

**PLANNING COMMISSION**  
**CITY AND COUNTY OF HONOLULU**

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May 29, 2012

Normand R. Lezy, Chair  
Land Use Commission  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804

Dear Mr. Lezy:

Re: Ewa – State Special Use Permit File No. 2008/SUP-2  
Also referred to as LUC Docket No. SP09-403  
Waimanalo Gulch Sanitary Landfill

This letter is in response to your letter dated May 22, 2012, on behalf of the State Land Use Commission ("LUC"), urging the City's Planning Commission ("Planning Commission") to stay its May 25, 2012, proceedings on the Department of Environmental Services, City and County of Honolulu's current Application to Modify the Special Use Permit No. 2008/SUP-2 by Modifying the Land Use Commission's Order Adopting City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order with Modifications dated October 22, 2009 ("ENV's Current Application"), until the LUC remands the records contained in File No. 2008/SUP-2 to the Planning Commission.

On May 25, 2012, the Planning Commission decided that a six-month stay of its proceedings on ENV's Current Application is warranted pending the LUC's decision after remand from circuit court on the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated August 4, 2009 ("Planning Commission's Order"), as directed by the Hawaii Supreme Court in the case of Department of Environmental Services v. Land Use Commission, SCAP-10-0000157, entered May 4, 2012, or a future request to the Planning Commission by any party. There is no necessity to remand the records contained in File No. 2008/SUP-2 so that they may be consolidated with the record in ENV's Current Application. This is because the Planning Commission already made its decision based on the records in File No. 2008/SUP-2 in the form of the Planning Commission's Order and previously transmitted

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those records including that decision to the LUC on August 10, 2009. There is no request to modify the Planning Commission's Order and it remains unchanged.

For similar reasons, there is no necessity to instruct your staff to forward the records in File No. 2008/SUP-2 from the LUC to the Planning Commission for the purpose of consolidation in the event the Planning Commission stays its proceedings on ENV's Current Application at ENV's request.

As an exception to the stay, the Planning Commission will transmit to you as soon as possible, under separate cover, a copy of the record that relates to ENV's Current Application for the LUC's consideration. In the opinion in the above-mentioned case, the Hawaii Supreme Court noted that the LUC could consider such record in further LUC proceedings consistent with the opinion.

Very truly yours,



GAYLE PINGREE  
Chair

GP:li

cc: Dana Viola, Deputy Corporation Counsel  
Ian L. Sandison, Esq.  
Calvert G. Chipchase, Esq.

12-03497/228153