

HUI O PIKOILOA, an unincorporated Association, LIANNE CHING, ERNEST HARRIS, BETTYE HARRIS, RICHARD MCCREEDY, JULIANE MCCREEDY, JESSE REAVIS, and GRANT YOSHIMORI  
c/o 45-464 Lipalu Street  
Kaneohe, HI 96744  
Telephone No.: (808) 236-0502

LAND USE COMMISSION  
STATE OF HAWAII

2017 DEC 11 A 10:52

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition ) DOCKET NO. A17-804  
of )  
)  
HAWAIIAN MEMORIAL LIFE PLAN, ) NOTICE OF INTENT TO INTERVENE;  
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 Kāne'ohe, Island of )  
Oahu, State of Hawai'i, Tax Map )  
Key: (1) 4-5-003:por.001 )  
)

NOTICE OF INTENT TO INTERVENE

The HUI O PIKOILOA, an unincorporated association (the "Hui"), LIANNE CHING, individually and as a member of the Hui ("Ching"), ERNEST HARRIS and BETTYE HARRIS, husband and wife, individually and as members of the Hui (collectively, "Harris"), RICHARD MCCREEDY and JULIANE MCCREEDY, husband and wife, individually and as members of the Hui (collectively, "McCreedy"), JESSE REAVIS, individually and as a member of the Hui ("Reavis"), and GRANT

YOSHIMORI, individually and as a member of the Hui ("Yoshimori") (Ching, Harris, McCreedy, Reavis, and Yoshimori are collectively the "Pikoiloa Intervenors"), hereby respectfully submit to the Land Use Commission (the "Commission") a Notice of Intent to Intervene pursuant to §15-15-52 of the Hawai'i Administrative Rules ("HAR").

The Hui and the Pikoiloa Intervenors hereby give notice of their intent to intervene in the above-referenced Petition filed by Hawaiian Memorial Life Plan, Ltd. ("HMP"), Docket No. A17-804 (the "Petition") and respectfully submit the following in support of its Notice of Intent to Intervene:

1. Intended Intervenors Names and Addresses.

Hui O Pikoiloa  
45-464 Lipalu Street  
Kāne'ōhe, Hawai'i 96744

For purposes of the Petition, service to the Hui shall be made upon Yoshimori.

Lianne Ching  
45-431 Ohaha Street  
Kāne'ōhe, Hawai'i 96744

Ernest Harris and Bettye Harris  
45-178 Ohaha Place  
Kāne'ōhe, Hawai'i 96744

Richard McCreedy and Juliane McCreedy  
45-423 Ohaha Street  
Kāne'ōhe, Hawai'i 96744

Jesse Reavis  
45-173 Ohaha Street  
Kāne'ōhe, Hawai'i 96744

Grant Yoshimori  
45-464 Lipalu Street  
Kāne'ōhe, Hawai'i 96744

2. Nature and Extent of Interest in Petition.

As set forth in the Petition, HMP is seeking to amend the land use district boundary to reclassify approximately 53.449 acres of land situated at Kāne'ohe, Island of O'ahu, Hawai'i, identified as Tax Map Key No. (1) 4-5-033-001, from the State Land Use Conservation District to the State Land Use Urban District (the "Expansion Project"). The Hui is a community association comprised of residents from the Pikoiloa residential subdivision, which is adjacent to the Expansion Project, including the Pikoiloa Intervenor, as well as residents of other nearby residential subdivisions who are deeply concerned by the Expansion Project.

Each of the Pikoiloa Intervenor owns single-family residential lots that either abut or are within 400 feet of the Petition property boundary north of the Expansion Project. The Tax Map Key designations for the Pikoiloa Intervenor and their respective statuses relative to the Petition property boundary are as follows:

Harris: Tax Map Key No. (1) 4-5-092-014 (abutter);  
Reavis: Tax Map Key No. (1) 4-5-092-012 (abutter);  
Yoshimori: Tax Map Key No. (1) 4-5-093-003 (abutter);  
Ching: Tax Map Key No. (1) 4-5-092-034 (within 400 feet); and  
McCreedy: Tax Map Key No. (1) 4-5-092-036 (within 400 feet).

As owners of property that either abut or are in close proximity to the Petition property boundary, the Pikoiloa Intervenor have property interests directly and immediately affected by the Expansion Project, and which are clearly distinguishable from that of the general public.

Additionally, Ching is a cultural hula practitioner who has and continues to exercise her native right to gather laua'e fern (*Phymatosorus grossus*) and pala'ā fern (*Sphenomeris chinensis*) from the Petition area, both of which are used in her hula practice. Ching's native gathering rights is an interest recognized by the Hawai'i State Constitution which may be adversely impacted by the Expansion Project. Although the laua'e fern is not a native plant, it was recognized by the Commission in the Findings of Fact, Conclusions of Law, Decision and Order regarding the Petition filed by HMP, Docket No. A07-777, dated November 6, 2009 (the "2009 Commission Decision") as a culturally acceptable replacement for a native plant. Further pursuant to the 2009 Commission Decision, the pala'ā fern is valued as a native hula and lei fern as both an adornment to hula dancers and to altars to the hula goddess, Laka, and cultural practitioners are concerned that the availability of this native fern is declining dramatically. Although the Petition notes that a Cultural Impact Assessment will be prepared to assess potential impacts to traditional cultural practices as a result of the Expansion Project, Ching respectfully submits to the Commission that her native gathering rights will be directly and immediately affected by the Expansion Project so as to clearly distinguish her interests from that of the general public.


Other members of the Hui have interests distinguishable from the general public similar to Ching's interest that may be directly and immediately affected by the Expansion Project. The Hui

and the Pikoiloa Intervenors reserve the right to supplement and amend the foregoing matters in its formal petition to intervene following the filing of the final Petition with the Commission and the publishing of notice of hearing pursuant to HAR §§15-15-51.

**WHEREFORE**, the Hui and the Pikoiloa Intervenors hereby respectfully submit this Notice to Intervene as a party in the proceedings contemplated by the Petition with all rights attended thereto.

DATED: Honolulu, Hawaii, November 29, 2017.

PIKOILOA INTERVENORS:



GRANT YOSHIMORI, Individually  
and as Representative of HUI O  
PIKOILOA



RICHARD MCCREEDY



ERNEST HARRIS



JESSE REAVIS



JULIANNE MCCREEDY



BETTYE HARRIS



LIANNE CHING

BEFORE THE LAND USE COMMISSION

LAND USE COMMISSION  
STATE OF HAWAII

STATE OF HAWAI'I

In the Matter of the Petition ) DOCKET NO. A17-1804 2017 DEC 11 A 10:52  
of )  
) )  
HAWAIIAN MEMORIAL LIFE PLAN, ) CERTIFICATE OF SERVICE  
LTD. ) )  
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CERTIFICATE OF SERVICE

I hereby certify that I have served the following parties with the foregoing NOTICE OF INTENT TO INTERVENE, via United States Postal Service Certified Mail and addressed as follows:

Director  
State of Hawaii  
Office of Planning  
235 South Beretania Street, 6<sup>th</sup>  
Floor  
Honolulu, Hawaii 96813

Director  
City and County of Honolulu  
Department of Planning and  
Permitting  
650 South King Street  
Honolulu, Hawaii 96804-2359

Hawaii Memorial Life Plan, Ltd.  
Mr. Jay Morford  
1330 Maunakea Street  
Honolulu, Hawaii 96817

Benjamin M. Matsubara  
Curtis T. Tabata  
Matsubara, Kotake & Tabata  
888 Mililani Street, Suite 308  
Honolulu, Hawai'i 96813  
Attorneys for Petitioner

Dated: Kaneohe, Hawaii, 12-10, 2017

  
GRANT YOSHIMORI, Intervenor Pro Se