

August 12, 2020

LAND USE COMMISSION
STATE OF HAWAII

State of Hawaii Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804-2359

2020 AUG 20 A 6:48

Subject: Petition A18 805 (the "Petition") and the Commission's FONSI regarding the Petition at its scheduled meeting on June 25th, 2020

Dear Mr. Orodener,

As you are aware the LUC Commissioner(s) determined a FONSI in support of our Petition A18 805 which Petition we filed with your office mid-2018. Your office appears to have been in receipt of our proposed FONSI on or around June 8th, 2020.

HRS 343-5 (e) (3) states in part

*Acceptance of a required final statement shall be a condition precedent to approval of the request and commencement of the proposed action. **Upon acceptance or nonacceptance of the final statement, the agency shall file notice of the determination with the office.** The office, in turn, shall publish the determination of acceptance or nonacceptance of the final statement pursuant to section 343-3. (hereafter referred to by me in this letter as the "Action")*

*The agency receiving the request, within **thirty days** of receipt of the final statement, shall notify the applicant and the office of the acceptance or nonacceptance of the final statement.*

HAR 15-15-76 (d) reflects HRS 343-5 (e) (3) requirements in the LUC's Rules.

We understand that your office is very busy on what you have referred to be '*more pressing matters*' and you have instructed us to not correspond unnecessarily with you or your office. We also recognize that the State and its agencies are under the burden of the Covid 19 crisis as we also suffer under. We have also noted that your office processed the very similar Barry Trust FONSI and forwarded the LUC's FONSI to the OEQC for publication in early July immediately following the LUC's FONSI.

The Commission's FONSI regarding our Petition has not yet been published in the State's Environmental Notice nor have we received the required letter from your office that is required in HRS 343-5 (e) (3). Perhaps this is an oversight. Please advise the status regarding your office forwarding the Commission's FONSI for our Petition to the OEQC and the letter regarding this to us.

Sincerely,

Handwritten signature of Ken Church in cursive script.Handwritten signature of Joan Hildal in cursive script.

Ken Church and Joan Hildal