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STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

PLANNING DEPARTMENT
COUNTY OF HAWAII
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

October 2, 2003

Steven S. C. Lim, Esq.
Carlsmith Ball LLP
121 Waianuenu Avenue
P. O. Box 686
Hilo, Hawaii 96721-0686

Dear Mr. Lim:

Subject: BOUNDARY INTERPRETATION No. 03-31
Tax Map Key No: 5-2-1:14
Makapala, North Kohala, Hawaii

Pursuant to your letter dated September 17, 2003, requesting a boundary interpretation for the subject parcel, we have enclosed a copy of **Boundary Interpretation No. 90-04** dated May 2, 1990, that was previously prepared for the subject parcel. The interpretation delineates an approximate location of the State Land Use (SLU) Agricultural/Conservation District boundary.

For your information, the SLU Agricultural/Conservation District boundary on the subject parcel was established during the 1969 Five-Year Boundary Review. As you correctly point out in your letter, the Land Use Commission (LUC) utilized four criteria to establish the Conservation District boundaries during this Boundary Review. However, we do not believe that the LUC used the top of the ridge in this particular case as you contend. Rather, our review of the applicable maps and records indicates that the LUC used the edge of the agricultural practice as the basis for the SLU Agricultural/Conservation District boundary. As evidenced by the enclosed aerial

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Steven S. C. Lim, Esq.


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photograph dated October 27, 1965, a vegetation line that marked the edge of the agricultural practice on the subject parcel was clearly present at the approximate time of the Boundary Review. We further note that this edge of the agricultural practice is generally consistent with the SLU Agricultural/Conservation District boundary as reflected on the official SLU District Boundaries Maps (H-13, Hawi, and H-24, Honokane) dated December 20, 1974.

Should you require clarification or further assistance, please feel free to call Fred Talon or Bert Saruwatari of my staff at 587-3822.

Sincerely,


ANTHONY J. H. CHING
Executive Officer

Enclosures: Boundary Interpretation No. 90-04
Aerial Photograph dated October 27, 1965

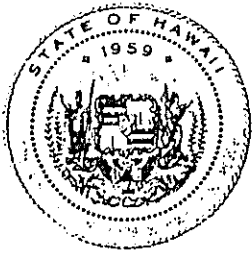
- c: Peter Young, BLNR Chairperson (w/o enclosures)
Attn: Dierdre S. Mamiya, Land Division
✕ Christopher Yuen, Planning Director, County of Hawaii
Planning Department (w/o enclosures)
Mike McCall Valuation Analyst, Mapping Section, Real Property Tax Division,
County of Hawaii (w/o enclosures)

STATE OF HAWAII

JOHN WAIHEE
Governor

DEPARTMENT OF BUSINESS
AND ECONOMIC DEVELOPMENT

RENTON L.K. NIP
Chairman



LAND USE COMMISSION

FREDERICK P. WHITTEMORE
Vice Chairman

Room 104, Old Federal Building, 335 Merchant Street
Honolulu, Hawaii 96813 Telephone: 548-4611

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Executive Officer

May 2, 1990

Chrystal Thomas Yamasaki, R.L.S.
Wes Thomas & Associates, Inc.
75-5722 Kalawa Street
Kailua-Kona, Hawaii 96740

*R/S made
book for LUC map*

Dear Ms. Yamasaki:

SUBJECT: Boundary Interpretation 90-04

Tax Map Key: 5-2-01: 14

Location: Makapala-Makanikahio, North Kohala, Hawaii

Requested By: Chrystal Thomas Yamasaki, R.L.S.

Pursuant to your request of January 31, 1990,
we have delineated the State's Land Use District boundaries on
the enclosed map.

Very truly yours,

Esther Ueda

ESTHER UEDA
Executive Officer

Enclosure: Boundary Interpretation Map dated May 2, 1990

cc: William Paty, BLNR Chairman, Attn: Conservation Affairs
Duane Kanuha, Hawaii Planning Director
✓ Glenn Y. Sato, Tax Maps & Records Supervisor
C&C of Honolulu, Department of Finance

MAY 7 1990

TRUE NORTH
Scale: 1 inch = 200 feet



FOLLOWS EDGE OF AGRICULTURAL USE AS IT EXISTED IN 1960

WORKSHEET SHOWING
 LOTS 8 AND 20-A OF Ld. Ct. App. 1332
 LOTS 1, 4, 5, AND 6 OF MAKAPALA SUBDIVISION;
 L.C. Aw. 9556 TO KEALOHA; AND
 R.P. 4276, L.C. Aw. 10,353 TO NUA
 BEING SUBDIVIDED INTO LOTS 1 TO 4, INCLUSIVE
 AT MAKAPALA, NORTH KOHALA, ISLAND AND COUNTY OF HAWAII
 STATE OF HAWAII

The boundary as located, named and delineated is hereby certified as the actual Land Use District Boundary adopted by the State Land Use Commission, Honolulu, Hawaii.

MAY 02 1990
 Date by Executive Officer



Boundary Interpretation No. 90 04

PROJECT NO. 07428
 DATE: AUGUST 8, 1988
 TAX MAP KEY: 5-2-01: 14 & 23 (3rd Div.)
 5-2-09: 40 & 43
 5-2-10: 2
 FIELD BOOK NO. DATA DISK: 73

LAND USE COMMISSION
 STATE OF HAWAII
 Jan 31 12 20 PM '90