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LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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November 20, 2017

Benjamin M. Matsubara, Esq.
Curtis T. Tabata, Esq.
888 Mililani Street, Suite 308
Honolulu, Hawai'i 96813

Dear Mr. Tabata:

Subject: Land Use Commission Docket No. A17-804 Hawaiian Memorial Life Plan, Ltd.

This is to acknowledge receipt of the subject Petition For Land Use Boundary Amendment ("Petition") seeking to reclassify approximately 53.449 acres of land from the State Land Use ("SLU") Conservation District to the SLU Urban District for cemetery expansion (the "Project") situated at Kāne'ohe, O'ahu, TMK No.: (1) 4-5-033: portion of 001 (the "Petition Area") filed in the subject docket on November 13, 2017, by Hawaiian Memorial Life Plan, Ltd. ("Petitioner").

The following documents in the subject docket were filed with the LUC on November 13, 2017:

- 1) Petition for Land Use District Boundary Amendment;
- 2) Petitioner's Exhibits 1-5;
- 3) Verification of Jay Morford;
- 4) Affidavit of Curtis T. Tabata, Esq. Attesting to Service of Petition;
- 5) Affidavit of Curtis T. Tabata, Esq. Attesting to Mailing of the Notification of Petition Filing;
- 6) Certificate of Service.

We have reviewed the information contained in the Petition pursuant to §15-15-50, Hawai'i Administrative Rules ("HAR"). Based upon our review of the submitted information, we have the following comments:

1. Pursuant to §15-15-50(b), HAR, petitions to reclassify properties from the State Conservation District to any other district requires an environmental impact statement or finding of no significant impact that is approved or accepted by the LUC. Such an

approved document needs to be filed with and be part of the petition for boundary amendment.

2. Pursuant to §15-15-50(c)(9) through (22), HAR, the submittal provides limited or incomplete information that Petitioner has indicated will be updated by more detailed studies during the environmental review process¹ and in an amended petition.

Pursuant to §15-15-50(f), HAR, the Petition is deemed incomplete at this time as information regarding the above-mentioned items has not been submitted or addressed adequately pursuant to §15-15-50(b) and (c), HAR. We reserve the right to provide additional comments and raise additional concerns not included in this review.

Please be advised that in the event a notice of intent to intervene is filed with the LUC pursuant to §15-15-52(b), HAR, the Petitioner is required to serve a copy of the Petition upon the potential intervener and file an affidavit of Petitioner or its agent attesting to its compliance with §15-15-48(b), HAR.

Pursuant to §15-15-50(f), HAR, the Petition may be deemed as a proper filing upon review of the additional information submitted and upon determination by the Executive Officer.

Please address the above matters as soon as possible. Should you require clarification or further assistance in this matter, please contact Scott A.K. Derrickson, AICP, of my staff at 587-3921.

Sincerely,



Daniel E. Orodenker
Executive Officer

- c: Rodney Funakoshi, OP
Dawn Takeuchi-Apuna, Esq., deputy Attorney General
Kathy Sokugawa, Acting Director, Department of Planning and Permitting
Donna Y.L. Leong, Esq., Corporation Counsel

¹ On November 13, 2017, Petitioner submitted Petitioner's 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.