

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of)	DOCKET NO. A07-777
)	
HAWAIIAN MEMORIAL LIFE PLAN,)	ORDER DETERMINING (1) THAT THE
LTD., A Hawai'i Corporation)	LAND USE COMMISSION AGREES TO
)	BE THE ACCEPTING AUTHORITY
To Amend The Conservation Land Use)	PURSUANT TO CHAPTER 343, HAWAI'I
District Boundary Into The Urban Land)	REVISED STATUTES; AND (2) THAT
Use District For Approximately 56.6)	THE PROPOSED ACTION MAY HAVE A
Acres Of Land At Kāne`ohe,)	SIGNIFICANT EFFECT UPON THE
Ko`olaupoko, O`ahu, Hawai'i, Tax)	ENVIRONMENT TO WARRANT THE
Map Key: 4-5-33: Por. 1)	PREPARATION OF AN
)	ENVIRONMENTAL IMPACT
)	STATEMENT
)	

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 AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343,
 HAWAI'I REVISED STATUTES; AND (2) THAT THE PROPOSED ACTION MAY
 HAVE A SIGNIFICANT EFFECT UPON THE ENVIRONMENT TO WARRANT THE
 PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT

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On November 28, 2007, Hawaiian Memorial Life Plan, Ltd., a Hawai`i Corporation ("Petitioner"), filed a Petition For Land Use District Boundary Amendment ("Petition") to reclassify approximately 56.6 acres of land at Kāne`ohe, Ko`olaupoko, O`ahu, Hawai`i, identified as Tax Map Key: 4-5-33: por. 1, from the State Land Use Conservation District to the State Land Use Urban District for cemetery expansion and

residential uses ("Project"). An Environmental Impact Statement Preparation Notice ("EISPN") was included with the Petition.¹

The Project is subject to the environmental review process as it proposes the reclassification of lands located within the State Land Use Conservation District pursuant to section 343-5(a)(7), Hawai`i Revised Statutes ("HRS"), and section 11-200-6(b)(1)(F), Hawai`i Administrative Rules ("HAR"), and involves an amendment to the Ko`olaupoko Sustainable Communities Plan pursuant to section 343-5(a)(6), HRS, and section 11-200-6(b)(2)(A), HAR.

On December 13, 2007, the Land Use Commission ("Commission") held a meeting in Honolulu, Hawai`i, to determine (i) whether this Commission should be the accepting authority pursuant to chapter 343, HRS; and (ii) whether the Project may have a significant effect upon the environment to warrant the preparation of an EIS pursuant to chapter 343, HRS. William W. L. Yuen, Esq., and Rachael Edinger appeared on behalf of Petitioner. Randy Hara and Mike Watkins appeared on behalf of the City and County of Honolulu Department of Planning and Permitting ("DPP"). Bryan C. Yee, Esq., and Scott Derrickson appeared on behalf of the State Office of Planning ("OP").

At the meeting, the Commission heard public testimony from the following individuals: Bettye Jo Harris, Daisy Payton, and Laura Morgenstein on behalf

¹ By preparing the EISPN, Petitioner has already acknowledged that the Project may have a significant effect upon the environment, and therefore will require the preparation of an Environmental Impact Statement ("EIS"). The EISPN contains an analysis of the significance criteria in relation to the Project as required by section 11-200-10, HAR, for an environmental assessment.

of herself and on behalf of Jack Gillmar. Upon completion of the public testimony, Petitioner proceeded with its presentation. Petitioner noted that the Project may have a significant effect upon the environment to warrant the preparation of an EIS. Petitioner also noted that as the filing of the Petition is the earliest practicable time to determine whether an EIS is required, this Commission should be the accepting authority for the EIS pursuant to chapter 343, HRS.

The DPP had no comments to offer on this matter. The OP stated that they supported the preparation of an EIS for the Project.

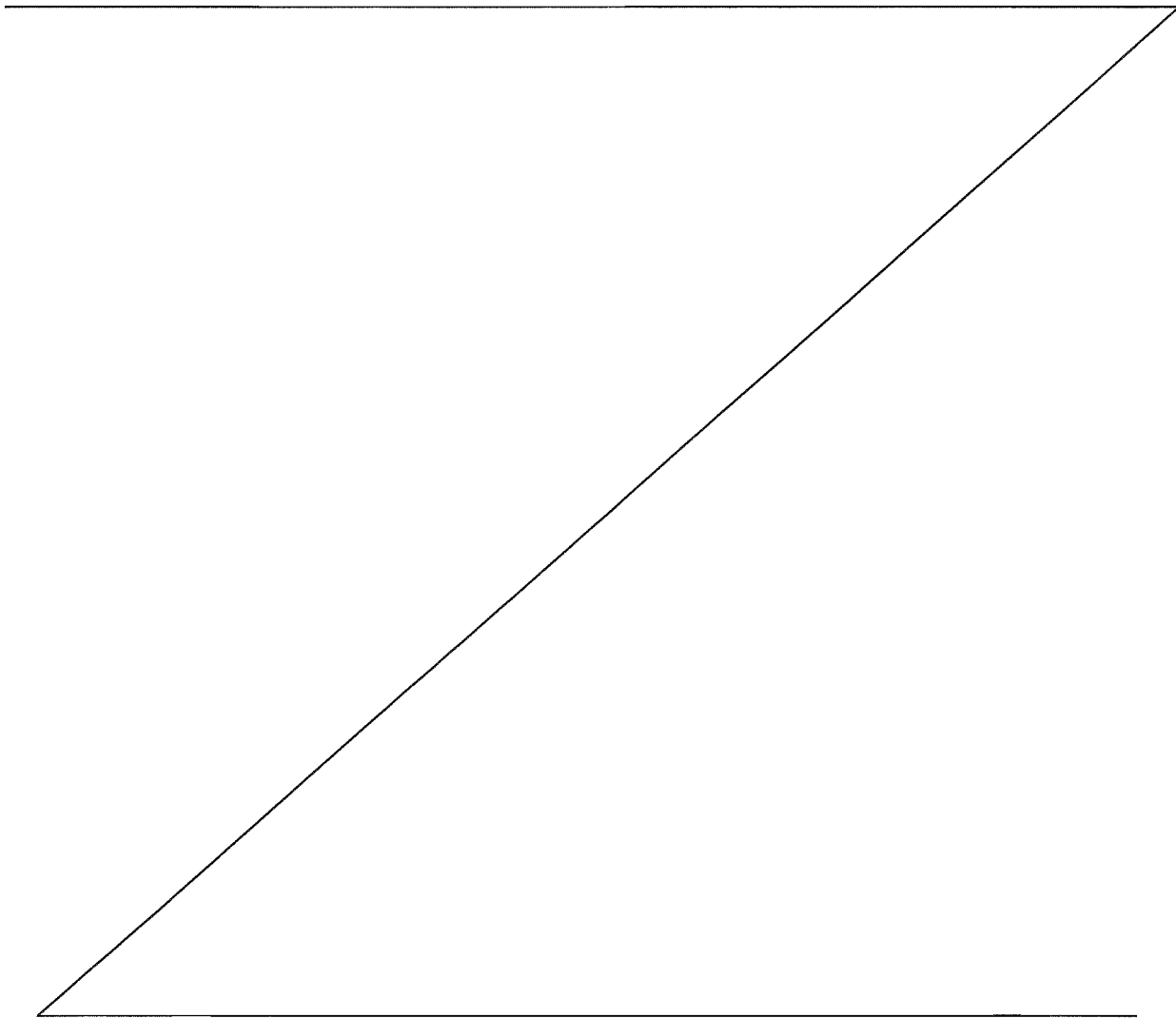
Following discussion, a motion was made and seconded to have this Commission agree to be the accepting authority pursuant to chapter 343, HRS, and to have the Commission find that the Project may have a significant effect upon the environment sufficient to warrant the preparation of an EIS. There being a vote tally of 7 ayes and 2 absent, the motion carried.

ORDER

This Commission, having duly considered Petitioner's EISPN, the arguments by the parties in this proceeding, and a motion having been made at its meeting on December 13, 2007, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that it agrees to be the accepting authority pursuant to chapter 343, HRS, and that the Project may have a significant effect upon the environment to warrant the preparation of an EIS.

IT IS FURTHER ORDERED that Petitioner shall make the EISPN available for a 30-day public review and comment period pursuant to section 11-200-15(b), HAR, and section 343-5(c), HRS.

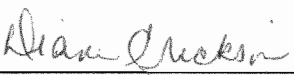


ORDER

IT IS HEREBY ORDERED that the LUC: 1) agrees to be the accepting authority of Petitioner's EISPN and EIS under chapter 343, HRS, and 2) determines that the proposed action in LUC Docket No. A07-777 warrants the preparation of an EIS pursuant to chapter 343, HRS, by the authority of the presiding officer under section 15-15-60, HAR.

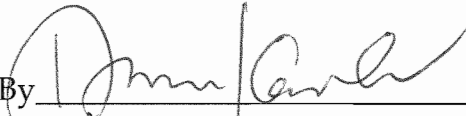
Done at Honolulu, Hawai'i, this 28th day of January, 2008.

APPROVED AS TO FORM:



Deputy Attorney General


LAND USE COMMISSION
STATE OF HAWAII

By 

DUANE KANUHA
Presiding Officer

Filed and effective on
JAN 28 2008

Certified by:



Interim Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of) DOCKET NO. A07-777
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HAWAIIAN MEMORIAL LIFE PLAN,) CERTIFICATE OF SERVICE
LTD., A Hawai`i Corporation)
)
To Amend The Conservation Land Use)
District Boundary Into The Urban Land)
Use District For Approximately 56.6)
Acres Of Land At Kāne`ohe,)
Ko`olaupoko, O`ahu, Hawai`i, Tax)
Map Key: 4-5-33: Por. 1)
_____)

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 Effect Upon The Environment To Warrant The Preparation Of An Environmental Impact Statement 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:

DEL. MARY LOU KOBAYASHI, Acting Director
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Honolulu, Hawaii 96804-2359

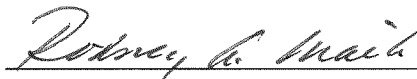
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Honolulu, Hawai'i, JAN 28 2008.



RODNEY A. MAILE
Interim Executive Officer