

OF COUNSEL:
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LAND USE COMMISSION
STATE OF HAWAII

2017 NOV 13 A 11: 20

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Attorneys for Petitioner
HAWAIIAN MEMORIAL LIFE PLAN, LTD.

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In the Matter of the Petition of	)	DOCKET NO. A17-804
)	
HAWAIIAN MEMORIAL LIFE PLAN, LTD.	)	PETITIONERS' MOTION TO
	)	DESIGNATE THE LAND USE
To Amend The Conservation Land Use	)	COMMISSION AS APPROVING
District Boundary Into The Urban Land Use	)	AGENCY FOR ENVIRONMENTAL
District For Approximately 53.449 Acres Of	)	STATEMENT UNDER HRS CHAPTER
Land At Kāne'ōhe, Island of O'ahu, State of	)	343 AND FOR AUTHORITY TO
Hawai'i, Tax Map Key: (1) 4-5-033: por. 001	)	PREPARE ENVIRONMENTAL
	)	IMPACT STATEMENT
	)	PREPARATION NOTICE;
	)	MEMORANDUM IN SUPPORT OF
	)	MOTION; CERTIFICATE OF SERVICE
_____)	

PETITIONERS' MOTION TO DESIGNATE THE LAND
USE COMMISSION AS APPROVING AGENCY FOR
ENVIRONMENTAL STATEMENT UNDER HRS
CHAPTER 343 AND FOR AUTHORITY TO PREPARE
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Comes now, HAWAIIAN MEMORIAL LIFE PLAN, LTD. ("Petitioner"), by
and through its attorneys, MASUBARA, KOTAKE & TABATA, respectfully moves the

Land Use Commission of the State of Hawaii ("Commission") for an order: (1) to determine that it will be the accepting authority and the approving agency for the environmental statement under HRS Chapter 343; (2) to determine, through its judgment and experience, that an Environmental Impact Statement ("EIS") is likely to be required; and (3) to authorize Petitioners to prepare an Environmental Impact Statement Preparation Notice ("EISPN") .

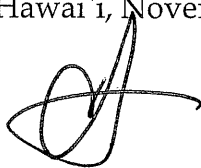
This motion is brought pursuant to HAR § 15-15- 70, HRS § 343-5, and HAR § 11-200-12. In this docket, Petitioner seeks to reclassify approximately 53.449 acres from the Conservation District to the Urban District to allow the expansion of the cemetery area, creation of a cultural preserve, internal roadways, and open space area in Kāneʻohe, Island of Oʻahu, Hawai`i. The project for which the Petition addresses will require the use of Conservation lands which require compliance with HRS Chapter 343.

Further, Petitioners ask this Commission to exercise its discretion to determine, based upon its judgment and experience, that an EIS is needed for review of this project as it will likely have significant impacts upon the environment.

Accordingly, Petitioners ask this Commission to determine that it act as the approving agency for compliance with HRS Chapter 343, that this Commission determine that an EIS shall be required, and that Petitioners should prepare an EISPN.

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DATED: Honolulu, Hawai'i, November 13, 2017.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical stroke and a horizontal flourish.

Of Counsel:

MATSUBARA, KOTAKE & TABATA
A Law Corporation

BENJAMIN M. MATSUBARA
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HAWAIIAN MEMORIAL LIFE PLAN,
LTD.

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A17-804
)	
HAWAIIAN MEMORIAL LIFE PLAN, LTD.	)	MEMORANDUM IN SUPPORT
	)	OF MOTION
To Amend The Conservation Land Use)	
District Boundary Into The Urban Land Use)	
District For Approximately 53.449 Acres Of)	
Land At Kāneʻohe, Island of Oahu, State of)	
Hawaiʻi, Tax Map Key: (1) 4-5-033: por. 001)	
_____)	

MEMORANDUM IN SUPPORT OF MOTION

HAWAIIAN MEMORIAL LIFE PLAN, LTD. ("Petitioner") filed a Petition for Land Use District Boundary Amendment on November 13, 2017 ("Petition").

Attached to the Petition as Exhibit "5" is the draft Environmental Impact Statement Preparation Notice, dated November 2017 ("EISPN") for a cemetery expansion ("Project").

The Project will require use of Conservation District lands. Use of Conservation District lands is an action which triggers and environmental assessment under § 343-5(a)(2) of the Hawaii Revised Statutes ("HRS")

Filing of the Petition is the earliest practicable time for an accepting agency to determine whether an Environmental Impact Statement ("EIS") shall be required to assess the Project pursuant to HRS Chapter 343.

Under HRS Chapter 343, an action is reviewed by way of an environmental assessment to determine whether an EIS is needed. If, however, the agency determines that the project is likely to have a significant impact, then the environmental assessment step may be bypassed, and allow the applicant to go straight to the environmental impact statement process. See HRS § 343-5(e).

The determination of whether the project will likely have a significant impact is measured by the significance criteria under § 11-200-12(b) of the Hawaii Administrative Rules ("HAR").

The proposed Project is to provide the following: 1) Cemetery Expansion Area (28.20 acres); 2) Cultural Preserve (14.50 acres); 3) Internal Roadways (approximately 3.00 acres); and 4) Other Open Space Area (approximately 7.75 acres). The proposed Project would result in the loss of the natural landscape as it currently exists, and may substantially affect the economic and social welfare of the community or State. See HAR § 11-200-12(b)(1) and (4).

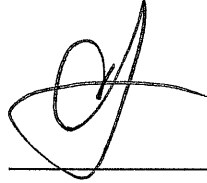
Based on these potential impacts, the Commission, using its judgment and experience, can determine that an EIS is likely to be required.

For these reasons, Petitioners respectfully request that the Commission determine that it is the appropriate accepting authority and approving agency for review under HRS Chapter 343, that it authorize Petitioners to not prepare an

environmental assessment, and that it authorize Petitioners to prepare an EIS beginning with the preparation of an EISPN pursuant to HRS § 343-5(e).

DATED: Honolulu, Hawai'i, November 13, 2017.

Of Counsel:
MATSUBARA, KOTAKE & TABATA
A Law Corporation



BENJAMIN M. MATSUBARA
CURTIS T. TABATA
Attorneys for Petitioner
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LTD.

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A17-804
)
HAWAIIAN MEMORIAL LIFE PLAN, LTD.) CERTIFICATE OF SERVICE
)
To Amend The Conservation Land Use)
District Boundary Into The Urban Land Use)
District For Approximately 53.449 Acres Of)
Land At Kaneohe, Island of O'ahu, State of)
Hawai'i, Tax Map Key: (1) 4-5-033: por. 001)
_____)

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that a true and correct file-marked copy of the foregoing document was duly served upon the following parties VIA ELECTRONIC MAIL and/or AS INDICATED BELOW at their last known address on November 13, 2017:

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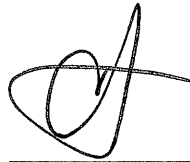
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DATED: Honolulu, Hawai'i, November 13, 2017.



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