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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the matter of the Petition of

HILUHILU DEVELOPMENT, LLC

To amend the State Land Use
Agricultural and Conservation Districts to
the State Land Use Urban District for
approximately 725.2 acres of land at
ahupua`a of Kau, North Kona Judicial
District, Island and State of Hawai`i, Tax
Map Key No. (3) 7-2-005: 001

DOCKET NO. A03-744

ORDER GRANTING PETITIONER'S
MOTION TO CORRECT ERRORS IN THE
FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION AND ORDER FOR
A STATE LAND USE DISTRICT
BOUNDARY AMENDMENT

ORDER GRANTING PETITIONER'S MOTION TO CORRECT ERRORS IN THE FINDINGS
OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER FOR A STATE LAND
USE DISTRICT BOUNDARY AMENDMENT

RECEIVED
JAN 27 2009
STATE OF HAWAII
LAND USE COMMISSION



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USE DISTRICT BOUNDARY AMENDMENT

On December 23, 2008, Palamanui Global Holdings, LLC, a Delaware limited liability company, ("Palamanui"), successor to Petitioner Hiluhilu Development, LLC, a Hawaii limited liability company ("Hiluhilu") filed a motion to correct errors in the Findings of Fact, Conclusions of Law, and Decision and Order dated June 13, 2005, pursuant to sections 15-15-70 and 15-15-94, Hawaii Administrative Rules ("HAR"). Its Memorandum in Support of Motion to correct errors, also filed December 23, 2008, indicated that there were three incorrect Tax Map Key Number references for the Petition Area as (3) 7-5-002:001 instead of (3) 7-2-005:001:

1. Paragraph 43 of the Findings of Fact (page 9);
2. Paragraph 1 of the Conclusions of Law (page 84);
3. Decision and Order (page 87).

On January 8, 2009, the Commission held an action meeting on this docket, in Waikoloa, Hawaii. There were no public witnesses providing oral testimony on this matter.

Petitioner admitted the oversight and requested to amend the Order to correct the tax map key numbers.

State Office of Planning had no objections to the amendment.

Presiding Officer Piltz stated that the County of Hawaii had submitted correspondence that it had no objections to the change.

After discussion and deliberation by the Commissioners, a motion was made and seconded to correct errors in the Findings of Fact and Conclusions of Law, Decision and Order for a State land use Boundary Amendment. There being a vote tally of 7 ayes, 1 absent, and 1 excused, the motion carried.

ORDER

Having duly considered Petitioner's motion to correct errors in the Findings of Fact, Conclusions of Law, and Decision and Order for a State land use district boundary amendment, the supporting document from the County of Hawaii Planning Department, and noting the State Office of Planning had no objection, the oral and written arguments presented by the parties, and further representations made during the hearing, and a motion having been made and seconded at a hearing on January 8, 2009, in Waikoloa, Hawaii, and the motion having received the affirmative votes required by §15-15-13, HAR, and good cause appearing therefor, this Commission GRANTS the motion to correct errors in the Findings of Fact, Conclusions of Law, and Decision and Order for a State land use district boundary amendment dated June 13, 2005, and ORDERS that Tax Map Key No. (3) 7-2-005:001 be inserted at:


1. Paragraph 43 of the Findings of Fact (page 9);
2. Paragraph 1 of the Conclusions of Law (page 84);
3. Decision and Order (page 87).

As so amended, the Findings of Fact, Conclusions of Law, and Decision and Order dated June 13, 2005, are affirmed and continue in full force and effect.

This ORDER shall take effect upon the date this ORDER is certified and filed by the Commission.

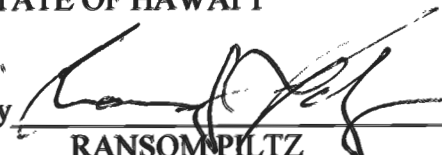
Makena, Maui,
Dated: ~~Honolulu~~, Hawaii, January 22, 2009

APPROVED AS TO FORM



Diane Jackson
Deputy Attorney General

**LAND USE COMMISSION
STATE OF HAWAII**

By 

RANSOM PILTZ
Vice Chair and Presiding Officer

Filed and effective on
January 27, 2009

Certified by:


Orlando Davidson, Executive Officer



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CERTIFICATE OF SERVICE

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I hereby certify that a certified copy of the ORDER GRANTING PETITIONER'S
MOTION TO CORRECT ERRORS IN THE FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION AND ORDER FOR A STATE LAND USE DISTRICT BOUNDARY
AMENDMENT was served upon the following by either hand delivery or depositing the same in
the U. S. Postal Service by regular or certified mail as noted:

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

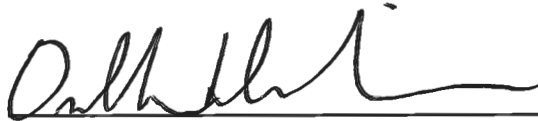
REGULAR BRYAN C. YEE, Esq.
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REGULAR MAIL: DARYN ARAI, Acting Director
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Aupuni Center
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Hilo, Hawaii 96720

CERTIFIED MAIL: ALAN M. OKAMOTO, Esq.
ROY K. NAKAMOTO, Esq.
JEREL I. YAMAMOTO, Esq.
187 Kapiolani Street
Hilo, Hawaii 96720

Dated: Honolulu, Hawaii, January 27, 2009.

A handwritten signature in dark ink, appearing to read 'Orlando Davidson', written over a horizontal line.

ORLANDO DAVIDSON
Executive Officer