

NEIL ABERCROMBIE
Governor



BERT K. SARUWATARI
Acting Executive Officer

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawaii

May 22, 2012

Ms. Gayle Pingree, Chair
Planning Commission
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Ms. Pingree:

Subject: County Special Use Permit File No. 2008/SUP-2
LUC Docket No. SP09-403
Waimanalo Gulch Sanitary Landfill

On behalf of the State Land Use Commission (LUC), I would like to urge the City and County of Honolulu (C&C) Planning Commission (Planning Commission) to stay its May 25, 2012, proceedings on the C&C Department of Environmental Services' (DES) current request to delete Condition No. 14 of the LUC's Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order with Modifications filed October 22, 2009 (LUC's Order), until the LUC remands File No. 2008/SUP-2 to the Planning Commission.

In its decision to remand the LUC's Order to the circuit court, the Hawaii Supreme Court (HSC) acknowledged the DES' current request to delete Condition No. 14 and encouraged "... the LUC to consider any new testimony developed before the Planning Commission in that case." To that end, I believe that the consolidation of the remand and the DES' current request would better serve the public interest and provide for a more economical disposition of both matters.

In the event the Planning Commission stays its proceedings on the DES' request, I have instructed my staff to forward the record on remand to the Planning Commission upon receipt from the circuit court so that it may consolidate the proceedings consistent with the spirit and intent of the HSC's decision.

Sincerely,



Norman R. Lezy
Chair