



LAND USE COMMISSION
STATE OF HAWAII
1999 AUG 23 A 10:50

August 18, 1999

Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804-2359

**Re: Annual Report on Petition Docket A91-672
Filed by Wailuku Agribusiness Co., Inc., fka
Wailuku Sugar Company, as originally filed
By C. Brewer Properties**

Honorable Chairman and Members:

In compliance with Condition No. 6 of the above referenced petition, Wailuku Agribusiness Co., Inc., hereby provides an annual report to the State Land Use Commission on the status of the subject project and progress in complying with the conditions imposed. A copy of this report will also be sent to the Office of State Planning and the Maui County Planning Department.

The petition was a request to reclassify approximately 20 acres of land in Maalaea owned by Wailuku Agribusiness Co., Inc., from Conservation District to Agricultural District. The area has been in active agricultural production for many years and the petition was a compliance action to include the cultivated fields within the Agricultural District.

In fulfillment of the conditions of the Decision and Order dated December 1, 1992, the current status is as follows:

- 1. Petitioner shall continue agricultural use of the Property in compliance with the representations made to the Land Use Commission.**

Petitioner continues to have this land in an agricultural use.

- 2. Any development of the subject Property and surrounding lands owned by the Petitioner shall conform to a community plan that has been approved by the County of Maui.**

There has been no development of the subject Property other than agricultural use. In the event that there is subsequent development, this condition will be complied with.

3. **Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership of the Property.**

The ownership of the Property is still owned by Wailuku Agribusiness Co., Inc., and there has been no alteration in the ownership interest.

4. **Petitioner shall immediately stop work and contact the State Historic Preservation Division should any archaeological resources such as artifacts, shall, bone or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during crop cultivation or any subsequent development activity.**

To date there has been no discovery of any significant archaeological resources encountered during pineapple cultivation. In the event there is, this condition will be complied with.

5. **Petitioner shall provide for access through the subject parcel (TMK: 3-6-01:18) to the Old Lahaina Pali Trail, provided that conditions and restrictions regarding public use of the access shall be developed in conjunction with the Department of Land and Natural Resources Na Ala Hele Trail and Access Program.**

Wailuku Agribusiness Co., Inc., has reached an agreement with Department of Land and Natural Resources regarding the Old Lahaina Trail. Copies of the Agreement have previously been transmitted to the Land Use Commission and Maui County Planning Department.

6. **Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Maui Planning Department in connection with the status of the subject project and the Petitioner's progress in complying with the conditions imposed.**

This letter is in response to this condition.

7. **The Land Use Commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provisions of adequate assurance of satisfaction of these conditions by Petitioner.**

The Petitioner understands this condition and intends to file a motion for release prior to the filing deadline next year.

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- 8. Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.**

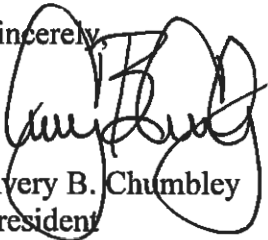
The above conditions were recorded at the Bureau of Conveyances on January 28, 1993, as Document No. 93-014788.

- 9. Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.**

This condition has been completed.

If you have any questions or request further information, please call me at 808-244-7079.

Sincerely,



Avery B. Chumbley
President

ABC:am

Enclosure (Original & 12 copies)

cc: Office of State Planning
Maui County Planning Department
W. K. Tallett, C. Brewer and Company Limited