

FINDINGS OF FACT

1. On March 24, 2000, Petitioner filed the Petition to reclassify approximately 336.984 acres of land from the Conservation District to the Urban District at Honokohau, North Kona, Hawaii identified as Tax Map Key Nos.: 7-4-03: portion of 013 and 7-4-03: 30 ("Property").

2. Petitioner acknowledged that the proposed uses on the Property resulting from the reclassification from the Conservation District to the Urban District would constitute a significant effect and included an EISPN with the Petition pursuant to section 343-5(a)(7), HRS. The EISPN stated that "This action requires compliance with the Hawaii Environmental Policy Act (HEPA, Chapter 343 Hawaii Revised Statutes)..."

3. On April 18, 2000, the Commission received OP's position on whether the anticipated effects discussed in Petitioner's EISPN constitute a "significant effect" pursuant to Chapter 343, HRS. OP recommended an environmental impact statement ("EIS") be required based on possible significant effects on natural, environmental, and cultural resources, and regional facilities, and also recommended additional studies as needed to address concerns based on Chapter 343, HRS.

4. On April 19, 2000, the Commission was notified by the County of Hawaii Planning Department that they would not be attending the Commission meeting on April 20, 2000.

5. On April 19, 2000, the Commission received a notice of intent to intervene from TSA International.

6. On April 20, 2000, the Commission held a hearing at Honolulu, Oahu, to determine whether the anticipated effects discussed in the Petitioner's EISPN to reclassify approximately 336.98 acres of land from the Conservation District to the Urban District for the Kaloko-Honokohau Business Park consisting of mixed light industrial and commercial uses, and retention and expansion of an existing quarrying operation and quarry-related uses, constituted a "significant effect" on the environment pursuant to Chapter 343, HRS. At the hearing, Petitioner acknowledged they intend to file an EIS, and agreed to the recommendations from OP and staff.

7. On April 20, 2000, at its meeting in Honolulu, Oahu, this Commission considered whether the proposed boundary amendment may have a significant effect on the environment, and whether Petitioner should prepare an EIS pursuant to Chapter 11-200, Hawaii Administrative Rules ("HAR"), entitled "Environmental Impact Statement Rules."

8. At its meeting, a motion to determine that the proposed reclassification will constitute a "significant effect" and the Petitioner will be required to submit an EIS was made and seconded. There being a vote tally of six ayes and no nays, the motion carried, having received the affirmative votes required by Section 15-15-13, HAR.

CONCLUSIONS OF LAW

Pursuant to Chapter 11-200, HAR, and Chapter 15-15, HAR, the Commission, having considered Petitioner's EISPN, concludes that the proposed boundary amendment may have a

significant effect on the environment and that Petitioner shall prepare an environmental impact statement.

ORDER

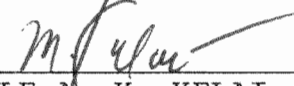
IT IS HEREBY ORDERED that Petitioner shall prepare and submit to the Commission an EIS for the Petition pursuant to Chapter 11-200, HAR, and section 343-5, HRS.

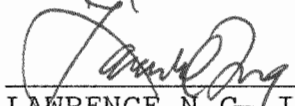
ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and the proceedings, hereby adopt and approve the foregoing ORDER this 4th day of May 2000.

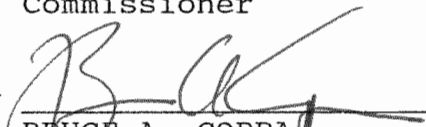
The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by the Commission.

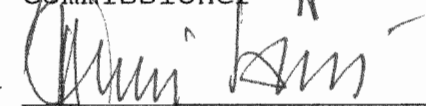
LAND USE COMMISSION
STATE OF HAWAII

By 
MERLE A. K. KELAI
Chairperson and Commissioner

By 
LAWRENCE N.G. ING
Vice Chairperson and Commissioner

By (absent)
P. ROY CATALANI
Commissioner

By 
BRUCE A. COPPA
Commissioner

By 
PRAVIN DESAI
Commissioner

By (absent)
ISAAC FIESTA, JR.
Commissioner

By *M. Casey Jarman*
M. CASEY JARMAN
Commissioner

Filed and effective on
 May 9 , 2000

By (absent)
STANLEY ROEHRIG
Commissioner

Certified by:
 [Signature]
Executive Officer

By (absent)
PETER YUKIMURA
Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) DOCKET NO. A00-730
LANIHAU PARTNERS, L.P.) CERTIFICATE OF SERVICE
To Amend the Conservation Land Use)
District Boundary into the Urban)
Land Use District for Approximately)
336.984 Acres of Land at Honokohau,)
North Kona, Hawaii'i, Tax Map Key)
Nos.: 7-4-03: portion of 13 and)
7-4-03: 30)
_____)

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:

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Hilo, Hawaii 96720

DATED: Honolulu, Hawaii, this 9th day of May 2000.



ESTHER UEDA
Executive Officer