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MAY - 8 2019

DAVID Y. IGE
Governor

JOSH B. GREEN
Lieutenant Governor

MIKE McCARTNEY
Director

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL E. ORODENKER
Executive Officer

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SCOTT A.K. DERRICKSON, AICP
Planner

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FRED A. TALON
Drafting Technician

RILEY K. HAKODA
Chief Clerk/Planner

April 25, 2019

Mr. Scott Glenn, Director
Office of Environmental Quality Control
235 South Beretania Street, Room 702
Honolulu, Hawai'i 96813-2437

RECEIVED
'19 APR 26 P3:48
OFC. OF ENVIRONMENTAL QUALITY CONTROL

Dear Mr. Glenn:

Subject: Docket No. A17-804/Hawaiian Memorial Life Plan, Ltd.
Final Environmental Impact Statement (FEIS) – Hawaiian Memorial Park Expansion
Kāne'ohe, O'ahu, Hawai'i; Tax Map Key: (1) 4-5-033: 001 (por.)

At its meeting on April 23, 2019, the Land Use Commission accepted the FEIS for the subject project. We respectfully request the publication of this acceptance in the next available issue of *The Environmental Notice*.

Enclosed please find the following:

1. One hard copy of the Commission's Decision and Order Accepting the Final Environmental Impact Statement;
2. One hard copy of the OEQC Publication.

In addition, electronic pdf versions of this letter and the Commission's Decision and Order; and a Word version of the OEQC Publication Form have been sent via e-mail to your office.

Please feel free to contact Scott A.K. Derrickson, AICP, of my office at 587-3822, should you require clarification or any further assistance.

Sincerely,

DANIEL E. ORODENKER
Executive Officer

235 SOUTH BERETANIA STREET ● SUITE 406 ● HONOLULU, HAWAI'I 96813 ● TEL (808) 587-3822 ● FAX (808) 587-3827 ● EMAIL: dbedt.luc.web@hawaii.gov
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

19-340

Enclosures

cc: Benjamin M. Matsubara , Esq. (w/ enclosures)
Jay Morford, Hawaiian Memorial Life Plan, Ltd.
Ronald Sato, AICP, HHF Planners (w/ enclosures)

APPLICANT
PUBLICATION FORM

Project Name:	Hawaiian Memorial Park Cemetery Expansion Project
Project Short Name:	Hawaiian Memorial Park
HRS §343-5 Trigger(s):	Reclassification of State Conservation District lands
Island(s):	O'ahu
Judicial District(s):	Ko'olau Poko
TMK(s):	(1) 4-5-033:001 (portion)
Permit(s)/Approval(s):	State Land Use District Boundary Amendment; various
Approving/Accepting Agency:	Department of Business, Economic Development & Tourism, Land Use Commission
Contact Name, Email, Telephone, Address	Daniel E. Orodenker, Executive Officer, (808) 587-3822, dbedt.luc.web@hawaii.gov P.O. Box 2359, Honolulu, HI 96804-2359
Applicant:	Hawaiian Memorial Life Plan, Ltd.
Contact Name, Email, Telephone, Address	Jay Morford, 1330 Maunakea Street Honolulu, HI 96813; (808) 522-5233
Consultant:	HHF Planners
Contact Name, Email, Telephone, Address	Ronald Sato, AICP, (808) 457-3172, 733 Bishop Street, Honolulu, HI 96813

Status (select one)	**Submittal Requirements**
____ DEA-AFNSI	Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.
____ FEA-FONSI	Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.
____ FEA-EISPN	Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.
____ Act 172-12 EISPN ("Direct to EIS")	Submit 1) the approving agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.
____ DEIS	Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.
____ FEIS	Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.
__X__ FEIS Acceptance Determination	The approving agency simultaneously transmits to both the OEQC and the applicant a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.
____ FEIS Statutory Acceptance	The approving agency simultaneously transmits to both the OEQC and the applicant a notice that it did not make a timely determination on the acceptance or nonacceptance of the applicant's FEIS under Section 343-5(c), HRS, and therefore the applicant's FEIS is deemed accepted as a matter of law.
____ Supplemental EIS Determination	The approving agency simultaneously transmits its notice to both the applicant and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that

a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.

____ Withdrawal	Identify the specific document(s) to withdraw and explain in the project summary section.
____ Other	Contact the OEQC if your action is not one of the above items.

Project Summary
Provide a description of the proposed action and purpose and need in 200 words or less.

Hawaiian Memorial Life Plan, Ltd. is seeking to reclassify approximately 53.45 acres from the State Conservation District to the State Urban District in Ko`olaupoko, O`ahu, to allow for the expansion of the cemetery to meet future community needs for burial plots. The project would include approximately 28 acres for cemetery expansion, 3 acres of internal roadways, 7.75 acres of open space, and a 14.5 acre Cultural Preserve.

FILE COPY

MAY - 3 2019

LAND USE COMMISSION
STATE OF HAWAII

2019 APR 26 A 11:25

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In HAWAIIAN MEMORIAL LIFE PLAN, LTD.	DOCKET NO. A17-804
To Amend The Conservation Land Use District Boundaries Into The Urban Land Use District For Approximately 53.449 acres of land, consisting of Tax Map Key No. (1) 4-5-033: 001 (por.) at Kāne'ohe, Island of O'ahu, State of Hawai'i	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING PETITIONER'S FINAL ENVIRONMENTAL IMPACT STATEMENT

RECEIVED
'19 APR 26 P3:33
DEPT. OF ENVIRONMENTAL QUALITY CONTROL

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING PETITIONER'S FINAL ENVIRONMENTAL IMPACT STATEMENT

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN THE OFFICE OF THE STATE LAND USE COMMISSION, HONOLULU, HAWAII.

April 26, 2019
DATE

by
EXECUTIVE OFFICER

19-340

LAND USE COMMISSION
STATE OF HAWAII

2019 APR 26 A 11:25

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of	)	DOCKET NO. A15-798
	)	
HAWAIIAN MEMORIAL LIFE PLAN, LTD.	)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING A FINAL ENVIRONMENTAL IMPACT STATEMENT
To Amend The Conservation Land Use District Boundary Into The Urban Land Use District For Approximately 53.449 Acres Of Land At Kāne'ohe, Island of O'ahu, State of Hawai'i, Tax Map Key: (1) 4-5-033: 001 (por.)	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING A FINAL ENVIRONMENTAL IMPACT STATEMENT

The State Land Use Commission ("Commission"), having examined the proposed Final Environmental Impact Statement ("FEIS") filed by Hawaiian Memorial Life Plan, Ltd. ("Petitioner"), on April 1, 2019, and upon consideration of the matters discussed therein, at its meeting on April 23, 2019, in Kāne'ohe, O'ahu, Hawai'i, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

1. On November 13, 2017, Hawaiian Memorial Life Plan, Ltd. ("Petitioner" or "HMP"), filed a Petition for Land Use District Boundary Amendment ("Petition") to reclassify approximately 53.449 acres of land, identified as Tax Map Key: (1) 4-5-033:001 (por.) from the State Conservation District into the State Urban District ("Petition Area") for the planned Hawaiian Memorial Park Cemetery Expansion ("Project") at Kāne'ohe, O'ahu, Hawai`i.

2. Petitioner included with the Petition, a Motion to Designate the Land Use Commission as the Approving Agency ("Petitioner's Motion to Designate"); and to allow the direct preparation of an Environmental Impact Statement ("EIS"); and, an Environmental Impact Statement Preparation Notice ("EISPN"), pursuant to Hawai`i Revised Statutes ("HRS") subsections §§ 343-5(a)(7) and 343-5(b), and Hawai`i Administrative Rules ("HAR") subsection § 11-200-6(b)(1)(F).

3. On November 13, 2017, the Commission mailed a notice of hearing and agenda for its November 21, 2017 meeting on O'ahu, to the Parties, and the Statewide, O'ahu, and Kaua'i mailing lists.

4. On November 16, 2017, the State Office of Planning ("OP") provided comments on Petitioner's Motion to Designate.

5. On November 20, 2017, the Commission notified the Petitioner that the Petition had been deemed incomplete.

6. On November 21, 2017, the Commission met at Honolulu, Hawai'i, to consider Petitioner's Motion to Designate and by a written Order dated November 30, 2017, the Commission (i) agreed to be the accepting authority pursuant to HRS Chapter 343; and (ii)

determined that the proposed action may have a significant effect on the environment to warrant the preparation of an Environmental Impact Statement ("EIS").

7. On November 30, 2017, the Commission mailed a request to the State Office of Environmental Quality Control ("OEQC") to publish the EIS Preparation Notice ("EISPN") and a copy of the November 30, 2017 written Order by the Commission.

8. On December 11, 2017, Hui O Pikoiloa filed a Notice of Intent to Intervene in future petition proceedings.

9. On December 13, 2017, Petitioner filed a certificate of service to include Hui O Pikoiloa in all future filings.

10. The OEQC published notice of the availability of the EISPN in its December 23, 2017, issue of *The Environmental Notice*, which began a 30-day public comment period that ended on January 22, 2018.

11. Upon receipt of the comments, Petitioner prepared a Draft EIS ("DEIS"). The OEQC published notice of the availability of the DEIS in its September 8, 2018, issue of *The Environmental Notice*, which began a 45-day public comment period that ended on October 23, 2018.

12. The following Federal, State, and County agencies and organizations or individuals provided comments on the DEIS during the 45-day public comment period: the U.S. Fish and Wildlife Service, Pacific Islands Administrator; U.S. Geological Survey, Pacific Islands Water Science Center; the State Department of Accounting and General Services; the State Department of Business, Economic Development, and Tourism, State Office of Planning ("OP"); the State Department of Land and Natural Resources ("DLNR"), Land Division, Commission on Water Resources Management, Engineering Division, and Office of Conservation and Coastal

Lands ("OCCL"); the City and County of Honolulu Board of Water Supply, Department of Community Services, Department of Design and Construction, Department of Facilities Maintenance, Department of Parks and Recreation, Department of Planning and Permitting, Honolulu Fire Department, and Honolulu Police Department; Spectrum; Ko`olaupoko Hawaiian Civic Club; Lianne Chang; Bettye Harris; Julianne McCreedy; Rich McCreedy; Kathleen O'Malley; Jesse Reavis; Grant Yoshimori; Nathan Yuen; Ellen Akaka; Puanani Akaka; Kilolani Akiu; Ryse Akiu; Reyn Akiu; Charles and Clara Burrows; Lisa M. Cabanting; Earl Canada; Linda M. Ching; Kevin Char; Ruben Cruz; Deegan; Mike Deegan; Timothy Deegan; Dudley Dias; Harry Franz; Greg Harris; Dean Hazama; Ed Ho; Pat and Dianna Lee; Ronel Makuakane; Grace Perez-Manio; Rene Mansho; Joyce Mayekawa; Nick Mayekawa; Susan McBride; Eric Nakagawa; Arthur Newalu; Mary Louise O'Brien; Mary Piette; Bill Sager; Maralyn Tilley; Barry Wilmeth; Paul Zeisel; Hawai'i's Thousand Friends; Kailua Neighborhood Board; Lani-Kailua Outdoor Circle; Outdoor Circle, President; Outdoor Circle, Executive Director; and, Poi Dogs and Popoki.

13. Between October 24 and November 1, 2018, the Commission and Petitioner received late comments from the following: DLNR, Division of Aquatic Resources and Division of Forestry and Wildlife; the State Department of Transportation; the City and County Department of Transportation Services; Sierra Club of Hawai'i; Lehua Stevens; James Makuakane; and Shaun McCreedy. These late comments were not included in the FEIS; however, Petitioner responded to each of the late comments and provided the Commission, OP, and the County with copies.

14. On April 1, 2019, Petitioner filed a proposed Final EIS ("FEIS")[1]. The OEQC published a notice of its availability in the April 23, 2019 issue of the Environmental Notice. The 30-day period for LUC to take action ends on May 1, 2019.

15. On April 9, 2019, DLNR, State Historic Preservation Division ("SHPD") filed comments regarding its acceptance of Petitioner's Revised Archaeological Inventory Survey ("AIS").

16. On April 11, 2019, OP filed comments on Petitioner's FEIS.

17. On April 15, 2019, the Petitioner filed a copy of a letter sent to those who had commented on the DEIS that the FEIS had been filed with OEQC and the Commission, and that it was available for review on the Commission and OEQC websites.

18. On April 15, 2019, the Commission mailed a notice of hearing and agenda for its April 23-24, 2019 meeting on O'ahu to the Parties, Hui O Pikoiloa, and, the Statewide and O'ahu mailing lists.

19. On April 22, 2019, The Commission received public written testimony from: Pacific Resource Partners; Hawai'i Construction Alliance; Hawai'i Operating Engineers; Hawai'i Laborers ("LECET"); and Five Generations.

20. On April 23, 2019, the Commission met in Kāne'ohe, O'ahu, Hawai'i, to consider acceptance of Petitioner's proposed FEIS.[2] Benjamin Matsubara, Esq.; Curtis Tabata,

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[1] Commission staff posted the entire Final EIS, including appendices, to the Commission's website on April 2, 2019.

[2] At the meeting, Commissioner Chang disclosed having done prior work for HMP; Commissioner Mahi disclosed his position as Vice-president of the Ko`olaupoko Hawaiian Civic Club; Commissioner Okuda disclosed having family buried at HMP and past work with a principal of HHF Planners; Commission Aczon disclosed his position with Hawaii Carpenters Union; and, Commission Scheuer disclosed his membership on the board of the Hawaii Islands Land Trust. There were no objections by Petitioner, OP, or the County to any of the Commissioners' participation in the proceeding.

Esq., Jay Morford (President of HMP), and Scott Ezer (HHF Planners) appeared on behalf of Petitioner. Eugene Takahashi, Deena Wong, and Kathy Sokugawa, appeared on behalf of the City and County of Honolulu, Department of Planning and Permitting ("County"). Dawn Apuna, Esq., Rodney Funakoshi, and Lorene Maki appeared on behalf of the State Office of Planning ("OP"). Written public testimony was submitted by: Ko'olaupoko Hawaiian Civic Club; Laborers' International Union; Rene Mansho; and, Hawai'i Laborers – Employers Cooperation and Education Trust. At the meeting the following provided oral public testimony, Alice Hewett (by Mahealani Cypher); Anna Lobish; Dean Hazama; Grant Yoshimori; Mel Kalahiki; Pat Newalu; Mary Piette; Rev. Barbara Grace Ripple; Rev. Sam Cox; Chuck Burrows; Rich McCreedy; Dudley Dias; Joy Kimura; Rene Mansho; Nathaniel Kinney; Julianne McCreedy; Mahealani Cypher; Mo Radke; Alicia Maluafiti; Puanani Akaka; Lianne Chang; Perry Asato; and, Winston Welch.

21. The Petitioner provided a presentation on the proposed FEIS and its compliance with the requirements of HRS Chapter 343, and HAR Chapter 11-200. Petitioner's consultant and subject area sub-consultants answered questions by the parties and Commissioners regarding their analyses and recommended mitigation measures.

22. The County stated that it had no objections to the Commission accepting the FEIS, that their comments had been adequately addressed by the Petitioner, and that they believed the Petitioner's proposed FEIS and Project were consistent with the County's Ko'olaupoko Sustainable Communities Plan.

23. The OP stated that the Petitioner had sufficiently addressed all of its questions raised in comments on the Draft EIS, that the FEIS was adequate, and recommended the LUC's acceptance of the proposed FEIS.

24. The Commission finds that the proposed FEIS complies with the content requirements of HAR § 11-200-18, and is accepted pursuant to HRS Chapter 343, specifically:

(a) the applicant has signed indicating the Final EIS was prepared under their direction;
(b) the Final EIS was formatted to easily distinguish changes made;
(c) the Final EIS contains a list of persons, organizations, and public agencies commenting on the Draft EIS;
(d) the Final EIS has reproduced all letters received containing substantive comments and summary of any scoping meetings;
(e) the applicant has revised its Draft EIS to incorporate substantive comments received during the consultation and review process; and,
(f) the applicant has responded to each substantive comment with a point-by-point discussion of the validity, significance, and relevance of comments; discussion as to how each comment was evaluated and considered in planning the proposed action; verbatim changes that have been made to the DEIS; and reasons why specific comments were not accepted, and factors overriding importance warranting an override.

25. After due deliberation at the Commission's meeting on April 23, 2019, a motion was made and seconded to accept Petitioner's proposed FEIS. There being a vote tally of 5 ayes, 1 nay, and 2 excused, the motion carried.

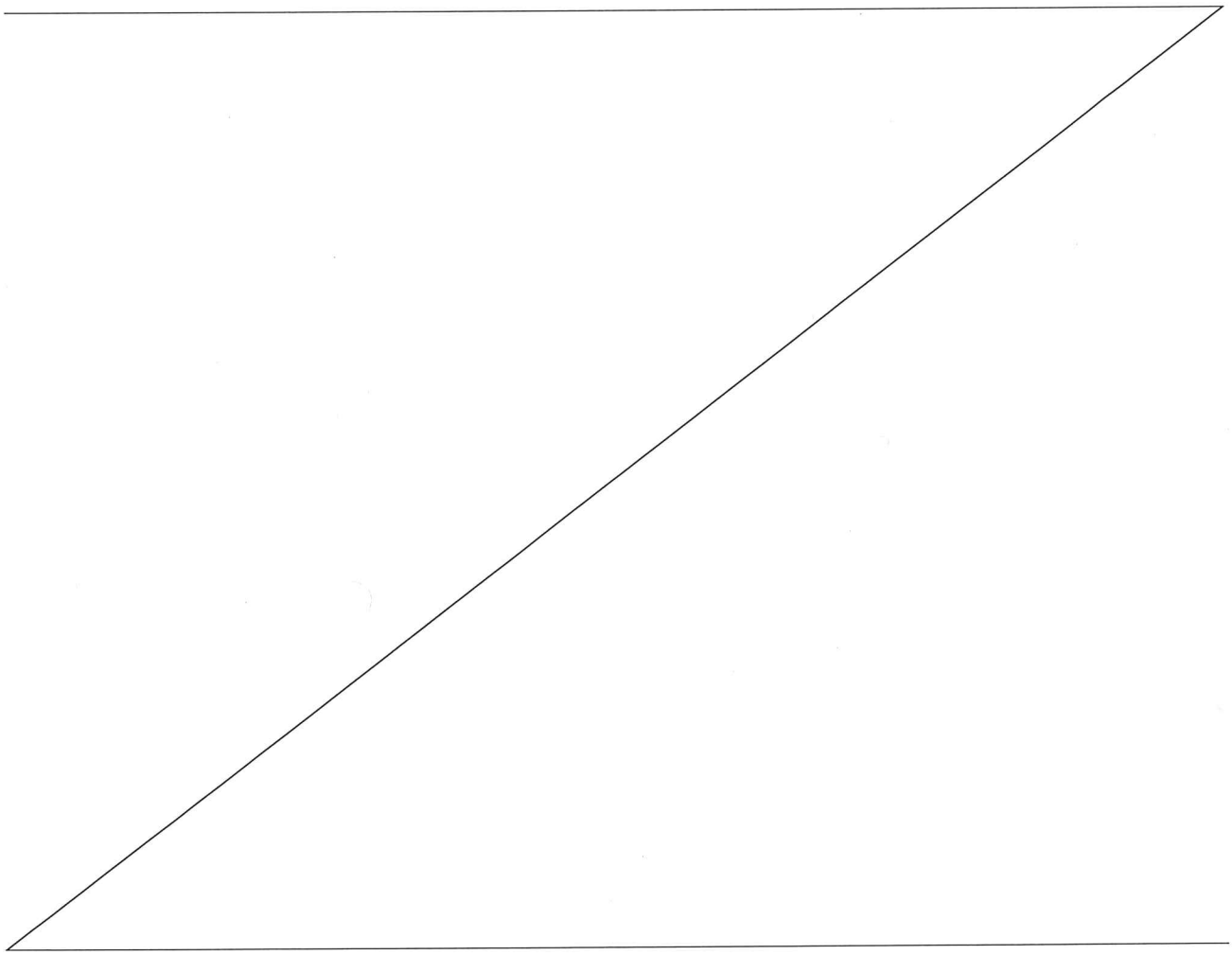
CONCLUSIONS OF LAW

Pursuant to chapter 343, HRS, and the EIS Rules under HAR Chapter 11-200, and a motion having been made at a meeting on April 23, 2019, in Kāne'ohe, O'ahu, Hawai'i, and the motion having received the affirmative votes required by HAR § 15-15-13, and there being good cause for the motion, this Commission concludes that Petitioner's proposed FEIS generally satisfies the criteria and procedures governing the acceptance of an FEIS under HAR § 11-200-23.

DECISION AND ORDER

IT IS HEREBY ORDERED that the proposed FEIS filed by Petitioner in Docket No. A17-804 Hawaiian Memorial Life Plan, Ltd. be ACCEPTED pursuant to HRS Chapter 343, and HAR Chapter 11-200.

IT IS FURTHER ORDERED that the Executive Officer is authorized to notify and submit a record of this acceptance to the applicant and the Department of Health, Office of Environmental Quality Control by the deadline for Commission action.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is filed and certified by this Commission.

Done at Honolulu, Hawai`i, this 26th, day of April, 2019, per motion on April 23, 2019 in Kāne'ohe, O'ahu, Hawai'i.

APPROVED AS TO FORM

Randall S. Nishiyama
Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAI'I

By _____
Jonathan Likeke Scheuer
Chairperson and Commissioner

Filed and effective on:

04/26/2019

Certified by: _____
DANIEL E. ORODENKER
Executive Officer
State Land Use Commission

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In HAWAIIAN MEMORIAL LIFE PLAN, LTD. To Amend The Conservation Land Use District Boundaries Into The Urban Land Use District For Approximately 53.449 acres of land, consisting of Tax Map Key No. (1) 4-5-033: 001 (por.) at Kāne'ohe, Island of O'ahu, State of Hawai'i	DOCKET NO. A17-804 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING PETITIONER'S FINAL ENVIRONMENTAL IMPACT STATEMENT CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ACCEPTING PETITIONER'S FINAL 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:

HAND DEL.:
Director
Office of Planning
P. O. Box 2359
Honolulu, Hawai'i 96804-2359

HAND DEL.:
DAWN TAKEUCHI-APUNA, Esq.
Deputy Attorney General
425 Queen Street
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CERTIFIED MAIL: KATHY SOKUGAWA, Director
Department of Planning and Permitting
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Corporation Counsel
City and County of Honolulu
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CERTIFIED MAIL: BENJAMIN M. MATSUBARA, Esq..
CURTIS T. TABATA, Esq
MATSUBARA, KOTAKE & TABATA
888 Mililani Street, Suite #308
Honolulu, Hawai'i 96813

CERTIFIED MAIL: HUI O PIKOILOA
45-464 Lipalu Street
Kāne'ohe, Hawai'i 96744

Dated April 26, 2019

Honolulu, Hawai'i.

DANIEL E. ORODENKER
Executive Officer