



WAILUA - KAPA'A
NEIGHBORHOOD
ASSOCIATION

LAND USE COMMISSION
STATE OF HAWAII

2018 JUL -9 A 10:15

July 8, 2018

[via email: daniel.e.ordenker@hawaii.gov]

Daniel E. Ordenker, Executive Officer
State Land Use Commission
P. O. Box 2359
Honolulu, HI 96804-2359

RE: Withdrawal of Draft Final Environmental Impact Statement for Kapa'a Highlands Phase II (HoKua Place) to Amend the Land Use District Boundary Amendment for 97-acres from Agriculture District to Urban District, TMK (4)4-3-03:001

Aloha Mr. Ordenker:

As you know, there was a very brief window of time in which the Draft Final EIS for the above mentioned project (filed on March 19, 2018) was posted on the Land Use Commission (LUC)'s website until the applicant's attorneys submitted a Notice of Withdrawal dated March 28, 2018.

Within that short period, the Wailua-Kapa'a Neighborhood Association (W-KNA) reviewed the Draft Final EIS and after an intensive search, found a document from AGOR JEHN ARCHITECTS, LLC to W-KNA on pages 649-652 in Volume II-B. The document was dated 11-06-2017 in response to the 6-pages of comments we submitted on the HoKua Place DEIS two years earlier (dated June 22, 2015).

Please note that W-KNA never received the 11-06-2017 Agor communication by mail or email. Based on Title 11, Chapter 200 of the Hawaii Administrative Rules (which governs the preparation of documents prepared under Chapter 343, HRS) most consultants mail out their response letters to coincide with the submittal of the Draft Final EIS to the accepting authority (in this case, the Land Use Commission). Generally, this means that response letters are in the hands of commenters several weeks in advance of the publication of the Notice of Acceptance.

We hope you agree that Mr. Agor's response to our comments solely in the Draft FEIS document is not the intent of EIS rules. This conduct is particularly vexing in light of the fact that W-KNA provided a notice of intent to intervene in 2011.

Thank you in advance for allowing us to share this concern, and would you kindly acknowledge receipt of this letter. I can be reached by email at rayneregush@aol.com or by phone 808-651-1318.

Sincerely,

Rayne Regush, Chairperson
On behalf of the W-KNA Board

cc: Scott Derrickson (sderrick@dbedt.hawaii.gov)

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