

LAND USE COMMISSION
MEETING MINUTES

May 21, 2012 – 10:00 a.m.

Maui Arts & Cultural Center, Alexa Higashi Room, One Cameron Way
Kahului, Maui, Hawai`i, 96732

COMMISSIONERS PRESENT: Chad McDonald
Kyle Chock
Normand Lezy
Napua Makua
Ronald Heller
Nicholas Teves, Jr.
Lisa Judge

COMMISSIONERS EXCUSED: Ernest Matsumura
Thomas Contrades

STAFF PRESENT: Bert Saruwatari, Acting Executive Officer , Staff
Planner
Sarah Hirakami, Deputy Attorney General
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Hotai Zerba

CALL TO ORDER

Chair Lezy called the meeting to order at 10:13 a.m.

APPROVAL OF MINUTES

Chair Lezy asked if there were any corrections or additions to the May 3, 2012 minutes. There were none. Commissioner Heller moved to approve the minutes. Commissioner McDonald seconded the motion. The minutes were unanimously approved by a voice vote (7-0).

TENTATIVE MEETING SCHEDULE

(Please refer to LUC Transcript for more details on this matters)
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Acting Executive Officer Saruwatari provided the following:

- The regular tentative meeting schedule for the calendar year 2012 was distributed in the handout material for the Commissioners.
- The June 7-8, 2012 meeting is tentatively set to be held on Maui for the 7th and in Honolulu for the 8th.
- Any questions or concerns- please contact LUC staff.

ORAL ARGUMENT AND DECISION MAKING

A10-789 A&B Properties, Inc. (Wai`ale)

Chair Lezy announced that this was oral argument and decision-making on Docket No. A10-789 A&B Properties, Inc. (Wai`ale) Petition To Amend the Agricultural Land Use District Boundary into the Urban District for approximately 545.229 acres at Wailuku and Waikapu, County of Maui, State of Hawai`i, TMK: 3-8-05: portion of 23 and 37, 3-8-07: 71, portion of 101 and 104.

APPEARANCES

Benjamin Matsubara, Esq. and Curtis Tabata, Esq., represented Petitioner A&B Properties Inc. (A&B)

Grant Chun and Dan Yasui, A&B Properties Inc. (A&B)

Michael Hopper, Esq., Deputy Corporate Counsel, represented County of Maui Planning Department (County)

Danny Dias, County

Bryan Yee, Esq., represented State Office of Planning (OP)

Rodney Funakoshi, OP

Robyn Loudermilk, OP

Chair Lezy updated the record and described the procedures to be followed for the hearing. . There were no comments or objections to the procedures and Chair Lezy announced that public testimony would taken.

PUBLIC WITNESSES

1. Leimomi Johnson

Ms. Johnson stated that she was a Field Representative for the Hawaii Laborer's Union and described why her organization supported the Petition.

There were no questions for Ms. Johnson.

2. Peter Yee

Mr. Yee stated that he was representing Clyde Hayashi and read the submitted testimony that described why Mr. Hayashi felt the Petition should be granted.

There were no questions for Mr. Yee.

3. Bill Kamai

Mr. Kamai stated that he was the service representative for the Hawaii Regional Council of Carpenters (formerly the Hawaii Carpenters Union) and shared the reasons why his organization supported the Petition.

There were no questions for Mr. Kamai.

4. Bruce U'u

Mr. U'u described why his organization, the Hawaii Regional Council of Carpenters (formerly the Hawaii Carpenters Union) supported the Petition.

There were no questions for Mr. U'u.

5. Hannah Barnard

Ms. Barnard stated that she represented the Hawaii Wildlife Fund and shared her organization's concerns about granting the Petition and described the types of conditions her organization wanted to have included if the Petition were granted.

There were no questions for Ms. Barnard.

6. Clare Apana

Ms. Apana stated that she had been designated by the Kuahelani family to assist them in caring for family remains and described other concerns that she had about the sand mining that had occurred in the Petition Area; how insufficient attention had been given by the Petitioner to cultural impact issues and what she would like to have done to preserve the burial sites.

There were no questions for Ms. Apana.

7. Bill Frampton

Mr. Frampton described his work background and why he thought the Petition should be granted.

There were no questions for Mr. Frampton.

8. Dr. Janet Six, Phd

Dr. Six provided her academic credentials and described why additional archeological site studies needed to be conducted.

There were no questions for Dr. Six.

9. Luciene de Naie

Ms. de Naie described her background and experience in planning issues and shared her concerns and proposed mitigations for burial issues in the proposed project.

There were no questions for Ms. de Naie.

10. Kaniloa Kaumanu

Mr. Kaumanu reiterated his past testimony regarding land commission awards, royal patents, title issues and vested rights concerns that he felt needed to be clarified before the Petition could be granted.

There were no questions for Mr. Kaumanu.

11. Keeaumoku Kapu

Mr. Kapu described his involvement with Hawaiian cultural matters and described what concerns the cultural organizations had and why further consideration should be given to them when considering this Petition.

Commissioner Makua requested clarification on who the cultural geographic representatives were in the area and on Mr. Kapu's perspective of how Burial Council concerns could be better addressed.

Commissioner McDonald requested clarification on whether the burial council had approved the preservation plan for the proposed project. Mr. Kapu described how the burial council agenda was structured and how the approval process addressed specific burial sites and not the entire project.

There were no further questions for Mr. Kapu.

12. Johanna Kaumanu

Ms. Kaumanu commented on Mr. Kapu's previous testimony about discovered "iwi" and the number of inadvertent finds; and shared her concerns about the surrounding communities and the future availability of water resources for them.

There were no questions for Ms. Kaumanu.

The Commission went into recess at 11:30 a.m. and reconvened at 11:50 a.m.

PRESENTATIONS

Petitioner

Mr. Matsubara described how the Petition evolved and had addressed the archaeological and cultural concerns that were brought up by the public; and argued why the Petition should be granted. Mr. Matsubara also shared how Petitioner had proactively sought to satisfy other earlier identified Petition deficiencies and worked with the State Office of Planning to resolve Condition 5; regarding Highway and Road Improvements, and the timing of the proposed project's Traffic Impact Assessment Report (TIAR) with zoning approval; and the noise policy of the Draft EIS.

Maui County (County)

(Please refer to LUC Transcript for more details on this matters)

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Mr. Hopper stated that the Maui County Planning Department supported the Petition as modified and argued why the Petition should be granted and how the County would continue to monitor its progress at the County level with its zoning and permitting approvals processes.

State Office of Planning (OP)

Mr. Yee stated that OP supported the Petition subject to Conditions and what major issues that were considered when drafting them; and argued why OP's conditions should be included and how they could be implemented. Mr. Yee provided suggested details to include in the condition regarding the noise policy and what alternate mitigation should be included and what informational disclosures should be made to potential area residents if OP's recommendations were not accepted.

Mr. Yee also described concerns about how water resource concerns needed to be resolved within the infrastructure deadlines for the Petition Area; how the County planning process needed to incorporate the development of the proposed project into its existing plans, how the archaeological and cultural concerns of the community needed to be continually monitored and various miscellaneous issues needed to be better addressed in the areas of endangered species, potable water, and wastewater reviews.

Rebuttal

Mr. Matsubara argued how the LUC transcripts reflected how Petitioner's expert witness Mr. Niiya had described the complexity of the permitting process and why the TIAR update methodology suggested by Petitioner was more desirable; and how the black sphinx moth concern had been addressed. Mr. Matsubara also argued how the Petitioner had provided information about water resources to the LUC for its consideration only and respected the authority of the Water Use Commission and County authorities.

QUESTIONS

Commissioner Judge requested clarification on whether disclosure of highway noise was acceptable to Petitioner. Mr. Matsubara replied that depending on the language of the disclosure, Petitioner would be amenable to committing to its use.

Commissioner McDonald requested clarification on OP's condition 5 and whether it conflicted with various noise decibels noted in the EIS.

Chair Lezy declared a recess at 12:40 p.m. and reconvened the meeting at 12:43 to allow Mr. Yee time to retrieve and review the EIS areas that Commissioner McDonald had inquired about.

(Please refer to LUC Transcript for more details on this matters)

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Mr. Yee responded that OP's condition did not conflict with the EIS decibel limits and described what specific areas were included by the condition and what details would be included in any disclosures about noise.

Commissioner Teves requested clarification of how sand dunes would be protected in the Petition Area and what type of measures were going to be used. Mr. Matsubara described how preserved areas would be configured in the proposed development to protect and preserve various sand dunes and burial sites.

Commissioner Judge requested clarification on the reasoning for OP's condition for advancing the TIAR timeline up to the zone change phase; and whether the DOT had a mandated deadline to approve submitted TIARs. Mr. Yee described the rationale for attempting to synch the TIAR with final subdivision approval and then obtaining zone change approval and stated that he was not aware of any statutory timeline for the DOT to process TIARs. Commissioner Judge commented on why she perceived concurrent approvals to be more efficient than sequential approvals and discussion ensued on how the DOT and County requirements and processes differed. Mr. Matsubara stated that Petitioner would be agreeable to an updated TIAR being submitted along with the County zone change application.

There were no further Commissioner questions.

DELIBERATION

Chair Lezy asked if the Commissioners were prepared to deliberate on this docket. The Commissioners unanimously (7-0) responded that they were ready to deliberate.

Commissioner Judge moved to grant the Petition for discussion as amended by the Petitioner to comments made by OP and added her suggested changes to OP's proposed Condition 5; and also added a new condition for the Petitioner to make a disclosure and obtain a waiver from prospective buyers (disclosure to be agreed upon by Petitioner and OP). Commissioner Heller seconded the motion.

Commissioner Makua shared her perception of why she felt that the Petition would have an adverse impact on the cultural future of the area and the "iwi kupuna" located there; and her reasons for voting against the Petition.

Commissioner Judge stated why she thought the proposed development plan was worthy of being granted and restated her support for it.

(Please refer to LUC Transcript for more details on this matters)

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Commissioner Heller shared his perspective on how difficult it was to balance the needs of accommodating growth and preserving the landscape and culture of the area.

Chair Lezy thanked the Parties and LUC staff for their efforts in efficiently handling this docket and for members of the Public- especially Clare Apana and the Kaumanus, for their participation; and echoed Commissioner Heller's comments on how difficult it was to maintain a "balance" between growth and preservation.

The Commission voted as follows:

Ayes: Commissioners Judge, Heller, Teves, McDonald, Chock and Chair Lezy

Nays: Commissioner Makua

The motion passed 6-1 with 2 excused.

Chair Lezy moved to amend the agenda to add an action item regarding the Waimanalo Gulch Sanitary Landfill and shared his reasons for making his motion. Commissioner Judge seconded the motion.

The Commission voted as follows to amend the agenda:

Ayes: Chair Lezy, Commissioners Judge, Heller, Teves, McDonald, Chock and Commissioner Makua

Nays: None

The motion passed 7-0 with 2 excused

Chair Lezy moved to send a letter to the Honolulu Planning Commission urging them to consider consolidating the components of SP09-403 that are in different stages of processing for better efficiency. Commissioner Judge seconded the motion.

The Commission voted as follows to send a letter as described by Chair Lezy to the Honolulu Planning Commission

Ayes: Chair Lezy, Commissioners Judge, Heller, Teves, McDonald, Chock and Commissioner Makua

Nays: None

The motion passed 7-0 with 2 excused

Commissioner Chock suggested that Deputy Attorney General Hirakami prepare an Executive Summary of the Waimanalo Gulch Sanitary Landfill docket (SP-09-403) for the Commission to familiarize or reacquaint them on the subject matter.

Ms. Hirakami responded that she would do so.

(Please refer to LUC Transcript for more details on this matters)

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Commissioner Chock moved for an Executive Session to discuss personnel matters. Chair Lezy seconded the motion. By unanimous voice vote (7-0) the Commission elected to enter into Executive Session. Chair Lezy excused the LUC staff at 1:15p.m. to commence the Executive Session.

The Commission reconvened from Executive Session at 1:28 p.m.

There being no further business, Chair Lezy announced that the Commission would recess and resume proceedings in Honolulu on May 22, 2012 at 9 a.m.

LAND USE COMMISSION
MEETING MINUTES
May 22, 2012
Leiopapa A Kamehameha
Conference Room 204, 2nd Floor
235 S. Beretania St.
Honolulu, Hawai'i

COMMISSIONERS PRESENT: Kyle Chock
Thomas Contrades
Lisa Judge
Jaye Napua Makua
Chad McDonald
Nicholas Teves, Jr.
Normand Lezy
Ronald Heller

COMMISSIONERS EXCUSED: Ernest Matsumura

STAFF PRESENT: Bert Saruwatari, Acting Executive Officer , Staff
Planner
Sarah Hirakami, Deputy Attorney General
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Hotai Zerba

CALL TO ORDER

Chair Lezy called the meeting to order at 9:02 a.m.

ORAL ARGUMENT AND DECISION MAKING

A06-771 D.R. HORTON-SCHULER HOMES, LLC., (O`ahu)

Chair Lezy announced that this was a continued hearing on A06-771 D.R. HORTON – SCHULER HOMES, LLC, a Delaware limited liability company, d.b.a. D.R. Horton-Schuler Division.

APPEARANCES

Benjamin Kudo, Esq., and Naomi Kuwaye, Esq., represented Petitioner D.R. Horton-Schuler Homes, LLC

Cameron Nekota, D.R. Horton-Schuler Homes, LLC

Don Kitaoka, Esq., Deputy Corporate Counsel, represented City and County of Honolulu, Department of Planning and Permitting (DPP)

Tim Hata, DPP

Bryan Yee, Esq., represented State Office of Planning (OP)

Mary Lou Kobayashi, OP

Dr. Kioni Dudley, represented Intervenor Friends of Makakilo (FOM)

Linda Paul, Esq., legal advisor to FOM

Elizabeth Dunne, Esq., represented Intervenor The Sierra Club

Eric Seitz, Esq. and Sarah Devine, Esq., represented Intervenor Clayton Hee

Chair Lezy updated the record and entertained a motion to amend the agenda to address Petitioner's Motion for Leave for the Parties to Submit Written Legal Briefs and for Hearing. Commissioner Chock moved and Commissioner Judge seconded to amend the agenda. By a unanimous voice vote (8-0), the Commission elected to amend the agenda.

Chair Lezy stated that the Commission had received notice from OP in support of the motion and from FOM opposing the motion; and asked what County, Sierra Club, and Senator Hee's positions were. Mr. Kitaoka responded that County supported the Motion; Ms. Dunne responded that she opposed the Motion; and Mr. Seitz stated that he had no objection to the Motion being heard but opposed the substance of the Motion.

Chair Lezy stated that he would entertain a motion for Executive Session. Commissioner Judge moved and Commissioner Makua seconded the motion for an Executive Session. By a unanimous voice vote (8-0), the Commission voted to enter Executive Session. The Commission exited for its Executive Session at 9:12 a.m. and reconvened at 9:40 a.m.

ARGUMENTS ON MOTION

Petitioner

(Please refer to LUC Transcript for more details on this matters)

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Mr. Kudo described the background and reasoning for filing the Motion for Leave and argued why the Motion should be granted. Mr. Kudo cited recent court decisions that had prompted him to file his Motion and argued how he felt that there was impending litigation in this matter and why granting the Motion would demonstrate to the Courts that the Commission had carefully examined all legal matters in making its decision.

County

Mr. Kitaoka stated that the County supported the Motion and commented that this docket could be considered a "landmark" decision; and why it would be beneficial to all Parties to further examine the Commission's legal authority.

OP

Mr. Yee stated that OP rested on its Statement of No Objection.

FOM

Dr. Dudley stated that FOM opposed the Motion and argued why it should not be granted; and why the Motion failed to describe what the "matter" was. Dr. Dudley cautioned how the Petitioner appeared to be deliberately delaying the proceedings and advocated that the Commission move forward in this matter.

Sierra Club

Ms. Dunne stated that The Sierra Club opposed the Motion and argued why no further briefings were necessary. Ms. Dunne further argued the importance of the currently constituted Commission completing the decision-making on this docket since there had been so much information and time invested in its presentation.

Senator Hee

Mr. Seitz argued why he felt additional briefings were not necessary; why an offer of proof should be provided and stated that he opposed the Motion and that the Commission should proceed as scheduled.

Rebuttal

Mr. Kudo described how Petitioner did not want a default approval of its Petition and argued how recent judicial decisions against the LUC's authority in land use matters had prompted him to file his motion to ensure that future challenges against an approved Petition could be withstood.

Commissioner Questions

Commissioner Judge asked if Petitioner was prepared to file its briefs now and what the expected timing of the Commission's handling of the Motion was. Mr. Kudo

(Please refer to LUC Transcript for more details on this matters)

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responded that he could file within two weeks and described how he envisioned the Commission could process the Motion.

Commissioner Heller asked if Petitioner agreed that the Constitutional questions had been raised earlier and for additional clarification on why the decision to file the motion was made. Mr. Kudo replied that he agreed that the Constitutionality questions had been aired earlier and provided the details that motivated him to file his motion and take additional precautions to cover all aspects of any future appeal.

Chair Lezy stated that he agreed with Mr. Seitz's request for offer of proof and requested further details regarding why it was necessary for the LUC to grant the motion. Mr. Kudo provided additional details on his reasoning for bringing forth his motion. Chair Lezy requested clarification on what Mr. Kudo's expectations were for the format that the LUC would use to consider his motion if it were granted. Mr. Kudo responded that he was amenable to whatever format the LUC chose to use to handle the briefs.

Chair Lezy commented that he agreed that additional briefings would have utility and asked Mr. Seitz what prejudices he might have.

Mr. Seitz commented that no citations were contained in the Motion and reargued why no further research and briefings were necessary; and stated his concerns about Commissioner turnover and the time deadlines that needed to be observed.

There were no further comments or questions.

Commissioner Chock moved to grant the motion. Commissioner McDonald seconded the motion.

Commissioner Heller commented that he was aware of the benefits of further briefings on the Constitutional issues and stated that if granted, he would prefer a tight time frame for addressing the motion and suggested that briefings be filed by the close of business on Friday, May 25, 2012; and that the Parties be allotted a reasonable amount of time to respond.

Chair Lezy restated how he felt the briefings would further complete the record and agreed with Commissioner Heller on the need for tight time frames to allow the currently constituted Commission to decide on this Petition if the motion was granted. Chair Lezy noted that he would not allow this matter to pass to a newly constituted Commission due to its complexity and notified the Parties that he intended to complete the docket before the end of the 2012 fiscal year.

Chair Lezy offered a friendly amendment to the motion that Petitioner's filing of briefs would be on Friday, June 25, 2012 and Monday, June 4, 2012 would be the date for responses to Petitioner's briefs. Discussion ensued regarding the abilities of the Parties to comply with the filing dates. Chair Lezy stated that the deadlines were firm and described the considerations that had been made in determining them. Commissioners Chock and McDonald concurred with the friendly amendment to the motion.

(Please refer to LUC Transcript for more details on this matters)

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The Commission was polled as follows:

Ayes: Commissioners Chock, McDonald, Judge, Teves, Makua, Heller and Chair Lezy.

Nays: Commissioner Contrades

The motion passed 7-1 with 1 excused.

Dr. Dudley expressed concerns with the timetable that the Commission had decided upon. Chair Lezy acknowledged Dr. Dudley's concerns and restated how the Commission was committed to completing its proceedings as promised.

PUBLIC WITNESSES

Chair Lezy announced that public testimony would be taken first from the four members of the public that had signed up at the last LUC meeting on this docket but did not get a chance to speak due to time limitations. Jessica De Vera was the sole responder to Chair Lezy's offer.

1. Jessica De Vera
Ms. De Vera described her concerns about the issue of jobs and water resources and stated why she opposed the Petition.
There were no questions for Ms. De Vera
2. Willis Moore
Mr. Moore shared his reasons for supporting the Petition.
There were no questions for Mr. Moore.
3. Pearl Johnson
Ms. Johnson described why she opposed the Petition.
There were no questions for Ms. Johnson.
4. Charles Zahn
Mr. Zahn shared why he supported the Petition.
There were no questions for Mr. Zahn.
5. Glenn Oamilda
Mr. Oamilda shared his concerns about the proposed project and what he felt needed to be further studied.
There were no questions for Mr. Oamilda
6. Stuart Scott
Mr. Scott stated that he opposed the Petition and described his reasons for taking his position.
There were no questions for Mr. Scott.

Commissioner Judge excused herself at 10:30 a.m. and returned at 10:33 a.m.

7. Lynne Kobayashi
Ms. Kobayashi requested that the Commission deny the Petition and shared the reasons for her request.
There were no questions for Ms. Kobayashi.
8. Sadie Green
Ms. Green expressed the need to preserve the environment and shared her concerns about the proposed project.
There were no questions for Ms. Green.
9. Donovan Lewis
Mr. Lewis described his reasons for supporting the Petition.
There were no questions for Mr. Lewis.
10. Chris Keliwaihoikeone Camarillo
Mr. Camarillo voiced his concerns about the proposed Petition and why he opposed it.
There were no questions for Mr. Camarillo.
11. Sydney Higa
Mr. Higa described his reasons for supporting the proposed project.
There were no questions for Mr. Higa.
12. Victoria Cannon
Ms. Cannon described why she felt the Commission should deny the Petition.
There were no questions for Ms. Cannon.
13. Alfonso Olivera
Mr. Olivera shared his reasons for supporting the Petition.
There were no questions for Mr. Olivera.
14. Phyllis Kacher
Ms. Kacher stated that she supported the Petition and described her reasons for doing so.
There were no questions for Ms. Kacher.
15. Madori Rumpungworn
Ms. Rumpungworn expressed her concerns for Oahu's future.
There were no questions for Ms. Rumpungworn.

The Commission went into recess at 10:54 p.m. and reconvened at 11:06 a.m.

16. Georgette Stevens
Ms. Stevens shared that she had participated in the Hoopili task force and shared her support of the Petition.
There were no questions for Ms. Stevens.

17. Vern Taa
Mr. Taa stated that he was a local area resident and supported the Petition.
There were no questions for Mr. Taa.
18. DeAngelo McIntyre
Mr. McIntyre apologized for his behavior in a prior LUC appearance and described his environmental concerns and why they should be considered in decision-making for the Petition.
There were no questions for Mr. McIntyre.
19. Scott Cooney
Mr. Cooney described his concerns about the long term economics involved with the Petition and why he opposed the Petition.
There were no questions for Mr. Cooney.
20. Pat Patterson
Ms. Patterson shared why the Commission should deny the Petition and submitted a school program handout to the Commission.
There were no questions for Ms. Patterson.
21. Jesse Ponce de Leon
Mr. Ponce de Leon shared his concerns about proposed developments.
There were no questions for Mr. Ponce de Leon.
22. Alice Fisher
Ms. Fisher described the deteriorating environment that she feared was occurring and asked the Commission to deny the Petition.
There were no questions for Ms. Fisher.
23. Cynthia Frith
Ms. Frith described her reasons for opposing the Petition.
There were no questions for Mr. Frith.
24. Lucas Miller
Mr. Miller shared his concerns about sustainability and the loss of farmland.
There were no questions for Mr. Miller.
25. Elaine Kam
Ms. Kam expressed her concerns about the proposed project.
There were no questions for Ms. Kam.
26. Anthony Aalto
Mr. Aalto described his role with the Sierra Club and how primary consideration should be given to developing urban downtown Honolulu and asked that the Commission deny the Petition.
Mr. Seitz asked if Mr. Aalto was aware that the Sierra Club already had discussions with Senator Hee and the Governor's office regarding development in the primary urban core of downtown Honolulu. Mr. Aalto responded that he had heard that discussions about the proposed downtown

Honolulu project had occurred but was not aware that D.R. Horton-Schuler Homes had been invited.

27. Dennis Egge

Mr. Egge thanked the Commission for its efforts and asked that farmland be saved and alternate replacement housing sites be sought.

There were no questions for Mr. Egge.

28. Esther Roberts

Ms. Roberts stated that she supported the Petition and provided the reasons why.

There were no questions for Ms. Roberts.

29. Kahu Manu Mook

Kahu Mook described why everyone should act with the spirit of aloha and do what is right for Oahu.

There were no questions for Kahu Mook.

30. Rickey Ricardo Tye

Mr. Tye shared how the future could be positively affected by granting the Petition.

There were no questions for Mr. Tye.

There were no further public testifiers.

Chair Lezy announced that the Commission would be working on scheduling the new hearing date for this docket and that the agenda would be available online and to those on the mailing list; and that members of the public who wished to be added to the mailing list should advise LUC staff of their addresses.

Ms. Dunne requested clarification on the scope of the briefing. Chair Lezy replied that it would primarily address the Commission's authority and Mr. Kudo provided the legal references that would be involved, specifically Article 11, section 3 of the Hawaii State Constitution, and section 205-47 of the Hawaii Revised Statutes. Chair Lezy restated how the LUC would be notifying the Parties in the coming week.

Commissioner Contrades moved and Commissioner Heller seconded the motion to enter into Executive Session. The Commission exited to enter Executive Session at 11:55 a.m. Chair Lezy excused the LUC staff to allow the Commission to discuss personnel matters.

The Commission reconvened at 12:28 p.m. and there being no further business, the regular meeting was immediately adjourned at that time.

(Please refer to LUC Transcript for more details on this matters)

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