without discussions with the offeror. The Department of Health will utilize a multi-step sealed proposal process. This project is one hundred percent Federally funded and requires a one hundred percent match/in-kind match from the applicant. The award of the contracts, if they be awarded, will be subject to all the required approvals.

To request or pick up a proposal package, contact:

The Department of Health
Clean Water Branch
919 Ala Moana Boulevard, Room 301
Honolulu, Hawaii 96814-4912
Phone: (808) 586-4309 Fax: (808) 586-4352
Neighbor islands may call toll free: (808) 468-4644 x 64309

If additional information regarding project and proposal requirements is needed, contact: Randy Rush, Polluted Runoff Control Program at the address shown above. In addition, the Department of Health will hold informational meetings in 2000 to assist those who are interested. The meeting locations, dates, and times are as follows:

May 26	Lihue, Kauai Department of Health Conference Room 3040 Umi Street Lihue, Kauai 96769	2:30 - 4:00 pm
May 31	Wailuku, Maui Maui County Civil Defense Conference Room 200 South High Street Wailuku, Maui 96793	3:00 - 4:30 pm
June 1	Honolulu, Oahu Kinai Hale Conference Room, First Floor 1250 Punchbowl Street Honolulu, Hawaii 96813	3:00 - 4:30 pm
June 5	Hilo, Hawaii State Building Conference Room C 75 Aupuni Street Hilo, Hawaii	2:30 - 4:00 pm

BRUCE S. ANDERSON, Ph.D., M.P.H.
Director of Health

(HS&CPN01502706: May 8 and 15, 2000)

Help Wanted

UH Administrative & Fiscal Support Specialist, Position No. 81223T, Outreach College, full-time, temporary, special funds, to begin ASAP. **Duties:** Assist in compiling the quarterly financial reports used for budget purposes for all program areas of the College; assists in the preparation of the biennial, annual, and quarterly budgets; assists in the overall maintenance of approximately 500 of the College's special-, revolving-, general-, and federal-funded accounts; assists in generating and approving journal vouchers; assists in generating journal vouchers for complex and difficult transactions; assists in coordinating the booking of fiscal year end accrual entries. **Minimum Qualifications:** Graduation from an accredited four-year college or university with some coursework in business administration, accounting, or any equivalent combination of experience and training which provide the following knowledge, abilities and skills: some knowledge of practices and techniques of modern business management; ability to communicate orally and through written reports; ability to understand and follow complex oral and written instructions; ability to analyze, interpret and use sound logic in application of a variety of financial and administrative rules and regulations. **Desirable Qualifications:** Knowledge of university policies and procedures; knowledge and experience with Macintosh computer, MS Word, Excel, FileMaker Pro, Classware, and ISIS; knowledge of university accounting systems. **Pay Range:** PO1, \$2,292/month. **To Apply:** Send cover letter explaining how you meet the qualifications, APT Application for Employment (UH Form 64), transcripts, and three letters of recommendation to Outreach College, 2530 Dole Street, Sakamaki C-400, Honolulu, HI 96822, Attn: Personnel Officer. **Inquiries:** 956-9839. **Closing Date:** 06/06. An EEO/AA Employer. (HS&CPN01502715: 5/15/00)

UH RESEARCH ASSOCIATE I, Position No. 81085T, PO1, Department of Mechanical Engineering, College of Engineering, University of Hawai'i at Manoa, part-time, 55% FTE, temporary, extramural funds. To begin approximately 6/16/00 to 7/31/00. Continuation beyond 07/31/00 is dependent upon the extension of the grant. **Duties:** Participate in performing structural finite element analysis of composite and metallic materials and structures on SUN and HP workstations using I-DEAS and ANSYS (Solid Modeling and Finite Element Analysis) software; generate working drawings of parts and components using AutoCAD software; participate in the modification and fabrication of an in-situ filament-winding set-up to be used for the manufacture of thermoplastic composite structures; use G-code software to program the controller for the filament-winding set-up; participate in manufacturing of thermoset and thermoplastic composite structures; design and fabricate electronic circuitry for pressure vessel testing; integrate the electronic circuitry with LabVIEW 5 software for data acquisition; perform data reduction analysis and generate tables and graphs using Microsoft Excel; perform C-ring and Scanning Electron Microscopy (SEM) tests on composite samples; and perform high pressure testing and data acquisition/reduction of pressure vessels. Participate in the design and finite element analysis of the fairing using LS-DAYNA3D for impact and crash simulations; and manage and update the I-DEAS solid modeling and finite element analysis files of the SAUVIM frame, which includes making any modifications as necessary. Literature search in the field of study; writing technical reports and other duties as assigned. **Minimum Qualifications:** Graduation from an accredited four-year college or university with some course work in the Mechanical Engineering field; or any equivalent combination of experience and training which provides the following knowledge, abilities, skills: Knowledge of the principles of mechanical engineering; some knowledge of the methods, materials, procedures, and techniques used in research or experimental laboratory work; some knowledge of the practical and potential values of research and experimentation in mechanical engineering; ability to understand and follow complex oral and written instructions; ability to prepare written reports of test results and analyses; ability to participate in the evaluation and analysis of existing techniques and procedures for composite manufacturing and to assist in devising new techniques and procedures; ability to observe, analyze, and report objectively the results of research experimentation. **Desirable Qualifications:** Familiarity with the design, manufacturing, and characterization/testing principles of composite materials; familiarity with working on Scanning Electronic Microscopy (SEM); familiarity with I-DEAS, AutoCAD, ANSYS, G-code, and LS-DAYNA3D software; familiarity with LabVIEW and Microsoft Excel; experienced with UNIX, Macintosh, and IBM environments; ability to establish and maintain effective working relationships with students, faculty members, professional engineers, research personnel, and others contacted in the course of work. **Pay Range:** PO1, minimum \$1,260.60 monthly. **To Apply:** Send resume, letter of application, completed UH APT Form 64 and the names and phone numbers of three work-related references to Carrie Matsuzaki, College of Engineering, 2540 Dole Street, Holmes 240, Honolulu, HI 96822. **Inquiries:** nejhada@eng.hawaii.edu. **Closing Date:** 06/06. The University of Hawai'i is an Equal Employment Opportunity/Affirmative Action Institution. (HS&CPN07500047: May 15, 2000)

Help Wanted

ASSISTANT/ASSOCIATE PROFESSOR, Pay Range M3/M4, Position Number (0088859T) UH-Manoa, John A. Burns School of Medicine (JABSOM), Native Hawaiian Center of Excellence, Federal funds, annually renewable depending on performance and/or funding; half-time (or 50% FTE), 11 month, temporary, non-tenurable. To begin approximately early July 2000; subject to position clearance and availability of funds. **Duties:** To integrate Native Hawaiian health experiences into the JABSOM curriculum by creating new cases or revising the school's current health care curriculum to reflect Native Hawaiian health care issues; integrate these issues in Colloquium Series; develop Native Hawaiian simulated patients for use in tutorials and develop additional Clinical Education Sites; develop an information resource base to improve and increase awareness of Native Hawaiian health issues; carry out workshops with culturally relevant issues to teach faculty and potential faculty awareness for need for cultural competency; to coordinate and implement faculty development & fellowship seminars on a month-to-month basis to enhance teaching, leadership, research, administrative and grant writing skills to Native Hawaiian junior faculty. **Minimum Qualifications:** Asst: M.D. Degree, Hawai'i licensed Board eligible, demonstrated ability in teaching, research, and program administration, ability to serve as role model for medical students and junior faculty. Assoc: Same as Asst, plus four years of medical experience, or four years teaching at the rank of Assistant Professor and Board certified. **Desired Qualifications:** Experience in Native Hawaiian education project, Native Hawaiian health care issues, Problem-Based Learning curriculum and medical education. **Minimum Monthly Salary (at 50% FTE):** Dependent upon experience and qualifications \$3,288.50 (Asst-M3) or \$3,847.50 (Assoc-M4). **To Apply:** Send CV, cover letter, and 3 letters of recommendation to Benjamin Young, M.D., Native Hawaiian Center of Excellence, 1960 East-West Road, Biomed B-204, Honolulu, HI 96822. **Closing Date:** 06/06/00. **Inquiries:** Benjamin Young, M.D., 956-5826. An EEO/AA Institution. (HS&CPN01502687: May 15, 2000)

UH ELECTRONICS TECHNICIAN II; 81553T; UH-Manoa, position located in Kula, Maui; full time; temporary federal funds; to begin 06/00; for one year, annually renewable pending availability of funds. **Duties:** Builds, maintains and repairs electronic circuits and devices used in scientific experiments, including the measurement of precise distances (ranging) to artificial satellites by the reflection of laser light pulses. Devices used in experiments include digital and analog equipment used in the control of instruments and the recording of data, servo systems, photoelectric devices, and high-precision timing circuits. Devices and performs preventive maintenance procedures. Operates computer-based data acquisition and electronic sensor equipment and performs data logging operations. Assists in the design of equipment and constructs such circuits as computer interfaces, timers, counters, clocks, motor controller, servo systems, photoelectric detector systems, and power controls. Constructs chassis, cabinets and mounting devices for electronic components. Installs, mounts and connects constructed and purchased electronic devices. Maintains an electronic/electrical parts bench stock system and a documentation library of system drawings, schematics and reference manuals/books. **Minimum Qualifications:** Graduation from a vocational or technical school with major course work in electronics as it relates to digital systems, and five years experience in the design, construction, modification and maintenance of electronic systems as it relates to digital, analog and electro-mechanical systems and power control; or any equivalent combination of training and experience which provide the following: **Considerable knowledge of:** the methods, materials and tools used in the construction and repair of electrical and electronic equipment; the hazards and proper safety precautions of the work; the operation and uses of electronic testing equipment, such as oscilloscopes, vacuum tube voltmeters, oscillators, pulse and function generators, etc.; **Ability to:** read and interpret complex electronic schematic and wiring diagrams; supervise subordinate technicians and maintain effective working relationships with scientists and engineers; use standard electronic shop tools and instruments. **Additional Minimum Qualifications:** Ability to work at 10,000 ft. elevation and be able to work evenings and holiday shifts; drive GSA or State vehicles to/from UH Base Laboratory to the LURE Observatory on the summit. A valid driver's license. **Desirable Qualifications:** Experience working in a research environment, with high-powered pulse lasers and in an appropriate technical field in an observatory setting. **Pay Range:** PO9, \$3,212/month. **To Apply:** Send a cover letter, APT application (UH Form 64), resume and the names and contact information of three professional references to Personnel Officer, Institute for Astronomy, 2680 Woodlawn Drive, Honolulu, HI 96822. **Closing Date:** 05/22. **Inquiries:** Dan O'Gara, 876-7600* (Maui). EEO/AA Employer. (HS&CPN05501556: May 15, 2000) *Corrected Phone Number

INSTRUCTOR(S) IN FRENCH, Department of Languages and Literatures of Europe and the Americas, for the Fall 2000 and/or Spring 2001 semesters, beginning August 1, 2000, pending availability of positions and funding. **Minimum qualifications:** Master's degree in French or Foreign Language Teaching or closely related field; experience in teaching first and/or second year French college/university courses or equivalent; high level fluency in French and English. **Duties:** teach first and/or second year French language courses; supplementary duties as assigned. **Minimum monthly salary:** \$2372. Send letter of application, curriculum vitae and three recent letters of recommendation addressing your teaching and recent teaching/peer evaluations to Chair, Department of Languages and Literatures of Europe and the Americas, University of Hawai'i at Manoa, 1890 East-West Road, Moore 483, Honolulu, HI 96822. Telephone: (808) 956-4170; FAX: (808) 956-9536. **Closing date:** June 21, 2000. An Equal Opportunity/Affirmative Action Institution.

VISITING ASSISTANT PROFESSOR OF FRENCH

The French Division of the Department of Languages and Literatures of Europe and the Americas (LLEA), University of Hawai'i at Manoa, invites applications for a single semester position (Spring 2001), at the level of Visiting Assistant Professor of French (position #82101T) pending position clearance. Required: Ph.D. in French literature with expertise in the field of medieval or twentieth-century literature; native/near-native skills in French and English. Experience in teaching film and first-/second-year Italian is highly desirable. Teaching load: 3 courses. Salary range for the semester, depending on qualifications: \$17,322-\$20,262. Candidates are required to have a regular teaching position to return to at end of Spring 2001. Send letter, CV, and three letters of recommendation to Chair, French Division, LLEA, University of Hawai'i at Manoa, 1890 East-West Road, Moore 483, Honolulu, HI 96822. For full consideration, applications should be postmarked by August 10, 2000. The University of Hawai'i at Manoa is a non-discriminatory Affirmative Action/Equal Opportunity Employer. (HS&CPN06501461: May 15, 2000)

Notices To Successors

**NOTICE TO POSSIBLE SUCCESSORS
OF STEPHANIE KANANI REAVIS, DECEASED,
REGARDING HER HAWAIIAN HOME LANDS
KEAUKAHA, HAWAII RESIDENTIAL LOT LEASE,
UNDER HAWAIIAN HOMES
COMMISSION ACT, 1920, AS AMENDED**

All possible successors, spouse and children who are descendants of not less than one-quarter part of the blood and all possible successors, father, mother, widows or widowers of the children, brothers, sisters, widows or widowers of the brothers and sisters, grandchildren, or nieces and nephews who are descendants of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 of the above-named decedent are hereby notified to present their claims to her Hawaiian Home Lands Lease with duly authenticated and certified copies of Hawaiian bloodline verifications, to the Oahu District Office at 1099 Alakea Street, Suite 1230, Honolulu, Oahu, Hawaii, or at any of the district offices of the Department of Hawaiian Home Lands on the island of your residence within four (4) months from the first day of publication of this notice, or be forever barred from succeeding to the lease in question.

DATED: Honolulu, Hawaii this 14th day of April 2000.
Raynard C. Soon, Chairman
Hawaiian Homes Commission
(HS&CPN01502589: April 24, May 1, 8 & 15, 2000)

**NOTICE TO POSSIBLE SUCCESSORS
OF BERTHA P. RUSSELL, DECEASED,
REGARDING HER HAWAIIAN HOME LANDS
PRINCESS KAHANU, OAHU RESIDENTIAL
LOT LEASE, UNDER HAWAIIAN HOMES
COMMISSION ACT, 1920, AS AMENDED**

All possible successors, spouse, children and grandchildren, who are descendants of not less than one-quarter part of the blood and all possible successors, father, mother, widows or widowers of the children, brothers, sisters, widows or widowers of the brothers and sisters, or nieces and nephews who are descendants of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 of the above-named decedent are hereby notified to present their claims to her Hawaiian Home Lands Lease with duly authenticated and certified copies of Hawaiian bloodline verifications, to the Oahu District Office at 1099 Alakea Street, Suite 1230, Honolulu, Oahu, Hawaii, or at any of the district offices of the Department of Hawaiian Home Lands on the island of your residence within four (4) months from the first day of publication of this notice, or be forever barred from succeeding to the lease in question.

DATED: Honolulu, Hawaii this 14th day of April 2000.
Raynard C. Soon, Chairman
Hawaiian Homes Commission
(HS&CPN01502587: April 24, May 1, 8 & 15, 2000)

**NOTICE TO POSSIBLE SUCCESSORS
OF HOWLAND K. MILES, DECEASED,
REGARDING HIS HAWAIIAN HOME LANDS
MAKU'U, HAWAII AGRICULTURE LOT LEASE,
UNDER HAWAIIAN HOMES
COMMISSION ACT, 1920, AS AMENDED**

All possible successors, spouse, children and grandchildren, who are descendants of not less than one-quarter part of the blood and all possible successors, father, mother, widows or widowers of the children, brothers, sisters, widows or widowers of the brothers and sisters, or nieces and nephews who are descendants of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 of the above-named decedent are hereby notified to present their claims to his Hawaiian Home Lands Lease with duly authenticated and certified copies of Hawaiian bloodline verifications, to the Oahu District Office at 1099 Alakea Street, Suite 1230, Honolulu, Oahu, Hawaii, or at any of the district offices of the Department of Hawaiian Home Lands on the island of your residence within four (4) months from the first day of publication of this notice, or be forever barred from succeeding to the lease in question.

DATED: Honolulu, Hawaii this 14th day of April 2000.
Raynard C. Soon, Chairman
Hawaiian Homes Commission
(HS&CPN01502588: April 24, May 1, 8 & 15, 2000)

ATTENTION LEGAL ADVERTISERS

DEADLINES:

Notices that require two proofs prior to approval must be submitted no later than **FIVE (5) WORKING DAYS** prior to the Monday of publication by 4:30pm.

Notices that require one-proof service prior to approval must be submitted no later than **FOUR (4) WORKING DAYS** prior to the Monday of publication by 4:30pm.

Both final corrections and camera-ready materials must be submitted by 12:00 noon Wednesdays, **THREE (3) WORKING DAYS** prior to the Monday of publication.

*The Hawaii State & County Public Notices will not be responsible for errors which do not comply with deadline restrictions.

Help Wanted

ASSISTANT/ASSOCIATE RESEARCHER, pos. #86876T, Dept. of Geology & Geophysics, School of Ocean & Earth Science & Technology (SOEST), University of Hawaii at Manoa, full-time, temporary, non-tenure track, extramural funds, to begin as soon as possible for one year with extension subject to availability of funds. **Duties:** Research in volcanology and petrology of basaltic-felsic volcanic provinces. **Minimum Qualifications:** Ph.D. degree in geological sciences; scientific research experience (four years for associate rank); and evidence of obtaining extramural funding. **Desirable Qualifications:** Experience in field aspects of basaltic and felsic volcanic rocks and in electron microprobe analysis. **Pay Range:** R3, minimum \$3,377/month; R4, minimum \$4,272/month. **To Apply:** Submit a statement of interest, resume including list of publications, and the names and addresses of three referees to Professor Stephen Self, Dept. of Geology & Geophysics, School of Ocean & Earth Science & Technology, University of Hawaii at Manoa, 2525 Correa Road, Honolulu, HI 96822 (applications via e-mail will be accepted). **Closing Date:** 06/21/00. **Inquiries:** Professor Stephen Self, self@soest.hawaii.edu.

An EEO/AA Employer.

(HS&CPN01502753: 5/15/00)

LECTURERS FOR THE COLLEGE OF SOCIAL SCIENCES, University of Hawaii at Manoa, for Fall 2000 and Spring 2001, contingent upon registration, position availability and funding. Positions are part-time, non-tenure for lecturer candidate pool. **Duties:** To teach various courses in the departments of Anthropology, Communication, Economics, Ethnic Studies, Geography, Journalism, Political Science, Psychology, Sociology, Urban and Regional Planning and the programs of Population Studies, Women's Studies and Public Administration, and the Spark M. Matsunaga Institute for Peace. **Minimum Qualifications:** B.A., M.A. or Ph.D. in appropriate field. If qualified applicants are not available, those not meeting minimum qualifications may be considered. **Minimum Salary:** \$1000 per credit hour. **To Apply:** Send letter of application with curriculum vitae and three work-related references to appropriate Department or Program. When applying, address letter to: Name of Department, Campus Building, University of Hawaii, Honolulu, HI 96822 Attn: Lecturer Pool. The names of departments/programs and campus buildings are: Anthropology Dept, Social Sciences Bldg 346 // Communication Dept, George Hall 337 // Economics Dept, Social Sciences Bldg 542 // Ethnic Studies Dept, 1859 East-West Rd, Room 115 // Geography Dept, Social Sciences Bldg 445 // Journalism Dept, Crawford Hall 208 // Political Science Dept, Social Sciences Bldg 640 // Population Studies Program, Social Sciences Bldg 438 // Psychology Dept., Gartley Hall 110 // Public Administration Program, Social Sciences Bldg 631 // Sociology Dept, Social Sciences Bldg 247 // Spark M. Matsunaga Institute for Peace, Social Sciences Bldg 717 // Urban and Regional Planning Dept, Social Sciences Bldg 107 // Women's Studies Program, Social Sciences Bldg 722. **Closing Date:** Continuous Recruitment. An Equal Opportunity/Affirmative Action Institution.

(HS&CPN06501462: May 15, 2000)

Public Hearings

NOTICE OF PUBLIC HEARING

Pursuant to chapter 91, Hawaii Revised Statutes, notice is hereby given that the Department of Land and Natural Resources, State of Hawaii, will hold a public hearing at the Hanalei Elementary School, 5-5415 Kuhio Highway, on June 26, 2000 beginning at 9:00 a.m., County of Kauai to consider the proposed amendments to the Hawaii Administrative Rules, Chapter 13-256, as it relates to commercial vessel activity on Hanalei River and Bay ocean waters as follows:

Section 13-256-36 is amended by deleting reference to fifteen commercial use permits and replacing this with two commercial use permits for commercial kayak operations on Hanalei River or Hanalei Bay. No more than twenty-four passengers per day shall be allowed under each permit. A kayak tour group shall not exceed six vessels for passengers and shall be required to have at least one guide per six passengers.

All interested parties are invited to attend and to state their views on the proposed amendments, either orally or in writing. Written statements may be submitted at the public hearing or to the Chairperson any time prior to 4:30 p.m., July 3, 2000.

Copies of the proposed amendments to the rules will be mailed at no cost to any interested person who requests a copy or may be obtained in advance of the hearing by calling for them in person at the Division of Boating and Ocean Recreation, Kauai Boating District Office, 4370 Kukui Grove St., Suite 109, Lihue, Kauai, Hawaii 96766 or at 333 Queen St., Suite 300, Honolulu, Hawaii 96813.

The meeting locations are disability accessible. If special needs are required (i.e., large print, taped materials, sign language interpreter, etc.) call Ms. Carol Shé, Boating Regulation Planner, at 587-1972 prior to June 12, 2000.

TIMOTHY E. JOHNS

Chairperson,

Board of Land and Natural Resources

(HS&CPN07500045: May 15, 2000)

Public Hearings

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE:

July 20, 2000 - 1:00 p.m.
and July 21, 2000

Sheraton Kauai Resort
Lawai Room
2440 Hoonani Road
Koloa, Kauai

Docket Number: A00-731

Petitioner: DESTINATION VILLAGES KAUAI,
A LIMITED LIABILITY COMPANY

Tax Map Key: 1-7-05: portion of 1

Change Requested: To reclassify approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai Planning Department, County of Kauai, Suite 473, Building A, 4444 Rice Street, Lihue, Kauai, 96766; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 So. Beretania Street, Honolulu, Hawaii 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by May 30, 2000.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by July 6, 2000.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION

MERLE A.K. KELAI, Chairperson

By ESTHER UEDA, Executive Officer

(HS&CPN01502730: May 15, 2000)

Public Hearings

NOTICE OF PUBLIC HEARINGS

Pursuant to Chapter 91, Hawaii Revised Statutes, notice is hereby given that the State of Hawaii, Department of Transportation, Airports Division, will hold public hearings to consider the following proposed changes to the Hawaii Administrative Rules.

It should be noted that only housekeeping changes are being proposed. These changes are being proposed to comply with Lt. Governor Mazie Hirono's Slice Waste and Tape (SWAT) initiative.

The proposed changes, as outlined below will:

- Simplify rules;
- Update rules; and
- Eliminate redundant or unnecessary rules.

Chapter 19-22 "Baggage Pickup and Delivery Services at Public Airports". The following changes are being proposed:

- Compile the following amended sections into Chapter 19-22:
 - Section 19-22-1 amended 11/26/90;
 - Section 19-22-2 amended 10/7/88;
 - Section 19-22-3 amended 10/7/88 and 11/26/90; and
 - Section 19-22-8 amended 11/26/90.
- Amend Section 19-22-4 by updating the names of the Hilo and Kona airports.

Chapter 19-25 "Commercial Photography at Public Airports". The following changes are being proposed:

- Compile the following amended sections into Chapter 19-25:
 - Section 19-25-2 amended 3/7/88; and
 - Section 19-25-3 amended 3/7/88.
- Amend Section 19-25-4 by updating the names of the Hilo and Kona airports.

Chapter 19-34 "Tour Aircraft Operations at Public Airports". The following changes are being proposed:

- Compile the following new or amended sections into Chapter 19-34:
 - Section 19-34-1.1 adopted 8/28/95;
 - Section 19-34-2 amended 8/28/95;
 - Section 19-34-3 amended 8/28/95;
 - Section 19-34-4 amended 8/28/95;
 - Section 19-34-5 amended 8/28/95;
 - Section 19-34-6 amended 8/28/95;
 - Section 19-34-7 amended 8/28/95;
 - Section 19-34-8 amended 8/28/95; and
 - Section 19-34-13 adopted 8/28/95.
- Repeal Section 19-34-10 because it is a redundant rule. The right to a hearing prescribed by this section is already provided for in:
 - Section 19-34-8; and
 - Chapter 19-1, Hawaii Administrative Rules.
- Eliminate the "Application for Tour Aircraft Operators Permit" attached to Chapter 19-34 because it is not necessary:
 - The application requirements are already delineated in Section 19-34-4; and
 - An application form will be provided to anyone upon request.

The public hearings will be held as follows:

DATE	TIME	PLACE
June 27, 2000	9:00 am	Airport Conference Center Interisland Terminal, Seventh Floor Honolulu International Airport Honolulu, Oahu
June 27, 2000	3:00 pm	Airport Mezzanine Conference Room South Terminal, Third Floor Lihue Airport Lihue, Kauai
June 28, 2000	9:30 am	Airport Conference Room Kahului Airport Kahului, Maui
June 28, 2000	3:00 pm	Airport Conference Room Kona International Airport at Keahole Kailua-Kona, Hawaii

Interested persons are invited to present their views on the proposed rules at the public hearings. Written comments will be accepted until July 5, 2000, at the following address:

State of Hawaii
Department of Transportation
Airports Division
400 Rodgers Blvd., Suite 700
Honolulu, Hawaii 96819-1880

A copy of the proposed rules may be requested by calling 838-8622. Upon receiving such a request, a copy will be mailed at no cost to the requester. Copies may also be obtained or reviewed at the airport manager's office at Honolulu International, Kahului, Kona International at Keahole and Lihue airports from Monday through Friday (except state holidays), between the hours of 7:45 a.m. and 4:30 p.m.

Persons with disabilities requiring special assistance should call 838-8622 at least two weeks before the hearing.

KAZU HAYASHIDA

Director of Transportation

(HS&CPN01502765: May 15, 2000)

ATTENTION LEGAL ADVERTISERS DEADLINES:

Notices that require two proofs prior to approval must be submitted no later than **FIVE (5) WORKING DAYS** prior to the Monday of publication by 4:30pm. Notices that require one-proof service prior to approval must be submitted no later than **FOUR (4) WORKING DAYS** prior to the Monday of publication by 4:30pm.

Both final corrections and camera-ready materials must be submitted by 12:00 noon Wednesdays,

THREE (3) WORKING DAYS prior to the Monday of publication.

*The Hawaii State & County Public Notices will not be responsible for errors which do not comply with deadline restrictions.

Public Notices

DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF HAWAII
NOTICE OF INTENT TO
ADMINISTRATIVELY FORFEIT PROPERTY

NOTICE IS HEREBY GIVEN TO THE PERSONS IDENTIFIED HEREIN AND ALL OTHERS WHO MAY HAVE AN INTEREST that administrative forfeiture proceedings have been commenced against the property listed herein by the filing with the Attorney General of Petitions for Administrative Forfeiture pursuant to Chapter 712A, (Hawaii Omnibus Criminal Forfeiture Act), Hawaii Revised Statutes ("HRS"). The appearance of names of persons and business entities in this notice does not mean that they are criminal suspects; it only means that the state believes they may have an interest in the described property.

1. TAJSHA BIDASHA

Property Seized: \$2,459.00 in U.S. Currency
Date of Seizure: 12/6/99; 12/10/99
Place of Seizure: Vineyard St., Wailuku, HI
Violation: 712-1242 & 712-1243, HRS

2. KURT F. LAUBACHER

Property Seized: \$2,783.90 in U.S. Currency
Date of Seizure: 12/24/99
Place of Seizure: 45-739 Ko St., Kaneohe, HI
Violation: 712-1243, HRS

3. IVAN NAVARRO

Property Seized: \$2,395.00 in U.S. Currency
Date of Seizure: 12/9/99; 1/11/00
Place of Seizure: 4785 Manulele St., Hanamaulu, HI
Violation: 712-1224, HRS

4. RODNEY ALAN JARNESKY

Property Seized: \$6,220.00 in U.S. Currency
Date of Seizure: 12/20/99; 1/4/00
Place of Seizure: 1322 Lower Main St., Apt. A-18, Wailuku, HI
Violation: 712-1222 & 712-1223, HRS

5. CARMELO B. CASTILLO, aka "MELO"

Property Seized: \$113.00 in U.S. Currency
Date of Seizure: 2/3/00
Place of Seizure: 1746 Kaiwika Rd., Hilo, HI
Violation: 712-1243, HRS

6. CHRISTOPHER C. MARTIN

Property Seized: 1993 Honda Civic, GYF-853, JHMEG8549
PS041350 (Est. Value: \$3,000.00)
Date of Seizure: 12/22/99
Place of Seizure: 1855 Makuahine St., Hon., HI
Violation: 708-831 & 708-836.5, HRS

7. DAVID AYALA

Property Seized: \$140.00 in U.S. Currency
Date of Seizure: 1/6/00
Place of Seizure: Smith and Beretania Sts., Hon., HI
Violation: 712-1242, HRS

8. STEPHEN FISCHER

Property Seized: 1989 Honda Accord, FRJ-976, VIN: JHMCA5633KC088325 (Est. Value: \$5,000.00)
Date of Seizure: 1/22/00
Place of Seizure: 2100 Date St., Hon., HI
Violation: 707-720, 708-841 & 712-1243, HRS

9. DIANA NEIFERT and RAMON RAMIREZ

Property Seized: \$634.00 in U.S. Currency
Date of Seizure: 12/29/99
Place of Seizure: 47-328 Mawaena St., Kaneohe, HI
Violation: 712-1241, 712-1242 & 712-1243, HRS

10. PATRICK DUGAN

Property Seized: \$4,950.00 in U.S. Currency
Date of Seizure: 12/28/99; 1/27/00
Place of Seizure: Io Rd., Unit 6-B, Kehaka, HI
Violation: 712-1242, HRS

11. WILLIAM L. K. STEPHENSON

Property Seized: 1986 Isuzu MPVH, FNR-104, VIN: JAACH15L1G5426945 (Est. Value: \$1,000.00)
Date of Seizure: 1/4/00
Place of Seizure: 47-024 Okana Rd., Kaneohe, HI
Violation: 708-810, HRS

12. GARY KOJA and TSUYOSHI OKAHARA

Property Seized: \$5,288.00 in U.S. Currency
Date of Seizure: 1/5/00
Place of Seizure: 712 Pumehana St., Apt. 4, Hon., HI
Violation: 712-1224 & 712-1226, HRS

13. DARION SENTINO

Property Seized: \$2,225.00 in U.S. Currency
Date of Seizure: 1/14/00
Place of Seizure: 91-1202 Kauiki St., Ewa Beach, HI
Violation: 712-1243, HRS

14. EMETERIO B. ANGELO

Property Seized: \$1,408.00 in U.S. Currency
Date of Seizure: 10/15/99; 3/10/00
Place of Seizure: Keauhou Transfer Station, Kona, HI
Violation: 712-1242, HRS

15. KENNETH V. MIYAMOTO-SLAUGHTER

Property Seized: 1 .22 Cal. "Ruger" Rifle, Model 10/22, SN: 12704373 (Est. Value: \$40.00)
Date of Seizure: 5/18/93; 3/13/00
Place of Seizure: Omega Rd., Fern Forest Subdivision, Puna, HI
Violation: 712-1249.4, 712-1243, 134-2, 134-3, HRS

16. KELLY NEAL PLEMONS

Property Seized: 1996 Chevrolet Flatbed Truck, 137-TPA, VIN: 1GCGC24R5TE106154 (Est. Value: \$10,000.00)
Date of Seizure: 2/7/00
Place of Seizure: 822 Birch St., Hon., HI
Violation: 708-841 & 712-1243, HRS

17. KENNETH PAUL GRICUS

Property Seized: \$900.00 in U.S. Currency
Date of Seizure: 9/22/99; 1/6/00
Place of Seizure: 134 Wahie Lane, #208, Lahaina, HI
Violation: 712-1243, HRS

18. DUNCAN COSTA BRUM and CHRISTINA AQUÍ

Property Seized: \$3,374.00 in U.S. Currency
Date of Seizure: 1/12/00; 2/8/00
Place of Seizure: 4161 Lawehana St., Lihue, HI
Violation: 712-1242, HRS

19. DERRICK CHIBA and ICHIRO CHIBA

Property Seized: 1986 Nissan Pickup Truck, KJX-066, VIN: JN6HD16Y3GW002372 (Est. Value: \$4,000.00)
Date of Seizure: 1/20/00; 2/16/00
Place of Seizure: Kokee Rd., MM#13, Kauai, HI
Violation: 712-1243, 134-7, 134-6(d)&(f), HRS

20. ROBERT FRANK ANSTEDT, aka ROBERT FRANKLIN ROE

Property Seized: 1 ID/Badge Wallet w/ a "Gold Badge" w/Rob-

Public Notices

ert Andstedt", "Hilo Enforcement", and "FT-74" (Est. Value: \$5.00); 1 Interarms Star, Semi-Automatic Pistol, Model 130 ML 9MM, SN 1690346 (Est. Value: \$45.00); 2 Pistol Magazines w/ cartridges (Est. Value: \$5.00); 1 U.S. Revolver Co. Revolver, 32 Cal., SN 15548 (Est. Value: \$35.00); 1 Defender 7 Shot Pistol w/ wooden grips, no SN (Est. Value: \$40.00) (Aggregate Est. Value: \$130.00)
Date of Seizure: 6/4/98; 3/17/00
Place of Seizure: 20 Alae St., Hilo, HI
Violation: 708-836.5(1) & 708-811(1), HRS

21. RENEE KOBAYASHI

Property Seized: \$60.00 in U.S. Currency
Date of Seizure: 2/25/00
Place of Seizure: Kealahoe Police Station, Kona, HI
Violation: 712-1243, HRS

22. MARK KOKUBUN and MICHELLE KAAIKALA

Property Seized: \$462.00 in U.S. Currency; 1 Marlin .22 Caliber Rifle (Est. Value: \$200.00) (Aggregate Est. Value: \$662.00)
Date of Seizure: 9/28/99; 2/20/00
Place of Seizure: 1120 E. Kuiaha Rd., Haiku, HI
Violation: 712-1243, HRS

23. PETER SHANE WOLFE

Property Seized: \$1,835.62 in U.S. Currency
Date of Seizure: 1/25/00
Place of Seizure: 339 A Kalama St., Hon., HI
Violation: 708-831, 705-500, 707-701, 707-701.5 & 712-1243, HRS

24. TAWNY CHAPMAN; UNKNOWN

Property Seized: \$2,144.00 in U.S. Currency
Date of Seizure: 1/27/00
Place of Seizure: 444 Niu St., Hon., HI
Violation: 712-1241 & 712-1242, HRS

25. GLENN S. RAQUEL

Property Seized: \$7,236.61 in U.S. Currency
Date of Seizure: 2/2/00
Place of Seizure: 94-1156 Nalii St., Waipahu, HI
Violation: 712-1243, HRS

26. LESLIE ANNE RIVERA

Property Seized: 1989 Plymouth Sundance, GAN-182, VIN: 1P3CP44K1KN524775 (Est. Value: \$2,900.00)
Date of Seizure: 2/9/00
Place of Seizure: Ala Moana Shopping Center, Hon., HI
Violation: 712-1243, 708-831, 708-850, 708-8100 & 708-8102, HRS

27. ALAN EUGENE COX

Property Seized: \$3,802.00 in U.S. Currency; 1995 Jeep Grand Cherokee, FZS-414, VIN: 1J4GZ258S1SC528701 (Est. Value: \$11,550.00) (Aggregate Est. Value: \$15,352.00)
Date of Seizure: 10/27/99; 01/26/00
Place of Seizure: 1810 Olinda Rd., Makawao, HI
Violation: 712-1241, 712-1242 & 712-1249.5, H.R.S.

28. UNKNOWN

Property Seized: \$3,140.00 in U.S. Currency; 4 Toshiba 19-Inch Color TVs, SN: 86927907, 79908546, 69924981 & 79908536 (Est. Value: \$400.00); 1 Hitachi 19-Inch Color TV, SN: MA73361066 (Est. Value: \$100.00); 2 Focus Video Monitors, SNs: 8112848 & 8020661 (Est. Value: \$200.00); 2 Motorola Visar Plus Radios, SNs: 376AWW0145Z & 376AWW0140Z (Est. Value: \$40.00); 1 Motorola Radio Charger, SN: 1312091198 (Est. Value: \$20.00); 6 Motorola Talkabout Walkie Talkies, SNs: 088AZJ6X98, 088AZJ6X73, 088TZL9102, 088TZ19106, 088AZC8268 & 088AZE4905 (Est. Value: \$120.00); 2 Pinpoint Cameras in Oval Cylinder (Est. Value: \$300.00); 1 Exxis CCD Color Camera, Model No. EC3300, SN: 8010371 (Est. Value: \$300.00); 1 Silver Pinpoint Camera (Est. Value: \$300.00); 1 Focus CCD Camera, SN: 8080022 (Est. Value: \$300.00); 1 Computer Digital Color CCD Camera in Silver Frame (Est. Value: \$300.00); 1 GVI Security VHS Camera (Est. Value: \$100.00) (Aggregate Est. Value: \$5,620.00)
Date of Seizure: 2/3/00
Place of Seizure: 818 Sheridan St., Hon., HI
Violation: 712-1221, 712-1225 & 712-1230, HRS

29. TIMOTHY BALIARIS, JR.

Property Seized: Epiphone Amplifier 25 Watt Model #EP800, SN: K980202646 (Est. Value: \$80.00); Hamer Model Slammer Guitar (Est. Value: \$136.00); Mega Star Microphone, Model #UM1205G W/ cable (Est. Value: \$50.00) (Aggregate Est. Value: \$266.00)
Date of Seizure: 2/1/00
Place of Seizure: Wailua, HI
Violation: Rules 13-221-13(a) & (b) & 13-221-13, DLNR; 199-7, HRS

30. TOMASI SAIA

Property Seized: 1969 Volkswagen sedan, KRH-075, VIN: 119541809 (Est. Value: \$2,500.00)
Date of Seizure: 2/6/00; 2/18/00
Place of Seizure: Hanapepe, Kauai, HI
Violation: 712-1243, HRS

31. MARISSA PIZARRO

Property Seized: 1 Compaq Deskpro CPU, SN: 811080B6JF1F82 (Est. Value: \$700.00); 1 Hewlett Packard Deskjet 693C Color Printer, SN: UA6BI1S0DY (Est. Value: \$400.00); 1 Umax Astra 1200s Scanner, SN: H750137900681 (Est. Value: \$300.00); 1 Compaq Presario Computer Monitor, SN: 736BD19ND401 (Est. Value: \$800.00); 1 Packard Bell Laptop Computer, SN: DGI-H4805 (Est. Value: \$1,000.00); 1 Technology Concepts Inc. Link-line 144e, SN: 93-12%10446 (Est. Value: \$100.00); 1 Compaq Keyboard, SN: 286220-003 (Est. Value: \$50.00); 1 Rubbermaid Box Containing Assorted Computer Accessories (Est. Value: \$0.00) (Aggregate Est. Value: \$3,350.00)
Date of Seizure: 2/15/00
Place of Seizure: 704 Piikoi St., Unit No. 8, Hon., HI
Violation: 712-1242, HRS

32. RAY ESTRELLA

Property Seized: \$2,170.00 in U.S. Currency
Date of Seizure: 3/11/00
Place of Seizure: Kailua Bay Resorts Bldg. No. 5, Apt. 203, Kailua, HI
Violation: 712-1241 & 712-1246, HRS

33. BRANDON FERREIRA and LINDA FERREIRA

Property Seized: \$2,000.00 in U.S. Currency; 1994 Honda Civic Ex, FSZ-350, VIN: 1HGEJ1135RL025149 (Total Est. Aggregate Value: \$8,900.00)
Date of Seizure: 1/20/00
Place of Seizure: 350 Hoohana St., Wailuku, HI
Violation: 712-1242, HRS

34. BRANDON FERREIRA and LINDA M. FERREIRA

Property Seized: \$800.00 in U.S. Currency; 1999 Toyota Tacoma 4x4 Truck, MFK- 875, VIN: 4TAWN72N9XZ541739 (Est. Value: \$11,200.00) (Total Est. Aggregate Value: \$12,000.00)
Date of Seizure: 3/9/00
Place of Seizure: 350 Hoohana St., Wailuku, HI
Violation: 712-1243, HRS

35. MATTHEW CRAVALHO

Property Seized: 1993 Ford F-150 Truck, MZK-594, VIN: 1FTEF14N5PLB10132 (Est. Value: \$6,825.00)

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Date of Seizure: 2/1/00
Place of Seizure: 390 Papa Pl., Kahului, HI
Violation: 712-1242, HRS

36. MATTHEW JACINTHO

Property Seized: \$513.00 in U.S. Currency
Date of Seizure: 1/31/00; 2/3/00
Place of Seizure: 390 Papa Pl., Kahului, HI
Violation: 712-1243, HRS

37. RONALD BALAI

Property Seized: 1989 Honda Accord, KKA-536, VIN: 1HGCA6185KA076281 (Est. Value: \$2,900.00)
Date of Seizure: 2/11/00
Place of Seizure: Sandy Beach, Hon., HI
Violation: 134-6(d)&(f), 708-836.5 & 712-1243, HRS

38. ALLEN DEREIS, aka RONALD ALAN DEREIS

Property Seized: 1984 Isuzu Truck, HWR-883, VIN: JAABL14A9E0747877
Date of Seizure: 11/12/95; 4/5/00
Place of Seizure: Eden Roc Subdivision, Puna, HI
Violation: 707-701.5, H.R.S.

39. YONG IN SWEENEY, aka "YONG MOMMA"

Property Seized: \$9,450.00 in U.S. Currency
Date of Seizure: 2/12/00
Place of Seizure: 1347 Kapiolani Blvd., Hon., HI
Violation: 712-1203, HRS

40. PATRICIA LUUWAI

Property Seized: \$4,402.00 in U.S. Currency; \$500.00 Cashier's Check; 1982 Chevrolet Truck, MFL-907, VIN: 1GTC14D5CS532901 (Est. Value: \$3,425.00) (Total Est. Aggregate Value: \$8,325.00)
Date of Seizure: 1/28/00; 2/3/00
Place of Seizure: 140 Auoli Dr., Makawao, HI
Violation: 712-1243, HRS

41. LOUIS J. FARIA

Property Seized: \$501.00 in U.S. Currency
Date of Seizure: 3/7/00
Place of Seizure: Sheridan & Makaloa Sts., Hon., HI
Violation: 712-1242 & 712-1243, HRS

42. STACEY ALVAREZ, STEVEN DEPONTE & TANYA DE-PONTE

Property Seized: 1997 Dodge Caravan, 4STACE; VIN: 1BEGP44R7VB3R075 (Est. Value: \$18,000.00)
Date of Seizure: 3/24/00
Place of Seizure: 91-B West Kawaiiani St., Hilo, HI
Violation: 712-1241, 712-1242, 712-1243, 705-520, 708A, 708-831, HRS

43. KENNETH AMPS III

Property Seized: \$1,301.00 in U.S. Currency
Date of Seizure: 3/17/00
Place of Seizure: Kailua-Kona, HI
Violation: 712-1241, 712-1242, 712-1243, HRS

44. STACEY ALVAREZ & STEVEN DEPONTE

Property Seized: \$23,901.00 in U.S. Currency; 1991 Isuzu Rodeo, FZB-129, VIN: 4S2CY58Z7M4302572 (Est. Value: \$8,000.00); 1972 Volkswagen Dune Buggy, HUC-795, VIN: 1122327322 (Est. Value: \$2,000.00); 80cc Suzuki Dirt Bike (Est. Value: \$600.00); 50cc Yamaha Dirt Bike (Est. Value: \$500.00); 1 Radio Shack Camera & Monitor (Est. Value: \$500.00); 1 Radio Shack Scanner (Est. Value: \$50.00); 1 14K Gold Bracelet W/Clasp "Kuuipo" (Est. Value: \$500.00); 1 14K Gold Bracelet "Kaleokalani" (Est. Value: \$268.00); 1 14K Gold Bracelet "Kuuipo" (Est. Value: \$268.00); 1 14K Gold Bracelet "Stacen" (Est. Value: \$268.00); 1 14K Gold Bracelet "Stacen" (Est. Value: \$268.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$268.00); 1 14K Gold Bracelet "Steven" (Est. Value: \$398.00); 1 14K Gold Bracelet "Deponte" (Est. Value: \$398.00); 1 14K Gold Bracelet W/Hearts "Deponte" (Est. Value: \$498.00); 1 14K Gold Bracelet "Lee" (Est. Value: \$498.00); 1 14K Gold Bracelet "Kealohilani" (Est. Value: \$498.00); 1 14K Gold Bracelet "Kealohilani" (Est. Value: \$682.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$682.00); 1 14K Gold Bracelet "Steven" (Est. Value: \$895.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$835.00); 1 14K Gold Bracelet "Abriana" (Est. Value: \$682.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$895.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacen" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacia Lynn" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacey ♡ Steven" (Est. Value: \$1,500.00); 1 14K Gold Bracelet "Stacen, Stacen, Stacia-Lynn and Stacia-Lee" (Est. Value: \$4,500.00); 12 Post & Hoop Earrings (Est. Value: \$100.00); 4 14K Gold Bands (Est. Value: \$476.00); 1 14K Gold Band W/Hear "Tita" (Est. Value: \$268.00); 1 14K Gold Band "Kuuipo" (Est. Value: \$158.00); 1 14K Gold Band (Est. Value: \$119.00); 1 14K Gold Band "Steven" (Est. Value: \$119.00); 1 14K Gold Band "Stacey" (Est. Value: \$119.00); 1 14K Gold Band (Est. Value: \$150.00); 1 14K Gold Ring and "S" Pendant (Est. Value: \$150.00); 1 14K Gold Ring W/Red Stone and Diamonds (Est. Value: \$250.00); 1 Gold Colored Ring W/Diamond (Est. Value: \$150.00); 1 14K Gold Band "Stacen" (Est. Value: \$158.00); 1 14K Gold Ring "S" (Est. Value: \$125.00); 1 14K Gold Ring W/Diamonds (Est. Value: \$250.00); 1 Gold Colored Ring W/Diamond (Est. Value: \$200.00); 1 Pink & Purple Butterfly Pendant (Est. Value: \$100.00); 1 14K Gold VW Pendant (Est. Value: \$100.00); 1 14K Gold \$ Pendant (Est. Value: \$100.00); 1 14K Gold W/White & Orange Jade Pendant (Est. Value: \$150.00); 1 14K Gold Barrel Pendant "K" (Est. Value: \$99.00); 1 14K Gold Barrel Pendant "S" (Est. Value: \$99.00); 1 Gold Colored "Winnie the Pooh" Pendant (Est. Value: \$75.00); 1 14K Gold Hawaiian Warrior Helmet Pendant (Est. Value: \$75.00); 1 14K Gold Heart Pendant W/Carved "S" (Est. Value: \$75.00); 1 14K Gold Heart Pendant "S" (Est. Value: \$69.00); 1 14K Gold Heart Pendant W/Diamonds (Est. Value: \$200.00); 1 14K Gold Pendant "Steven" (Est. Value: \$100.00); 1 14K Gold Pendant "Daddy's Little Girl" (Est. Value: \$100.00); 1 14K Gold Chain W/14K Gold Pendant "Nike" (Est. Value: \$150.00); 1 14K Gold Chain W/14K Gold Hawaiian Seal Pendant (Est. Value: \$150.00); 1 14K Gold Rooster Pendant (Est. Value: \$100.00); 1 14K Gold Herringbone Type Chain (Est. Value: \$100.00); 1 Gold Link Chain (Est. Value: \$50.00); 1 Silver Herringbone Chain (Est. Value: \$25.00); 1 Sterling Silver Bracelet "Stacey" (Est. Value: \$100.00); 1 14K Gold Flat Chain (Est. Value: \$100.00); 1 14K Gold Chain, Tangled W/Dark Blue Stone (Est. Value: \$25.00); 1 GoldChainBroken (Est. Value: \$15.00); 1 14K Gold Chain (Est. Value: \$50.00); 1 Gold Chain, Broken Clasp (Est. Value: \$15.00); 2 Gold Chains, Entangled & Broken (Est. Value: \$30.00); 1 14K Gold Chain (Est. Value: \$25.00); 1 14K Gold Chain W/Plumeria Pendant (Est. Value: \$75.00); 1 14K Gold Cross (Est. Value: \$25.00); 1 14K Gold Heart Locket (Est. Value: \$25.00); 1 Men's Watch, Citizen Alarm Chronograph (Est. Value: \$295.00); 1 Guess Indiglo Watch (Est. Value: \$100.00); 1 Men's Watch, Armitron "Looney Tunes" (Est. Value: \$25.00); 1 Men's Watch, Citizen Navitech (Est. Value: \$395.00); 1 Men's Watch, Citizen Solar-Tech (Est. Value: \$295.00); 1 Men's Watch, Citizen Titanium Solar-Tech 180 (Est. Value: \$450.00); 1 Men's Watch, Timex "Lion King" (Est. Value: \$20.00); 1 Broken Green Jade Bead Bracelet (Est. Value: \$25.00); 1 Pair Green Jade Earrings W/Gold Posts (Est. Value: \$25.00); 1 14K Gold Chain W/Hawaii State Coat of Arms Pendant (Est. Value: \$400.00) (Aggregate Value: \$61,258.00)
Date of Seizure: 3/24/00
Place of Seizure: 91-B West Kawaiiani St., Hilo, HI
Violation: 712-1241, 712-1242, 712-1243, 705-520, 708-832, HRS

01502730

Help Wanted

ASSISTANT/ASSOCIATE RESEARCHER, pos. #86876T, Dept. of Geology & Geophysics, School of Ocean & Earth Science & Technology (SOEST), University of Hawaii at Manoa, full-time, temporary, non-tenure track, extramural funds, to begin as soon as possible for one year with extension subject to availability of funds. **Duties:** Research in volcanology and petrology of basaltic-felsic volcanic provinces. **Minimum Qualifications:** Ph.D. degree in geological sciences; scientific research experience (four years for associate rank); and evidence of obtaining extramural funding. **Desirable Qualifications:** Experience in field aspects of basaltic and felsic volcanic rocks and in electron microprobe analysis. **Pay Range:** R3, minimum \$3,377/month; R4, minimum \$4,272/month. **To Apply:** Submit a statement of interest, resume including list of publications, and the names and addresses of three referees to Professor Stephen Self, Dept. of Geology & Geophysics, School of Ocean & Earth Science & Technology, University of Hawaii at Manoa, 2525 Correa Road, Honolulu, HI 96822 (applications via e-mail will be accepted). **Closing Date:** 06/21/00. **Inquiries:** Professor Stephen Self, self@soest.hawaii.edu.
An EEO/AA Employer.
(HS&CPN01502753: 5/15/00)

LECTURERS FOR THE COLLEGE OF SOCIAL SCIENCES, University of Hawaii at Manoa, for Fall 2000 and Spring 2001, contingent upon registration, position availability and funding. Positions are part-time, non-tenure for lecturer candidate pool. **Duties:** To teach various courses in the departments of Anthropology, Communication, Economics, Ethnic Studies, Geography, Journalism, Political Science, Psychology, Sociology, Urban and Regional Planning and the programs of Population Studies, Women's Studies and Public Administration, and the Spark M. Matsunaga Institute for Peace. **Minimum Qualifications:** B.A., M.A. or Ph.D. in appropriate field. If qualified applicants are not available, those not meeting minimum qualifications may be considered. **Minimum Salary:** \$1000 per credit hour. **To Apply:** Send letter of application with curriculum vitae and three work-related references to appropriate Department or Program. When applying, address letter to: Name of Department, Campus Building, University of Hawaii, Honolulu, HI 96822 Attn: Lecturer Pool. The names of departments/programs and campus buildings are: Anthropology Dept, Social Sciences Bldg 346 // Communication Dept, George Hall 337 // Economics Dept, Social Sciences Bldg 542 // Ethnic Studies Dept, 1859 East-West Rd, Room 115 // Geography Dept, Social Sciences Bldg 445 // Journalism Dept, Crawford Hall 208 // Political Science Dept, Social Sciences Bldg 640 // Population Studies Program, Social Sciences Bldg 438 // Psychology Dept., Gartley Hall 110 // Public Administration Program, Social Sciences Bldg 631 // Sociology Dept, Social Sciences Bldg 247 // Spark M. Matsunaga Institute for Peace, Social Sciences Bldg 717 // Urban and Regional Planning Dept, Social Sciences Bldg 107 // Women's Studies Program, Social Sciences Bldg 722. **Closing Date:** Continuous Recruitment. An Equal Opportunity/ Affirmative Action Institution.
(HS&CPN06501462: May 15,2000)

Public Hearings

NOTICE OF PUBLIC HEARING

Pursuant to chapter 91, Hawaii Revised Statutes, notice is hereby given that the Department of Land and Natural Resources, State of Hawaii, will hold a public hearing at the Hanalei Elementary School, 5-5415 Kuhio Highway, on June 26, 2000 beginning at 9:00 a.m., County of Kauai to consider the proposed amendments to the Hawaii Administrative Rules, Chapter 13-256, as it relates to commercial vessel activity on Hanalei River and Bay ocean waters as follows:
Section 13-256-36 is amended by deleting reference to fifteen commercial use permits and replacing this with two commercial use permits for commercial kayak operations on Hanalei River or Hanalei Bay. No more than twenty-four passengers per day shall be allowed under each permit. A kayak tour group shall not exceed six vessels for passengers and shall be required to have at least one guide per six passengers.
All interested parties are invited to attend and to state their views on the proposed amendments, either orally or in writing. Written statements may be submitted at the public hearing or to the Chairperson any time prior to 4:30 p.m., July 3, 2000.
Copies of the proposed amendments to the rules will be mailed at no cost to any interested person who requests a copy or may be obtained in advance of the hearing by calling for them in person at the Division of Boating and Ocean Recreation, Kauai Boating District Office, 4370 Kukui Grove St., Suite 109, Lihue, Kauai, Hawaii 96766 or at 333 Queen St., Suite 300, Honolulu, Hawaii 98613.
The meeting locations are disability accessible. If special needs are required (i.e., large print, taped materials, sign language interpreter, etc.) call Ms. Carol Shé, Boating Regulation Planner, at 587-1972 prior to June 12, 2000.
TIMOTHY E. JOHNS
Chairperson,
Board of Land and Natural Resources
(HS&CPN07500045: May 15, 2000)

Public Hearings

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended:
DATE, TIME AND PLACE:
July 20, 2000 - 1:00 p.m.
and July 21, 2000
Sheraton Kauai Resort
Lawai Room
2440 Hoonani Road
Koloa, Kauai
Docket Number: A00-731
Petitioner: DESTINATION VILLAGES KAUAI, A LIMITED LIABILITY COMPANY
Tax Map Key: 1-7-05: portion of 1
Change Requested: To reclassify approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.
Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai Planning Department, County of Kauai, Suite 473, Building A, 4444 Rice Street, Lihue, Kauai, 96766; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 So. Beretania Street, Honolulu, Hawaii 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.
All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.
All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.
Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by May 30, 2000.
All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by July 6, 2000.
Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.
For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 (ten) days before the scheduled meeting.
LAND USE COMMISSION
MERLE A.K. KELAI, Chairperson
By ESTHER UEDA, Executive Officer
(HS&CPN01502730: May 15, 2000)

Public Hearings

NOTICE OF PUBLIC HEARINGS

Pursuant to Chapter 91, Hawaii Revised Statutes, notice is hereby given that the State of Hawaii, Department of Transportation, Airports Division, will hold public hearings to consider the following proposed changes to the Hawaii Administrative Rules.
It should be noted that only housekeeping changes are being proposed. These changes are being proposed to comply with Lt. Governor Mazie Hirono's Slice Waste and Tape (SWAT) initiative.
The proposed changes, as outlined below will:
a. Simplify rules;
b. Update rules; and
c. Eliminate redundant or unnecessary rules.
Chapter 19-22 "Baggage Pickup and Delivery Services at Public Airports". The following changes are being proposed:
a. Compile the following amended sections into Chapter 19-22:
(1) Section 19-22-1 amended 11/26/90;
(2) Section 19-22-2 amended 10/7/88;
(3) Section 19-22-3 amended 10/7/88 and 11/26/90; and
(4) Section 19-22-8 amended 11/26/90.
b. Amend Section 19-22-4 by updating the names of the Hilo and Kona airports.
Chapter 19-25 "Commercial Photography at Public Airports". The following changes are being proposed:
a. Compile the following amended sections into Chapter 19-25:
(1) Section 19-25-2 amended 3/7/88; and
(2) Section 19-25-3 amended 3/7/88.
b. Amend Section 19-25-4 by updating the names of the Hilo and Kona airports.
Chapter 19-34 "Tour Aircraft Operations at Public Airports". The following changes are being proposed:
a. Compile the following new or amended sections into Chapter 19-34:
(1) Section 19-34-1.1 adopted 8/28/95;
(2) Section 19-34-2 amended 8/28/95;
(3) Section 19-34-3 amended 8/28/95;
(4) Section 19-34-4 amended 8/28/95;
(5) Section 19-34-5 amended 8/28/95;
(6) Section 19-34-6 amended 8/28/95;
(7) Section 19-34-7 amended 8/28/95;
(8) Section 19-34-8 amended 8/28/95; and
(9) Section 19-34-13 adopted 8/28/95.
b. Repeal Section 19-34-10 because it is a redundant rule. The right to a hearing prescribed by this section is already provided for in:
(1) Section 19-34-8; and
(2) Chapter 19-1, Hawaii Administrative Rules.
c. Eliminate the "Application for Tour Aircraft Operators Permit" attached to Chapter 19-34 because it is not necessary:
(1) The application requirements are already delineated in Section 19-34-4; and
(2) An application form will be provided to anyone upon request.
The public hearings will be held as follows:

DATE	TIME	PLACE
June 27, 2000	9:00 am	Airport Conference Center Interisland Terminal, Seventh Floor Honolulu International Airport Honolulu, Oahu
June 27, 2000	3:00 pm	Airport Mezzanine Conference Room South Terminal, Third Floor Lihue Airport Lihue, Kauai
June 28, 2000	9:30 am	Airport Conference Room Kahului Airport Kahului, Maui
June 28, 2000	3:00 pm	Airport Conference Room Kona International Airport at Keahole Kailua-Kona, Hawaii

Interested persons are invited to present their views on the proposed rules at the public hearings. Written comments will be accepted until July 5, 2000, at the following address:
State of Hawaii
Department of Transportation
Airports Division
400 Rodgers Blvd., Suite 700
Honolulu, Hawaii 96819-1880
A copy of the proposed rules may be requested by calling 838-8622. Upon receiving such a request, a copy will be mailed at no cost to the requester. Copies may also be obtained or reviewed at the airport manager's office at Honolulu International, Kahului, Kona International at Keahole and Lihue airports from Monday through Friday (except state holidays), between the hours of 7:45 a.m. and 4:30 p.m.
Persons with disabilities requiring special assistance should call 838-8622 at least two weeks before the hearing.
KAZU HAYASHIDA
Director of Transportation
(HS&CPN01502765: May 15, 2000)

ATTENTION LEGAL ADVERTISERS DEADLINES:

Notices that require two proofs prior to approval must be submitted no later than **FIVE (5) WORKING DAYS** prior to the Monday of publication by 4:30pm. Notices that require one-proof service prior to approval must be submitted no later than **FOUR (4) WORKING DAYS** prior to the Monday of publication by 4:30pm. Both final corrections and camera-ready materials must be submitted by 12:00 noon Wednesdays, **THREE (3) WORKING DAYS** prior to the Monday of publication.

*The Hawaii State & County Public Notices will not be responsible for errors which do not comply with deadline restrictions.

Public Notices

DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF HAWAII
NOTICE OF INTENT TO
ADMINISTRATIVELY FORFEIT PROPERTY

NOTICE IS HEREBY GIVEN TO THE PERSONS IDENTIFIED HEREIN AND ALL OTHERS WHO MAY HAVE AN INTEREST that administrative forfeiture proceedings have been commenced against the property listed herein by the filing with the Attorney General of Petitions for Administrative Forfeiture pursuant to Chapter 712A, (Hawaii Omnibus Criminal Forfeiture Act), Hawaii Revised Statutes ("HRS"). The appearance of names of persons and business entities in this notice does not mean that they are criminal suspects; it only means that the state believes they may have an interest in the described property.

1. TAJSHA BIDASHA

Property Seized: \$2,459.00 in U.S. Currency
Date of Seizure: 12/6/99; 12/10/99
Place of Seizure: Vineyard St., Wailuku, HI
Violation: 712-1242 & 712-1243, HRS

2. KURT F. LAUBACHER

Property Seized: \$2,783.90 in U.S. Currency
Date of Seizure: 12/24/99
Place to Seizure: 45-739 Ko St., Kaneohe, HI
Violation: 712-1243, HRS

3. IVAN NAVARRO

Property Seized: \$2,395.00 in U.S. Currency
Date of Seizure: 12/9/99; 1/11/00
Place of Seizure: 4785 Manulele St., Hanamaulu, HI
Violation: 712-1224, HRS

4. RODNEY ALAN JARNESKY

Property Seized: \$6,220.00 in U.S. Currency
Date of Seizure: 12/20/99; 1/4/00
Place of Seizure: 1322 Lower Main St., Apt. A-18, Wailuku, HI
Violation: 712-1222 & 712-1223, HRS

5. CARMELO B. CASTILLO, aka "MELO"

Property Seized: \$113.00 in U.S. Currency
Date of Seizure: 2/3/00
Place of Seizure: 1746 Kaiwiki Rd., Hilo, HI
Violation: 712-1243, HRS

6. CHRISTOPHER C. MARTIN

Property Seized: 1993 Honda Civic, GYF-853, JHMEG8549
PS041350 (Est. Value: \$3,000.00)
Date of Seizure: 12/22/99
Place of Seizure: 1855 Makuahine St., Hon., HI
Violation: 708-831 & 708-836.5, HRS

7. DAVID AYALA

Property Seized: \$140.00 in U.S. Currency
Date of Seizure: 1/6/00
Place of Seizure: Smith and Beretania Sts., Hon., HI
Violation: 712-1242, HRS

8. STEPHEN FISCHER

Property Seized: 1989 Honda Accord, FRJ-976, VIN: JHMCA
5633KC088325 (Est. Value: \$5,000.00)
Date of Seizure: 1/22/00
Place of Seizure: 2100 Date St., Hon., HI
Violation: 707-720, 708-841 & 712-1243, HRS

9. DIANA NEIFERT and RAMON RAMIREZ

Property Seized: \$634.00 in U.S. Currency
Date of Seizure: 12/29/99
Place of Seizure: 47-328 Mawaena St., Kaneohe, HI
Violation: 712-1241, 712-1242 & 712-1243, HRS

10. PATRICK DUGAN

Property Seized: \$4,950.00 in U.S. Currency
Date of Seizure: 12/28/99; 1/27/00
Place of Seizure: Io Rd., Unit 6-B, Kehaka, HI
Violation: 712-1242, HRS

11. WILLIAM L. K. STEPHENSON

Property Seized: 1986 Isuzu MPVH, FNR-104, VIN: JAACH15
L1G5426945 (Est. Value: \$1,000.00)
Date of Seizure: 1/4/00
Place of Seizure: 47-024 Okana Rd., Kaneohe, HI
Violation: 708-810, HRS

12. GARY KOJA and TSUYOSHI OKAHARA

Property Seized: \$5,288.00 in U.S. Currency
Date of Seizure: 1/5/00
Place of Seizure: 712 Pumehana St., Apt. 4, Hon., HI
Violation: 712-1224 & 712-1226, HRS

13. DARION SENTINO

Property Seized: \$2,225.00 in U.S. Currency
Date of Seizure: 1/14/00
Place of Seizure: 91-1202 Kauiki St., Ewa Beach, HI
Violation: 712-1243, HRS

14. EMETERIO B. ANGELEO

Property Seized: \$1,408.00 in U.S. Currency
Date of Seizure: 10/15/99; 3/10/00
Place of Seizure: Keaouhou Transfer Station, Kona, HI
Violation: 712-1242, HRS

15. KENNETH V. MIYAMOTO-SLAUGHTER

Property Seized: 1 .22 Cal. "Ruger" Rifle, Model 10/22, SN
12704373 (Est. Value: \$40.00)
Date of Seizure: 5/18/93; 3/13/00
Place to Seizure: Omega Rd., Fern Forest Subdivision, Puna,
HI
Violation: 712-1249.4, 712-1243, 134-2, 134-3, HRS

16. KELLY NEAL PLEMONS

Property Seized: 1996 Chevrolet Flatbed Truck, 137-TPA,
VIN: 1GCGC24R5TE106154 (Est. Value: \$10,000.00)
Date of Seizure: 2/7/00
Place of Seizure: 822 Birch St., Hon., HI
Violation: 708-841 & 712-1243, HRS

17. KENNETH PAUL GRICUS

Property Seized: \$900.00 in U.S. Currency
Date of Seizure: 9/22/99; 1/6/00
Place of Seizure: 134 Wahie Lane, #208, Lahaina, HI
Violation: 712-1243, HRS

18. DUNCAN COSTA BRUM and CHRISTINA AQUÍ

Property Seized: \$3,374.00 in U.S. Currency
Date of Seizure: 1/12/00; 2/8/00
Place of Seizure: 4161 Lawehana St., Lihue, HI
Violation: 712-1242, HRS

19. DERRICK CHIBA and ICHIRO CHIBA

Property Seized: 1986 Nissan Pickup Truck, KJX-066, VIN:
JN6HD16Y3GW002372 (Est. Value: \$4,000.00)
Date of Seizure: 1/20/00; 2/16/00
Place of Seizure: Kokee Rd., MM#13, Kauai, HI
Violation: 712-1243, 134-7, 134-6(d)&(f), HRS

20. ROBERT FRANK ANSTEDT, aka ROBERT FRANKLIN ROE

Property Seized: 1 ID/Badge Wallet w/ a "Gold Badge" w/Rob-

Public Notices

ert Andstedt", "Hilo Enforcement", and "FT-74" (Est. Value: \$5.00);
1 Interarms Star, Semi-Automatic Pistol, Model 130 ML 9MM, SN
1690346 (Est. Value: \$45.00); 2 Pistol Magazines w/ cartridges
(Est. Value: \$5.00); 1 U.S. Revolver Co. Revolver, 32 Cal., SN
15548 (Est. Value: \$35.00); 1 Defender 7 Shot Pistol w/ wooden
grips, no SN (Est. Value: \$40.00) (Aggregate Est. Value: \$130.00)
Date of Seizure: 6/4/98; 3/17/00
Place of Seizure: 20 Alae St., Hilo, HI
Violation: 708-836.5(1) & 708-811(1), HRS

21. RENEE KOBAYASHI

Property Seized: \$60.00 in U.S. Currency
Date of Seizure: 2/25/00
Place of Seizure: Kealakehe Police Station, Kona, HI
Violation: 712-1243, HRS

22. MARK KOKUBUN and MICHELLE KAAIKALA

Property Seized: \$462.00 in U.S. Currency; 1 Marlin .22 Cal-
iber Rifle (Est. Value: \$200.00) (Aggregate Est. Value: \$662.00)
Date of Seizure: 9/28/99; 2/20/00
Place of Seizure: 1120 E. Kuiaha Rd., Haiku, HI
Violation: 712-1243, HRS

23. PETER SHANE WOLFE

Property Seized: \$1,835.62 in U.S. Currency
Date of Seizure: 1/25/00
Place of Seizure: 339 A Kalama St., Hon., HI
Violation: 708-831, 705-500, 707-701, 707-701.5 &
712-1243, HRS

24. TAWNY CHAPMAN; UNKNOWN

Property Seized: \$2,144.00 in U.S. Currency
Date of Seizure: 1/27/00
Place of Seizure: 444 Niu St., Hon., HI
Violation: 712-1241 & 712-1242, HRS

25. GLENN S. RAQUEL

Property Seized: \$7,236.61 in U.S. Currency
Date of Seizure: 2/2/00
Place of Seizure: 94-1156 Nalii St., Waipahu, HI
Violation: 712-1243, HRS

26. LESLIE ANNE RIVERA

Property Seized: 1989 Plymouth Sundance, GAN-182, VIN:
1P3CP44K1KN524775 (Est. Value: \$2,900.00)
Date of Seizure: 2/9/00
Place of Seizure: Ala Moana Shopping Center, Hon., HI
Violation: 712-1243, 708-831, 708-850 & 708-8100 &
708-8102, HRS

27. ALAN EUGENE COX

Property Seized: \$3,802.00 in U.S. Currency; 1995 Jeep
Grand Cherokee, FZS-414, VIN: 1J4GZ258S1SC528701 (Est.
Value: \$11,550.00) (Aggregate Est. Value: \$15,352.00)
Date of Seizure: 10/27/99; 01/26/00
Place of Seizure: 1810 Olinda Rd., Makawao, HI
Violation: 712-1241, 712-1242 & 712-1249.5, H.R.S.

28. UNKNOWN

Property Seized: \$3,140.00 in U.S. Currency; 4 Toshiba 19-
Inch Color TVs, SN: 86927907, 79908546, 69924981 & 79908536
(Est. Value: \$400.00); 1 Hitachi 19-Inch Color TV, SN:
MA73361066 (Est. Value: \$100.00); 2 Focus Video Monitors, SNs:
8112848 & 8020661 (Est. Value: \$200.00); 2 Motorola Visar Plus
Radios, SNs: 376AWW0145Z & 376AWW0140Z (Est. Value:
\$40.00); 1 Motorola Radio Charger, SN: 1312091198 (Est. Value:
\$20.00); 6 Motorola Talkabout Walkie Talkies, SNs: 088AZJ6X98,
088AZJ6X73, 088TZL9102, 088TZ19106, 088AZC8268 &
088AZE4905 (Est. Value: \$120.00); 2 Pinpoint Cameras in Oval
Cylinder (Est. Value: \$300.00); 1 Exxis CCD Color Camera, Model
No. EC3300, SN: 8010371 (Est. Value: \$300.00); 1 Silver Pinpoint
Camera (Est. Value: \$300.00); 1 Focus CCD Camera, SN: 8080022
(Est. Value: \$300.00); 1 Computer Digital Color CCD Camera in
Silver Frame (Est. Value: \$300.00); 1 GVI Security VHS Camera
(Est. Value: \$100.00) (Aggregate Est. Value: \$5,620.00)
Date of Seizure: 2/3/00
Place to Seizure: 818 Sheridan St., Hon., HI
Violation: 712-1221, 712-1225 & 712-1230, HRS

29. TIMOTHY BALIARIS, JR.

Property Seized: Epiphone Amplifier 25 Watt Model #EP800,
SN: K980202646 (Est. Value: \$80.00); Hamer Model Slammer
Guitar (Est. Value: \$136.00); Mega Star Microphone, Model
#UM1205G W/ cable (Est. Value: \$50.00) (Aggregate Est. Value:
\$266.00)
Date of Seizure: 2/1/00
Place of Seizure: Wailua, HI
Violation: Rules 13-221-13(a) & (b) & 13-221-13,
DLNR; 199-7, HRS

30. TOMASI SAI

Property Seized: 1969 Volkswagen sedan, KRH-075, VIN:
119541809 (Est. Value: \$2,500.00)
Date of Seizure: 2/6/00; 2/18/00
Place of Seizure: Hanapepe, Kauai, HI
Violation: 712-1243, HRS

31. MARISSA PIZARRO

Property Seized: 1 Compaq Deskpro CPU, SN: 811080B6JF
1F82 (Est. Value: \$700.00); 1 Hewlett Packard Deskjet 693C Color
Printer, SN: UA6BI1S0DY (Est. Value: \$400.00); 1 Umax Astra
1200s Scanner, SN: H750137900681 (Est. Value: \$300.00); 1
Compaq Presario Computer Monitor, SN: 736BD19ND401 (Est.
Value: \$800.00); 1 Packard Bell Laptop Computer, SN: DGI-
H4805 (Est. Value: \$1,000.00); 1 Technology Concepts Inc. Link-
line 144e, SN: 93-12%10446 (Est. Value: \$100.00); 1 Compaq
Keyboard, SN: 286220-003 (Est. Value: \$50.00); 1 Rubbermaid
Box Containing Assorted Computer Accessories (Est. Value:
\$0.00) (Aggregate Est. Value: \$3,350.00)
Date of Seizure: 2/15/00
Place of Seizure: 704 Piikoi St., Unit No. 8, Hon., HI
Violation: 712-1242, HRS

32. RAY ESTRELLA

Property Seized: \$2,170.00 in U.S. Currency
Date of Seizure: 3/11/00
Place of Seizure: Kailua Bay Resorts Bldg. No. 5, Apt. 203,
Kailua, HI
Violation: 712-1241 & 712-1246, HRS

33. BRANDON FERREIRA and LINDA FERREIRA

Property Seized: \$2,000.00 in U.S. Currency; 1994 Honda Civ-
ic Ex, FSZ-350, VIN: 1HGEJ1135RL025149 (Total Est. Aggregate
Value: \$8,900.00)
Date of Seizure: 1/20/00
Place of Seizure: 350 Hoohana St., Wailuku, HI
Violation: 712-1242, HRS

34. BRANDON FERREIRA and LINDA M. FERREIRA

Property Seized: \$800.00 in U.S. Currency; 1999 Toyota Taca-
ma 4x4 Truck, MFK- 875, VIN: 4TAWN72N9XZ541739 (Est. Val-
ue: \$11,200.00) (Total Est. Aggregate Value: \$12,000.00)
Date of Seizure: 3/9/00
Place of Seizure: 350 Hoohana St., Wailuku, HI
Violation: 712-1243, HRS

35. MATTHEW CRAVALHO

Property Seized: 1993 Ford F-150 Truck, MZK-594, VIN:
1FTEF14N5PLB10132 (Est. Value: \$6,825.00)

Public Notices

Date of Seizure: 2/1/00
Place of Seizure: 390 Papa Pl., Kahului, HI
Violation: 712-1242, HRS

36. MATTHEW JACINTHO

Property Seized: \$513.00 in U.S. Currency
Date of Seizure: 1/31/00; 2/3/00
Place of Seizure: 390 Papa Pl., Kahului, HI
Violation: 712-1243, HRS

37. RONALD BALAI

Property Seized: 1989 Honda Accord, KKA-536, VIN: 1HGCA
6185KA076281 (Est. Value: \$2,900.00)
Date of Seizure: 2/11/00
Place of Seizure: Sandy Beach, Hon., HI
Violation: 134-6(d)&(f), 708-836.5 & 712-1243, HRS

38. ALLEN DEREIS, aka RONALD ALAN DEREIS

Property Seized: 1984 Isuzu Truck, HWR-883, VIN: JAABL
14A9E0747877
Date of Seizure: 11/12/95; 4/5/00
Place of Seizure: Eden Roc Subdivision, Puna, HI
Violation: 707-701.5, H.R.S.

39. YONG IN SWEENEY, aka "YONG MOMMA"

Property Seized: \$9,450.00 in U.S. Currency
Date of Seizure: 2/12/00
Place of Seizure: 1347 Kapiolani Blvd., Hon., HI
Violation: 712-1203, HRS

40. PATRICIA LUUWAI

Property Seized: \$4,402.00 in U.S. Currency; \$500.00 Cash-
ier's Check; 1982 Chevrolet Truck, MFL-907, VIN: 1GTDC14
D5CS532901 (Est. Value: \$3,425.00) (Total Est. Aggregate Value:
\$8,325.00)
Date of Seizure: 1/28/00; 2/3/00
Place of Seizure: 140 Auoli Dr., Makawao, HI
Violation: 712-1243, HRS

41. LOUIS J. FARIA

Property Seized: \$501.00 in U.S. Currency
Date of Seizure: 3/7/00
Place to Seizure: Sheridan & Makaloa Sts., Hon., HI
Violation: 712-1242 & 712-1243, HRS

42. STACEY ALVAREZ, STEVEN DEPONTE & TANYA DE-
PONTE

Property Seized: 1997 Dodge Caravan, 4STACE; VIN:
1BEGP44R7VB3R075 (Est. Value: \$18,000.00)
Date of Seizure: 3/24/00
Place of Seizure: 91-B West Kawaiiani St., Hilo, HI
Violation: 712-1241, 712-1242, 712-1243, 705-520,
708A, 708-831, HRS

43. KENNETH AMPS III

Property Seized: \$1,301.00 in U.S. Currency
Date of Seizure: 3/17/00
Place of Seizure: Kailua-Kona, HI
Violation: 712-1241, 712-1242, 712-1243, HRS

44. STACEY ALVAREZ & STEVEN DEPONTE

Property Seized: \$23,901.00 in U.S. Currency; 1991 Isuzu Ro-
deo, FZB-129, VIN: 4S2CY5827M4302572 (Est. Value:
\$8,000.00); 1972 Volkswagen Dune Buggy, HUC-795, VIN:
1122327322 (Est. Value: \$2,000.00); 80cc Suzuki Dirt Bike (Est.
Value: \$600.00); 50cc Yamaha Dirt Bike (Est. Value: \$500.00); 1
Radio Shack Camera & Monitor (Est. Value: \$500.00); 1 Radio
Shack Scanner (Est. Value: \$50.00); 1 14K Gold Bracelet W/Clasp
"Kuiupo" (Est. Value: \$500.00); 1 14K Gold Bracelet "Kaleoakala-
ni" (Est. Value: \$268.00); 1 14K Gold Bracelet "Kuiupo" (Est. Val-
ue: \$268.00); 1 14K Gold Bracelet "Stacen" (Est. Value: \$268.00);
1 14K Gold Bracelet "Stencen" (Est. Value: \$268.00); 1 14K Gold
Bracelet "Stacey" (Est. Value: \$268.00); 1 14K Gold Bracelet "Ste-
ven" (Est. Value: \$398.00); 1 14K Gold Bracelet "Deponte" (Est.
Value: \$398.00); 1 14K Gold Bracelet W/Hearts "Deponte" (Est.
Value: \$498.00); 1 14K Gold Bracelet "Lee" (Est. Value: \$498.00);
1 14K Gold Bracelet "Kealohilani" (Est. Value: \$498.00); 1 14K
Gold Bracelet "Keaniokalani" (Est. Value: \$682.00); 1 14K Gold
Bracelet "Stacey" (Est. Value: \$682.00); 1 14K Gold Bracelet "Kea-
lohilani" (Est. Value: \$682.00); 1 14K Gold Bracelet "Steven" (Est.
Value: \$895.00); 1 14K Gold Bracelet "Stacey" (Est. Value:
\$835.00); 1 14K Gold Bracelet "Abriana" (Est. Value: \$682.00); 1
14K Gold Bracelet "Stacey" (Est. Value: \$895.00); 1 14K Gold Bra-
celet "Stacey" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stac-
cen" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacia Lynn"
(Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacey ♥ Steven"
(Est. Value: \$1,500.00); 1 14K Gold Bracelet "Stacen, Stencen,
Stacia-Lynn and Stacia-Lee" (Est. Value: \$4,500.00); 12 Post &
Hoop Earrings (Est. Value: \$100.00); 4 14K Gold Bands (Est. Val-
ue: \$476.00); 1 14K Gold Band W/Heart "Tita" (Est. Value:
\$268.00); 1 14K Gold Band "Kuiupo" (Est. Value: \$158.00); 1 14K
Gold Band (Est. Value: \$119.00); 1 14K Gold Band "Steven" (Est.
Value: \$119.00); 1 14K Gold Band "Stacey" (Est. Value: \$119.00);
1 14K Gold Band (Est. Value: \$150.00); 1 14K Gold Ring and "S"
Pendant (Est. Value: \$150.00); 1 14K Gold Ring W/Red Stone and
Diamonds (Est. Value: \$250.00); 1 Gold Colored Ring W/Diamond
(Est. Value: \$150.00); 1 14K Gold Band "Stacen" (Est. Value:
\$158.00); 1 14K Gold Ring "S" (Est. Value: \$125.00); 1 14K Gold
Ring W/Diamonds (Est. Value: \$250.00); 1 Gold Colored Ring
W/Diamond (Est. Value: \$200.00); 1 Pink & Purple Butterfly Pen-
dant (Est. Value: \$100.00); 1 14K Gold VW Pendant (Est. Value:
\$100.00); 1 14K Gold \$ Pendant (Est. Value: \$100.00); 1 14K Gold
W/White & Orange Jade Pendant (Est. Value: \$150.00); 1 14K
Gold Barrel Pendant "K" (Est. Value: \$99.00); 1 14K Gold Barrel
Pendant "S" (Est. Value: \$99.00); 1 Gold Colored "Winnie the
Pooh" Pendant (Est. Value: \$75.00); 1 14K Gold Hawaiian Warrior
Helmet Pendant (Est. Value: \$75.00); 1 14K Gold Heart Pendant
W/Carved "S" (Est. Value: \$75.00); 1 14K Gold Heart Pendant "S"
(Est. Value: \$69.00); 1 14K Gold Heart Pendant W/Diamonds (Est.
Value: \$200.00); 1 14K Gold Pendant "Steven" (Est. Value:
\$100.00); 1 14K Gold Pendant "Daddy's Little Girl" (Est. Value:
\$100.00); 1 14K Gold Chain W/14K Gold Pendant "Nike" (Est. Val-
ue: \$150.00); 1 14K Gold Chain W/14K Gold Hawaiian Seal Pen-
dant (Est. Value: \$150.00); 1 14K Gold Rooster Pendant (Est. Val-
ue: \$100.00); 1 14K Gold Herringbone Type Chain (Est. Value:
\$100.00); 1 Gold Link Chain (Est. Value: \$50.00); 1 Silver Herring-
bone Chain (Est. Value: \$25.00); 1 Sterling Silver Bracelet "Stac-
ey" (Est. Value: \$100.00); 1 14K Gold Flat Chain (Est. Value:
\$100.00); 1 14K Gold Chain, Tangled W/Dark Blue Stone (Est.
Value: \$25.00); 1 GoldChain,Broken (Est. Value: \$15.00); 1 14K
Gold Chain (Est. Value: \$50.00); 1 Gold Chain, Broken Clasp (Est.
Value: \$15.00); 2 Gold Chains, Entangled & Broken (Est. Value:
\$30.00); 1 14K Gold Chain (Est. Value: \$25.00); 1 14K Gold Chain
W/Plumeria Pendant (Est. Value: \$75.00); 1 14K Gold Cross (Est.
Value: \$25.00); 1 14K Gold Heart Locket (Est. Value: \$25.00); 1
Men's Watch, Citizen Alarm Chronograph (Est. Value: \$295.00); 1
Guess Indiglo Watch (Est. Value: \$100.00); 1 Men's Watch, Armi-
tron "Looney Tunes" (Est. Value: \$25.00); 1 Men's Watch, Citizen
Navitech (Est. Value: \$395.00); 1 Men's Watch, Citizen Solar-Tech
(Est. Value: \$295.00); 1 Men's Watch, Citizen Titanium Solar-Tech
180 (Est. Value: \$450.00); 1 Men's Watch, Timex "Lion King" (Est.
Value: \$20.00); 1 Broken Green Jade Bead Bracelet (Est. Value:
\$25.00); 1 Pair Green Jade Earrings W/Gold Posts (Est. Value:
\$25.00); 1 14K Gold Chain W/Hawaii State Coat of Arms Pendant
(Est. Value: \$400.00) (Aggregate Value: \$61,258.00)
Date of Seizure: 3/24/00
Place of Seizure: 91-B West Kawaiiani St., Hilo, HI
Violation: 712-1241, 712-1242, 712-1243, 705-520,
708-832, HRS

Public Hearings

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE:

July 20, 2000 - 1:00 p.m.
and July 21, 2000

Sheraton Kauai Resort
Lawai Room
2440 Hoonani Road
Koloa, Kauai

Docket Number: A00-731
Petitioner: DESTINATION VILLAGES KAUAI,
A LIMITED LIABILITY COMPANY

Tax Map Key: 1-7-05: portion of 1

Change Requested: To reclassify approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai Planning Department, County of Kauai, Suite 473, Building A, 4444 Rice Street, Lihue, Kauai, 96766; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 So. Beretania Street, Honolulu, Hawaii 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by May 30, 2000.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by July 6, 2000.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION
MERLE A.K. KELAI, Chairperson
By ESTHER UEDA, Executive Officer
(HS&CPN01502730: May 15, 2000)

Public Hearings

NOTICE OF PUBLIC HEARINGS

Pursuant to Chapter 91, Hawaii Revised Statutes, notice is hereby given that the State of Hawaii, Department of Transportation, Airports Division, will hold public hearings to consider the following proposed changes to the Hawaii Administrative Rules.

It should be noted that only housekeeping changes are being proposed. These changes are being proposed to comply with Lt. Governor Mazie K. Hirono's Slice Waste and Tape (SWAT) initiative.

The proposed changes, as outlined below will:

- Simplify rules;
- Update rules; and
- Eliminate redundant or unnecessary rules.

Chapter 19-22 "Baggage Pickup and Delivery Services at Public Airports". The following changes are being proposed:

- Compile the following amended sections into Chapter 19-22:
 - Section 19-22-1 amended 11/26/90;
 - Section 19-22-2 amended 10/7/88;
 - Section 19-22-3 amended 10/7/88 and 11/26/90; and
 - Section 19-22-8 amended 11/26/90.
- Amend Section 19-22-4 by updating the names of the Hilo and Kona airports.

Chapter 19-25 "Commercial Photography at Public Airports". The following changes are being proposed:

- Compile the following amended sections into Chapter 19-25:
 - Section 19-25-2 amended 3/7/88; and
 - Section 19-25-3 amended 3/7/88.
- Amend Section 19-25-4 by updating the names of the Hilo and Kona airports.

Chapter 19-34 "Tour Aircraft Operations at Public Airports". The following changes are being proposed:

- Compile the following new or amended sections into Chapter 19-34:
 - Section 19-34-1.1 adopted 8/28/95;
 - Section 19-34-2 amended 8/28/95;
 - Section 19-34-3 amended 8/28/95;
 - Section 19-34-4 amended 8/28/95;
 - Section 19-34-5 amended 8/28/95;
 - Section 19-34-6 amended 8/28/95;
 - Section 19-34-7 amended 8/28/95;
 - Section 19-34-8 amended 8/28/95; and
 - Section 19-34-13 adopted 8/28/95.
- Repeal Section 19-34-10 because it is a redundant rule. The right to a hearing prescribed by this section is already provided for in:
 - Section 19-34-8; and
 - Chapter 19-1, Hawaii Administrative Rules.
- Eliminate the "Application for Tour Aircraft Operators Permit" attached to Chapter 19-34 because it is not necessary:
 - The application requirements are already delineated in Section 19-34-4; and
 - An application form will be provided to anyone upon request.

The public hearings will be held as follows:

DATE	TIME	PLACE
June 27, 2000	9:00 am	Airport Conference Center Interisland Terminal, Seventh Floor Honolulu International Airport Honolulu, Oahu
June 27, 2000	3:00 pm	Airport Mezzanine Conference Room South Terminal, Third Floor Lihue Airport Lihue, Kauai
June 28, 2000	9:30 am	Airport Conference Room Kahului Airport Kahului, Maui
June 28, 2000	3:00 pm	Airport Conference Room Kona International Airport at Keahole Kailua-Kona, Hawaii

Interested persons are invited to present their views on the proposed rules at the public hearings. Written comments will be accepted until July 5, 2000, at the following address:

State of Hawaii
Department of Transportation
Airports Division
400 Rodgers Blvd., Suite 700
Honolulu, Hawaii 96819-1880

A copy of the proposed rules may be requested by calling 838-8622. Upon receiving such a request, a copy will be mailed at no cost to the requester. Copies may also be obtained or reviewed at the airport manager's office at Honolulu International, Kahului, Kona International at Keahole and Lihue airports from Monday through Friday (except state holidays), between the hours of 7:45 a.m. and 4:30 p.m.

Persons with disabilities requiring special assistance should call 838-8622 at least two weeks before the hearing.

KAZU HAYASHIDA
Director of Transportation

(HS&CPN01502765: May 15, 2000)

Public Hearings

NOTICE OF PUBLIC HEARING

Pursuant to chapter 91, Hawaii Revised Statutes, notice is hereby given that the Department of Land and Natural Resources, State of Hawaii, will hold a public hearing at the Hanalei Elementary School, 5-5415 Kuhio Highway, on June 26, 2000 beginning at 9:00 a.m., County of Kauai to consider the proposed amendments to the Hawaii Administrative Rules, Chapter 13-256, as it relates to commercial vessel activity on Hanalei River and Bay ocean waters as follows:

Section 13-256-36 is amended by deleting reference to fifteen commercial use permits and replacing this with two commercial use permits for commercial kayak operations on Hanalei River or Hanalei Bay. No more than twenty-four passengers per day shall be allowed under each permit. A kayak tour group shall not exceed six vessels for passengers and shall be required to have at least one guide per six passengers.

All interested parties are invited to attend and to state their views on the proposed amendments, either orally or in writing. Written statements may be submitted at the public hearing or to the Chairperson any time prior to 4:30 p.m., July 3, 2000.

Copies of the proposed amendments to the rules will be mailed at no cost to any interested person who requests a copy or may be obtained in advance of the hearing by calling for them in person at the Division of Boating and Ocean Recreation, Kauai Boating District Office, 4370 Kukui Grove St., Suite 109, Lihue, Kauai, Hawaii 96766 or at 333 Queen St., Suite 300, Honolulu, Hawaii 96813.

The meeting locations are disability accessible. If special needs are required (i.e., large print, taped materials, sign language interpreter, etc.) call Ms. Carol She, Boating Regulation Planner, at 587-1972 prior to June 12, 2000.

TIMOTHY E. JOHNS

Chairperson,

Board of Land and Natural Resources

(HS&CPN07500045: May 15, 2000)

Miscellaneous

GOAT HUNTING TO OPEN ON KAUAI

Pursuant to Title 13, Chapter 123 (13-123-4) "Rules Regulating Game Mammal Hunting," the Board of Land and Natural Resources announces the opening of firearm and archery hunting seasons for feral goats on Kauai as follows:

The 2000 Kauai Feral Goat Rifle/Muzzleloader Season will be held on eight consecutive weekends (Saturday and Sunday only) and will begin on Saturday, July 22, 2000, and end on Sunday, September 10, 2000. This year, **each hunter that has a valid feral goat hunting tag will have the OPTION to hunt either in Unit A with a muzzleloading firearm only, or in Units B, E and H with a conventional rifle, muzzleloader or archery equipment on their assigned weekend.** The use of non-muzzleloading firearms in Hunting Unit A is prohibited for the entire feral goat hunting season. Goat tags will be the same for both hunts and the bag limit will be two (2) goats of either sex per hunter. Hunting tags are non-transferable between hunters. Hunters entering Hunting Unit A will be required to sign in on the Unit A muzzleloader sign-in sheet at the appropriate hunter checking station.

Applications for the 2000 Kauai Rifle/Muzzleloader Goat Tags are available from all participating hunting license agents on Kauai and any Division of Forestry and Wildlife Office throughout the State. Hunters will be assigned one of the eight weekends through a public drawing. It is not necessary to have a valid hunting license to submit an application; however, all hunters who participate in the hunt, must have a valid 2000-2001 Hawaii State hunting license on their person while they are in the hunting area.

The deadline for submitting goat tag applications is 4:00 p.m., Thursday, June 15, 2000. The public drawing to assign hunting dates will be held in the Lihue State Office Building Conference Room at 4:00 p.m. on Thursday, June 22, 2000.

Chapter 123 Rules including the requirement to wear a blaze-orange outer garment, signing in and signing out at a hunter checking station, the observation of legal hunting hours and safety zones and the lawful carriage of firearms will be in effect during the goat hunting season. Hunters are reminded to review Chapter 123 prior to hunting.

The archery hunting season for feral goats in Hunting Unit K will be open for 15 consecutive weekends as it has in previous years. It will begin on Saturday, July 22, 2000, and end on Sunday, October 29, 2000. An archery permit will be required to participate in the hunt. Interested bow hunters must appear in person at the Lihue Division of Forestry and Wildlife Office, located in room 306 in the State Office Building and present a valid 2000-2001 State of Hawaii hunting license to obtain a permit. These permits will be issued on a first-come, first-served basis beginning Thursday, July 6, 2000. A limit of 15 archery permits will be issued for each hunting day and will be valid only on the day for which they are issued. Additional permits may be obtained after a hunter's permit has expired and hunting success has been reported. Firearms are not permitted in Hunting Unit K at any time, except on the Kukui Trail Access to Unit B in accordance with Section 13-123-21(a)(1)(C), "Rules Regulating Game Mammal Hunting."

Camping permits are required for overnight hunting trips into Waimea Canyon and are available at the Lihue Division of Forestry and Wildlife Office during normal working hours. Hunters should indicate their overnight stay on the sign-in sheet at either the Kokee or Waimea Canyon Hunter Checking Station. Hunters wishing to stay overnight on the Na Pali Coast must obtain camping and boat landing permits from the Division of State Parks and register their overnight stay on the sign-in sheet at either the Polihale Beach State Park, Kilaola Small Boat Harbor or the Hanalei Boat Ramp Hunter Checking Stations.

Additional information may be obtained by coming into any Division of Forestry and Wildlife Office or calling any of the following telephone numbers:

Kauai	274-3433	Oahu	587-0166
Maui	984-8100	Molokai	553-1745
Lanai	565-7916	Hawaii (Hilo)	974-4221
		(Kamuela)	887-6063

(HS&CPN05501552: May 15, 2000)

ATTENTION LEGAL ADVERTISERS - DEADLINES:

Notices that require two proofs prior to approval must be submitted no later than **FIVE (5) WORKING DAYS** prior to the Monday of publication by 4:30pm.

Notices that require one-proof service prior to approval must be submitted no later than **FOUR (4) WORKING DAYS** prior to the Monday of publication by 4:30pm.

Both final corrections and camera-ready materials must be submitted by 12:00 noon Wednesdays, **THREE (3) WORKING DAYS** prior to the Monday of publication.

*The Hawaii State & County Public Notices will not be responsible for errors which do not comply with deadline restrictions.

Public Notices

ni" (Est. Value: \$268.00); 1 14K Gold Bracelet "Kuuipo" (Est. Value: \$268.00); 1 14K Gold Bracelet "Stacen" (Est. Value: \$268.00); 1 14K Gold Bracelet "Stencen" (Est. Value: \$268.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$268.00); 1 14K Gold Bracelet "Steven" (Est. Value: \$398.00); 1 14K Gold Bracelet "Deponte" (Est. Value: \$398.00); 1 14K Gold Bracelet W/Hearts "Deponte" (Est. Value: \$498.00); 1 14K Gold Bracelet "Lee" (Est. Value: \$498.00); 1 14K Gold Bracelet "Kealohilani" (Est. Value: \$498.00); 1 14K Gold Bracelet "Keaniokalani" (Est. Value: \$682.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$682.00); 1 14K Gold Bracelet "Kealohilani" (Est. Value: \$682.00); 1 14K Gold Bracelet "Steven" (Est. Value: \$895.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$895.00); 1 14K Gold Bracelet "Abriana" (Est. Value: \$682.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$895.00); 1 14K Gold Bracelet "Stacey" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacen" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacia Lynn" (Est. Value: \$1,000.00); 1 14K Gold Bracelet "Stacey ♥ Steven" (Est. Value: \$1,500.00); 1 14K Gold Bracelet "Stacen, Stencen, Stacia-Lynn and Starcia-Lee" (Est. Value: \$4,500.00); 12 Post & Hoop Earrings (Est. Value: \$100.00); 4 14K Gold Bands (Est. Value: \$476.00); 1 14K Gold Band W/Heart "Tita" (Est. Value: \$268.00); 1 14K Gold Band "Kuuipo" (Est. Value: \$158.00); 1 14K Gold Band (Est. Value: \$119.00); 1 14K Gold Band "Steven" (Est. Value: \$119.00); 1 14K Gold Band "Stacey" (Est. Value: \$119.00); 1 14K Gold Band (Est. Value: \$150.00); 1 14K Gold Ring and "S" Pendant (Est. Value: \$150.00); 1 14K Gold Ring W/Red Stone and Diamonds (Est. Value: \$250.00); 1 Gold Colored Ring W/Diamond (Est. Value: \$150.00); 1 14K Gold Band "Stacen" (Est. Value: \$158.00); 1 14K Gold Ring "S" (Est. Value: \$125.00); 1 14K Gold Ring W/Diamonds (Est. Value: \$250.00); 1 Gold Colored Ring W/Diamond (Est. Value: \$200.00); 1 Pink & Purple Butterfly Pendant (Est. Value: \$100.00); 1 14K Gold VW Pendant (Est. Value: \$100.00); 1 14K Gold \$ Pendant (Est. Value: \$100.00); 1 14K Gold W/White & Orange Jade Pendant (Est. Value: \$150.00); 1 14K Gold Barrel Pendant "K" (Est. Value: \$99.00); 1 14K Gold Barrel Pendant "S" (Est. Value: \$99.00); 1 Gold Colored "Winnie the Pooh" Pendant (Est. Value: \$75.00); 1 14K Gold Hawaiian Warrior Helmet Pendant (Est. Value: \$75.00); 1 14K Gold Heart Pendant W/Carved "S" (Est. Value: \$75.00); 1 14K Gold Heart Pendant "S" (Est. Value: \$69.00); 1 14K Gold Heart Pendant W/Diamonds (Est. Value: \$200.00); 1 14K Gold Pendant "Steven" (Est. Value: \$100.00); 1 14K Gold Pendant "Daddy's Little Girl" (Est. Value: \$100.00); 1 14K Gold Chain W/14K Gold Pendant "Nike" (Est. Value: \$150.00); 1 14K Gold Chain W/14K Gold Hawaiian Seal Pendant (Est. Value: \$150.00); 1 14K Gold Rooster Pendant (Est. Value: \$100.00); 1 14K Gold Herringbone Type Chain (Est. Value: \$100.00); 1 Gold Link Chain (Est. Value: \$50.00); 1 Silver Herringbone Chain (Est. Value: \$25.00); 1 Sterling Silver Bracelet "Stacey" (Est. Value: \$100.00); 1 14K Gold Flat Chain (Est. Value: \$100.00); 1 14K Gold Chain, Tangled W/Dark Blue Stone (Est. Value: \$25.00); 1 Gold Chain, Broken (Est. Value: \$15.00); 1 14K Gold Chain (Est. Value: \$50.00); 1 Gold Chain, Broken Clasp (Est. Value: \$15.00); 2 Gold Chains, Entangled & Broken (Est. Value: \$30.00); 1 14K Gold Chain (Est. Value: \$25.00); 1 14K Gold Chain W/Plumeria Pendant (Est. Value: \$75.00); 1 14K Gold Cross (Est. Value: \$25.00); 1 14K Gold Heart Locket (Est. Value: \$25.00); 1 Men's Watch, Citizen Alarm Chronograph (Est. Value: \$295.00); 1 Guess Indiglo Watch (Est. Value: \$100.00); 1 Men's Watch, Armitron "Looney Tunes" (Est. Value: \$25.00); 1 Men's Watch, Citizen Navitech (Est. Value: \$395.00); 1 Men's Watch, Citizen Solar-Tech (Est. Value: \$295.00); 1 Men's Watch, Citizen Titanium Solar-Tech 180 (Est. Value: \$450.00); 1 Men's Watch, Timex "Lion King" (Est. Value: \$20.00); 1 Broken Green Jade Bead Bracelet (Est. Value: \$25.00); 1 Pair Green Jade Earrings W/Gold Posts (Est. Value: \$25.00); 1 14K Gold Chain W/Hawaii State Coat of Arms Pendant (Est. Value: \$400.00) (Aggregate Value: \$61,258.00)
Date of Seizure: 3/24/00
Place of Seizure: 91-B West Kawaiiani St., Hilo, HI
Violation: 712-1241, 712-1242, 712-1243, 705-520, 708-832, HRS

45. STACEY ALVAREZ, STEVEN DEPONTE & JULIA DEPONTE
Property Seized: 1986 Toyota Truck, MZG-897, VIN: JT4RN 67S7G5020181 (Est. Value: \$7,000.00)
Date of Seizure: 3/24/00
Place of Seizure: 91-B West Kawaiiani St.
Violation: 712-1241, 712-1242, 705-52, 708-831, HRS

46. JASON ARNOLD
Property Seized: \$554.11 in U.S. Currency; 1 Gold 20" Link Chain Necklace W/ Crucifix Pendant (Est. Value: \$700.00); 1 Gold 8" Link Bracelet (Est. Value: \$300.00) 1 Gold Men's Nugget Ring (Est. Value: \$100.00); 1 Gold Men's Ring W/White Stone (Est. Value: \$150.00) (Aggregate Estimated Value: \$1,804.11)
Date of Seizure: 2/25/00
Place of Seizure: Outrigger Hobron Hotel, Hon., HI
Violation: 712-1242 & 712-1243, H.R.S.

47. LARRY L. CASTILLO & SHERRY LYNN KAHALEAUKU
Property Seized: \$975.00 in U.S. Currency; 1 Fox/Stevens, Model #9478, .410 gauge Shotgun (Est. Value: \$40.00) (Aggregate Value: \$1,015.00)
Date of Seizure: 2/4/00; 3/1/00
Place of Seizure: 120 Hoomoku St., Kahului, HI
Violation: 712-1242, 712-1248, 134-7(b) & 134-8, HRS

48. STEVEN Y. HUH
Property Seized: 1987 Chevrolet Nova, ECA-218, VIN: 1Y1SK 5142HZ039645 (Est. Value: \$2,500.00)
Date of Seizure: 2/21/00
Place of Seizure: 945 Kamehameha Hwy., Hon., HI
Violation: 708-841, HRS

49. JAMES P. KAAUA, JR.
Property Seized: \$427.00 in U.S. Currency
Date of Seizure: 4/7/00
Place of Seizure: Kealakehe Housing Apt. #B-203, Kona, HI
Violation: 712-1247, 712-1248, HRS

50. RALPH LEE, JR.
Property Seized: \$130.00 in U.S. Currency
Date of Seizure: 4/17/00
Place of Seizure: 66 Keaa St., Hilo, HI
Violation: 712-1242, HRS

Public Notices

51. TIMOTHY CARL SNEDEKER & GILBERT SOUZA
Property Seized: \$259.00 in U.S. Currency
Date of Seizure: 4/17/00
Place of Seizure: 333 Ohai St., Apt. 515, Hilo, HI
Violation: 712-1242, 712-1248, HRS

52. DARWIN T. WARD, DESIREE L. KAO, NATHAN J. LEONARDO, EDWARD W. KERR & MANO D. FARIA
Property Seized: \$5,945.64 in U.S. Currency; 1987 Nissan Sentra, GAA-344, VIN: JN1PB21S5HU016948 (Est. Value: \$2,500.00); 1994 Nissan King Cab Truck, FJT-625, VIN: 1N6SD 16S6RC340578 (Est. Value: \$7,500.00) (Aggregate Est. Value: \$15,945.63)
Date of Seizure: 2/25/00
Place of Seizure: 45-772 Naniwahine Way, Kaneohe, HI
Violation: 712-1241, 712-1242 & 712-1243, HRS

53. ELIZABETH ANN TAYLOR & STEVEN MICHAEL HAUGE
Property Seized: \$1,156.00 in U.S. Currency
Date of Seizure: 3/11/00
Place of Seizure: 2406 Kuhio Ave., Hon., HI
Violation: 712-1243, HRS

54. JAY T. HIRAI & TIMOTHY CARL SNEDEKER
Property Seized: 1984 Honda Civic Crx, HXA-844, VIN: JHMAF3330ES025744
Date of Seizure: 4/17/00
Place of Seizure: 333 Ohai St., Hilo, HI
Violation: 712-1242, 712-1243, 712-1248, HRS

55. CEDRICK WAIPA
Property Seized: \$960.37 in U.S. Currency
Date of Seizure: 4/3/00
Place of Seizure: Kuhio Hwy., Kapaa, HI
Violation: 712-1242, HRS

56. RODOLFO PACARIEM, ROBERT PACARIEM, ERLINDA PACARIEM, NOEL ACOBA, DAVINA ACOBA & BENJAMIN KIAAINA
Property Seized: \$11,972.00 in U.S. Currency; 1 Remington .45 Caliber Semi-Automatic Pistol W/Clip Containing 7 .45 Caliber Cartridges (Est. Value: \$400.00); 1 Smith & Wesson .38 Caliber Revolver, 3-Inch Barrel, W/5 .38 Caliber Cartridges (Est. Value: \$250.00); Box Containing 45 Winchester .357 Caliber Cartridges (Est. Value: \$25.00); Box Containing 12 Blazer .30 Caliber Carbine Cartridges (Est. Value: \$10.00); Wooden Box Containing 6 9MM Cartridges & 1 12-Gauge Cartridge (Est. Value: \$4.00); Box Containing 18 Blazer .45 Caliber Cartridges (Est. Value: \$9.00); 1 Remington .22 Caliber Rifle (Est. Value: \$50.00) (Aggregate Est. Value: \$12,720.00)
Date of Seizure: 3/3/00
Place of Seizure: 94-125 Pahu St., Waipahu, HI
Violation: 712-1242, 712-1243, 134-7 & 134-12.5, HRS

INSTRUCTIONS TO CLAIMANTS

Persons claiming an interest in the property listed herein may do one, and only one, of the following:

- 1) The Claimant may do nothing, in which case the property will be administratively forfeited; or
- 2) The Claimant may file a Petition for Remission or Mitigation. A Petition for Remission or Mitigation admits that the property is subject to forfeiture but asks the Attorney General to pardon the property, in whole or in part, due to extenuating circumstances. The Attorney General's decision is final, not subject to appeal, and may be made without a hearing. A Petition for Remission or Mitigation must be signed by the petitioner and sworn on oath before a notary public, and shall contain the following:
 - a) A reasonably complete description of the property;
 - b) A statement of the interest of the petitioner in the property, as owner or interest-holder, which may be supported by bills of sale, contracts, or mortgages, or other documentary evidence; and
 - c) Facts and circumstances sufficient to show whether the petitioner:
 - i) owns or holds an interest as defined by Section 712A-1, HRS, in the seized property;
 - ii) had any knowledge that the property was or would be involved in any violation of the law;
 - iii) had any knowledge of the particular violation which subjected the property to seizure and forfeiture;
 - iv) had any knowledge that the user of the property had any record, including arrests, except where the person was acquitted or the charges dismissed due to lack of evidence, for the violation which subjected the property to seizure and forfeiture or for any crime which is similar in nature.

The Attorney General will inquire into the facts and circumstances alleged in the Petition for Remission or Mitigation ("Petition"), if one is filed, and provide a written decision on the Petition within sixty days. If the circumstances of the case require more time, the Petitioner will be notified in writing, within the sixty day period of the circumstances requiring more time, and be further notified of the expected decision date; or

3) The Claimant may seek judicial determination of the forfeiture by filing a claim and cost or in pauperis bond. A claim shall be signed by the claimant and sworn on oath before a notary public and shall comply with the requirements of Section 712A-12(5), HRS. Specifically, the claim shall be signed by the claimant and sworn on oath before a notary public and shall set forth all the following:

- a) The name of the claimant;
- b) The address at which the claimant will accept future mailings from the court or the prosecuting attorney;
- c) The nature and extent of the claimant's interest in the property;
- d) The time, transferor and circumstances of the claimant's acquisition of the interest in the property;
- e) The specific provisions of Chapter 712A, HRS, relied on in asserting that the property seized for forfeiture is not subject to forfeiture;
- f) Facts supporting each assertion that the property

Public Notices

- g) Any additional facts supporting the claimant's claim; and
- h) The precise relief sought.

The claim must be accompanied by a cost bond in the amount of \$2,500.00 or ten percent of the estimated value of the property, whichever is greater, or an in pauperis bond consisting of a declaration in the form of and containing the elements specified in the Appendix to the Hawaii Rules of Penal Procedure.

Upon receipt of a claim and bond, which substantially comply with the foregoing requirements, the Attorney General will notify the Prosecuting Attorney who may either petition the Circuit Court for forfeiture of the property within forty-five (45) days of receipt of notice that a proper claim and bond has been filed, or may elect to honor the claim and forego further forfeiture proceedings. If the Prosecuting Attorney forgoes further proceedings, the seizing agency will be authorized to release the property, or some specified interest in it. If the Prosecuting Attorney petitions the circuit court for forfeiture and the claimant fails to prove that his/her interest is exempt from forfeiture under Section 712A-5, HRS, the claimant shall pay the State's costs and expenses, including reasonable attorneys fees incurred in connection with a judicial proceeding.

* * * * *

A Petition for Remission or Mitigation, or a claim and cost or in pauperis bond must be filed with the Attorney General at the address specified below within thirty days after the date of publication of this notice or actual receipt of the Petition for Administrative Forfeiture, whichever occurs first. No extension of the filing deadline may be granted for owners or interest-holders who wish to file a Petition for Remission or Mitigation. However, for a claim, one (1) extension of thirty (30) days for filing of the claim may be granted upon a written request demonstrating good cause provided that the request is received by the Attorney General within the thirty (30) day period for filing a claim.

Notice is also hereby given that the property will be forfeited to the State of Hawaii if a petition for remission or mitigation, or a claim and cost or in pauperis bond, is not filed with the Attorney General in substantial compliance with Sections 712A-10 and 712A-12(5), HRS.

Department of the Attorney General
Criminal Justice Division
425 Queen Street
Honolulu, Hawaii 96813

DATED: May 15, 2000

EARL I. ANZAI
Attorney General
State of Hawaii
(HS&CPN05501564: May 15, 2000)

**Public Notice
State Health Planning and Development Agency
Certificate of Need
Public Information Meeting**

The Agency has received certificate of need application #00-09A from Hale Makua - Wailuku to change 124 beds from SNF/ICF to ICF.

The Agency has received a request for a public information meeting on this application as provided under Section 323D-44.5, Hawaii Revised Statutes. The meeting is set for May 26, 2000 (Friday), 10:00 a.m., in the Auditorium at the J. Walter Cameron Center, 95 Mahalani Street, Wailuku, Maui.

The meeting is open to the public and any interested person may submit written or oral testimony. Oral testimony will be limited to approximately 3 minutes per person.

If you require an accommodation (i.e., large print, sign language interpreter, accessible parking, etc.), please call (808) 587-0788 at least 72 hours prior to the event and arrangements will be made. The Agency's address and phone number are:

1177 Alakea Street, Room 402
Honolulu, Hawaii 96813
(808) 587-0788

(HS&CPN01502762: May 15, 2000)

PUBLIC NOTICE

The financial and compliance audit report of the Department of Health has been completed and is available for public inspection.

The audit of the department was conducted to comply with the Single Audit Act of 1984, Public Law 98-502.

The audit report is available for public inspection at the following locations between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday, except holidays:

Department of Health
1250 Punchbowl Street, Room 310
Honolulu, Hawaii

Hawaii District Health Office
75 Aupuni Street
Hilo, Hawaii

Maui District Health Office
54 High Street
Wailuku, Maui

Kauai District Health Office
3040 Umi Street
Lihue, Kauai

Any comments may be addressed to:

Director of Health
P. O. Box 3378
Honolulu, Hawaii 96801-3378

(HS&CPN01502682: May 15, 2000)

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE:

July 20, 2000 - 1:00 p.m.
and July 21, 2000

Sheraton Kauai Resort
Lawai Room
2440 Hoonani Road
Koloa, Kauai

Docket Number: A00-731
Petitioner: DESTINATION VILLAGES KAUAI,
A LIMITED LIABILITY COMPANY

Tax Map Key: 1-7-05: portion of 1

Change Requested: To reclassify approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai Planning Department, County of Kauai, Suite 473, Building A, 4444 Rice Street, Lihue, Kauai, 96766; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 So. Beretania Street, Honolulu, Hawaii, 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

5/10/00

Notice of Hearing sent to all persons and Organizations on the following mailing lists:
Kauai-5/4/00, Destination Villages Kauai-5/5/00 & Statewide-3/16/00

00 MAY 10 A9:36

LIEUTENANT GOVERNOR'S
OFFICE

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by May 30, 2000.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at

the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by July 6, 2000.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION

MERLE A.K. KELAI, Chairperson

By ESTHER UEDA, Executive Officer

(Legal Ad - 2 columns)
(to appear May 15, 2000)
(HS&CPN)

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A00-731
	)	
DESTINATION VILLAGES KAUAI, LLC	)	CERTIFICATE OF SERVICE
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
153.696 Acres of Land at Makaweli,	)	
Kauai, State of Hawaii, TMK No.	)	
1-7-04: portion of 1	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Hearing was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail:

DEL.	DAVID W. BLANE, Director Office of Planning P.O. Box 2359 Honolulu, Hawaii 96804-2359
DEL.	ANN OGATA-DEAL, Esq. Deputy Attorney General No. 1 Capitol District Building Hemmeter Building, Room 108 250 S. Hotel Street Honolulu, Hawaii 96813
DEL.	ABE MITSUDA, Administrator Land Use Division Office of Planning P.O. Box 2359 Honolulu, Hawaii 96804-2359
CERT.	DEE CROWELL, Planning Director Planning Department, County of Kauai Suite 473, Building A 4444 Rice Street Lihue, Hawaii 96766
CERT.	HARTWELL H.K. BLAKE, ESQ. County Attorney Office of the County Attorney County of Kauai 4444 Rice Street, #220 Lihue, Hawaii 96766

CERT. MICHAEL J. BELLES, ESQ., Attorney for Petitioner
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

CERT. ROBINSON FAMILY PARTNERS
P. O. Box 690088
Makaweli, Hawaii 96769

CERT. GAY & ROBINSON, INC.
P. O. Box 156
Kaumakani, Hawaii 96747

CERT. BRUCE ROBINSON
P. O. Box 11
Makaweli, Hawaii 96769

CERT. CITIZENS UTILITIES COMPANY
4463 Pahee Street
Lihue, Hawaii 96766

Dated: Honolulu, Hawaii, May 10, 2000.



Esther Ueda
Executive Officer

Z 345 406 496

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	
Dee Crowell	
Street & Number	
4444 Rice Street	
Post Office, State, & ZIP Code	
Lihue, HI 96766	
Postage	\$ 55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai, LLC (Kauai)

A00-731/Destination Villages Kauai, LLC (Kauai)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Mr. Dee Crowell
 Planning Director
 County of Hawaii Planning Dept.
 Suite 473, Building A
 4444 Rice Street
 Lihue, HI 96766

4a. Article Number

Z 345 406 496

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/11/00

5. Received By: (Print Name)

[Signature]

6. Signature (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

Z 345 406 497

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Hartwell H.K. Blake, Esq.	
Street & Number 4444 Rice Street, #220	
Post Office, State, & ZIP Code Lihue, HI 96766	
Postage	\$ 56
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai, LLC (Kauai)

A00-731/Destination Villages Kauai, LLC (Kauai)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Hartwell H.K. Blake, Esq.
Office of the County Attorney
County of Kauai
4444 Rice Street, #220
Lihue, HI 96766

4a. Article Number

Z 345 406 497

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/11/00

5. Received By: (Print Name)

H.K. Blake

6. Signature (Addressee or Agent)

H.K. Blake

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

Z 345 406 498

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Michael J. Belles, Esq.	
Street & Number 4334 Rice Street, #202	
Post Office, State, & ZIP Code Lihue, HI 96766	
Postage	\$ 55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai, LLC (Kauai)

A00-731/Destination Villages Kauai, LLC (Kauai)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
☐ Write "Return Receipt Requested" on the mailpiece below the article number.
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

3. Article Addressed to:

Michael J. Belles, Esq.
 Belles Graham Proudfoot & Wilson
 4334 Rice Street, Suite 202
 Lihue, HI 96766

4a. Article Number

Z 345 406 498

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/11/00

5. Received By: (Print Name)

D. Maile S. Taniguchi

6. Signature (Addressee or Agent)

D. Maile S. Taniguchi

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

Z 345 406 499

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	
Robinson Family Partners	
Street & Number	
P. O. Box 690088	
Post Office, State, & ZIP Code	
Makaweli, HI 96769	
Postage	\$ 55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai, LLC (Kauai)

A00-731/Destination Villages Kauai, LLC (Kauai)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Robinson Family Partners
 P. O. Box 690088
 Makaweli, HI 96769

4a. Article Number

Z 345 406 499

4b. Service Type

- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ Return Receipt for Merchandise
- ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

Aileen Dominguez

6. Signature (Addressee or Agent)

Aileen Dominguez

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 331 035 536

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to Gay & Robinson, Inc.	
Street & Number P. O. Box 156	
Post Office, State, & ZIP Code Kaumakani, HI 96747	
Postage	\$ 55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	

PS Form 3800, April 1995



A00-731/Destination Villages Kauai, LLC (Kauai)

A00-731/Destination Villages Kauai, LLC (Kauai)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
Complete items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
☐ Write "Return Receipt Requested" on the mailpiece below the article number.
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

Gay & Robinson, Inc.
P. O. Box 156
Kaumakani, HI 96747

4a. Article Number

P 331 035 536

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5/11/00

5. Received By: (Print Name)

Hua Donato

6. Signature (Addressee or Agent)

Hua Donato

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

P 331 035 535

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to Bruce Robinson	
Street & Number P. O. Box 11	
Post Office, State, & ZIP Code Makaweli 96769	
Postage	\$ 55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.20
Postmark or Date	

PS Form 3800, April 1995

A00-731/Destination Villages Kauai, LLC (Kauai)

A00-731/Destination Villages Kauai, LLC (Kauai)

SENDER: ☐ Complete items 1 and/or 2 for additional services. ☐ Complete items 3, 4a, and 4b. ☐ Print your name and address on the reverse of this form so that we can return this card to you. ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit. ☐ Write "Return Receipt Requested" on the mailpiece below the article number. ☐ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery	
3. Article Addressed to: Bruce Robinson P. O. Box 11 Makaweli, HI 96769		4a. Article Number P 331 035 535	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery 5/16/00	
5. Received By: (Print Name) [Signature]		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) [Signature]			

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

P 331 035 534

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to		Citizens Utilities Co.
Street & Number		4463 Pahee Street
Post Office, State, & ZIP Code		Lihue 96766
Postage	\$	55
Certified Fee		1.40
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		1.25
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	3.20
Postmark or Date		

PS Form 3811, April 1995

A00-731/Destination Villages Kauai, LLC (Kauai)

A00-731/Destination Villages Kauai, LLC (Kauai)

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
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I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

Citizens Utilities Company
4463 Pahee Street
Lihue, HI 96766

4a. Article Number

P 331 035 534

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received by: (Print Name)

F. AKASAKI

6. Signature (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

[Signature]



Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE:

July 20, 2000 - 1:00 p.m.
and July 21, 2000

Sheraton Kauai Resort
Lawai Room
2440 Hoonani Road
Koloa, Kauai

Docket Number: A00-731
Petitioner: DESTINATION VILLAGES KAUAI,
A LIMITED LIABILITY COMPANY

Tax Map Key: 1-7-05: portion of 1

Change Requested: To reclassify approximately 153.696 acres of land currently in the Agricultural District into the Urban District at Makaweli, Kauai, for the development of a resort and accessory uses.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai Planning Department, County of Kauai, Suite 473, Building A, 4444 Rice Street, Lihue, Kauai, 96766; and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 So. Beretania Street, Honolulu, Hawaii, 96813, during office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday.

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the commission by May 30, 2000.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the commission prior to the commencement of the hearing. Together with other witnesses that the commission may desire to hear at

the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the commission by July 6, 2000.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 (ten) days before the scheduled meeting.

LAND USE COMMISSION

MERLE A.K. KELAI, Chairperson

By ESTHER UEDA, Executive Officer

(Legal Ad - 2 columns)
(to appear May 15, 2000)
(HS&CPN)

Helber Hastert

Planners

LAND USE COMMISSION
STATE OF HAWAII

2000 MAY -3 A 10:35

May 2, 2000

Ms. Esther Ueda, Executive Officer
State of Hawaii
Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359



Dear Ms. Ueda:

**First Amendment to Petition
for State Land Use District Boundary Amendment
Kapalawai Resort
Makaweli, Kauai, Hawaii
TMK 1-7-05: portion of 1
Docket No. A00-731**

For your file, attached is the original letter corresponding to Petitioner's Exhibit No. 20, which was filed on May 1, 2000.

If you need additional information, please call me at 545-2055.

Sincerely,

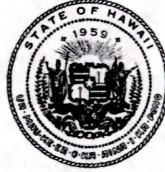
HELBER HASTERT & FEE, Planners

Scott Ezer
Senior Associate

Attachment

all original Exh "20"

BENJAMIN J. CAYETANO
GOVERNOR



5/3
ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 2, 2000

Mr. Timothy Johns, Director
Commission on Water Resource
Management
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Johns:

Subject: LUC Docket No. A00-731/Destination Villages Kauai, A Limited
Liability Company

On April 10, 2000, Petitioner Destination Villages Kauai, A Limited Liability Company, filed a Petition for Land Use District Boundary Amendment (Petition) with the Land Use Commission.

The Petition requests reclassification of approximately 153.696 acres of land situated at Makaweli, Kauai, and is identified as TMK 1-7-05: por. 1.

We request that the Division of Water Resource Management review the Petition and comment on the impact of the proposed project on the water resources of the subject area.

We understand that a copy of the Petition has been transmitted to your department by the Office of Planning.

Please provide your comments on the Petition to our office as soon as possible.

Thank you for your cooperation in this matter.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

cc: Michael J. Belles, Esq.
County of Kauai Planning Dept.
OP

BENJAMIN J. CAYETANO
GOVERNOR



513
ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 2, 2000

Mr. Timothy Johns, Director
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Johns:

Subject: LUC Docket No. A00-731/Destination Villages Kauai, A Limited
Liability Company

On April 10, 2000, Petitioner Destination Villages Kauai, A Limited Liability Company, filed a Petition for Land Use District Boundary Amendment (Petition) with the Land Use Commission.

The Petition requests reclassification of approximately 153.696 acres of land situated at Makaweli, Kauai, and is identified as TMK 1-7-05: por. 1.

Pursuant to §6E-42, Hawaii Revised Statutes (HRS), we are requesting that your agency review the subject Petition and comment on the effect of the proposed project on historic properties or burial sites, consistent with §6E-43, HRS.

We understand that a copy of the Petition has been transmitted to your department by the Office of Planning.

Please provide your comments on the Petition to our office as soon as possible.

Thank you for your cooperation in this matter.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

cc: Michael J. Belles, Esq.
County of Kauai Planning Dept.
OP

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

May 2, 2000

Michael J. Belles, Esq.
Belles, Graham, Proudfoot &
Wilson
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

Dear Mr. Belles:

Subject: LUC Docket No. A00-731/Destination Villages Kauai, A Limited
Liability Company

This is to acknowledge receipt of the First Amendment to Petition for Land Use District Boundary Amendment, Affidavit of Service of Petition, Affidavit of Sending of Notification of Petition Filing, Certificate of Service, and Exhibits 15 through 20 filed on May 1, 2000.

Based on the submittal of the above-mentioned items, the Petition filed in the subject docket is hereby deemed a proper filing as of May 1, 2000.

In the event that a notice of intent to intervene is filed with the Commission pursuant to §15-15-52(b), Hawaii Administrative Rules (HAR), Petitioner shall serve a copy of the Petition upon the potential intervenor and file an affidavit of Petitioner or its agent attesting to its compliance with §15-15-48(b), HAR.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

cc: Presley Pang, Deputy Attorney General
OP
County of Kauai Planning Dept.

LAND USE COMMISSION
STATE OF HAWAII

2000 MAY -1 P 2: 17

May 1, 2000

Ms. Esther Ueda, Executive Officer
State of Hawaii
Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359



Dear Ms. Ueda:

**First Amendment to Petition
for State Land Use District Boundary Amendment
Kapalawai Resort
Makaweli, Kauai, Hawaii
TMK 1-7-05: portion of 1
Docket No. A00-731**

On behalf of our client Destination Villages Kauai, LLC, we submit herewith 15 copies and one original of this First Amendment to Petition for State Land Use District Boundary Amendment from Agricultural to the Urban District. In response to your letter of April 18, 2000, which provided comments on a Final Petition we submitted to you on April 10, 2000, we offer the following responses:

1. Pursuant to §15-15-48, Hawaii Administrative Rules (HAR), we have served one copy of the Petition and the First Amendment to Petition with Citizens Utilities Company.
2. We have added Petitioner's Exhibit No. 15, a letter from Mr. Michael Belles to Esther Ueda, Executive Officer of the Land Use Commission, which clarifies the position of the Aylmer Robinson Estate, Lester Robinson, and the Alice Robinson Estate, relative to the petition area.
3. Pursuant to §15-15-50(c)(5)(A), HAR, we have attached Petitioner's Exhibit No. 16, a letter dated January 6, 1999 from Mr. Warren S. Robinson, Chairman of the Management Committee, Robinson Family Partners, and Chairman of the Board, Gay and Robinson, Inc., to Mr. Lewis P. Geyser, President of Destination Villages Kauai, LLC, granting approval of the Option Agreement.
4. We have also submitted Petitioner's Exhibit Nos. 17, and 18, letters from Mr. Warren S. Robinson, Chairman of the Management Committee, Robinson Family Partners, and Chairman of the Board, Gay and Robinson, Inc., to Mr. Lewis P. Geyser, President of Destination Villages Kauai, LLC, dated June

Ms. Esther Ueda

May 1, 2000

Page 2

8, 1999 and April 24, 2000 granting approval of the Petitioner's proposed master plan and location for the water tank and water lines for the resort, respectively. The master plan which was approved is already attached to the Petition as Petitioner's Exhibit No. 11. Both approvals have been executed within allowable time frames contained in the Option Agreement.

5. We have also submitted Petitioner's Exhibit No. 19, a letter dated January 6, 1999, from Mr. Bruce Robinson, to Mr. Lewis P. Geyser, indicating Mr. Robinson's acceptance of the Option Agreement.
6. Pursuant to §15-15-50(c)(5)(B), HAR, we have attached Petitioner's Exhibit No. 20, which is a letter dated April 25, 2000, from Bruce B. Robinson, Warren S. Robinson (Chairman Management Committee for Robinson Family Partners), and Mr. E. Alan Kennet (president of Gay & Robinson, Inc.) authorizing Destination Villages Kauai, LLC to apply for and process a Petition for Land Use Boundary Amendment for the petition area.

If you need additional information, please call me at 545-2055.

Sincerely,

HELBER HASTERT & FEE, Planners



Scott Ezer
Senior Associate

Attachments

C: Michael J. Belles
Lewis P. Geyser

**BELLES GRAHAM
PROUDFOOT & WILSON**

ATTORNEYS AT LAW

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com

ASSOCIATE
PAMELA P. RASK

OF COUNSEL
JONATHAN J. CHUN

April 26, 2000

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

LAND USE COMMISSION
STATE OF HAWAII
2000 MAY -1 P 2:18

Subject: LUC Docket No. A00-731
Destination Villages Kauai, A Limited Liability Company

Dear Ms. Ueda:

This letter is submitted in response to a request for clarification contained in your April 18, 2000 letter to me regarding the above-referenced Petition For Land Use District Boundary Amendment (the "Petition"). Your letter raised the issue of whether or not the Aylmer Robinson Estate, Lester Robinson, and the Alice Robinson Estate have or may have any interest in the property that is the subject of the Petition (referred to herein as the "Kapalawai Property"), and I would like to take this opportunity to address that issue. The chronology of relevant events regarding ownership of the property is as follows:

1. Prior to 1936, the Kapalawai Property was owned by Aubrey Robinson. Aubrey Robinson died on July 7, 1936 and devised his interest in the Kapalawai Property to his wife Alice Robinson.

2. Alice Robinson died on December 16, 1960. Pursuant to her Last Will and Testament, the Kapalawai Property was devised in equal shares to such of her three children (Aylmer Robinson, Eleanor Robinson and Lester Robinson) "as shall be living and shall have remained and shall be single at the time of my death." Alice's Last Will went on to provide that in the event any of her three single children, subsequent to her death, either married or died leaving any of her other children who remained single, the interest of the married or deceased child in the Kapalawai Property would cease and instead would vest in those of her other children who were then living and who remained single.

3. Aylmer Robinson died on April 2, 1967, and Lester Robinson (who had married during his lifetime) died on October 24, 1969, thus leaving the third child, Eleanor Robinson (who remained single until her death) as the sole owner of the Kapalawai Property.

Ms. Esther Ueda
Executive Officer
Land Use Commission
State of Hawaii
April 26, 2000
Page 2

4. Eleanor Robinson died on November 25, 1988, and in her Last Will and Testament left the Kapalawai Property to Gay & Robinson, Inc. and Bruce Robinson. An interest in the Kapalawai Property was subsequently deeded to Robinson Family Partners, and thus Gay & Robinson, Inc., Bruce Robinson and Robinson Family Partners currently own the Kapalawai Property, as reflected in the title search attached to the Petition as Exhibit No. 9.

Based upon the information and documents provided to me on this subject by our client, it is my opinion that neither the Aylmer Robinson Estate, Lester Robinson nor the Alice Robinson Estate have any interest in the Kapalawai Property, and therefore those parties are not required to be served with a copy of the Petition.

Please feel free to contact me if you have any further questions or require any further clarification on this matter.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc
cc: Mr. Lewis Geyser
Destination Villages Kauai

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

April 18, 2000

Michael J. Belles, Esq.
Belles, Graham, Proudfoot &
Wilson
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

Dear Mr. Belles:

Subject: LUC Docket No. A00-731/Destination Villages Kauai; A
Limited Liability Company

We have reviewed the Petition for Land Use District Boundary Amendment (Petition) submitted on April 10, 2000, and have the following comments:

- 1) Pursuant to §15-15-48, Hawaii Administrative Rules (HAR), copies of the Petition are required to be served upon persons with a property interest in the subject property as recorded in the county's real property tax records at the time the Petition is filed.

The title search (Exhibit No. 9) appears to indicate that Citizens Utilities Company (Citizens) has a recorded perpetual right and easement to build pole and wire lines and/or underground lines and a right-of-entry. Clarification should be provided as to whether Citizens has, in fact, a property interest in the subject property. If so, Citizens should be served with a copy of the Petition and the Certificate of Service and Affidavit of Service should be amended accordingly.

In addition, clarification should be provided as to whether Aylmer Robinson Estate, Lester Robinson, and Alice Robinson Estate have any property interest (other than ownership) in the subject property. Although the title search does not identify them as the owners, they do appear as the owners in the tax office records and maps. In the event they have a

property interest, they should be served with a copy of the Petition.

- 2) Pursuant to §15-15-50(c)(5)(A), HAR, a true copy of the deed, lease, option agreement, development agreement, or other document conveying to the Petitioner a property interest in the subject property should be included. Review of the option agreement indicates that it is subject to and expressly conditioned upon the written approval of Robinson Family Partners (RFP) to be obtained within 30 days of the date of the agreement. Clarification should be provided as to whether this approval was obtained. If so, it should be included in the Petition.

We also note that under the terms of the option agreement, RFP must approve of the Petitioner's proposed master plan and agree upon a mutually acceptable location for the water tank and water lines as part of the approval of the master plan. Clarification should be provided as to whether these terms were met within the timeframes specified. The master plan should also be provided if approved. Finally, we note that only two of the three fee owners of the subject property are signatories to the agreement. Clarification should be provided as to why the third fee owner, Bruce Robinson, did not sign the agreement.

- 3) Pursuant to §15-15-50(c)(5)(B), HAR, the written authorization of the fee owners to file the Petition should be provided. We note that the letter included in the Petition to comply with this requirement (Exhibit No. 8) is addressed to the County of Kauai Planning Department and specifically pertains to the County's land use approvals and permits. The authorization to file the *Petition* should be addressed to the Land Use Commission.

We have no further comments to offer on the Petition at this time.

Pursuant to §15-15-50(f), HAR, the Petition is deemed as a defective filing due to the lack of written authorization from the fee owners to file the Petition with the Commission. The Petition may also be deemed defective if service of the Petition upon Citizens, Aylmer Robinson Estate, Lester Robinson, and Alice Robinson Estate is required and/or if the option agreement has been terminated or rendered null and void.

Please be advised that in the event a notice of intent to intervene is filed with the Commission pursuant to §15-15-52(b), HAR, the Petitioner must serve a copy of the Petition upon the potential intervenor and file an affidavit of Petitioner or its agent attesting to its compliance with §15-15-48(b), HAR.

Michael J. Belles, Esq.

April 18, 2000

Page 3

Pursuant to §15-15-50(f), HAR, the Petition may be accepted as a proper filing upon review of the additional information submitted and upon determination by the Executive Officer.

Please address these matters as soon as possible.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,



ESTHER UEDA
Executive Officer

EU:aa

cc: OP
County of Kauai Planning Dept.
Scott Ezer, Helber Hastert & Fee

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

April 13, 2000

Ms. Genevieve Salmonson
Director
Office of Environmental
Quality Control
235 South Beretania Street, 7th Floor
Honolulu, Hawaii 96813

Dear Ms. Salmonson:

Subject: Submission of Information for Publication in The
Environmental Notice

The Land Use Commission has received the following:

- 1) Petition for Land Use District Boundary Amendment filed by
Destination Villages Kauai, LLC.

We request, if space permits, that the information provided by printed
in the next issue of The Environmental Notice.

We have enclosed the information in a hard copy format with formatting
codes obtained from your office. We have also enclosed the document on a
diskette for your convenience. The file name of the petition is A00731.doc.

We ask that the diskette be returned to our office after the information
has been transferred to your system, in order to utilize the diskette for
future announcements.

Thank you for your assistance in this matter.

Should you have any questions, please feel free to call me or Bert
Saruwatari of our office at 587-3822.

Sincerely,

A handwritten signature in black ink, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:aa

Enclosures

<Category>Land Use Commission
<Islebullet>k
<Project>Kapalawai Resort

<Body text 10pt>The LUC has received the following district boundary amendment petition filed, pursuant to Chapter 205, HRS:

<List>Docket No./

Petitioner: A00-731/Destination Villages Kauai, a limited liability company
Location: Makaweli, Kauai
Acreage: 153.696 acres
TMK: 1-7-05: por. 1
Request: Agricultural to Urban
Date Filed: April 10, 2000

<Body text 10pt>If you would like further detailed information on this matter, please contact:

State Land Use Commission

Location Address

Leiopapa A Kamehameha Building
(State Office Tower)
235 S. Beretania Street, Room 406
Honolulu, Hawaii 96813

Mailing Address

P.O. Box 2359
Honolulu, Hawaii 96804-2359

Phone: 587-3822

BENJAMIN J. CAYETANO
GOVERNOR



ESTHER UEDA
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

April 10, 2000

Mr. Scott Ezer
Senior Associate
Helber Hastert & Fee
Grosvenor Center, Makai Tower
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813

Dear Mr. Ezer:

This is to acknowledge receipt of the filing fee of \$500.00
for the following petition:

DOCKET NO./PETITION: A00-731 - Destination Villages Kauai,
LLC

TAX MAP KEY: 1-7-05: portion of 1

LOCATION: Makaweli, Kauai, Hawaii

DATE RECEIVED: April 10, 2000

You will be advised of the acceptance or non-acceptance of
the petition at a later date.

Sincerely,

ESTHER UEDA
Executive Officer

EU:th

Enclosure

cc: Michael J. Belles, Esq. (w/o encl.)

8K806 REDIFORM

State of Hawaii
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359

RECEIPTDate 4/11To 2000

6443

Received From Helber Hastert & Fee, Planners Inc

Address _____

Dollars \$ 500.00For Application Fee Kapalawai Resort

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		☒
AMT. PAID			CHECK		☐
BALANCE DUE			MONEY ORDER		☐

By J. Hakan

LAND USE COMMISSION
STATE OF HAWAII

April 10, 2000

2000 APR 10 P 1:11



Ms. Esther Ueda, Executive Officer
State of Hawaii
Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

Dear Ms. Ueda:

**Petition for State Land Use District Boundary Amendment
Kapalawai Resort
Makaweli, Kauai, Hawaii
TMK 1-7-05: portion of 1
Docket No. A00-731**

On behalf of our client Destination Villages Kauai, LLC, we are pleased to submit this Petition for State Land Use District Boundary Amendment from Agricultural to the Urban District. In response to your letter of March 24, 2000, which provided comments on a Draft Petition we submitted for your review on March 13, 2000, we offer the following responses:

1. Pursuant to §15-15-47, Hawaii Administrative Rules (HAR), we have filed one original and 15 copies of the final petition.
2. Pursuant to §15-15-48, HAR, the final petition includes a certificate of service indicating the parties to whom copies of the final petition were served. The occupants living on the property in four employee dwellings and the former guest house adjacent to the main residence, have no formal written agreements with the property owners, and as such have no property interest in the petition area. They have, however, been sent a notification of the filing of the petition (it should be noted that five dwellings on the property are occupied, instead of the four described in the draft petition).
3. Pursuant to §15-15-49, HAR, we have attached a cashiers check in the amount of \$500 payable to the State of Hawaii.
4. Pursuant to §15-15-50(c), HAR, a full size tax map is included with the original petition as Petitioner's Exhibit No. 7. Reduced versions of the tax map are included in all other copies of the final petition. The tax map now more clearly identifies the boundaries of the petition area.

We have also attached the boundary interpretation of March 21, 2000 (Petitioner's Exhibit No. 6), as an additional exhibit to the petition.

Ms. Esther Ueda

April 10, 2000

Page 2

5. Pursuant to §15-15-50(c)(4), HAR, the final petition includes a fuller discussion of all the standards for determining the requested district boundary amendment.
6. We are aware that the records of the Kauai Department of Finance, Real Property Assessment Division indicate the petition area is not owned by the parties identified in the petition. Pursuant to §15-15-50(c)(5)(B), we have attached a copy of a recent title search for the property which includes the petition area, and shows that Robinson Family Partners, Gay & Robinson, Inc., and Bruce Robinson do own the petition area.

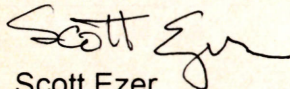
Pursuant to §15-15-50-(c)(5)(C), HAR, the final petition includes an affidavit attesting to compliance with §15-15-48, HAR.

7. Pursuant to §15-15-50-(c)(5)(8), HAR, the final petition includes material describing financial condition, together with the most current balance sheet of the Excel Legacy Corporation (as of September 30, 1999). We have also expanded the description of the manner in which the project is intended to be financed.
8. Pursuant to §15-15-50-(c)(22), HAR, a copy of the notification of petition filing is included in the final petition, and was sent to all persons on the mailing list supplied by your office. An affidavit that the notification was sent pursuant to §15-15-50-(d) is also included in the final petition, in addition to a copy of the mailing list.

If you need additional information, please call me at 545-2055.

Sincerely,

HELBER HASTERT & FEE, Planners



Scott Ezer
Senior Associate

Attachments

C: Michael J. Belles
Lewis P. Geyser



Helber Hastert & Fee, Planners, Inc.
 Grosvenor Center
 733 Bishop Street, Suite 2590
 Honolulu, Hawaii 96813
 Telephone 808 545-2055

First Hawaiian Bank

Main Branch
 Honolulu, Hawaii 96813 59-101/1213

18893

CHECK DATE **APRIL 7, 2000**

PAY * * FIVE HUNDRED AND 00/100 * *

TO STATE OF HAWAII

AMOUNT **\$500.00**

AUTHORIZED SIGNATURE

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈018893⑈ ⑆121301015⑆ 77⑈021876⑈

HELBER HASTERT & FEE, PLANNERS, INC.

18893

APPLICATION FEE \$500.00

LAND USE COMMISSION
 STATE OF HAWAII
 2000 APR 10 P 1:11