

LAND USE COMMISSION  
STATE OF HAWAII

2017 NOV 30 P 1:55

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

HAWAIIAN MEMORIAL LIFE PLAN,  
LTD.

To Amend The Conservation Land Use  
District Boundaries Into The Urban Land  
Use District For Approximately 53.449  
acres of land, consisting of Tax Map Key  
No. (1) 4-5-033: 001 (por.) at Kāne'ohe,  
Island of O'ahu, State of Hawai'i

) DOCKET NO. A17-804  
)  
) ORDER DETERMINING (1) THAT THE  
) LAND USE COMMISSION AGREES TO  
) BE THE ACCEPTING AUTHORITY  
) PURSUANT TO CHAPTER 343, HAWAII  
) REVISED STATUTES; AND (2) THAT  
) THE PROPOSED ACTION MAY HAVE A  
) SIGNIFICANT IMPACT UPON THE  
) ENVIRONMENT TO WARRANT  
) PROCEEDING DIRECTLY TO THE  
) PREPARATION OF AN  
) ENVIRONMENTAL IMPACT  
) STATEMENT; AND CERTIFICATE OF  
) SERVICE  
)

ORDER DETERMINING (1) THAT THE LAND USE COMMISSION AGREES TO BE THE  
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STATUTES; AND (2) THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT  
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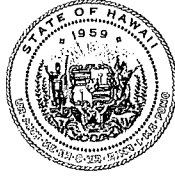
AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawai'i

November 30, 2017 by

Executive Officer



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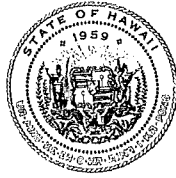
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ORDER DETERMINING (1) THAT THE LAND USE COMMISSION AGREES TO BE THE ACCEPTING  
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WARRANT PROCEEDING DIRECTLY TO THE PREPARATION OF AN ENVIRONMENTAL IMPACT  
STATEMENT

On November 13, 2017, Hawaiian Memorial Life Plan, Ltd. (“Petitioner”), filed a Petition For Land Use District Boundary Amendment (“Petition”) to reclassify approximately 53.449 acres of land, identified as Tax Map Key No. (1) 4-5-033: por. 001, from the State Land Use Conservation District to the State Land Use Urban District, at Kāneʻohe, Island of Oʻahu, State of Hawaiʻi for proposed cemetery expansion at Hawaiian Memorial Park (“Project”); Petitioner’s Exhibits 1 – 5, Verification of Jay Morford, and Affidavit of Mailing, and Certificate of Service. On that same date, Petitioner also filed a motion and a memorandum in support of the motion (“Motion”), with the State Land Use Commission (“Commission”), requesting the Commission: to determine that it will be the accepting authority and the approving agency for the environmental impact

statement under Hawai'i Revised Statutes ("HRS") Chapter 343; to determine, through its judgement and experience, that an Environmental Impact Statement ("EIS") is likely to be required; and to authorize Petitioner to prepare an EIS Preparation Notice ("EISPN").<sup>1</sup> Petitioner's motion and memorandum identifies actions necessary for the Project that will trigger mandatory compliance with HRS Chapter 343, and several administrative criteria for significance that are likely to be met by development of the Project.

The Project is subject to the environmental review process as it proposes to use State Conservation District lands, pursuant to HRS Section 343-5(a)(7), HRS and Hawai'i Administrative Rules ("HAR") Section 11-200-6(b)(1)(F).

On November 13, 2017, the State Land Use Commission ("Commission") mailed a meeting notice and agenda to all Parties and the Statewide, O'ahu, and Kaua'i mailing lists, for its meeting on November 21, 2017 at Honolulu, O'ahu.

On November 14, 2017, the Petitioner filed a description of Parcel 1 and the State Land Use Urban Boundary affecting Lot 1, Tax Map Key (1) 4-5-033:001.

On November 16, 2017, the State Office of Planning ("OP") filed OP's Comments on Petitioner's Motion.

On November 16, 2017, the Commission mailed a letter to Petitioner acknowledging receipt of the filings on November 13, 2017 of its Petition and Motion.

On November 20, 2017, the Commission mailed a letter to Petitioner deeming its Petition incomplete for processing.

On November 21, 2017, the Commission met at Honolulu, O'ahu, Hawai'i, to consider Petitioner's Motion to have the Commission (i) determine that it will be the approving<sup>2</sup> agency for an environmental impact

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<sup>1</sup> Petitioner's Motion acknowledged that the Project may have a significant effect upon the environment, and therefore will require the preparation of an Environmental Impact Statement ("EIS"). Section 343-5, HRS, allows an approving agency to determine "...through its judgment and experience..." that an EIS is warranted and direct an applicant to go directly to preparing an EIS Preparation Notice (EISPN) rather than an Environmental Assessment.

<sup>2</sup> Petitioner's Motion uses the term "approving agency" however the statute and administrative rules refer to "accepting authority."

statement under HRS Chapter 343; (ii) determine, through its judgement and experience, that an EIS is likely to be required; and (iii) authorize Petitioner to prepare an EISPN. Curtis T. Tabata, Esq., appeared on behalf of Petitioner. Also present were Dawn Takeuchi-Apuna, Esq., and Lorene Maki on behalf of OP; and Eugene Takahashi, from the Department of Planning and Permitting on behalf of the City and County of Honolulu (“County”).

At the beginning of the meeting, four commissioners disclosed potential conflicts<sup>3</sup>; none of the parties had any objections to any of these commissioners participation. There was no public testimony. Petitioner provided a summary of its Motion: that the proposed Project triggers Chapter 343 compliance; that the Commission is the appropriate accepting authority for the EIS because the filing of the Petition represents the earliest practicable time to determine whether an EIS is warranted; and that, as identified in its motion, the Project as proposed met at least one of the significance criteria in HAR Section 11-200-12(b), for determining that an action may have a significant impact on the environment . The County and OP had no objections to the motion.

Following discussion, a motion was made and seconded to:

1. designate the Land Use Commission as the “accepting authority” to review and accept the Petitioner's proposed actions pursuant to Chapter 343, HRS; and,
2. direct the Petitioner to proceed directly to the preparation of an environmental impact statement preparation notice (EISPN) because the Commission has reviewed the Motion and the Petition and based on its judgment and experience, the proposed action may have a significant impact on the environment.

There being a vote tally of 6 ayes, 0 nays, and 3 excused, the motion carried.

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<sup>3</sup> Commissioner Okuda has parents interred at Hawaiian Memorial Park and has had discussions about inurning other relatives there; Commissioner Chang previously provided consulting services to Hawaiian Memorial Park; Commissioner Scheuer serves as vice-chair on the Hawaiian Islands Land Trust which has had discussions with Hawaiian Memorial Park; and, Commissioner Wong has family plots and relatives buried at Hawaiian Memorial Park.

ORDER

This Commission, having duly considered Petitioner's motion, the oral and written comments of the County and OP in this proceeding, and a motion having been made at its meeting on November 21, 2017, at Honolulu, O'ahu, Hawai'i, and the motion having received the affirmative votes required by HAR Section 15-15-13, and there being good cause for the motion,

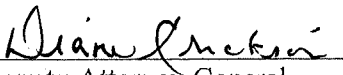
HEREBY ORDERS that the Commission agrees to be the accepting authority pursuant to HRS Chapter 343, that the Project may have a significant effect upon the environment to warrant the preparation of an EIS, direct the Petitioner to file an EISPN available for a 30-day public review and comment period pursuant to HRS Sections 343-5(c) and 343-5(e), and HAR Section 11-200-15(b), authorizes the Chair to sign any Order on this matter on behalf of the Commission, and, authorizes the Executive Officer to notify and submit a record of the Commission's decision to the Office of Environmental Quality Control.

ADOPTION OF ORDER

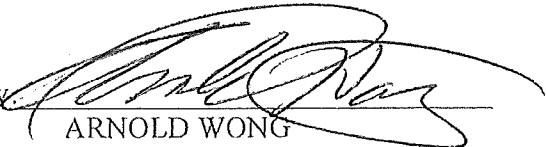
This ORDER shall take effect upon the date this ORDER is filed and certified by this Commission.

Done at Honolulu, Hawai'i, this 30<sup>th</sup>, day of November, 2017, per motion on November 21, 2017, in Honolulu, Hawai'i.

APPROVED AS TO FORM

  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAII

By   
ARNOLD WONG  
Chairperson and Commissioner

Filed and effective on:

November 30, 2017.

Certified by:   
DANIEL E. ORODENKER  
Executive Officer  
State Land Use Commission



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER DETERMINING (1) THAT THE LAND USE COMMISSION AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343, HAWAII REVISIED STATUTES; AND (2) THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT IMPACT UPON THE ENVIRONMENT TO WARRANT PROCEEDING DIRECTLY TO THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT; AND CERTIFICATE OF SERVICE was



served upon the following by either hand delivery or depositing the same in the U. S.

Postal Service by regular or certified mail as noted:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
LEO ASUNCION, DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai'i 96813	X		
DAWN TAKEUCHI-APUNA, ESQ. Deputy Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813		X	
KATHY SOKUGAWA, Acting Director of Planning City and County of Honolulu Department of Planning and Permitting 650 South King Street, 7 <sup>th</sup> Floor Honolulu, HI 96813		X	
DONNA Y.L. LEONG, ESQ. Corporation Counsel City and County of Honolulu Department of Corporation Counsel 530 South King Street, Room 110 Honolulu, HI 96813			X
PLANNING COMMISSION c/o City and County of Honolulu Department of Planning and Permitting 650 South King Street, 7 <sup>th</sup> Floor Honolulu, HI 96813			X
BENJAMIN M. MATSUBARA, ESQ CURTIS T. TABATA, ESQ Matsubara-Kotake 888 Mililani Street, Suite 308 Honolulu, Hawaii 96813			X

Honolulu, Hawai'i, November 30, 2017



DANIEL ORODENKER  
Executive Officer