

LAND USE COMMISSION  
MEETING MINUTES

**August 23, 2013 – 9:00 a.m.**

**Leiopapa A Kamehameha Bldg., Room 405, Fourth Floor,  
Honolulu, HI, 96804**

COMMISSIONERS PRESENT: Lance Inouye (arrived at 9:12 a.m.)  
Sheldon Biga  
Ernest Matsumura  
Carol Torigoe  
Chad McDonald  
Ronald Heller  
Dennis Esaki (via teleconference phone)

COMMISSIONERS EXCUSED: Jaye Napua Nakasone  
Kyle Chock

STAFF PRESENT: Daniel Orodenker, Executive Officer  
Scott Derrickson, Staff Planner  
Bert Saruwatari, Staff Planner  
Riley Hakoda, Staff Planner/Chief Clerk

**CALL TO ORDER**

Chair Heller called the meeting to order at 9:00 a.m. and called for the Office of Environmental Quality Control (“OEQC”) to present its report on the implementation and practice of the Hawai`i Environmental Policy Act as it pertained to LUC matters.

**PRESENTATIONS**

Office of Environmental Quality Control (“OEQC”)

Ms. Genevieve Hilliard was the primary presenter and used a PowerPoint presentation to provide an overview of how OEQC applied the Hawai`i Environmental Policy Act on the various cases that came before it. Ms. Hilliard also introduced OEQC Director Genevieve Salmonson and OEQC Deputy Attorney General Ted Bohlen, who assisted in responding to various questions and providing their perspective on various issues that were discussed during the presentation.

The OEQC panel responded to LUC Commissioners and Staff questions regarding what enforcement measures could be used to ensure proposed mitigation actions were implemented; and clarification on the authority and roles of State, County and Federal agencies in EIS matters, factors involved in EIS acceptance under different circumstances by County and State agencies, processing and noticing procedures involved when a Supplemental EIS became necessary; and how various problems repeatedly encountered during agency reviews and processing could be avoided or mitigated.

Ms. Marti Townsend, Executive Director, Outdoor Circle (public participant) requested permission to ask questions and Chair Heller allowed her to do so. She asked for clarification on how the EIS process was being conducted and offered suggestions to improve impact mitigations, and to develop better quality of and accountability for EIS content. The OEQC panel responded that it was open to working towards the type of improvements that Ms. Townsend was suggesting and offered to continue discussions after the presentation.

There were no further questions for the OEQC panel.

Chair Heller thanked OEQC for its presentation and called for a brief recess before hearing the report from the Commission on Water Resource Management (“CWRM”).

The Commission went into recess at 10:11 a.m. and reconvened at 10:22 a.m.

Commission on Water Resource Management- “CWRM”

Mr. William Tam, Deputy Director- CWRM, provided the Commission with copies of his presentation and shared his perception of how CWRM’s policies pertained to LUC issues. Ms. Lorene Ohye, CWRM planner, also participated in presenting portions of the CWRM report.

Commissioner Torigoe excused herself at 10:25 a.m. and returned at 10:28 a.m.

Mr. Tam shared the background and mission of the Commission on Water Resource Management and described the concerns that he felt the LUC and CWRM shared in protecting the present and future environment of Hawaii. Both Mr. Tam and Ms. Ohye responded to requests to clarify portions of their presentations and discussion over various aspects of their answers ensued.

Commissioners Biga and Matsumura excused themselves from the meeting with the permission of the Chair at 11:47 a.m. and did not return. (Commissioners Esaki (via telephone), McDonald, Torigoe, Inouye and Chair Heller remained).

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

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Mr. Tam and Ms. Ohye continued responding to various questions that the LUC Commissioners and Staff had regarding CWRM issues and how CWRM and OP might better analyze water resource, stormwater and environmental/conservation concerns before such matters were presented before the Commission. Mr. Yee described how OP relied on CWRM input for analyzing and evaluating various petitions. Commissioner Inouye requested clarification on how the LUC could help to improve the types of conditions relating to water that it imposed upon Petitioners. Discussion over the various considerations and alternatives available ensued.

Commissioner Inouye excused himself from the meeting at 12:20 p.m. with the approval of the Chair.

The remaining Commissioners, Mr. Yee and the CWRM staff continued informally exchanging ideas on available alternatives to better perform their agency duties till there were no further questions for Mr. Tam and Ms. Ohye.

There being no further business, Chair Heller adjourned the meeting at 12:29 p.m.