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February 10, 2025

Grant Yoshimori
45-464 Lipalu Street
Kaneohe, HI 96744



Re: Hawaiian Memorial Life Plan, Ltd.; A17-804

Dear Mr. Yoshimori:

This letter is in response to your letter dated February 1, 2025 regarding the Land Use Commission's Decision and Order Regarding 2022 Status Report Hearing, filed October 4, 2022 ("2022 Order").

To be clear, the Petitioner, Hawaiian Memorial Life Plan, Ltd., has not refused to comply with the 2022 Order. The Petitioner has complied, and will continue to comply with the 2022 Order.

With respect to the "design of the geotechnical borings and detention basins" referenced in the second paragraph on page 9 of the 2022 Order, those design documents are owned by and controlled by our engineers at Coffman Engineers ("Coffman"). The Coffman letter dated October 11, 2022 states that "we cannot comply with the request to share our private internal information **at the moment.**" (emphasis added).

As stated in Coffman's letter, there is no "design" during the preliminary stages of permit review. There is only "private, proprietary internal work product" during permit review. "Permit review" includes the comment period where the City and County of Honolulu, Department of Planning and Permitting (DPP) and their associated review branches in addition to other regulatory review agencies such as the Board of Water Supply provides Coffman with comments to the preliminary documents and Coffman responds to the comments. Once all comments from authorities having jurisdiction (AHJ) as well as design modifications directed by the Owner are resolved, then the documents become a "design" of the engineer.

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Currently, Coffman and our geotechnical engineers, Geolabs, Inc., are still in the permit review with the AHJ. We are hoping that the permit review will conclude soon, but it has been a very long process. Rest assured, that the Petitioner is also very eager to conclude the permit review so that we all can have design documents that can be reviewed by Intervenors, and if Intervenors are able to find a valid engineering issue that requires correction as determined by the AHJ, then Petitioner will insist on such a correction.

The next step is to complete the permit review, at which time you will be notified of the delivery of the design documents for Intervenors' review. We assume that you want the design documents to be delivered to your engineer, John Higham. This review by the Intervenors will be conducted prior to final submission of the grading plans for signatures by the AHJ. Therefore, there has been no submission of the "final grading plans" as referenced in your letter. Grading plans are not final until approved, and approval has not yet occurred.

Furthermore, we are aware that Mr. Higham was provided a review of the preliminary documents by the DPP, and that Mr. Higham produced a list of questions/comments to DPP regarding the preliminary documents that related to flow and the detention basins. We are, however, unaware of any responses to those questions/comments. Therefore, Coffman will be providing written responses to Mr. Higham's questions, and those responses will be delivered to you and Mr. Higham.

Please do not hesitate to contact the undersigned should you have any questions.

Very truly yours,

MATSUBARA, KOTAKE & TABATA

A handwritten signature in black ink that reads "Curtis T. Tabata". The signature is written in a cursive style with a large initial 'C'.

Curtis T. Tabata

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cc: Benjamin M. Matsubara, Esq.
Jay Morford, President, Hawaiian Memorial Life Plan, Ltd.
✓Daniel Orodener, Executive Officer, Land Use Commission
Dawn Takeuchi Apuna, Director, Department of Planning and Permitting, City
and County of Honolulu
Richard and Julie McCreedy
John Higham
Mary Alice Evans, Director, Office of Planning and Sustainable Development,
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Alison Kato, Esq., Deputy Attorney General, Department of the Attorney
General, State of Hawai`i
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