

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )	DOCKET NO. A94-703
THE LIHUE PLANTATION COMPANY, )	
LTD., a Hawaii corporation )	ORDER REQUIRING
)	PETITIONER TO PREPARE
To Amend the Agricultural Land )	AN ENVIRONMENTAL IMPACT
Use District Boundary and the )	STATEMENT
Conservation Land Use District )	
Boundary into the Urban Land Use )	
District for Approximately 552.026 )	
Acres at Hanamaulu and Kalapaki, )	
Kauai, Hawaii, Tax Map Key Nos.: )	
3-6-02: 1 (por.), 4 (por.), 17; )	
3-7-01: 1 (por.); 3-7-02: 1 (por.), )	
12 (por.); and 3-7-03: 20 (por.) )	
<hr/>	

JUN 24 7 27 AM '94  
LAND USE COMMISSION  
STATE OF HAWAII

ORDER REQUIRING PETITIONER TO PREPARE AN  
ENVIRONMENTAL IMPACT STATEMENT

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A94-703
	)	
THE LIHUE PLANTATION COMPANY,	)	ORDER REQUIRING
LTD., a Hawaii corporation	)	PETITIONER TO PREPARE
	)	AN ENVIRONMENTAL IMPACT
To Amend the Agricultural Land	)	STATEMENT
Use District Boundary and the	)	
Conservation Land Use District	)	
Boundary into the Urban Land Use	)	
District for Approximately 552.026	)	
Acres at Hanamaulu and Kalapaki,	)	
Kauai, Hawaii, Tax Map Key Nos.:	)	
3-6-02: 1 (por.), 4 (por.), 17;	)	
3-7-01: 1 (por.); 3-7-02: 1 (por.),	)	
12 (por.); and 3-7-03: 20 (por.)	)	
	)	

ORDER REQUIRING PETITIONER TO PREPARE AN  
ENVIRONMENTAL IMPACT STATEMENT

On May 24, 1994, The Lihue Plantation Company, Ltd., a Hawaii corporation ("Petitioner"), filed a Petition for Land Use District Boundary Amendment to reclassify approximately 539.153 acres from the Agricultural Land Use District and approximately 12.873 acres from the Conservation Land Use District to the Urban Land Use District at Hanamaulu and Kalapaki, Kauai, Hawaii ("Petition"). The Petition included an environmental assessment ("EA") as required by section 343-5(a)(7), Hawaii Revised Statutes ("HRS").

The Land Use Commission ("Commission"), having considered the pleadings and submissions filed in this matter, and having heard the representations of Petitioner, the Office of State Planning ("OSP"), and the Kauai County Planning Department

("Planning Department"), hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

1. On May 24, 1994, Petitioner filed the Petition to reclassify approximately 539.153 acres of land from the Agricultural District and approximately 12.873 acres from the Conservation District to the Urban District at Hanamaulu and Kalapaki, Kauai, Hawaii, identified as TMK Nos.: 3-6-02: 1 (por.), 4 (por), 17; 3-7-01: 1 (por.); 3-7-02: 1 (por.), 12 (por.); and 3-7-03: 20 (por.) ("Property").

2. The Petition included an EA as required by section 343-5(a)(7), HRS. The EA stated that "[b]ased on the scale of the proposed Conceptual Master Plan, its potential environmental impacts, and the reclassification of land located within the State Conservation District,...significant environmental affects (sic) may result and that an Environmental Impact Statement ("EIS") will be required."

3. On June 3, 1994, the Commission held a hearing at Lihue, Kauai, to determine whether the anticipated effects discussed in Petitioner's EA to reclassify approximately 539.153 acres of land from the Agricultural District and approximately 12.873 acres of land from the Conservation District to the Urban District, and as proposed in its Conceptual Master Plan to consist of residential, office, commercial, industrial and public/quasi-public facility uses, open space, and parks, constitute a "significant effect" on the environment pursuant to

Chapter 343, HRS. At the hearing, Petitioner clarified that TMK No.: 3-6-02: 20 (por.) is to be included within the Property to be reclassified. The Petitioner, OSP, and the Planning Department did not object to the preparation of an EIS by Petitioner.

4. On June 3, 1994, at its meeting in Lihue, Kauai, the Commission determined that the proposed boundary amendment may have a significant effect on the environment and that Petitioner shall prepare an EIS pursuant to Chapter 11-200, Hawaii Administrative Rules ("HAR"), entitled "Environmental Impact Statement Rules."

CONCLUSIONS OF LAW


Pursuant to Chapter 11-200, HAR, and Chapter 15-15, HAR, the Commission, having considered Petitioner's EA, concludes that the proposed boundary amendment may have a significant effect on the environment and that Petitioner shall prepare an EIS.

ORDER

IT IS HEREBY ORDERED that Petitioner shall prepare and submit to the Commission an EIS for the Petition pursuant to Chapter 11-200, HAR, and section 343-5, HRS.

Done this 24th day of June 1994, upon motion by the Commission on June 3, 1994.

LAND USE COMMISSION  
STATE OF HAWAII

  
By JOANN N. MATTSON  
Chairperson and Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A94-703  
THE LIHUE PLANTATION COMPANY, )  
LTD., a Hawaii corporation ) CERTIFICATE OF SERVICE  
To Amend the Agricultural Land )  
Use District Boundary and the )  
Conservation Land Use District )  
Boundary into the Urban Land Use )  
District for Approximately 552.026 )  
Acres at Hanamaulu and Kalapaki, )  
Kauai, Hawaii, Tax Map Key Nos.: )  
3-6-02: 1 (por.), 4 (por.), 17; )  
3-7-01: 1 (por.); 3-7-02: 1 (por.), )  
12 (por.); and 3-7-03: 20 (por.) )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Requiring  
Petitioner to Prepare an Environmental Impact Statement was  
served upon the following by either hand delivery or depositing  
the same in the U. S. Postal Service by certified mail:

HAROLD S. MASUMOTO, Director  
Office of State Planning  
P. O. Box 3540  
Honolulu, Hawaii 96811-3540

CERT. DEE CROWELL, Planning Director  
Planning Department, County of Kauai  
Suite 473, Building A  
4444 Rice Street  
Lihue, Hawaii 96766

CERT. KATHLEEN N.A. WATANABE, ESQ.  
County Attorney  
Office of the County Attorney  
County of Kauai  
4396 Rice Street, #202  
Lihue, Hawaii 96766

CERT. BENJAMIN A. KUDO, ESQ., Attorney for Petitioner  
Dwyer Imanaka Schraff Kudo Meyer & Fujimoto  
900 Fort Street Mall, Suite 1800  
Honolulu, Hawaii 96813

CERT. Director  
Office of Environmental Quality Control  
Central Pacific Plaza  
220 S. King Street, 4th Fl.  
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 24th day of June 1994.



---

ESTHER UEDA  
Executive Officer