

M FAST MAUI IRR. CO. A(T) 62-1

LUC File A(T)- 62-1

Petitioner: East Maui Irrigation Co. County Maui

Date petition and fee
received from County
with recommendation: 6-15-62

Suspense date for LUC action: _____

Publication of hearings

<u>Dates</u>	<u>Newspaper</u>
_____	<u>Honolulu Star Bulletin</u>
_____	<u>Honolulu Advertiser</u>
_____	<u>Maui News</u>

Hearings

<u>Date</u>	<u>Place(s)</u>	<u>By</u>
<u>5-22-62</u>	<u>Maui Plan. Comm.</u>	<u>Maui P&TC</u>
<u>8-2-62</u>	<u>Chambers Maui Bd. Sup.</u>	<u>LUC</u>
_____	_____	_____

Actions

<u>Dates</u>	<u>Actions</u>	<u>By</u>
<u>5-22-62</u>	<u>Approval</u>	<u>Maui P&TC</u>
_____	_____	_____
_____	_____	_____

Notes:

7-18-62 staff inspection: Darnell

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for County or DLNR use

Date Petition and Fee received
by County or DLNR May 18, 1962

Date forwarded to LUC
with recommendation May 25, 1962

Date Petition, Fee and
County/DLNR recommen-
dation received by LUC June 15, 1962

PETITION FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY

(X) (We) hereby request an amendment of Land Use Commission Temporary District Boundary respecting the County of MAUI, Island of MAUI, map number and/or name HAIKU, HAWAII (M-10) to change the district designation of the following described property from its present classification in a(X) Conservation district into a(n) Agricultural district.

Description of property: 1030 acres of East Maui Irrigation Co's fee simple Halehaku property bounded on the east and west by the Honopou and Halehaku gulches; north and south by the Lowrie Ditch and the New Hamakua Ditch Trail. (Map with metes and bounds description attached here-
Petitioner's interest in subject property: with)

OWNER

Petitioner's reason(s) for requesting boundary change: Land to be put to better economic multiple use as pasture land with the added advantage of improving its watershed utility, which is of course its highest use in this Conservation District.

- (1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the district in which it is located is classified.

- (2) The petitioner will attach evidence in support of either of the following statements (cross out one):

~~(a) The land is not usable or adaptable for use according to its present district classification.~~

- (b) Conditions and trends of development have so changed since adoption of the present classification, that the present classification is unreasonable.

RECEIVED

JUN 15 1962

State of Hawaii
LAND USE COMMISSION

EAST MAUI IRRIGATION CO., LTD.

Signature(s)

Robert P. Bruce
Robert P. Bruce
Manager

Address:

Paia, Maui, Hawaii

Telephone:

495165

- (1) Referring to the statement under this item on the first page of this petition, recent studies and experience in the management of our East Maui Watershed have convinced us that pasture grass coverage in the lower eastern end of our watershed close to the water delivery points, tends to produce more beneficial water yields than forest cover. As the water yield of this watershed is of primary economic importance to the Island of Maui, we propose to issue a lease with the necessary watershed restrictions on this 1030 acre parcel of land to an individual who is starting a small ranching business, and will operate under approved soil conservation methods. This parcel of land is less than 2% of our total watershed area of between 55 and 60,000 acres.

We first approached the Division of Forestry requesting sub-zoning of this area for grazing purposes within the conservation district, but due to their proposed regulations and more particularly because of the \$1000.00 penalty for violation of each or any of the many regulations imposed, neither our prospective lessee nor anyone else was willing to lease such marginal pasture lands under these circumstances. Our only recourse was to petition for a change in district classification from conservation to agriculture.

- (2) (b) On April 28, 1962, our 20 year Surrender Agreement with the former Territorial Board of Agriculture and Forestry expired, and this 1030 acre parcel returned to our control. We determined that the highest and best multiple use this land could be put to was controlled pasturage under approved soil conservation practices. We are convinced that a good grass cover will yield more economically valuable water from this particular portion of our watershed than the wild forest growth now covering the area, including some detrimental bamboo groves, which are spreading without control. As stated in Item (1) above, the only reasonable manner under which we can put this portion of our watershed to its highest and best water yielding capacity is to petition for a change in district classification from conservation to agriculture.

RECEIVED

JUN 15 1962

State of Hawaii
LAND USE COMMISSION

NOTICE OF PUBLIC HEARING

TO CONSIDER PETITIONS FOR TEMPORARY DISTRICT BOUNDARY CHANGE AND APPLICATION FOR SPECIAL PERMIT WITHIN THE COUNTY OF MAUI, BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

NOTICE IS HEREBY GIVEN of the public hearing to be held by the Land Use Commission of the State of Hawaii in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui, on August 2, 1962 at 8:00 p.m., or as soon thereafter as those interested may be heard, to consider petitions for Temporary District Boundary change and application for Special Permit within the County of Maui as provided for in sections 6 and 7, Act 187, Session Laws of Hawaii 1961. Temporary District Boundary change petitions to be heard are:

<u>Petitioner</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
East Maui Irrigation Company	2-8-08: por. 7 (that portion being 1030.00 acres, more or less, bounded by the east pali of Halehaku stream, and Honopou stream; and between the mauka side of Lowrie ditch and the centerline of the New Hamakua Ditch Trail)	Change from a Conservation district to an Agricultural district classification.
Loyalty Enterprises, Limited	2-1-08: 42 (Wailea)	Change from an Agricultural district to an Urban district classification.
Frank and Jessie Munoz	2-3-33: 19,15,16,18 (Pukalani)	Change from an Agricultural district to an Urban district classification.
County of Maui Planning and Traffic Commission	2-3-11: 20,73 2-3-33: parcels 1 through 18 inclusive and 2-3-33: 20,21 (Pukalani)	Change from an Agricultural district to an Urban district classification.

Special Permit Application to be heard is:

<u>Petitioner</u>	<u>Tax Map Key</u>	<u>Permission Requested</u>
Juichi & Kinu Kurasaki	3-3-01: 45 (Lower Waiehu)	Build and operate a restaurant: specifi- cally, as a Steak House.

Maps showing the areas under consideration for Temporary District Boundary change and the area under consideration for Special Permit and copies of the rules and regulations governing the applications for the above are on file in the offices

of the Maui County Planning and Traffic Commission and the Land Use Commission and are open to the public for inspection during office hours.

All written protests or comments regarding the above petitions for Temporary District Boundary change and the application for Special Permit may be filed with the Land Use Commission, 426 Queen Street, Honolulu, Hawaii, before the date of public hearing, or submitted in person at the time of the public hearing or, regarding Temporary District Boundary change petitions only, up to fifteen (15) days following this public hearing.

LAND USE COMMISSION

E. C. Bryan, Chairman
E. C. BRYAN

R. J. Darnell, Executive Officer
R. J. DARNELL

(Legal ad - 2 cols. w/border)
(To appear on July 13, 1962)
(HONOLULU ADVERTISER)
(HONOLULU STAR-BULLETIN)
(MAUI NEWS)

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

October 2, 1962

East Maui Irrigation Company, Ltd.

Paia, Maui, Hawaii

Attention: Mr. Robert P. Bruce, Manager

Dear Sir:

With reference to your petition (LUC File A(T) 62-1) to reclassify that property described as 2nd Div. TMK 2-8-08: Por. 7, from a Temporary Conservation District to a Temporary Agricultural District, may I inform you of the following:

A public hearing was held on this matter by the Land Use Commission of the State of Hawaii in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui, Hawaii, at 8:00 p.m., August 2, 1962. Notice of the hearing appeared in the Honolulu Advertiser, on July 13, 1962; and in the Maui News, on July 13, 1962.

The Land Use Commission, at its meeting in the Chambers of the Maui County Board of Supervisors, beginning at 8:30 a.m., September 19, 1962, amended Temporary District Boundary map M-10 (Haiku)

as follows:

To include all of the area described in petition A(T) 62-1 in a Temporary Agricultural district, this area being 1030 acres, more or less, bounded on the east and west, respectively, by the pali of the Honopou and Halehaku gulches; and on the north and south, respectively, by the Lowrie ditch and the new Hamakua Ditch Trail.

Very truly yours

R. J. DARNELL
EXECUTIVE OFFICER

LAND USE COMMISSION

PUBLIC HEARING

Maui Board of Supervisors Chambers

Wailuku, Maui

August 2, 1962

Commissioners

Present:

Edward C. Bryan
Stanley C. Friel
Wayne Gregg
Edward Kanemoto
Franklin Y. K. Sunn
Roger T. Williams

Absent:

Yuichi Ige

Ex-Officio Members

Absent:

F. Lombardi
E. H. Cook

Staff

Present:

R. J. Darnell, Executive Officer (XO)
W. M. Mullahey, Field Officer
Arthur Fong, Legal Counsel
Philip T. Chun, Department of Planning and Research
Alberta L. Kai

Chairman Bryan called the public hearing to order at 8:00 p.m. in the Chambers of the Maui County Board of Supervisors. He gave a brief summary outlining the procedures to be followed during and after the hearing.

Chairman Bryan announced that this public hearing was being held in accordance with notices published in the Honolulu Advertiser, Honolulu Star-Bulletin, and Maui News on July 13, 1962.

He stated that the matters for consideration were the petition of East Maui Irrigation Company requesting change from a Conservation to an Agricultural district classification; petition of Loyalty Enterprises, Limited, Frank and Jessie Munoz, and the County of Maui Planning and Traffic Commission, all three of whom request change from Agricultural to Urban district classification; and the application of Juichi and Kinu Kurasaki for a special permit to build and operate a restaurant, specifically a steak house, in an area which at present is in an Agricultural classification. These notices were made a part of the record.

After an affirmative answer from the XO that the applicants, Board of Supervisors, City Council, and Maui County Planning and Traffic Commission had been notified of the hearing by letter, the Chairman requested that those letters be made a part of the record.

APPLICATION FOR SPECIAL PERMIT OF JUICHI AND KINU KURASAKI TO ESTABLISH AND OPERATE A RESTAURANT: SPECIFICALLY A STEAK HOUSE, ON PROPERTY LOCATED NEAR WAIIEHU: Described as TMK 3-3-01: 45 (0.976 acre).

Chairman Bryan requested that the XO describe this particular property. The XO gave a general description of the property, located in Lower Waiehu, and showing its location on the map. He stated also that it is on a new road, an escape road.

The Chairman asked if there was anyone in the audience representing the applicant or whether the applicant himself was present.

Mrs. Kimiko, after being sworn in by Chairman Bryan, explained that she was Mrs. Kurasaki's sister; and that the petitioners were requesting a special permit to put up an eating establishment in Waiehu as stated in a letter which accompanied the special permit application to the Land Use Commission. The Chairman requested the XO to read the letter referred to and this was done.

The XO was sworn in and proceeded to read letters received from County officials. Maui County Planning and Traffic Commission recommended approval for establishment of the restaurant as requested by Mr. and Mrs. Kurasaki. The Board of Supervisors' letter stated that the matter had been referred to the County Public Works Committee and the Land Use Commission would be notified of any subsequent action taken by the Board.

Supervisor Harry Kobayashi, Chairman of the Public Works Committee (not sworn in) explained that the Board did not have sufficient time to meet on the matter, but that the Public Works Committee met on July 31 and action would be taken by the Board of Supervisors on August 3, 1962. He stated that the Public Works Committee members had no objection to the request made by the applicant and they (the Committee) would concur with the Planning and Traffic Commission's recommendation.

Chairman Bryan asked if it was the intention of the Board to confirm this in writing within the next 15 days, and Supervisor Kobayashi replied in the affirmative.

The XO requested information of the County Planning Director or of Supervisor Kobayashi, stating that this property is serviced by what is known as an "escape road"; and he was of the understanding that this road was put in because the area is subject to tsunami or flood damage; that this area is flooded as often as any area on the Windward side of the isthmus of Maui is flooded. He expressed concern with flood conditions or tidal wave conditions on this piece of property and asked if they had special knowledge of the situation. He was answered that the road was not designed to take care of flood conditions as such, and that an escape road is in event of tsunami. The XO stated that he was trying to find out if the property itself is subject to any damage. These are things he did not know and might not be able to find out.

The XO gave the staff recommendation for disapproval of a steak house or restaurant in this location, because of potential danger from tsunami or flooding and because of its distance from any other existing urban area. This would be a recommendation

for denial without prejudice, pending the final determination of the Urban boundaries next year. The Chairman noted that the staff report was given orally.

Chairman Bryan asked if anyone in the audience would like to be heard.

Mr. Robert Ohata, Director of Planning of the County of Maui was sworn in. He stated that he gathered from the staff's recommendation against approval, that it was based on the fact that this is an area remote and possibly subject to tsunamis. He stated that his Commission felt that the remoteness should not be a consideration in the case because this is one isolated development in a vast area where there is little or no development. He stated that the usual planning procedures or planning criteria cannot be applied in this case, and pointed out an example, i.e., the area southwest of California is desert land. Should anyone want to open an eating establishment it would not be detrimental to close urban areas. He then took the second reason of the staff's recommendation, which was the possibility of damage by tsunami. He agreed that this area is in a danger zone, but pointed out that homes are permitted in this area, adding that people in an eating establishment could be alerted and easily evacuated. He recommended consideration of the fact that the property's being in the tsunami danger zone should not enter into the picture.

Mrs. Kimiko pointed out that the new road was built due to the fact that the original road was too near the beach area and too far from the original road built there. She also stated that a parking area would be built which would not prove hazardous, should the escape road be utilized if there were danger of tsunami.

Mr. Frank Souza was sworn in by the Chairman. Mr. Souza stated that he was a resident of the area in which Mrs. Kurasaki is planning the steak house. He plans to build homes in this area for rental purposes and he felt that if an eating establishment should be granted in this area it would create a lot of problems: (1) a lot of noise blaring from music boxes, cars, etc.; and (2) the escape road would be jammed with cars and that the possibility of escape in case of a tsunami would be hazardous.

Mrs. Kimiko stated that Mrs. Kurasaki will build ample parking space for their customers so that there will be no hazard to the main road. She also stated that the highway is just a few hundred feet away, and she didn't think it would have any effect on the problem of escape. Then too, wouldn't the State provide ample warning should there be danger of tsunami?

Mr. Souza suggested that the Commission go down to see the road, and the Chairman answered that the Commission had already inspected the property.

Commissioner Sunn asked the XO if it is a generally accepted practice for variances to be granted for isolated instances such as a request for an eating establishment, filling station, in isolated areas without consideration? Does this mean that if you grant such a variance that anyone, any place, could ask for such a thing on the basis that they can actually process such a request to fulfillment, which should be granted?

The XO stated that his recommendation for denial was categorical. Anyone in the very close vicinity, with a similar set of circumstances, could logically ask for exactly the same thing or something quite similar to what Mr. and Mrs. Kurasaki have asked, if such a request is granted.

Commissioner Sunn then asked Mr. Ohata if the Maui Planning Commission considers the establishment of a precedent by granting such a request?

Mr. Ohata replied that the Maui Planning Commission looks at each application as it comes up. Because one establishment is approved in one area, doesn't necessarily mean that the Commission will use that as a precedent and approve a dozen more similar uses. He stated that his Commission reserves the right of approval or denial, depending on the standard planning studies that ought to be made before a decision is rendered.

The XO stated that, in planning law and policy used all over the United States, an applicant is required to prove three things for approval of a variance:

1. That conditions pertaining to the particular property are unusual or different from those on all the property around it.
2. That the applicant has a hardship, in that if he cannot have the requested use, he cannot make reasonable use of his property.
3. That the use requested would not have a detrimental effect upon anything else in the neighborhood.

He also pointed out that Act 187 states that certain unusual and reasonable uses may be allowed in an Agricultural district by special permit; and that he should have stated in the recommendation of the staff that he did not think this is a particularly unusual use that is entirely reasonable to be made of this piece of property.

Supervisor Kobayashi posed the following questions: Is not this Law that governs the Commission labeled the Greenbelt Law; and does it not give you jurisdiction to determine whether the land use shall be Urban, Conservation, or Agricultural? The area now in question has been zoned Agricultural: What do you know about this area; what is so Agricultural about this area; what is the Agricultural use at present?

Chairman Bryan briefly stated the following to Supervisor Kobayashi:

1. That this particular area is not an Urban area. It is not so considered an Urban area by the Commission who drew the lines between the Agriculture and Urban areas.
2. At present the land is in an Agriculture use. The family has been attempting to grow truck crops in this area but has not been successful and they have come before this Commission requesting to put this land into some other use.
3. This is the reason why it is classified as an Agriculture use and not Conservation.

Supervisor Kobayashi stated that he did not think the staff is in any position at this time to come up with recommendations except to present the case to the Commission and have the Commission make its decision on the merit of the presentation.

Chairman Bryan referred Supervisor Kobayashi to Act 103 of the Legislature which provides procedures for all public hearings of the State, Boards, and Commissions. Further, no Commissioner knows beforehand what the staff recommendation will be, in order that the applicant and everyone else at the hearing can have full benefit of any information presented. Any judgment as to whether the staff has the right, rests with the Commissioners. The Commission would like to receive any arguments or facts in the way of information pertinent to this hearing and hopes to give a ruling on this matter within a period of 15 or 20 days.

Supervisor Kobayashi added that in the future, all information would be given to the Commission either in writing or verbally. This being their first hearing, he would like to be able to ask questions to clarify exactly what kind of information should be presented.

Mr. Chun directed a question to Mr. Ohata regarding the petition as to whether or not it met satisfactorily the requirements of access, sanitation, County regulations, and other facilities. Mr. Ohata replied in the affirmative, stating that not too far away the County of Maui has a golf course and there is an establishment there that caters to the public and it has been approved by the Department of Health as being sufficiently sanitary.

The XO stated that he would like to clarify his recommendation for denial without prejudice for the reason that the Urban areas to be added to the Temporary Urban areas, are in study at present. These will be based by the Land Use Commission on enlargement of Urban areas to take care of urban pressure; on the existence of government-supplied facilities, utilities and roadways that service existing areas. The "without prejudice" part of the recommendation meant that the property may be in an Urban area after the study has been completed; and whether it may or may not he did not know.

The Chairman pointed out to Supervisor Kobayashi that in a request for Special Permit the Commission often ask for more detail than they would in a request for moving of a line or zoning an area for Urban, Agriculture, or Conservation; the reason being that a Special Permit is for a specific use, but where an area is put in an Urban zone, then it becomes a matter for the County to administer.

Supervisor Kobayashi stated that it is then this Commission's responsibility procedure to maintain the Agriculture areas in existence suitable for Agriculture.

Chairman Bryan agreed, stating within certain limitations, that is the intent of the Law.

The Chairman informed Mrs. Kurasaki that the Commission will meet on August 21 and 22, and on one of these days Commission will try to make a final determination of your request and will send her a notice immediately.

Mrs. Kimiko requested if notification of meeting would be made to Mrs. Kurasaki. Chairman requested secretary to notify Mrs. Kurasaki by letter of Commission's meeting and to put matter on agenda.

The public hearing closed in the matter of Mr. and Mrs. Kurasaki.

PETITION OF EAST MAUI IRRIGATION COMPANY FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM CONSERVATION TO AGRICULTURAL CLASSIFICATION, PROPERTY LOCATED IN THE HALEHAKU AREA, MAUI: Described as TMK 2-8-08, Por. 7 (1030 acres).

Chairman Bryan requested the XO to point out area involved in this petition.

The XO pointed out the location of the area on a map and gave a general description of the property.

The Chairman asked if there were someone in the audience representing East Maui Irrigation Company.

Mr. Robert Bruce was sworn in and introduced himself as manager of the East Maui Irrigation Company. Mr. Bruce read and presented a copy of a letter to each member of the Commission which he had prepared stating the reasons for the petitioner's request for a change of boundary.

Mr. Bruce stated that East Maui Irrigation Company delivers on an average of 180 million gallons of water a day to the Isthmus of Maui for the irrigation of sugar cane; and that it is the Isthmus area, where the pumping is carried on, that East Maui Irrigation is interested in for recharging. East Maui Irrigation would like to collect the water from the watershed for this purpose. Mr. Bruce brought out that it was the intent of Act 187 to protect and benefit our agricultural enterprises in the State; and he felt that the change East Maui Irrigation Company is requesting would accomplish this purpose.

Before presenting the staff report, the XO read communications received from the County of Maui Planning and Traffic Commission and the Board of Supervisors of Maui.

1. Letter from the Maui Planning and Traffic Commission recommending approval of the change of boundary, and requesting that the Commission notify the Maui Planning and Traffic Commission of any hearing and action taken on the petition.
2. Letter from the Maui Board stating that the matter had been referred to the Public Works Committee for its attention.

The XO presented the staff report, stating that the argument presented by Mr. Bruce in some ways states the partial reason for the area being in Conservation designation. The XO did not see why the use proposed by East Maui Irrigation Company could not be allowed in the Conservation District if it is a proper use. He stated that,

although the staff was reluctant to recommend a change, during the interim period, in the Conservation district, in the absence of a communication to the contrary from the Department of Land and Natural Resources (who presently has the control of land use in this area), the staff would recommend approval of the petition for a change of boundary.

The Chairman requested that letters presented in behalf of county officials and the applicant be made part of the record.

Mr. Chun questioned the XO as to when the inquiry was made to the Department of Land and Natural Resources concerning any comment they may have in respect to this application.

The XO replied that the subject in question has been before the Land and Natural Resources and discussed between the Department, the petitioner and the Land Use Commission staff on numerous occasions; and that the petition was held up by the petitioner himself, after the application had been recommended for approval by the Maui Planning Commission, and had been sent to the Land Use Commission on the basis that numerous conversations were being held. The last time the Land and Natural Resources had been heard from on this particular matter was this morning by telephone.

Commissioner Sunn then stated that his understanding, from what the XO has stated, is that there was no official communication made to the Department of Land and Natural Resources. The XO replied that a letter was sent to them which was dated July 11. No official reply has been received, however.

Commissioner Sunn questioned whether the letter submitted to the Board of Supervisors on Maui was sent the same day the Land and Natural Resources' letter was sent. The XO replied that the letter sent to the Board of Supervisors was dated July 10.

Chairman Bryan stated, for the benefit of government organizations that might be present at the hearing, that on receipt of any application, the Land Use Commission staff has been instructed to request the recommendations and comments from the County Planning and Traffic Commissions, the County Board of Supervisors or in the case of Oahu, the City Council, and any governmental body which might be interested in the particular case. The Commission usually has a reply prior to the hearing, but at times the Commission does not receive any reply until sometime during the 15-day period after the hearing.

Commissioner Sunn questioned Supervisor Kobayashi as to whether his Public Works Committee had met on this matter. Supervisor Kobayashi replied that on July 31st the Public Works Committee met and unanimously agreed, without objections, concurring with the recommendations of the Planning Commission; and that an official Board action report would be submitted to the Land Use Commission some time next week.

Commissioner Sunn raised a question as to whether it would be worth the Commission's while to query the Soil Conservation Service as to their views on the matter.

Mr. Bruce replied that he didn't believe that this was part of the Soil Conservation district at this time but it is their intention, of which the Soil Conservation has been informed, that if East Maui Irrigation Company felt the area should be added

to the Soil Conservation district, they would comply with it.

Mr. Chun questioned Mr. Bruce, stating that, as he understood the petition, the purpose of East Maui Irrigation Company in applying for redistricting of this parcel of land, is to convert this pasture for the purpose of capturing surface water. Within the Conservation District, and pursuant to the Act 234 of the 1957 Session of the Legislature, pasturing is one of the purposes permissible within the Conservation District. Had an application been made to the Land and Natural Resources for this use within the forest reserve zone?

Mr. Bruce replied, stating that that was the main reason for withholding this petition. East Maui Irrigation Company have explored that personally; have met with the Division of Forestry, who are handling this subzoning, and who have had a hearing on Maui; and have explored the matter with this particular lessee, who does not wish to operate on Conservation district subzoning which is liable to change. He felt definitely that, if it is agreed that Agricultural use is the best use for this land, it should be in an Agricultural district.

Mr. Chun stated that he assumed there is nothing in the record that may seem to be in disagreement to total use for pasture purposes within the Division of Forestry.

Mr. Bruce replied that he didn't think the forestry people objected to the purpose of the use, but that they would prefer this subzoning (under Act 234), while East Maui Irrigation Company wants Agricultural zoning for an Agricultural use.

Chairman Bryan asked if there were anyone present who wished to speak for or against, or to make any comments.

The Chairman informed Mr. Bruce that the Commission is required to wait 15 days for any further comments that might come to the Commission in writing. In addition to that, the Commission would have to wait another 30 days before giving an answer, which makes a total of 45 days. The Commission intends to have a meeting on Tuesday, September 18; and at this time that meeting is scheduled for Honolulu, and at that time either Tuesday the 18th or Wednesday the 19th, the Commission will reach a final determination, if possible.

The Chairman requested that the secretary notify Mr. Bruce of the time and place of this meeting.

The public hearing was closed on East Maui Irrigation Company's petition.

PETITION OF LOYALTY ENTERPRISES, LIMITED, FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM AGRICULTURAL TO URBAN CLASSIFICATION, PROPERTY LOCATED IN THE WAILEA AREA, MAUI: Described as TMK 2-1-08: 42 (650.0 acres).

The Chairman asked if there were anyone in the audience representing Loyalty Enterprises.

Mr. George Houghtailing was sworn in by the Chairman and stated that he was consultant to Loyalty Enterprises, and that he would present their case.

In response to a request by the Chairman, the XO described the area involved in the petition, and pointed out the location on the map.

Mr. Houghtailing stated that the land at present is not being used to its highest use (it is now pasture land) and that the Matson Navigation Company, in purchasing the land, had plans for resort and residential development. Loyalty Enterprises purchased, under an agreement of sale, 650 acres; and in the agreement of purchase was required to develop 180 additional acres for a golf course. He also pointed out that in the Hawaii State Planning Office Visitor Destination Area Report, put out in February 1960, the Wailea area was designated as part of a Tourist Destination Area. He added that the County was spending some money to bring in a 6-inch water main all the way from the intersection of Maalaea Bay to this property, in order to service the property, which was one of the stipulations when they had the appropriation made by the Legislature for extending the 15-inch water main.

The Chairman requested the XO to read communications received from County officials.

1. Letter from the Board of Supervisors which stated that the matter has been referred to the Public Works Committee.
2. Letter from the Maui County Planning and Traffic Commission, recommending approval for change of district boundary from Agricultural to Urban.
3. Another letter from the Planning and Traffic Commission of Maui approving amendment of petition of Loyalty Enterprises (to add the golf course area).

The Chairman asked Supervisor Kobayashi if the Board had any additional information to give in regard to their recommendations on petition. Supervisor Kobayashi stated that the Public Works Committee met on July 31st and concurred with the Maui Planning and Traffic Commission. Chairman Bryan asked him if the Board will be submitting a communication to the Commission. Supervisor Kobayashi replied in the affirmative.

The XO presented the staff report, recommending approval of the boundary change to Urban classification of the petitioned area, as outlined in orange on the special map provided by the petitioners, since the request is in conformance with the plans of the County and the State, and the State's Visitor Destination Area Report. He added that these plans are the partial basis for a number of the State's capital improvements in the way of water and highways scheduled for this area.

Chairman Bryan asked members of the Commission if they had any questions they would like to ask Mr. Houghtailing or Mr. Darnell.

Mr. Chun asked Mr. Ohata when the water line would be finished. Mr. Ohata did not have the information on hand, but stated he believed it may be at the end of this year.

Mr. Chun requested that the staff read the communication received from Matson on the matter. XO read the letter and stated that the staff contacted the Matson interests because the petitioners had an option to purchase; and also upon the Attorney General Office's recommendation that the Commission ask the Matson interests if they would

concur with the application. Matson did so reply, stating their concurrence.

Mr. Houghtailing stated for the record that a substantial down payment is being made; and this is not a paper option, but a substantial down payment.

Mr. Chun asked Mr. Houghtailing if there is any urgency in respect to timing of this matter. Mr. Houghtailing stated that there is definitely an urgency, because Loyalty is now compelled to submit the second phase of their planning in detail. This has been prepared, but they cannot proceed; and they have asked for an extension of time, pending the outcome of the change; because as long as it is going to be Agricultural, Loyalty cannot go ahead and move.

Commissioner Sunn stated that it is his understanding that the Commission cannot make an interim ruling; but, actually, in this particular case, the State's Visitor Destination Area Report, the State General Plan, the County Board of Supervisors and the County Planning and Traffic Commission all agree and are in accord with the proposal, and there have been no objections filed at all.

The XO agreed with Commissioner Sunn's statement, with the exception of the fact that the Visitor Destination Area Report did not concern itself with the residential development of some of the mauka lands but just the Visitor Destination Area section of the area.

The Chairman queried Mr. Houghtailing as to whether it would create a hardship for the petitioners if they were required to wait 45 days? Mr. Houghtailing replied that there is definitely a hardship between the two parties, because there are some negotiations that have been held up: one doesn't want to move and spend any more money if they are not going to get the boundary changed; and the other one says we will have to have some compensation during the waiting period. So there is urgency from this sense.

Chairman Bryan stated to Mr. Houghtailing that he (Mr. Houghtailing) was present at this morning's meeting and is aware of the Commission's agenda for the 21st of August, which is pretty well filled. Since that meeting will be held in Honolulu, he would suggest that Mr. Houghtailing be present and if the Commission has any communications pertinent to this matter the Commission may be able to review all that information and the petitioners would be able to draw their own conclusions. The Commission's final determination, however, cannot be made until the 18th of September, unless the Attorney General's Department shall find otherwise. The Commission has asked them to investigate any other possibility.

Mr. Houghtailing stated that as he understood it, the Commission has to act within the 45 days. Legal Counsel corrected this to state, "after the 45-day period."

Mr. Houghtailing stated that this is a question that you can beg, if the Attorney is going to rule, but looking at it from the standpoint of practical analysis and practical approach, what is going to be wrong if the Commission should act within that period and not wait for the 45-days and say, "This is it. I'm just wondering because this Commission now is the judge. I realize that an attorney would read

right down to the letter and I'm not going to try to do that; but I do feel that this Commission has a lot of jurisdiction and that's why you have a Commission. They have a period to act in now."

Chairman Bryan replied that this 45-day period is not the ruling of the Commission, it is the law itself. The interpretation, according to advice by the members of the Attorney General's staff, is that the Commission can't act within the 45 days. We have asked them to review that to see if there is any way the problem can be solved. He added that if there is any possibility of solving this, the Commission would notify the petitioners.

The public hearing closed on the petition of Loyalty Enterprises, Limited.

After a short recess, Chairman Bryan reconvened the hearing.

PETITION OF FRANK AND JESSIE MUNOZ FOR AMENDMENT OF TEMPORARY DISTRICT BOUNDARY TO RECLASSIFY, FROM AGRICULTURAL TO URBAN CLASSIFICATION, PROPERTY LOCATED IN THE PUKALANI AREA, MAUI: Described as TMK 2-3-33: 15, 16, 18, 19 (23.928 acres).

Upon request by the Chairman, the XO described the land involved in this petition. The XO pointed out that the Frank Munoz property is located across Edward S. T. Ching's property in Pukalani. He stated that the original application included considerable lands which did not belong to the Munoz family and that the petition was amended to include TMK 2-3-33: Lots 15, 16, 18 & 19, plus 3 easements to Lot 19. He explained that the next item to come up before the Commission would be a recommendation and request, from the County of Maui, to rezone an area which includes some of the areas that were originally requested by Mr. Munoz. The request made by the County of Maui is to include the rest of the land (TMK 2-3-33: Lots 1 through 18, 20 & 21; TMK 2-3-11: Lots 20 & 73) which would connect the Munoz property to the Pukalani Urban district.

Upon request by the Chairman the XO placed the tax key map on the board and pointed out the exact areas involved in each petition.

Mr. Meyer M. Ueoka, practicing Attorney of Maui, stated that he represented Mr. and Mrs. Munoz; and upon the Chairman's request proceeded to present their case.

Mr. Ueoka explained that the particular area involved is designated as Agricultural, and the petition requests that this area be redesignated to Urban. He felt that the evidence would show proof that it is needed for a use other than that for which the district is classified; that the petitioners would also show that conditions and plans for development have changed in this particular area. He stated that he realized that this particular zoning map was adopted by the prior Commission, because they had to adopt it in a hurry. However, to give the Commission an overall picture of this area, Mr. Ueoka continue, Mr. Munoz was partly responsible for the development of Pukalani, a very healthy and wholesome community: the area being large enough to provide comfortable living conditions, having an established church, and the possibility of a school in the near future, if Pukalani

further develops. He then called upon Mr. Munoz to give a history of Pukalani to support the petition.

Mr. Munoz was sworn in. He clarified statements in the original petition, stating that the areas included were formerly his, having been subdivided and approved approximately in 1959. The remaining area is now under development, as he had taken the liberty to developing the land, putting in the waterlines and starting the road construction, and accepting deposits from 14 purchasers, subject to clarification of the "Greenbelt" petition which has been applied to this property. He further stated that he did not know the reason back of the responsible people when the area was declared Agricultural, as he didn't believe he could reasonably ascertain an agricultural program in this particular area, where average rainfall averages somewhere about 25 to 27 inches. An agricultural enterprise wouldn't be possible at all and, in his opinion, the best use of the land would be for residential purposes, especially since there is an immediate demand for residential land in these areas. The proposed subdivision was approved by the Maui Planning and Traffic Commission, and if the Commissioners have visited the area they must have seen that he has proceeded in putting in the necessary improvements for compliance with the County of Maui's subdivision ordinances. The waterlines have also been completed. He stated that it is his intention to complete this subdivision; but if the Commission should deny the requested change, he would be obliged to have the real estate company who is handling the sales for him refund the deposits to the prospective purchasers. He added that, in his opinion, this is a rather urgent matter in view of the purchasers whose building plans are completed, and in consideration of those who have to move from their homes in the plantation.

Upon receiving approval from the Chairman, Mr. Ueoka questioned Mr. Munoz. During the cross-questioning, it was brought out that Mr. Munoz was responsible for the subdivision across the street from the presently proposed subdivision and most of the lots there have been developed with homes.

Chairman Bryan suggested that the petitioners adhere to the points directly related to this specific hearing.

The Commission was also informed that: the subdivision begun in 1959, involving parcels in the petition for redesignation by the County of Maui Planning Commission, already has six homes built on it; a detailed description of the surrounding subdivisions of Mr. Munoz -- development and approximate number of constructed homes; and, in the petitioner's opinion, that a hardship was created, for those who had purchased lots 10 years ago, by the former Commission who placed this area in Agricultural classification. The lands adjoining these particular parcels will be covered in the petition of the Maui Planning Commission; and all these descriptions and explanations were needed to show the need for redesignation.

The Chairman stated that the question of adjacent property, regardless of how it has been zoned, is a point of law which should be settled outside of this hearing. He suggested that the petitioners adhere to the problems directly related to this hearing.

Mr. Ueoka received an affirmative reply when he asked Mr. Munoz if he had made an application for subdivision prior to the adoption of Land Use district maps for

this particular land. Mr. Munoz added that he had received a communication from the Board of Water Supply of Maui County, approving his preliminary sketch of the Pukalani subdivision. He then presented a letter to the Commission from Norman Saito, Manager and Chief Engineer, and a letter from the Planning Director prior to the adoption of the Land Use maps. These letters were presented for the record and, upon request of the Chairman, the XO read these letters.

Other statements were made by the petitioners, to the effect that the firm holding the money in escrow from prospective buyers is Maui Realty Company, Inc., of which Donald Tokunaga is president and manager; various camps have been abandoned by the plantation; Kaheka, near Paia, has been designated as an Urban area, but will be abandoned shortly as will other camps; people from the aforementioned camps who do not desire to go to the sixth and seventh increment of Dream City would have to look outward for lands to build their homes; and Pukalani is a very desirable place and there has been a demand for acquisition of lands in that area.

Mr. Ueoka stated that both he and Mr. Munoz would be open for any questions put forth by the Commission.

Chairman Bryan brought to the attention of the Land Use Commission members that they ignore the comments on the actual physical development of the land. This is not the Commission's problem as it is not a policing or enforcing body.

Upon the request of the Chairman, the XO read communications received from County officials:

1. Maui Planning and Traffic Commission recommended approval of the amended application which includes all land that Mr. Munoz is applying for redesignation;
2. The Board of Supervisors referred the matter to the Public Works Committee on July 20, 1962 for its attention.

Supervisor Kobayashi stated that the Committee took action that same day and concurred with the Planning and Traffic Commission. A copy of this report would be forwarded to the Commission.

At the request of Chairman Bryan, the XO read a communication received from Thomas Ogata for amendment of the petition.

The XO proceeded to give an oral staff report, stating that the staff understood from the recommendation of the Maui Planning and Traffic Commission, that the Maui plan includes the urbanization of the subject area as well as other areas adjacent to it. The State General Plan in this area shows that the recommended extension of the town of Pukalani is in a northwesterly direction and includes part of this area in urban and part of it in a diversified Agricultural classification; however, the area that is shown in Urban along the opposite side of Haleakala Highway proves now to be in pineapple. In consideration of these factors the requested extension of Pukalani is considered by the staff to be in the proper direction, and in the proper area; and staff recommended approval of the petition, as amended.

Commissioner Sunn stated that Mr. Munoz had testified that across the street from his development or proposal were some 40 to 50 homes; and he took it that Mr. Munoz meant across the street leading to Makawao. Mr. Munoz replied that when he subdivided that area in 1950, there were 142 lots in the subdivision. It comes up to Mr. Ching's property across the street of this property and was a portion of the original Pukalani subdivision. Chairman Bryan asked if this was across the street, to which Mr. Munoz answered that it was across the present Haleakala Highway, immediately across from his property.

Commissioner Sunn asked whether, in regard to Mr. Munoz's petition, he referred to TMK 2-3-33: Parcels 19, 15, 16 & 18? The letters from the Planning Commission and the Board of Water Supply referred only to Parcel 19 of this tax map key. Is he applying for additional property? The XO replied that Parcel 19 is part of the Munoz application, and is not part of the County of Maui application. Commissioner Sunn stated that the submitted letters referred to one parcel but the petitioner was now requesting four. The Chairman stated that an answer could be found in the fact that Mr. Munoz, in his last letter, clarified the fact that he had substituted maps and was sending a second map which included more than just Parcel 19. The XO affirmed this, and stated that there were three lots. Mr. Munoz stated that he still owns lots 1 and 2 of the subdivisions which were approved in 1959.

The Chairman requested that the XO clarify the areas as to exactly what was stated in the application and record, which parcels were included in the second map. The exact question being which lots are shown in red on the map on the wall? The XO stated that the map showed Parcels 15, 16 and 18. Chairman Bryan noted the agenda to be correct and requested the XO again read the communications received from the Board of Water Supply and the Maui Planning and Traffic Commission. This was done.

Mr. Ohata stated that, in order to clarify and speed up the hearing, the answer of the Planning Commission was this: that it is known that Mr. Munoz owns a large parcel designated as flanking the area petitioned by Maui Planning and Traffic Commission. The Maui Planning Commission is not too concerned as to land ownership; but it was felt that there should be an extension of the Urban boundary to include the whole portion. Therefore, it can be said that the Planning and Traffic Commission includes all parcels not owned by Mr. Munoz, making the actual land acreage immaterial in this particular case.

Chairman Bryan stated, "It may be immaterial to you; but it is not immaterial to us, because when we approve the thing we want to know what parcels we are including, so we usually try to ascertain as definitely as possible which parcels are included in the application. I think this should end the matter."

Mr. Chun asked Mr. Munoz what size lots are involved in the prior subdivision to be covered in the County's application. Mr. Munoz stated that they varied from 1 acre lots down to 5900 square feet or so.

Commissioner Gregg asked how much acreage is involved in the area. He stated that he believed that something was mentioned about the "remaining area". Mr. Ueoka replied that the total area is approximately 22 acres and the "remaining area" is included as a portion of the County petition. Commissioner Gregg asked whether Mr. Munoz owned the area between the "remaining area" and the Urban area in Pukalani; he received a negative reply from Mr. Munoz.

Chairman Bryan requested that all letters and documents referred to in this hearing be made part of the record. He stated that the earliest date the Commission could take action in this matter would be the 18th of September; and that he would ask the secretary to notify the petitioner where the Commission would meet on that date. It is not necessary that the petitioner be present, but he is welcome to attend. He will not be heard, but is free to listen to what the Commission has to say.

Commissioner Sunn asked: "Is it my understanding that the County Attorney of Hilo, County of Hawaii, ruled that if the project was under construction, and I think the previous Commission determined these interim boundaries on the basis of preliminary approval of subdivisions; and if this is the case, and it has been shown that this has been processed through the Planning Commission, would not this be an oversight for preliminary approval?"

Mr. Ohata replied that, in the County of Maui, preliminary approval is given by the Board of Supervisors and not the Planning Commission; and therefore, this was ruled as not having received preliminary approval.

Chairman Bryan stated that the Commission will receive any comments for 15 days and in addition would have to wait another 30 days before giving an answer, which makes a total of 45 days.

The hearing on the matter of the petition of Frank and Jessie Munoz was closed.

PETITION OF MAUI COUNTY PLANNING AND TRAFFIC COMMISSION FOR CHANGE OF DISTRICT BOUNDARY FROM AGRICULTURE TO URBAN DISTRICT; PUKALANI, MAUI, HAWAII: Described as TMK 2-3-11: 20, 73; 2-3-33: Parcels 1-18 inclusive; and 2-3-33: 20, 21.

Mr. Robert Ohata introduced himself as being the Director of the Maui County Planning and Traffic Commission, and was sworn in by Chairman Bryan.

Upon request by Chairman, the XO pointed out location on map and described the area involved in the petition.

Mr. Ohata stated that the Maui Planning and Traffic Commission, when it received the application from Mr. Munoz, felt that that property could be approved. But if it did recommend approval of that portion it would leave that portion non-contiguous to the present Urban area; and so, in an effort to develop a boundary that would be conducive to good planning, the Maui Planning Commission felt that the area in between should be included in the petition and therefore make the Munoz property contiguous with the present Urban area. This is the reason for the request by the Planning Commission, and we recommend approval of our request.

Chairman Bryan asked the XO if the Land Use Commission has received any comment from the Board of Supervisors. The XO replied by reading a communication from the Board which stated that matter has been referred to the Public Works Committee for its attention.

Chairman asked Mr. Ohata if he had any knowledge if the Public Works Committee acted upon that. Mr. Ohata stated that he could not report on that.

Upon request by Chairman XO gave staff report orally stating the portion of the area that was included in the general plan is actually in pineapple across the road, and should probably not have been included in this general plan as urban, but the area up the mauka side of the road which is included in this application probably should have been. The area is under considerable development with considerable building activities. As Mr. Ohata stated, this area is a well-rounded community and to make space for the demand for housing appears necessary. There appears to be urban pressure and the recommendation is for approval.

Commissioner Sunn asked XO that parcels 1-18 inclusive, 20 and 21, and 19 are included in the other (Munoz) application, now when you pointed to tax map key 2-3-11, you said Parcels 20 and 73. It is not inclusively? XO replied in the affirmative. XO clarified that parcels 20 and 73 are included in the lower area here (pointing on map) and this piece of land has been taken off from one tax map and placed on another. The original map that the application was made from (the County of Maui) was a little older map than this map here.

Commissioner Williams asked Mr. Ohata whether the property owners of this particular land have been consulted on this. Mr. Ohata replied in the negative to which Commissioner Williams stated that the County has just taken their right to have that zone changed. Mr. Ohata replied in the affirmative.

Commissioner Gregg asked whether any of the property owners were present.

From the audience, a spokesman stated that he represented two property owners in this area: one is Mr. Watanabe, and the other is Seichi and Masaura. He stated that Masaura and Seichi bought from Mr. Munoz exactly one parcel of land with the intention to subdivide. He stated that they were veterans and are applying for loans very shortly; and had submitted an application for subdivision approval, first to the Water Board and then the Planning Commission, which both have approved. Now they request that it be submitted prior to the adoption of the Board of Supervisors. So far as Mr. Watanabe is concerned, the application was made to the Board of Supervisors prior to the adoption of the boundaries, because the Board of Supervisors failed to act on the requests for preliminary approval; and therefore by operation of law, under the County ordinance, it should have already been approved.

Chairman Bryan queried the spokesman on his representation in behalf of these people. The spokesman replied that he was not speaking on their behalf but wanted to point out the fact that their actions show they would like to have this area zoned for Urban use. This was noted by Chairman.

Chairman Bryan asked Mr. Ohata if there are other landowners besides ones just heard to which Mr. Ohata replied in the affirmative.

Commissioner Gregg asked Mr. Ohata if he planned to ask the owners whether they were in favor of this change to which Mr. Ohata replied in the negative.

Commissioner Gregg asked Mr. Ohata if there is available water for this development to which Mr. Ohata replied that the Maui Planning Commission feels there is because of the letter given to Mr. Munoz on his prior request. Chairman Bryan asked what

position the County would take, should the other owners decide to dedicate their land under Act 187 to agricultural cultivation. Mr. Ohata stated that the Maui Planning Commission has filed a petition with the Commission and action should be taken on their petition as a request of change to Urban zoning.

The XO stated that he was informed by Mr. Chun this afternoon that Act 187 or the Rules state that the Land Use Commission is to contact any property owners who have any interest in property for which a hearing is being held for rezoning. This was not done and he apologized that this was an oversight on the part of the staff to make proper investigation for the Commission.

Legal Counsel, Mr. Fong, stated that there is no great problem, since the Act provides a 15-day period after hearing in which contact can be made, to which Chairman Bryan added, "provided they agree". Mr. Fong agreed, stating the Commission will decide if rezoning is necessary.

Mr. Ohata stated that the Land Use Commission in adopting these temporary boundaries did not contact owners. They notified owners through legal publications in newspapers as required by law and the same thing has been done in this particular case. "It may be the legal procedure to notify the property owners, and if the Commission feels it wants to contact the individual property owners I think that is a fine thing, and should be done; but we feel that our Planning and Traffic Commission is not the agency that should go over there to contact each property owner. Our recommendation is done purely on the basis of county planning -- whether this is good county planning or not good county planning."

Mr. Donald Tokunaga was sworn in; and stated he would like to speak very briefly in behalf of both Mr. Frank and Jessie Munoz, as well as the County of Maui, to have these particular parcels that have been discussed the last half hour rezoned from Agricultural to Urban. "If public pressure as well as existing utilities are any criteria for the rezoning of the property from Agriculture to Urban as a practicing realtor since 1937 I'd like to testify to the fact concerning these particular parcels in Pukalani. There is definitely a great demand for small houselots there and as far as existing utilities go, you have the road and I think there is sufficient water for residential development."

Chairman Bryan ordered that any documents referred to in this hearing be made part of the record.

The Chairman stated that the Commission will contact the remaining landowners for their comments with regard to this area; and if no definite problems arise, he thought the Commission could give a definite ruling on the 18th of September.

Mr. Ohata requested that he would like to be notified of this meeting and Chairman Bryan requested secretary to do this.

The public hearing was declared closed.

Ref. No. LUC 158

September 5, 1962

East Maui Irrigation Company, Ltd.
Paia, Maui, Hawaii

Attention: Mr. Robert P. Bruce, Manager

Gentlemen:

The Land Use Commission of the State of Hawaii will hold a meeting on the Island of Maui on September 19, 1962 in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui, from 8:30 a.m. to 10:00 a.m.

As the 45-day waiting period prescribed by SECTION 2, Sec. 6 of Act 187 will have expired, your petition for change of Temporary District Boundary has been placed on the Commission's agenda for consideration at this meeting; and final action may be taken at that time.

Very truly yours,

R. J. DARNELL
EXECUTIVE OFFICER

WM:ak

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 121
HONOLULU, HAWAII

August 20, 1962

Land Use Commission
State of Hawaii
Honolulu, Hawaii

Attention: Mr. Rowland J. Darnell,
Executive Officer

Gentlemen:

This letter is in reference to the East Maui Irrigation Company's request to reclassify 1,030 acres (Tax Map Key 2-9-08, Portion 7, Halehaka, Hamakua, Maui) from Conservation District to Agricultural District. The parcel of land under discussion is located in the Koolau Forest Reserve, and consequently is subject to "sub-zoning" under Act 234, SLH 1957, as amended.

The Board of Land and Natural Resources at its meeting on May 25, 1962 in Honolulu provisionally adopted Regulation Maui No. 2 in accordance with the authority granted by Section 19-70, Revised Laws Hawaii 1955, as amended (Attachment No. 1). Subsequently, a public hearing was held on June 21, 1962 in the Naska Administration Building, Kahului, Maui, for the purpose of hearing the provisions of Regulation Maui No. 2. This regulation contains the "sub-zones" or classification of land within the Conservation Districts on the Island of Maui. At the hearing, comments on the regulation were made by representatives of the Maui County Board of Water Supply, East Maui Irrigation Company, Alexander and Baldwin, Inc., Maui Planning and Traffic Commission, Baldwin Packers, Ltd., and others. A copy of the minutes and statements are enclosed (Enclosures 1 - 8) for your information.

August 20, 1962

You will be interested in the views of the East Maui Irrigation Co., Ltd. concerning watershed areas. On page 4 of Enclosure 4, they present a strong case for maintaining controls as a conservation measure. On the other hand, they are critical of the nature and substance of appropriate regulations which are pertinent to the provisions of Act 234.

We suggest that the Land Use Commission defer action on this case, until completion of the consultant contract to establish criteria for the determination of district boundaries. In the meantime, this department is proceeding to implement Act 234 on the total departmental program basis as reflected in the many facets of the conservation program. We are working to further improve criteria for sub-zones as expressed in Regulation Maui No. 2 so as to provide a higher utilization of land resources and simultaneously safeguard the public interest.

Very truly yours,

E. H. COOK
Director

Encls.

STATE OF HAWAII
Department of Land and Natural Resources

Proposed Sub-zoning Regulation

The Board of Land and Natural Resources, pursuant to the authority granted to it by Section 19-70 of the Revised Laws of Hawaii 1955, as amended, and all other sections thereof it and thereunto enabling, hereby adopts the following zoning regulation, relating to the use of the lands within the forest reserves in the Island and County of Maui, State of Hawaii.

Regulation Maui No. 2. There are hereby created in lands within the forest reserves of the Island and County of Maui, the boundaries of which were established by Section 19-70 of the Revised Laws of Hawaii 1955, as amended, and by Act 187, Session Laws of the State of Hawaii 1961; sub-zones as shown in color on U. S. Geological Survey Maps and certain overlays, the said maps and overlays being designated Exhibit "A" and made a part of this regulation, viz.:

1. Watershed zone shown in yellow.
2. Watershed and potential commercial forest zone shown in green and pink.
3. Pasture zone shown in orange.
4. Recreational zone shown in aqua.
5. Watershed, erosion control and game management zone shown in brownish-yellow.
6. Natural, scientific and watershed zone shown in brown.
7. Potential agricultural area shown in blue.
8. Scientific and watershed zone consisting of the government lands of the Waihou Spring Reserve shown in pink.
9. Non-conforming lands as indicated on the maps.

Section 1. It shall be lawful for the owners of the lands included within the respective sub-zones, their agents and lessees, to use or permit the use of said lands for the following purposes:

1. Watershed lands. Such lands are of prime importance for water production and are to be left in their natural state with the provision that additional tree planting may be done for erosion control or any other purposes not inconsistent with watershed purposes.
2. Watershed and potential commercial forest lands. All of these lands are of prime importance for watershed purposes but may be also used by the owners

for the planting and growing of commercial crops of forest tree species and for such game management, hunting and other recreational purposes as are permitted by the owner of the land.

3. Pasture zone. May be used for the establishment of improved pastures or grazed in their natural condition at the discretion of the owner of the land.
4. Recreational. Such lands may be used for any form of recreational use including the establishment of resort areas as permitted by the owner of the land.
5. Watershed areas, designated for erosion control and game management purposes are primarily lands upon which a better cover and better feed for wild life is desirable. Any practices designed to permit such improvement cover are permitted.
6. Natural, scientific. Such natural, scientific and watershed areas are to be left in their natural condition.
7. Potential agricultural areas. For use for any agricultural purpose desired by the owner of the land or may be dedicated for tree growing.
8. The Waihou Spring scientific and watershed area was established and is managed and will be continued to be managed for the testing of commercial forest tree species and for watershed cover.
9. Non-conforming lands. Such lands were being used for grazing and pasture purposes by the owners of the land when Act 234 was enacted and, under the provisions of that Act, are classified as non-conforming lands.

Section 2. The use of the lands in the sub-zone is subject to the following conditions:

A. Agricultural, pasture and grazing:

1. Areas used for pasture purposes shall be enclosed in an adequate stock proof fence, wherever necessary to prevent livestock from straying to property of other parties.
2. Only those living quarters and farm buildings necessary for the pasture or farming operations to be conducted in these sub-zones may be constructed.
3. In all agricultural, pasture and grazing sub-zones, erosion and soil conservation measures, kinds and conditions of use, range improvement practices and cropping practices will be in accordance with farm and pasture plans developed jointly by the authorized representatives of the

land owner, the Board of Land and Natural Resources and the Soil Conservation District in which the land lies.

4. Roads may be built as needed in any of the area included in these zones.
5. The owner or his designated agents or lessees shall exercise all precautions to prevent the occurrence of forest fires.

B. Watershed and potential commercial forest zone:

1. Such lands may be left in their natural condition or any portions of them may be cleared by the most practical means and planted to desired species of commercial forest trees and any products on such lands may be harvested and marketed by the owner of the land at any time at his discretion.

C. Recreational:

1. Such lands may be used for any type of recreational use consistent with the forest environment.

D. Non-conforming lands:

1. Such lands are not subject to zoning unless and until the owner desires to use them for purposes other than that for which they are now used.

E. General requirement pertaining to all zones where wildlife, including fish, mammals and birds, is present.

All wildlife resources, including habitat, will be controlled and managed in accordance with plans acceptable to the Department of Land and Natural Resources jointly developed by the land owner, the soil conservation district in which the land lies and the responsible agencies of the Department of Land and Natural Resources.

F. All other zones:

1. These are to be left in their natural condition except in the watershed, erosion control and game management zone. Any practices designed to improve the forest cover, the wildlife habitat and the feed for wildlife are permitted.

G. General requirements for all zones:

1. The Board of Land and Natural Resources and its authorized agents, employees and cooperators shall be permitted at all times to enter and be upon the lands included within these sub-zones to carry out their official duties as required under State laws.

2. All laws of the State of Hawaii relating to fire protection, fishing, hunting, and sanitation will be strictly observed.

Section 3. Any person violating this regulation shall be subject to a fine of not more than Five Hundred Dollars for each and every violation.

Adopted by the Board of Land and Natural Resources on this _____ day of

_____, 1962.

BOARD OF LAND AND NATURAL RESOURCES

by _____

Chairman

As authorized to sign by the Board
of Land and Natural Resources in
its Resolution of May 19, 1960 .

APPROVED AS TO FORM:

Attorney General

ZONING HEARING ON THE ISLAND OF MAUI
DEPARTMENT OF LAND & NATURAL RESOURCES
STATE DIVISION OF FORESTRY

The meeting was called to order by Carl Korte, Master of hearing at 10:00 A.M. on June 21, 1962, in the Department of Land & Natural Resources, Division of Forestry, Naska, Maui.

~~ROLL CALL~~

PRESENT:

FRED R. CHEATHAM
ROY FERNANDEZ
JOHN W. SHRATTON
JAMES C. LINDSAY
JOSEPH A. SWEZEY
R. H. COX
WALTER HOLT
CLARENCE STRONG
R. H. BALDWIN
FREDRICK MAU
DWIGHT BALDWIN
CHARLES ARMENT
NORMAN M. SAITO
KENGO TAKUMI
MRS. JOHN RALSTON
JAMES SHAW
NOBUO MIYAHIRA
MRS. RACHEL K. HOWARD
FRED H. CHEATHAM
THOMAS TANAKA
ROBERT JOHNSON
JOSEPH MEDEIROS
Robert Bruce

PIONEER MILL
BISHOP ESTATE
HALEAKALA NATIONAL RANCH Park
HALEAKALA NATIONAL RANCH ..
BALDWIN PACKERS, LTD.
ALEXANDER & BALDWIN, INC.
STATE FORESTER
DIVISION OF FORESTRY
HALEAKALA RANCH
MAUI DIVISION OF FORESTRY
KAUPO RANCH
U.S. FOREST SERVICE
BOARD OF WATER SUPPLY
U.S. GEOLOGICAL SURVEY
SELF
TAX OFFICE
SELF
SELF
CIVIL ENGINEER-PIONEER MILL
WAILUKU SUGAR
ADVERTISER
FISH & GAME DIVISION
E Maui Irrigation Co

There were about 20 others present who did not sign the roster.

INTRODUCTION:

The reading of the notice of hearing was dispensed with since every member present was issued a copy.

Mr. Clarence Strong read, "Section 2, Article A & B." *ad 234*

At this point I would like to explain that Act 187 came in the picture and changed the names of the Forest Reserve to Conservation Districts and gave to the Land Use Commission the responsibility for holding hearings and fixing the boundaries of the conservation districts so that we are today not considering boundary questions.

Proceeding again with the hearing:

C. Strong: We will now read the proposed zoning regulation which is actually condensed more or less in this memograph sheet. Also, we will read the proposed zoning regulations--Maui #2.

C. Korte: He clarifies the explanation of proposed zoning, the island of Maui, Forest Reserves and Conservation districts, with the use of the map.

C. Strong: Continued reading the proposed zoning regulation--Maui #2.

C. Korte: The floor is now open for statements. When you get up to talk, please give your name and the organization that you represent.

The floor recognizes Mr. Richard Cox.

R. Cox: I am Richard Cox, and I represent Alexander & Baldwin. I have a prepared statement for you and I would like the opportunity to appear before you. I want to commend you for the work you have done and I think it is a good start.

The floor recognizes Mr. Saito.

- N. Saito: What I have here is a prepared statement addressed to R. L. Summers, Chairman of the Board of this hearing. One thing I have noticed here is that this red portion here (points to map) I think many of our watershed areas is within this area and so we would like to discuss this matter further with you because lots of these explanations and discussions would take a little too long for a hearing.
- C. Korte: I might, at this time, point out that people have come to me that we are working in this area and that the County is taking water from this area. You are not. Your water is from over here.
- N. Saito: That is one reason why I have not made any objections to you. However, if this should continue further into this area (interrupted by C. Korte)
- C. Korte: It will only go to this boundary which is entirely separate from any area you have taken water. No water is taken from this area (points to map).
- N. Saito: Probably except from ground water that seeps through (interrupted)
- C. Korte: No surface water, no domestic water is taken from where the area we are working.
- N. Saito: I understand that it is more of an experimental area from your home office in Honolulu.
- C. Korte: Well, that's one of them. Are there any other people who would like to make a statement at this time?
- R. Bruce: Manager of the East Maui Irrigation Department
As you know, we are vitally concerned with this watershed. I also have a prepared statement which I will present. It is fairly long so I won't take the trouble of reading it and go into detail at this time. It is also addressed to the Board of Natural Resources so I'll give you a copy for the Forest Division and the original to the Board & Natural Resources.

I would like to say that we are particularly concerned with this large area being zoned to commercial forestry. Of course, a statement has been made that only probably less than half or 10 per cent will be devoted to commercial forestry but on our watershed water supply alone there is over 50,000 acres so, 10 per cent would be something like 5,000 acres and I think most of the Maui people present know the trouble that we have had with our Board of Water Supply particularly operating on a small limited area around this watershed. I don't know how many acres that we have around the water reservoir in Waikamoi. It is just a matter of 10 acres, something like 20. It is a very small area so if there is any idea of going into logging or lumbering operations on this large watershed, I think we are headed for some trouble. We feel very strongly that the primary use of this watershed is water supply and the water supply watershed should be zoned for water supply. You would more or less admit yourself that other use of the watershed is minor 10 per cent in this zoning area. You see the watershed we have now is only a portion of the Koolau Forest Reserve, Hana Forest Reserve, and Kipahulu Forest Reserve so we feel there is ample area on the island of Maui for the development of commercial forestry without taking the vital water supply watersheds.

R. Ohata: Maui County Planning and Traffic Commission Planning Director.

Question: Would you say that County zoning doesn't affect or has no jurisdiction within the conservation zone?

C. Korte: According to law, it doesn't.

Mr. Ohata: What is the relationship between the Department of Agriculture and Conservation and the Land Use Commission in regards to the setting up of the conservation boundaries?

C. Korte: As far as I can dig out of the law, the Land Use Commission sets the boundaries of these various three districts, or was it four, the conservations within the districts. The Board of Natural Resources has the power to zone that land within that district.

R. Ohata: Is there adequate communication or relationship between your department and the Land Use Commission?

C. Korte: Definitely. We work hand in hand.

Bruce: On the matter of your boundary, as we know it, the Forest Division furnished the outline of these boundaries for the Land Use Commission and in this case we are not asking for a change in boundaries but rather a correction in an error in this area which we would like you to present to the Land Use Commission.

C. Korte: We are going to take this into consideration. We didn't know where your boundary was because the map was only a rough sketch.

Bruce: We would like to submit this map as a correction to your Division to present to the Land Use Commission. I am submitting this map to the Forest Division for you to present to the Land Use Commission.

C. Korte: Are there any more questions?

J. A. Sweezy - Representing Baldwin Packers, Ltd., Lahaina

We have a small amount of commercial forest area within the Conservation Zone. These are just five small plots compared to the area of Haelalau. We appreciate the explanation of the particular zoning and Commercial Forestry and we would like to file your thinking on these subjects.

C. Korte: Is there any more testimony to be given by anyone?

C. Korte: If we have no further testimony, the Board will make its final decision. We cannot give a definite date when this will be finally accepted. Anything that you can add will be taken into all due consideration. Since there will be a change in the Board, we can't be assured of it. This is the pioneering of the first general hearing we have held here and I am sure that we are going to gain a lot of experience and help from the Island of Maui. I can also say that what we're presenting here will probably not be the final hearing. We have a lot of statements to analyze and we got a lot of studying to do and we might even get to the stage possibly where we might want to hold another hearing. I think what we got here today will be a great help to us and I certainly appreciate what you have prepared. Before adjournment, are there any more questions? If there are no questions, I will adjourn the meeting but if there is anybody who would like to discuss any matter in a little more detail, I will be glad to meet with anybody after this meeting.

K. Kaleialoha: Representing self.

We have an interest in Honopou of our water rights and we are planting taros but we don't have much water from the East Maui Irrigation for planting taros. When we don't have enough water coming down to the lands, we can't plant our taros.

C. Korte: Today we are discussing only the land use for Conservation zoning and we have no jurisdiction on this matter at all.

C. Korte: Are there any more questions or statements?
If not, the meeting stands adjourned. The
meeting was adjourned at 10:40 a.m.

Respectfully Submitted,


Mildred Nishida


Stella Takiguchi

Encl. ✓

Baldwin Packers, Limited

LAHAINA, MAUI, HAWAII

NO.

June 20, 1962

Board of Land Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Reference is made to the Proposed Regulation Covering Zoning of the Forest Reserve Lands on the Island of Maui as required by Section 19 - 70, commonly known as Act 234, 1957 and the related map showing the areas and proposed uses for which the lands would be zoned. It is noted that on Baldwin Packers, Ltd. land within the West Maui Forest Reserve there are five areas extending maukwards from the Forest Reserve boundary which are designated as Potential Commercial Forest Zones. On the attached sketch map, these areas are numbered 1 to 5, inclusive.

It is respectfully requested that these five areas be changed to Watershed Zone for the reasons noted in the following comments:

- Area 1: This area lies between Honokohau and Honolulu Valleys and includes the Kaluanui Stream valleys. These three streams are intercepted by the Baldwin Packers Honolulu Ditch System. It is believed that any commercial forest operation on this area could be substantially detrimental to development of run-off water collected by the three streams and subsequently delivered into the Honolulu Ditch. Therefore, the area should be considered more valuable and useful as a Watershed Zone.
- Area 2: This area lies along a portion of the Northwest side of Honolulu Valley and on the adjacent ridge, being in the rain belt mauka of Honolulu Intake of the Honolulu Ditch System. Any commercial forest operation on this area could be detrimental to development of water intercepted at the Honolulu Intake, and therefore, this area should be considered more valuable and useful as a Watershed Zone.
- Area 3: This area lies on a ridge at the head of Kaopala Stream Gulch. Waikulu Spring is located in this Gulch makai of the subject area. It is believed that a commercial forest operation on Area 3 should tend to substantially reduce the flow of water from Waikulu Spring. As this water is intercepted and piped to storage tanks for use in pineapple field spraying operations and for watering stock in pastures, it appears that this area should be considered more valuable and useful as a Watershed Zone.
- Areas 4 & 5: These areas lie on the ridges mauka of pineapple fields. The heavy rainfall deposited by the Kona storm of November 1 - 4, 1961 on the area between Area 5 and pineapple Field 100, which area had

June 20, 1962

been cleared for forest planting by the Forestry Division, ran-off with little cover growth to retard it and contributed to considerable washout damage in Field 100. It appears that any commercial forest operations on Areas 4 and 5 would tend to create possibility of future repetitions of the November 1 - 4, 1961 occurrence of unimpeded run-off and field damage. Therefore, it would appear that Areas 4 and 5 should be considered more valuable and useful as Watershed Zones which would aid in holding back excessive run-off.

General Comments: Relative to the above areas, the following comments are applicable:

1. Domestic water, for use by all residents from Honokohau Valley to Honokowai Valley, is drawn from the Honolulu Ditch System. For this reason, the State Board of Health maintains a tight health check on all personnel regularly entering the watershed area mauka of the State Forest Reserve Boundary. It appears that this situation should nullify the feasibility of any commercial forest operations on Areas 1 to 5, inclusive, in the interest of public health and safety.
2. All the subject areas presently have cover growth which prevents erosion, and therefore should not be disturbed. With the best of intentions and care in control of operational practices, it is far from certain that commercial operators could avoid disturbance which would result in serious erosion. The storm of November 1 - 4, 1961 adequately demonstrated the results of disturbing the existing cover, as noted in the comment above relating to Area 5.
3. Specifically, Areas 2, 3, 4 and 5 are narrow. This would tend to increase the adverse situation mentioned in paragraph 2, immediately above.

Baldwin Packers, Ltd. maintains a mountain retreat with cabin facility and water tank, known generally as "Haelaau", on the ridge immediately mauka of Area 5 discussed above. This location is identified on the U.S.G.S. Topographic map as Kaulalewelewe, Elevation 2980. Haelaau offers shelter for personnel who may be performing various functions in the mountain country surrounding the facility. Therefore, it appears that a 5 - acre plot including this facility should be most useful as a Non-conforming Zone. It is respectfully requested that such a zone be established as indicated.

Your favorable consideration of the above requests is solicited.

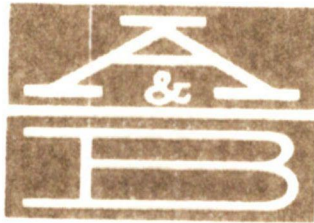
Respectfully submitted,


John R. Stegmuller
Plantation Division Manager

JAS:jo

cc: State of Hawaii (3)
A&B, Land Dept.
H.H.M.
File





ALEXANDER & BALDWIN, INC.

822 BISHOP STREET • HONOLULU 1, HAWAII • PHONE 63-941
P. O. BOX 3440 TELEGRAPH "ALEXBALD"

June 21, 1962

Department of Land & Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Proposed Regulation Covering Zoning of the Forest
Reserve Lands on the Island of Maui as Required
by Section 19-70, Commonly Known as Act 234, 1957.

I appreciate the opportunity to discuss conservation district subzones on the Island of Maui. Some 150,000 acres on the mountain slopes of Haleakala and West Maui have been designated within conservation districts. There is a long history of recognition of the importance of these forest areas to the Island of Maui primarily as protection to surface water supplies.

Last Saturday's "Maui News" emphasizes the importance of water conservation. An official notice of the Board of Water Supply begins, "Maui is now faced with a drought condition prevalent throughout the State and water supply for the uplands and areas served by surface sources is very low. If this condition continues much longer, it may become a record drought and the community will suffer heavy financial losses. Crops, cattle and orchards may be lost, which in turn will affect living costs and wages."

A news item on page 1 reports a deficit of 350,000 gallons a day in the Kula system and reserve of only 3,800,000 gallons in Waikamoi and Olinda reservoirs. Consumers are using water at a rate of 1,400,000 gallons per day although only 1,035,000 gallons are entering the system each day.

I think this situation points up the importance of the Maui conservation districts and the need for careful delineation of the subzones and drafting of the subzone regulations. I am pleased that today we are having this meeting to discuss the subzones and their regulation.

ALEXANDER & BALDWIN, INC.

Department of Land & Natural Resources

Alexander & Baldwin owns some 1600 acres within the conservation district. Similarly, a subsidiary, East Maui Irrigation Co., Ltd., has over 14,000 acres and other affiliated companies another 18,000 acres within the districts. As these Companies are more directly concerned with the subzones, they are prepared to discuss the boundaries and regulations in greater detail.

I want to join with these Companies to request a reexamination of the proposed regulations to be certain that the water resources of the Island are protected and enhanced for maximum development while permitting other compatible land uses to expand the economy. I think this reexamination requires broader consideration than is apparent to date. I think the proposals today are a good beginning. However, I suggest other divisions in your department as well as other State and County Departments be asked to join in developing the regulations and boundaries. Only through such a broad scale approval can a proper job be done.

Alexander & Baldwin will be pleased to sit down with such a group and explore the further development of subzone limits and regulations.

Very truly yours,

ALEXANDER & BALDWIN, INC.

By 

Manager
Land Department

RHC:McW

EAST MAUI IRRIGATION COMPANY, LIMITED

PAIA, MAUI, HAWAII

No.

June 20, 1962

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Statement for the Public Hearing held June 21,
1962 on Proposed Regulation Covering Zoning of
the Forest Reserve Lands on the Island of Maui
as Required by Section 19-70, Commonly Known as
Act 234, 1957.

We welcome the opportunity to discuss subzoning within the conservation districts on the Island of Maui. The legislature recognized the importance of the forest reserve lands throughout the islands by the enactment of Act 234 in 1957, wherein such areas were designated forest and water reserve zones, and Act 187 in 1961 wherein they were redesignated conservation districts.

Act 234 required your Board as soon as feasible after the effective date of the act to establish subzones within the forest reserve areas and to fix permissible uses for such subzones. The permissible uses include, but are not limited to, farming, flower gardening, operation of nurseries or orchards, growth of commercial timber, grazing, recreational or hunting pursuits, or residential use. In establishing permissible uses for such subzones, your Board is to give full consideration to all available data as to soil classification and physical use capabilities of the land, to allow and encourage the highest economic use thereof consonant with

requirements for the conservation and maintenance of the purity of the water supplies arising in or running or percolating through such land.

The public interest in these conservation districts, in both government and private lands, extends back for many years. In 1892, the value of private forests to the public was recognized by granting tax exemption to such lands. During the next few years the matter of the preservation of our forests was of such vital concern that experts from the mainland were brought over and legislative commissions studied the subject. As a result, the Board of Agriculture and Forestry was created in 1903 and the forest reserve system adopted. Under that law government lands were set aside and private lands surrendered as forest reservations. The Board was specifically charged with the duty of cooperating with private individuals who chose to dedicate their lands to forest reserve, and continue their own forestry work, and provided continued tax exemption for areas under such conditions.

Act 234 in 1957 established forest and water reserve zones being initially the previous forest reserves, provided for their use in accord with zoning regulations of the Board of Agriculture and Forestry. The regulatory power was subsequently shifted to the Department of Land and Natural Resources with the change of the Division of Forestry to your Department.

For many years both government and private owners have recognized the importance of the forest areas on Maui and particularly the Koolau Forest Reserve, in protecting the vital water supply resources. As early as 1876, when the Monarchy gave its first water license to the predecessors of East Maui Irrigation Co. Ltd., there

was a realization of the importance of the Koolau watershed. Very early some forestry work was carried out. However, in the years 1902-1903 considerable unexplained dying off of the forest fringe and the large trees within the native forest was noticed. The aid of trained botanists and foresters was obtained, and with the legislation enacted at that time close harmony between the private and government interests was assured.

As a result the predecessors of East Maui Irrigation Co. and later the Company themselves, planted barrier forests and other supplementary reforestation to provide protection for edge of the "wet forest", to keep it from receding, and to generally preserve the native forest. One of these "barrier" forests is the Opana forest along the western edge of the Koolau forest. It extends five miles and is at places over one-half mile wide.

Within the Koolau forest where the native trees had died, protective reforestation was undertaken. In most areas non-commercial species were deliberately planted. It was the established policy at that time to plant trees which it was felt would not be harvested for commercial uses thus protecting the watershed, and preserving the known water yield of the undisturbed native forest.

The private companies concerned made many purchases of interests in the "huia" controlling lands in this area. In subsequent partitions the companies for the most part have taken their share in the mauka portions and included them in the forest areas. Thus at little or no expense to the government its native forests obtained greater protection and the entire forest area was enlarged.

We are pleased that your Department is implementing Act 234. We believe a good start has been made in outlining the problem of subzones. In January of this year the Division of Forestry published a booklet entitled "A Multiple Use Program for the State Forest Lands of Hawaii". While primarily concerned with government owned forests it recognized "Large parts of critically important water-producing areas are in private ownership. Some of these areas, although predominately valuable for watershed purposes, appear on the surface to be useful for suburban development, uncontrolled grazing, or other purposes. These uses would endanger water resources. Yet pressures continue to mount, particularly on Oahu, for uses of these critical lands which would not be in the public interest."

The subzones and regulations being proposed today we believe are oriented towards commercial timber production. As we have pointed out the East Maui watershed is critically important in preserving and enhancing the water resources of the Island. Increased yield will permit increases in the domestic supply and for irrigation, and industrial uses. All regulations in watershed areas, whose primary purpose is water supply, should be so written as to fully protect the required quality of such water supply, and should be developed so as to assure the enhancement of the water yield from this particular type of watershed area.

We strongly recommend that you reexamine your proposed regulations from a broader point of view than that of commercial forestry. We suggest that in specific zones, those concerned with water development, both from a yield and public health standpoint, recreation, agriculture and conservation be part of a joint approach in developing these.

important regulations. Within your Department, the Divisions of Water and Land Development, Land Management, State Parks, Fish and Game, as well as the Forestry Division should collaborate in developing these regulations. In addition, the Departments of Health, Agriculture, Hawaiian Homes, Planning & Research, and Economic Development, are directly concerned with the regulations and their effects. From the County of Maui, the Planning and Traffic Commission and the Department of Parks, Playgrounds and Recreation and particularly the Board of Water Supply are definitely concerned, and should be consulted in developing these regulations. Federal Agencies such as the Bureau of Reclamation, Geological Survey, Forestry Service and Soil Conservation Service may have technical advice that will be helpful.

We think it scarcely necessary to point out the value of this Koolau forest area to the government. The present direct revenue to the State from the water produced is in the neighborhood of \$100,000 annually from State land under license to East Maui Irrigation Co. The indirect revenue, derived by the State and Federal Government in taxes, from the overall Hawaiian Commercial & Sugar Co. sugar production operations on the Island of Maui, amounts to several million dollars annually. This would not be possible without the private investment of millions of dollars both by East Maui Irrigation Company on its water collecting aqueduct system in the Koolau forest, and by Hawaiian Commercial & Sugar Company on its water distribution and pumping system on the Maui isthmus. This multi-million dollar investment is predicated on the known water yields of the native forest. We have no idea what the water yield of the proposed commercial forest

might be.

This water also has a high value for domestic purposes both to the County of Maui, Board of Water Supply and for private systems.

When one considers the value of the water yield of this Koolau watershed, it can readily be realized why we are strongly recommending that the zoning regulations on this area should be written primarily to fully protect the water yield of this important watershed.

We have not prepared a substitute draft of the proposed regulations. However, we suggest criteria be developed to identify the essential protective requirements of various areas. We believe that there should be several different watershed zones specifically zoned for their primary purpose. For instance, in the water supply watershed areas we believe first consideration must be given to the public health requirements where water is used for domestic purposes. With increased development of underground sources the initial strict controls could probably be relaxed. As we see it this will make possible rezoning of certain areas with the development of ground water. In areas where surface water is taken only for irrigation purposes the sanitary requirement no longer becomes paramount. In these areas certain recreation or agricultural or other uses may be deemed compatible with maximum water yield. Here regulation should be developed to insure protection from erosion and insure continued maximum water yield. In other watershed areas the importance is in developing increased percolation to rebuild the underground supplies. In these areas watershed zoning should be aimed towards retention of the water, facilitate percolation into the soil, and minimize erosion. There are other extensive watershed

areas on Maui which do not contribute any economically useful water supply at present and these could be zoned for commercial forestry and any other multiple uses permissible on such watersheds. We do not wish to go into too much detail in this statement for the public hearing, but we believe we have outlined our reasons for recommending stricter and more specific zoning regulations, especially on vital water supply watershed areas. We are very much in favor of such conservation district zoning and would be pleased to meet with members of your staff, and the other governmental agencies involved, to explore more fully the development of the various subzone regulations, and determine their limits within the conservation district. As the principle Lessee and land owner in the Koolau watershed area, we feel we have a major interest in this watershed, and we would appreciate having the opportunity to work further with the State on the development of the final zoning regulations, at least as they apply to the Koolau watershed. We appreciate the opportunity to discuss this important subject with you at this hearing.

Yours very truly,

EAST MAUI IRRIGATION CO., LTD.



Robert P. Bruce, Manager

RPB: jm

WILLIAM F. QUINN
GOVERNOR



Encl. 5
RICHARD K. C. LEE, M.D., DR. P.H.
DIRECTOR OF HEALTH

DEPARTMENT OF HEALTH
STATE OF HAWAII
HONOLULU

June 20, 1962

Mr. Clarence Strong
Zoning Forester
Division of Forestry
Dept. of Land and Natural Resources
Honolulu, Hawaii

Dear Mr. Strong:

We have learned that the Division of Forestry has proposed a regulation to establish subzones in the forest reserve areas on the island of Maui. One of these subzones would relate to forest lands which serve as catchment areas for potable surface water supplies on Maui. We are particularly interested in the protection to be afforded these catchment areas because many of them serve as sources of supply for small water systems for which the provision of water treatment facilities is not economically feasible. Sanitary protection of these supplies depends upon control of access to and the use of the catchment areas. I am enclosing a copy of a letter from Dr. Lee to Mr. Cook which expresses the concern of this Department on this subject and which suggests the adoption of rules and regulations by your Department for the sanitary protection of watersheds.

Section 1 of the proposed subzoning regulations contains a definition for watershed lands. We are disturbed about the definition because it permits tree planting for "any other purposes not inconsistent with watershed purposes." We feel that "watershed purposes" could be interpreted to relate only to the recovery of water and not necessarily to the sanitary protection of the watersheds. Unless the sanitary protection of the watershed lands is to be specifically covered in the regulations in accordance with Dr. Lee's letter, we believe that the definition should read: "Such lands are of prime importance for water production and are to be left in their natural state."

is
We believe that the area to be zoned on Maui for watershed purposes, too limited to provide the sanitary protection required. We recommend that the zone should include areas immediately mauka of the Koolau-Wailoa Ditch Systems and running at least to East Makapipi Gulch.

I request that the proposed regulation be amended to include these provisions before it is presented to the Board of Land and Natural Resources for consideration.

Very truly yours,

B. J. McMorris

B. J. McMorris, Executive Officer
Environmental Health Division

BJMcM/lk
Encl.

cc: Mr. R. Chuck, Dept. of Land &
Natural Resources



BOARD OF WATER SUPPLY

COUNTY OF MAUI

P. O. BOX 547

KAHULUI, MAUI, HAWAII

June 21, 1962

Mr. Richard L. Summers, Chairman
And Members of the
Board of Land and Natural Resources
State of Hawaii
Kahului, Maui, Hawaii

Gentlemen:

Re: Proposed Regulation Covering Zoning of the Forest Reserve
Lands on the Island of Maui.

It has been brought to our attention that certain Forest Reserve areas on Maui are being proposed to be zoned to include activities other than as used presently - such as reforestation, water sports, fishing, etc.

We are very much concerned about activities which may pollute, decrease the yield, or change the character of the flow of water in areas on which we are dependent for our water supply, or in other areas planned for future water source development.

At present, only a small percentage of our surface water supply is treated for pollution. This has been possible because of the strict regulation on the activities permitted and the limited number of persons allowed in such areas. Should this condition be changed materially, which is highly possible with certain proposed multiple usage of water shed areas, treatment will become inevitable. Water treatment is very costly, and unless State subsidy is provided for such purposes, it will be impossible for us to carry this added financial load.


We also understand that with the proposed zoning, changes in vegetation of these watersheds would be possible, especially in the form of reforestation. We know that some areas do need replanting because of decadence; however, we urge that such an undertaking in major watershed areas be withheld until such time successful pilot areas under intensive control determines the benefits that can be derived therefrom.

"By Water All Things Find Life"

It is not our intent to stop any multiple use of land in these watersheds, provided it does not interfere with the present day usage and the benefits derived from them. We are very much interested - in fact, as much as you are - in making better use of available lands in the watersheds and in trying to increase the type and quantity of water yield suited for our use. We do have ideas and suggestions about these matters which will take too long to discuss here at a public hearing. However, in this connection, we would like to be given the opportunity of conferring with your Commission prior to adoption of your proposal. One of these suggestions would be to further classify the forest reserve areas for more specific usage such as watershed for human consumption, industrial purposes, etc.

Therefore, at this time, we strongly urge that watershed areas be kept in their natural state without further increase in activities or changes in growth until proven otherwise by controlled experiments in areas that would not affect our water supply in the event they fail. At that time, existing rules can easily be changed, or variances granted. The wisdom of granting variances at this time of adopting regulations would seem somewhat questionable, however.

Sincerely,



Norman M. Saito
Manager and Chief Engineer
BOARD OF WATER SUPPLY
COUNTY OF MAUI

NMS/fu

cc Acting Chairman and Members
Board of Water Supply, Maui

Encl. 7

THE ESTATE OF JAMES CAMPBELL

828 FORT STREET

HONOLULU 13, HAWAII

TELEPHONE 504-207

June 19, 1962

Kaupo Ranch, Ltd.
Haiku, Maui, Hawaii

Attention: Mr. Dwight H. Baldwin

Re: Sub-zoning Regulations
Maui Forest Reserve

Gentlemen:

This is to acknowledge receipt of your letter of June 16, 1962 in reply to ours of June 14 regarding the public hearing to be held June 21, with reference to the above captioned subject.

At their meeting of June 15, 1962 the Trustees agreed that the sub-zoning regulation proposed by the Division of Forestry will be of benefit to Estate lands situated in the forest reserve area.

After reviewing your letter the Trustees ask whether you would be kind enough to appear at the public hearing on behalf of Campbell Estate in support of the above regulation.

Thank you for your kind cooperation in this regard.

Very truly yours,

Wade H. McVay
Wade H. McVay
Trustees' Executive Officer

cc: Mr. Clarence C. Strong
Zoning Forester, Division of Forestry
P. O. Box 5425, Honolulu 14, Hawaii

Encl. 8

COPY

March 28, 1962

Mr. E. H. Cook, Director
Department of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Dear Mr. Cook:

Thank you for sending us a copy of your report "A Multiple Use Program for State Forest Lands of Hawaii".

The Health Department recognizes that the proposed multiple use of some, but not all, of the forest lands is logical and feasible.

The exception will be in the forest lands that are now or will be developed at a later date for supplying major sources of water used for domestic purposes. Your report indicated that the present water requirement of 80 million gallons might reach a figure of 166 million gallons per day in 1980.

Since the forest lands will have to supply much of this increase it is important from a public health standpoint to protect these water supply source areas and limit their use for the primary purpose of water supply.

The use of water supply source areas for all multiple purposes will pose a potential danger to public health, will degrade the quality of the water served and will increase, because of more extensive and complete treatment of the water, the cost of water to the consumer.

Therefore, the multiple use of waters, marginal lands or watersheds and other forest reserve water producing areas should be considered on the basis of compatibility with the highest use to be made of the water. Waters whose natural quality at points of diversion require only partial treatment or simple chlorination should not be exposed to any additional potentially contaminating environment.

Since 1930 the Health Department and the Department of Agriculture and Forestry have enjoyed by mutual agreement, which is not covered by statute or rules and regulations an arrangement for stool examinations and the issuance of permits for entree of members of the public into the designated watershed areas of the State. This has served to assure the continued protection of these areas against contaminating influences.

Mr. E. H. Cook

- 2 -

March 28, 1962

The arrangement has been satisfactory and should be continued in the face of the increasing pressures and demands for the opening up of the watershed areas for recreational and other purposes.

Because of these demands we believe the adoption of enabling legislation or adoption of rules and regulations for the sanitary protection of the watersheds and other forest water producing areas should be included in your program for the development of the forest lands of the State.

Sincerely yours,

/s/ Richard K. C. Lee
RICHARD K. C. LEE, M.D.
Director of Health

cc: Mr. Frank Lombardi

EAST MAUI IRRIGATION COMPANY, LIMITED

PAIA, MAUI, HAWAII

August 17, 1962

247
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No.

AUG 17 1962

State of Hawaii
LAND USE COMMISSION

Land Use Commission
State of Hawaii
426 South Queen Street
Honolulu 13, Hawaii

Gentlemen:

East Maui Irrigation Co., Ltd. has before your Commission a petition for amendment of temporary district boundary bounding 1030 acres at Halehaku.

Mr. Robert Bruce, manager of East Maui Irrigation Co., Ltd. presented his letter of August 1, 1962 at the public hearing on Maui outlining the principle reasons for the boundary change.

We understand the change might be delayed until receipt of a consultants report. We want to emphasize our reasons for making the change at this time.

Many months ago our company and a responsible rancher reached an agreement for the pasture use of the land in question. He was prepared to and did schedule his ranching operations for the immediate use of the land. Unfortunately, just at that time, land use boundaries were adopted. For many months now the prespective lessee has had to delay in entering and clearing the pasture. The delay has created an undue hardship. Each additional delay further increases his problems. Meanwhile the bamboo continues to rapidly spread over this area increasing the cost of clearing.

Therefore, East Maui Irrigation Co., Ltd. respectfully request an early adjustment of the conservation boundary at Halehaku by your Commission.

Very truly yours,

EAST MAUI IRRIGATION CO., LTD.

By

E. B. Holroyde

E. B. Holroyde
VICE-PRESIDENT

HRW:McW
cc: A&B, Inc.
EMI

G. N. TOSHI ENOMOTO
County Clerk



BONIFACE ESPINDA
Deputy County Clerk

OFFICE OF
COUNTY CLERK
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII
August 6, 1962

recd. Aug 7, 1962

Mr. R. J. Darnell
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu 13, Hawaii

Dear Mr. Darnell:

Reference is made to your letters dated July 10 (LUC 72) and July 12, 1962, (LUC 81) requesting recommendations from the Maui Board of Supervisors on certain petitions and applications before your Commission.

Enclosed is a copy of Committee Report No. 135, from the Public Works Committee, recommending approval of the applications of Juichi Kurasaki, East Maui Irrigation Co., Ltd., Loyalty Enterprises, Ltd., and Frank Munoz.

The foregoing report was adopted by the Maui County Board of Supervisors on August 3, 1962.

Very truly yours,

/lye

enc.

BONIFACE ESPINDA
Deputy County Clerk

cc: Maui Planning & Traffic Commission

EAST MAUI IRRIGATION COMPANY, LIMITED

PAIA, MAUI, HAWAII

August 1, 1962

No.285-62

Commissioners,
Land Use Commission
Dept. of Planning & Research
State of Hawaii
426 South Queen Street
Honolulu 13, Hawaii

*recd.
Aug. 2, 1962*

Gentlemen:

As it is our considered opinion that agriculture, specifically, the clearing, plowing, planting and good husbandry of this area in approved forage grasses for the raising of livestock, is the best possible use from all viewpoints, for the 1030 acre area covered by our petition, we believe it is only logical that this area should be included in the adjoining agricultural zone.

As you know, the East Maui Irrigation Co. Ltd. is probably more interested than anyone in increasing the water yield from our watershed property, and this is the primary reason we are interested in pasture grass cover for this 1030 acre area which is below our two high level main supply ditches. We are definitely not in favor of disturbing any of the native forest cover at present, in any of the Conservation District area above our two high level main supply ditches, where we wish to retain a certain proportion of the heavy rainfall in the soil to augment low flow springs. However, we want to increase the run-off into our low level storm water ditches, because if this water penetrates deeply into the soil, it then seeps under our lowest ditch and is wasted into the sea.

Any increase in the valuable water yield from this watershed area will definitely benefit Maui's economy, and the inclusion of this 1030 acres in the adjoining agriculture zone will also help our economy by putting this area to a multiple economic use, and promote a new small ranching enterprise on this island where we are badly in need of new business. Another economic advantage which should not be overlooked is the fact that if this land is not put to agricultural use in the not too far distant future, the rapid spread over the land of bamboo, hau and other noxious growth will render the area so expensive to clear that it will not be economically possible to utilize the land for pasture.

Commissioners, LUC

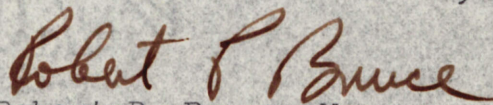
-2-

8/1/62
285-62

We could go on citing other reasons why we believe that this area should be withdrawn from the conservation district and included in the adjoining agricultural district but the merit of this proposal seems to us self-evident, so we will close by respectfully requesting this Commission to amend the temporary district boundary as requested by our petition.

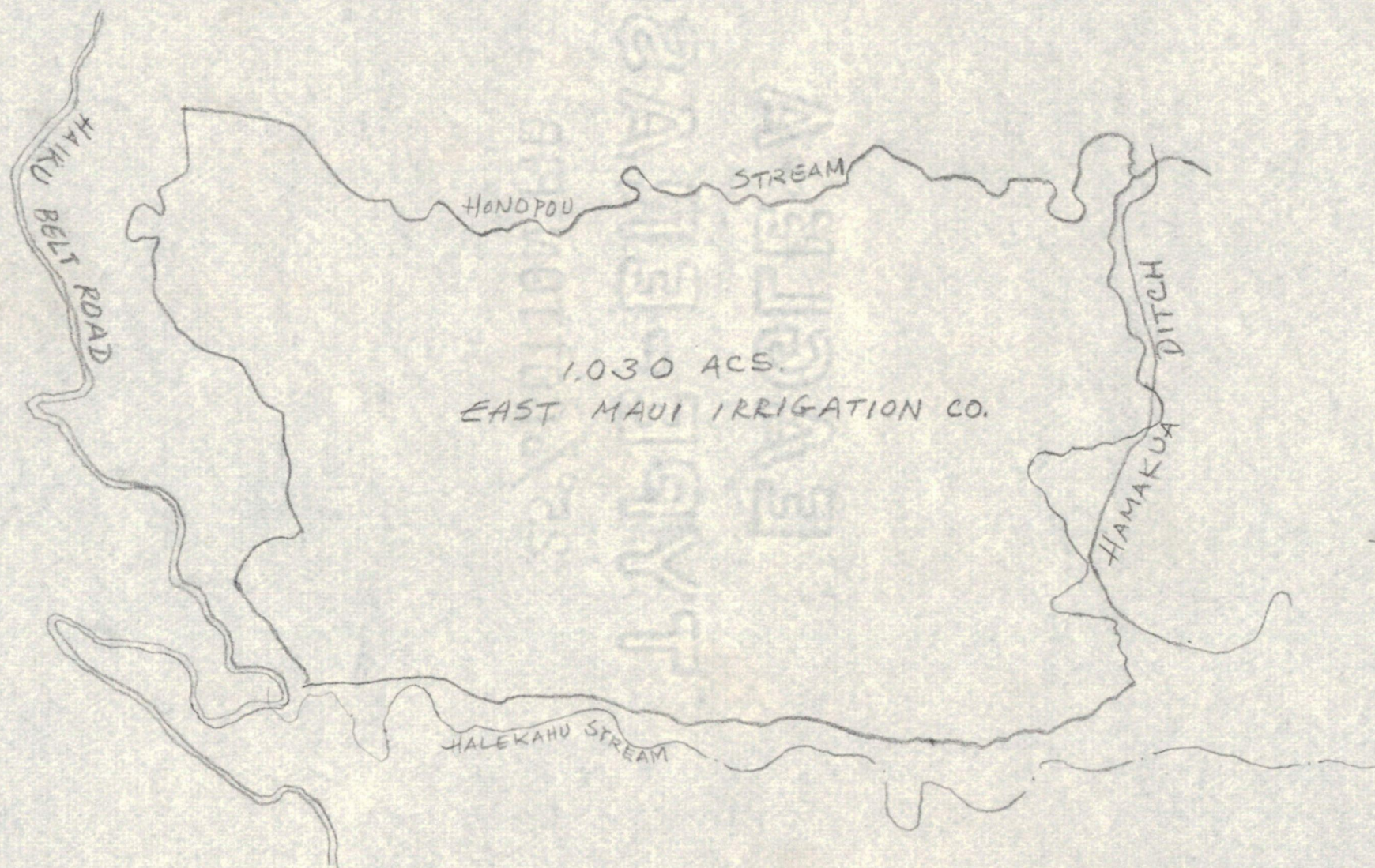
Yours very truly,

EAST MAUI IRRIGATION CO., LTD.

A handwritten signature in dark ink, reading "Robert P. Bruce". The signature is written in a cursive style with a large, stylized "R" and "B".

Robert P. Bruce, Manager

RPB: jm



TRUE NORTH
1" = 1000'

TMK 2-8-08-

G. N. TOSHI ENOMOTO
County Clerk



BONIFACE ESPINDA
Deputy County Clerk

OFFICE OF
COUNTY CLERK

COUNTY OF MAUI
WAILUKU, MAUI, HAWAII

July 24, 1962

REF. YOUR
LTR. NO.: LUC 72

Mr. R. J. Darnell
Executive Officer
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Dear Mr. Darnell:

Please be advised that your letter of July 10, 1962, regarding applications from Juichi Kurasaki, East Maui Irrigation Company, Loyalty Enterprises, Ltd., and Frank Munoz, was presented to the Maui County Board of Supervisors on July 20, 1962, and referred to the Public Works Committee for its attention.

Please rest assured you will be notified of any subsequent action taken by the Board in connection with your letter.

Very truly yours,

G. N. TOSHI ENOMOTO
County Clerk

/lye

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JUL 26 1962

State of Hawaii
LAND USE COMMISSION

RECEIVED
COUNTY CLERK

RECEIVED
COUNTY CLERK



OFFICE OF
COUNTY CLERK

COUNTY OF MAUI
RAILROAD MAUI, HAWAII

JULY 24, 1952

REF. YOUR
LET. NO. 1, JUL 23

Mr. H. L. Darnell
Executive Officer
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Dear Mr. Darnell:

Please be advised that your letter of July 10, 1952, regarding application for land use permits from the Board of Supervisors, was forwarded to the Land Use Commission and Public Works Commission for their consideration.

Please rest assured you will be notified of any subsequent action taken by the Board in connection with your letter.

Very truly yours,

G. W. TOSHI SHIMOTO
County Clerk

RECEIVED

JUL 26 1952

LAND USE COMMISSION
State of Hawaii

Ref. No. LUC 88

July 12, 1962

East Maui Irrigation Co., Ltd.
Paia, Maui, Hawaii

Attention: Mr. Robert P. Bruce, Manager

Gentlemen:

This is to inform you of a public hearing to be held by the Land Use Commission of the State of Hawaii on August 2, 1962 at 8:00 p.m. in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui. Your petition for Temporary District Boundary change will be heard at this time.

Legal Notice will appear on July 13, 1962 in the Honolulu Advertiser, Honolulu Star-Bulletin, and the Maui News.

Very truly yours,

R. J. DARNELL
Executive Officer

WM:ak

July 10, 1962

The Honorable Members of the
Board of Supervisors
County of Maui
County Building
Wailuku, Maui, Hawaii

Attention: The Honorable Eddie Tam, Chairman

Gentlemen:

The State Land Use Commission has requested me to obtain your recommendations and comments on the below listed applications now pending before the Commission:

Juichi Kurasaki

Application for Special Permit
to establish and operate a
restaurant near Waiehu.

✓ East Maui Irrigation Company

Application for Temporary
District Boundary change from
a Conservation district to an
Agricultural district designa-
tion.

Loyalty Enterprises, Ltd.

Application for Temporary
District Boundary change from
an Agricultural district to an
Urban district designation.
(Wailea)

Frank Munoz

Application for Temporary
District Boundary change from
an Agricultural district to an
Urban district designation.
(Pukalani)

The Maui County Planning and Traffic Commission has studied and has recommended approval of these applications.

The Honorable Members of the
Board of Supervisors
Page 2
July 10, 1962

Enclosed are the applications and supporting data that have been filed with this office. The Land Use Commission will appreciate receiving your written comments and recommendations prior to the public hearing, which is being scheduled for August 2, 1962, in Wailuku.

Very truly yours,

R. J. DARNELL
Executive Officer

Enclosures
WM:ak

July 11, 1962

Department of Land and Natural Resources
State of Hawaii
State Office Building
Honolulu, Hawaii

Attention: The Honorable E. Hinano Cook, Director

Gentlemen:

This is to inform you of a public hearing set by the Land Use Commission to be held on Maui, August 2, 1962 at 8:30 p.m. in the Chambers of the Maui County Board of Supervisors, Wailuku, Maui; and to request your Board's recommendations and comments regarding a petition, to be heard at this hearing, for Temporary District Boundary change from a Conservation district to an Agricultural district requested by the East Maui Irrigation Company for the following described lands:

Second Division tax map key: 2-8-08: por. 7. That portion being 1030.00 acres, more or less, bounded by the east pali of Halehaku stream, and Honopou stream; and between the mauka side of Lowrie ditch and the centerline of the New Hamakua Ditch trail.

Should you have any further questions regarding the petition please contact us.

Very truly yours,

R. J. DARNELL
Executive Officer

WMDak

Ref. No. LUC 61

July 5, 1962

Mr. Robert Ohata, Director
Planning and Traffic Commission
County of Maui
Kahului, Maui, Hawaii

Dear Mr. Ohata:

With respect to processing of the following items, which the Land Use Commission wishes to hear on August 2, 1962, I wish to discuss these items with you; and will arrive on Maui with Mike Mullahey on Aloha Airlines, Flight 765, at 3:40 p.m., July 23, 1962.

Juichi Kurasaki (Waiehu)
Frank Munoz (Pukalani)
East Maui Irrigation Company (Above Kakipi Gulch)
Loyalty Enterprises, Ltd. (Wailea)

Since I have already made inspections of the latter two sites, I would like also to inspect the Kurasaki and Munoz items with you on the 23rd.

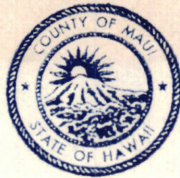
We expect to leave Maui for Oahu at 7:20 p.m. that same day. I would appreciate hearing from you, as to whether you will be able to meet with us and accompany us to Waiehu and Pukalani. I also trust that you will encounter no difficulty in arranging for the Commission's public hearing at Iao Elementary School at 3:00 p.m., for Thursday, August 2, 1962.

Very truly yours,

R. J. DARNELL
Executive Officer

RJD:ak

ROBERT O. OHATA
Planning Director



MRS. EVA M. DUPONTE
Secretary

PLANNING & TRAFFIC COMMISSION
COUNTY OF MAUI

P. O. Box 1487
Kahului, Maui, Hawaii

May 22, 1962

RECEIVED

JUN 15 1962

Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii

State of Hawaii
LAND USE COMMISSION

Gentlemen:

Attached herewith are: One (1) copy of petition for amendment of temporary district boundaries; and check No. 456 from the East Maui Irrigation Company, Ltd., for change of boundary for land situated in Haiku, Maui, Hawaii, from conservation to agricultural district.

The Maui Planning and Traffic Commission, at its meeting of May 22, 1962, voted to recommend the change as contained in the petition, as follows: 6 ayes; none dissenting; 1 abstaining. The one member abstained from voting because of his direct connection with the aforesaid East Maui Irrigation Company.

Please acknowledge receipt of this communication with attachment. We would appreciate being notified of the date of the hearing and the final decision in this instance.

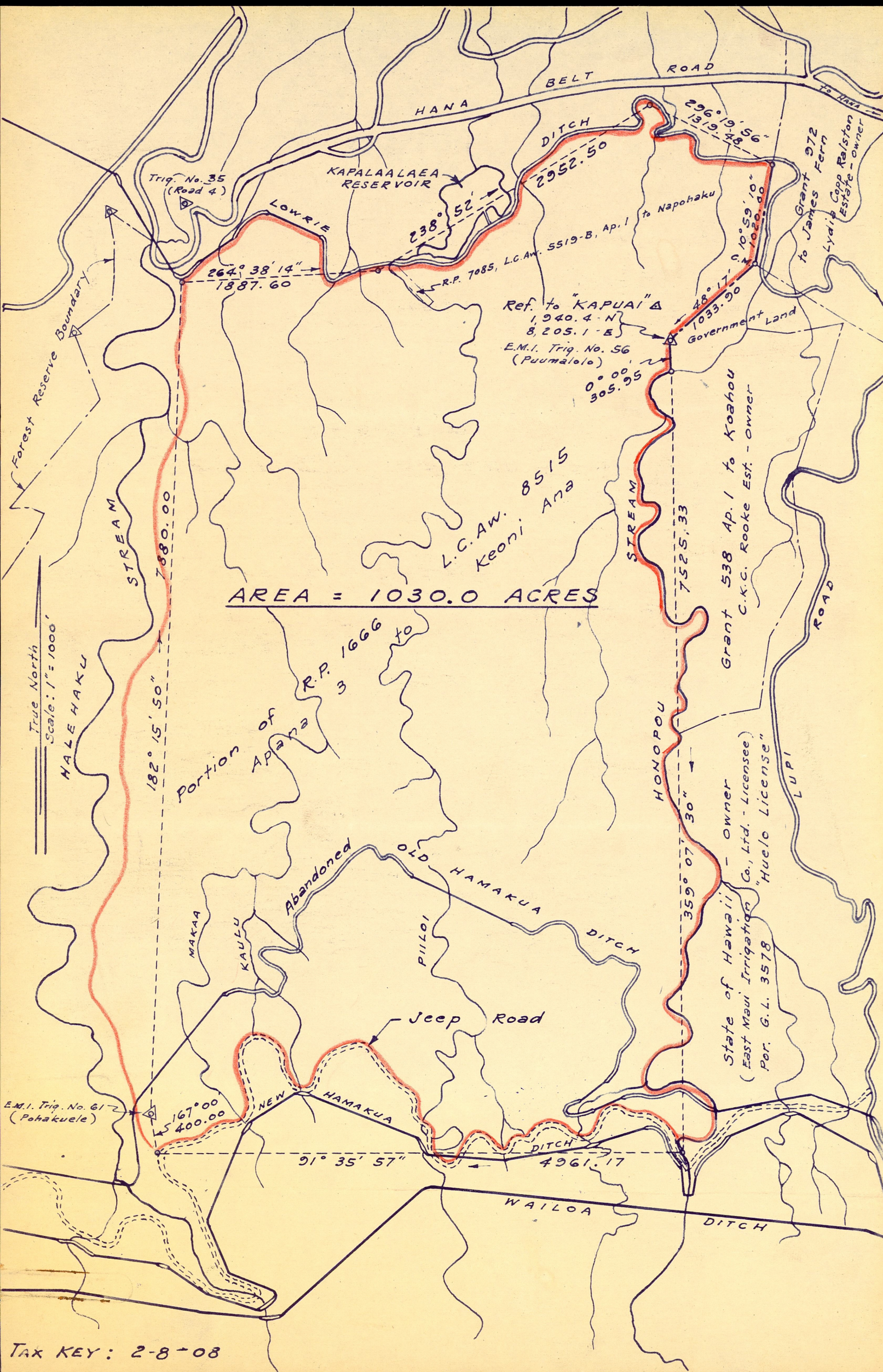
Very truly yours,

A handwritten signature in blue ink that reads "Robert O. Ohata".

ROBERT O. OHATA
Planning Director

Encls.

cc East Maui Irrigation Co., Ltd.



DESCRIPTION

LAND SITUATE AT HALEHAKU, HAMAKUALOA, Island and County of Maui, State of Hawaii, being all of R.P. 7085, L.C.W. 5519-B, Apana 1 to Napohaku and portion of R.P. 1666, L.C.A.W. 8515, Apana 3 to Keoni Ana, lying within the Koolau Forest Reserve and more particularly described as follows:

BEGINNING at E.M.I. Survey Trig. Station No. 56 "Puumalolo" marked by a concrete monument at the northeasterly boundary of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 1,940.4 feet North, and 8,205.1 feet East, and running thence by azimuths measured clockwise from true South:

1. 0° 00' 305.95 feet along Government land to a point in the center of Honopou Stream;
2. Thence along Grant 538, Apana 1 to Koahou and along Government land, being E.M.I.Co., Ltd. "Huelo License" G.L. No. 3578, along the center of said Honopou Stream to a point 30' from the center line on the makai side of E.M.I.Co.'s Hamakua Ditch jeep road, the direct azimuth and distance being: 359° 07' 30" 7,525.33 feet;
3. Thence along the remaining E.M.I.Co., Ltd. portion of L.C.A. 8515, Apana 3 to Keoni Ana, along the makai side of E.M.I.Co.'s Hamakua Ditch jeep road, parallel to and 30 feet makai of the center line of said road, to the easterly pali of the Halehaku Stream, the direct azimuth and distance being: 91° 35' 57" 4,961.17 ft.;

Thence along same along the easterly pali of Halehaku Stream for the next two courses, the direct azimuths and distances between points near said easterly pali of Halehaku Stream being:

4. 167° 00' 400.00 feet to E.M.I. Survey Trig. No. 61 "Pohakuele" marked by a concrete monument;
5. 182° 15' 50" 7,880.00 feet to a point on the mauka side of Lowrie Ditch;

Thence along same along the mauka side of the Lowrie Ditch, for the next three courses, to the westerly boundary of Grant 972 to James Fern, the direct azimuths and distances between points on said mauka side of ditch being:

6. 264° 38' 14" 1,887.60 feet;
7. 238° 52' 2,952.50 feet;
8. 296° 19' 56" 1,319.48 feet;
9. 10° 59' 10" 1,020.00 feet along Grant 972 to James Fern to a concrete monument;

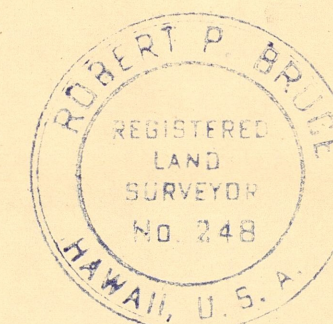
10. 48° 17' 1,033.90 feet along Government land to the point of beginning and containing an area of 1030.0 acres or more or less.

Map and description by
East Maui Irrigation Co., Ltd.

April 23, 1962

Prepared: Ichiro Toba

APPROVED: Robert P. Bruce
Reg. Land Surveyor No. 248-S



RECEIVED

JUN 15 1962

State of Hawaii
LAND USE COMMISSION

ME
3/6s

3889