

ORIGINAL

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the matter of the Petition)	DOCKET NO. A03-744
)	
of)	ORDER ACCEPTING
)	PETITIONER'S ENVIRONMENTAL
HILUHILU DEVELOPMENT, LLC)	IMPACT STATEMENT FILED ON
)	SEPTEMBER 17, 2004
To Amend the Land Use District)	
Boundary of Approximately 725.2 acres)	
of Land in the Agricultural District and)	
Conservation District to the Urban)	
District at Kau, North Kona, Hawai'i,)	
Tax Map Key No.: (3) 7-2-005:1.)	
)	
)	

ORDER ACCEPTING PETITIONER'S ENVIRONMENTAL IMPACT STATEMENT
FILED ON SEPTEMBER 17, 2004

BEFORE THE LAND USE COMMISSION

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ORDER ACCEPTING PETITIONER'S ENVIRONMENTAL IMPACT STATEMENT
FILED ON SEPTEMBER 17, 2004

On September 17, 2004, Hiluhilu Development, LLC ("Petitioner") filed its second Final Environmental Impact Statement ("FEIS II") for its proposed 725.2 acre mixed residential and commercial development ("Project"). The FEIS II was submitted subsequent to the Petitioner's April 1, 2004 motion to withdraw the original FEIS from the proceeding.

On October 7, 2004, the State Land Use Commission ("LUC" or "Commission") held its meeting in Hilo, Hawaii, to consider acceptance of FEIS II as Petitioner's Final Impact Statement.

The County of Hawaii Planning Department ("County") stated the FES II met the requirements for acceptance of a final environmental impact statement and had no objections to the Commission's acceptance of FEIS II.

The State of Hawaii Office of Planning, Department of Business Economic Development and Tourism ("OP") agreed with the County in that the FEIS II met the requirements of a final environmental impact statement.

The Commissioners requested that the Petitioner clarify, during the case in chief, the following topics: labeling Project's footprint in relation to archeological sites and include acreage on the master plan; providing information regarding the Project's plan to include senior housing; inserting the updated Level of Service chart for the Traffic Impact Analysis Report, dated January 27, 2004, to the FEIS II; and supplementing Section 6.2.4 of FEIS II regarding probable impacts to groundwater resources and proposed mitigation.

On October 7, 2004, at its meeting in Hilo, Hawaii, the Commission accepted Petitioner's FEIS II for the foregoing reasons.

CONCLUSIONS OF LAW

Pursuant to Chapter 343, HRS, as amended, and Chapter 200 of Title 11, HAR, entitled "Environmental Impact Statement Rules," the Commission concludes that the Petitioner has satisfied the criteria and procedures for acceptance of a Final Environmental Impact Statement and the requirements of Section 11-200-23, HAR.

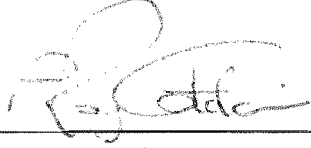
ORDER

IT IS HEREBY ORDERED that the Final Environmental Impact Statement submitted by Petitioner as FEIS II, under LUC Docket No. A03-744/HILUHILU DEVELOPMENT, LLC, be and the same is hereby accepted pursuant to Chapter 343, HRS, and Chapter 200 of Title 11, HAR; and, the Petitioner shall address the concerns raised by the Commission during the case in chief.


At the hearing conducted on October 7, 2004, a Motion to accept Petitioner's FEIS II as presented and deliberated was made and seconded. There being a vote tally of six ayes, the Motion was PASSED, having received the affirmative votes required by Section 15-15-13, HAR.

Dated: Honolulu, Hawai'i, JAN 12 2005.


LAND USE COMMISSION
STATE OF HAWAII

By 
P. Roy Catalani
Chairperson and Commissioner

APPROVED AS TO FORM:


Deputy Attorney General

Filed and effective on
JAN 12 2005

Certified by:

Executive Officer

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the matter of the Petition)	DOCKET NO. A04-744
)	
of)	CERTIFICATE OF SERVICE
)	
HILUHILU DEVELOPMENT, LLC)	
)	
To Amend the Conservation Land Use)	
District Boundaries into the Urban Land)	
Use District for Approximately 725.2)	
Acres in Kau, North Kona, Island of)	
Hawaii, Tax Map Key: (3) 7-2-005: 001.)	
)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Accepting Petitioner's
Environmental Impact Statement Filed On September 17, 2004 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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Dated: Honolulu, Hawaii, JAN 12 2005.



ANTHONY J. H. CHING
Executive Officer