BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI‘I

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, HAWAI‘I 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 ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343, HAWAI‘I 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

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
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

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

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AND

CERTIFICATE OF SERVICE
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

DOCKET NO. A15-798

ORDER DETERMINING (1) THAT THE LAND USE COMMISSION AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343, HAWAI'I 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

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: 001 (por.) at Kāne‘ohe, Island of O‘ahu, State of Hawai‘i 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"). 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 agency for an environmental impact

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1 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.

2 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; 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.

3 Commissioner Okuda has parents interred at Hawaiian Memorial Park and has had discussions about inurnung 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 EISP 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.

Docket No. A17-804 Hawaiian Memorial Life Plan, Ltd.
Order on Petitioner’s Motion to Determine LUC as Accepting Authority; and Prepare an EIS
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 30th day of November, 2017, per motion on November 21, 2017, in Honolulu, Hawai‘i.

APPROVED AS TO FORM

Deputy Attorney General

Filed and effective on:

November 30, 2017.

Certified by:

DANIEL E. ORODENKER
Executive Officer
State Land Use Commission

LAND USE COMMISSION
STATE OF HAWAI‘I

By

ARNOLD WONG
Chairperson and Commissioner

Docket No. A17-804 Hawaiian Memorial Life Plan, Ltd.
Order on Petitioners Motion to Determine LUC as Accepting Authority; and Prepare an EIS
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

HAWAIIAN MEMORIAL LIFE PLAN, LTD.  DOCKET NO. A17-804

To Amend The Conservation Land Use CERTIFICATE OF SERVICE
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

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, HAWAI'I 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 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:

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Honolulu, Hawai‘i, November 30, 2017

[Signature]

DANIEL ORODENKER
Executive Officer