

BEFORE THE LAND USE COMMISSION

215
2/15/11

OF THE STATE OF HAWAII

In The Matter Of The Petition of	)	DOCKET NO. A05-761
)	
ERIC A. KNUDSEN TRUST	)	ORDER DETERMINING (1) THAT
	)	THE LAND USE COMMISSION
To Amend The Agricultural Land Use	)	AGREES TO BE THE ACCEPTING
District Boundary Into The Urban Land Use	)	AUTHORITY PURSUANT TO
District For Approximately 127.4 Acres of	)	CHAPTER 343, HAWAII REVISED
Land At Poipu, District Of Koloa, Island	)	STATUTES; AND (2) THAT THE
And County Of Kaua`i, State Of Hawai`i,	)	PROPOSED ACTION MAY HAVE
Tax Map Keys: 2-8-13: Por. 1; 2-8-14: Por.	)	A SIGNIFICANT EFFECT UPON
1, 2, 3, Por. 4, Por. 19 And Por. Lot 19-B	)	THE ENVIRONMENT TO
(Hapa Road)	)	WARRANT THE PREPARATION
	)	OF AN ENVIRONMENTAL
	)	IMPACT STATEMENT

ORDER DETERMINING (1) THAT THE LAND USE COMMISSION
AGREES TO BE THE ACCEPTING AUTHORITY PURSUANT TO CHAPTER 343,
HAWAII 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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PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT

On July 8, 2005, the Eric A. Knudsen Trust ("Petitioner"), filed a Petition For Land Use District Boundary Amendment ("Petition") to reclassify approximately 127.4 acres of land at Po`ipu, District of Koloa, Island and County of Kaua`i, State of Hawai`i, identified as Tax Map Keys: 2-8-13: por. 1; 2-8-14: por. 1, 2, 3, por. 4, por. 19; and por. Lot 19-B (Hapa Road), from the State Land Use Agricultural District to the State Land Use Urban District for single-family residential lots with associated park and

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

The Project is subject to the environmental review process, pursuant to section 343-5(a)(1), Hawai`i Revised Statutes ("HRS"), and section 11-200-6(b)(1)(A), Hawai`i Administrative Rules ("HAR"),² as it will involve the use and improvement of Hapa Road. In the Petition and EISPN, Petitioner asserted that (i) the filing of the Petition is the earliest practicable time to determine whether an EIS shall be required to assess the Project; and (ii) action by the Land Use Commission ("Commission") will be the first discretionary approval towards development of the Project.

On July 13, 2005, the Commission held a meeting in Keauhou, Hawai`i, to determine (i) whether this Commission should be the accepting authority pursuant to chapter 343, HRS; and (ii) if so, whether the Project warranted the preparation of an EIS. Lorna A. Nishimitsu, Esq., and Kimi Yuen appeared on behalf of Petitioner. John W. K. Chang, Esq.; Laura Thielen; and Abe Mitsuda appeared on behalf of the Office of Planning ("OP"). The County of Kaua`i Planning Department was served with a copy of the Petition and EISPN and further notified of this meeting but was not present or represented.

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").

² Hapa Road is owned by the County of Kaua`i.

At the meeting, Petitioner reaffirmed its position that this Commission is the appropriate accepting authority for the EIS, and that the Project may have a significant effect upon the environment sufficient to warrant the preparation of an EIS. Upon questioning by the Commission, Petitioner pointed out that to accommodate the Project, the County of Kaua`i required Petitioner to undertake bicycle and pedestrian improvements to Hapa Road. Petitioner further clarified that a portion of Hapa Road is part of the proposed reclassification. Finally, Petitioner noted that written authorization from the County of Kaua`i to include a portion of Hapa Road in the Petition would be forthcoming.³ The OP stated that it believed this Commission is the appropriate accepting authority for the EIS, and that it had no objections to Petitioner's preparation of an EIS.

Following discussion, a motion was made and seconded to have this Commission agree to be the accepting authority pursuant to chapter 343, HRS, and further that 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 8 ayes and 0 nays, the motion carried.

³ On July 20, 2005, Petitioner filed a letter from the County of Kaua`i providing written authorization to Petitioner to include a portion of Hapa Road within the Petition.

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)
ERIC A. KNUDSEN TRUST) CERTIFICATE OF SERVICE
)
To Amend The Agricultural Land Use)
District Boundary Into The Urban Land Use)
District For Approximately 127.4 Acres of)
Land At Poipu, District Of Koloa, Island)
And County Of Kaua`i, State Of Hawai`i,)
Tax Map Keys: 2-8-13: Por. 1; 2-8-14: Por.)
1, 2, 3, Por. 4, Por. 19 And Por. Lot 19-B)
(Hapa Road))
_____)

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:

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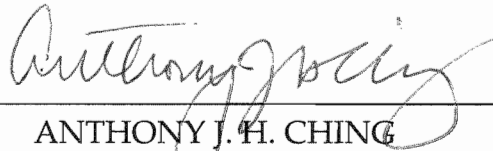
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Dated: Honolulu, Hawaii, AUG 18 2005 .



ANTHONY J. H. CHING
Executive Officer