

LAND USE COMMISSION
MEETING MINUTES

June 9, 2020 – 9:00 a.m.

Pursuant to HRS § 92-3.5, the Commission conducted its meeting using interactive conference technology.

PLACE: Zoom Webinar Virtual Meeting registration-use link below

https://us02web.zoom.us/webinar/register/WN_17e0oDtCTZKJxV SAYZxJMQ

PLACE: YouTube -using link below

https://www.youtube.com/channel/UCgkF71wneW9rJm_pggXFyxw

Due to the COVID-19 pandemic, the meeting was held remotely with Commission members, Staff and Applicants participating via an online meeting venue. The public could participate in the meeting via the “ZOOM” platform or listen to the meeting via an audio/visual YOUTUBE stream internet link listed above. Interested persons were also advised to submit written testimony no later than 24 hours in advance of the meeting to allow for distribution to Commission members prior to the meeting and to register to testify during the ZOOM meeting using instructions circulated on the meeting agenda.

COMMISSIONERS PRESENT: Edmund Aczon
(Attending via ZOOM conference media) Nancy Cabral
Gary Okuda
Jonathan Scheuer
Arnold Wong
Dawn N. S. Chang
Lee Ohigashi
Dan Giovanni

COMMISSIONERS EXCUSED: None
(8 seated Commissioners as of 10/1/19)

STAFF PRESENT: Daniel Orodenker, Executive Officer
(Attending via ZOOM conference media) Bill Wynhoff, Deputy Attorney General
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Jean McManus

(Attending via ZOOM conference media)

CALL TO ORDER

Chair Scheuer called the meeting to order at 9:06 a.m.

Chair Scheuer had Mr. Orodenker verbally do a roll call to confirm Commissioner attendance for the record. All present Commissioners acknowledged that they were present and able to communicate via the ZOOM program.

APPROVAL OF MINUTES

Chair Scheuer stated that the first agenda item was the approval of the May 6, 2020 minutes. Chair Scheuer asked and the staff confirmed there was no public testimony submitted regarding the minutes. There were no comments or corrections to the minutes. Commissioner Cabral moved to adopt the minutes.

Commissioner Wong- seconded the motion. There was no discussion on the motion. By a roll call vote, the Commission unanimously approved the minutes. (8-0)

Chair Scheuer called for Mr. Orodenker to provide the Tentative Meeting Schedule.

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the tentative meeting schedule from June to December for the Commissioners and cautioned that it was subject to change based on the pandemic impacts. Commissioners were advised to contact LUC staff if there were any questions or conflicts.

There were no questions or comments regarding the tentative meeting schedule.

ACTION

A17-804 Hawaiian Memorial Life Plan, Ltd.

To consider Docket No. A17-804 Petition 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 TMK (1) 4-5-033: por . 001

APPEARANCES (Attending via ZOOM conference media)

Curtis Tabata, Esq. and Benjamin Matsubara, Esq., represented Hawaii Memorial Life Plan, Ltd., (“HMP”)

Duane Pang, Deputy Corporation Counsel, DPP

Dawn Takeuchi Apuna, Esq., Deputy Attorney General, for State Office of Planning (“OP”)

Grant Yoshimori- Spokesperson for Intervenor Hui O Pikoiloa (“HOP”)

Rich McCreedy, HOP

Chair Scheuer updated the record and reviewed the procedures for the meeting.

There were no objections to or questions on the procedures.

Chair Scheuer asked if any written testimony had been submitted by Public Witnesses. LUC staff responded that written testimony had been received from

1. [Public Testimony](#) received June 8, 2020 – Joy Kimura, Cheryl Tyler
2. [Public Testimony](#) received between June 6-7, 2020 – Kathleen O’Malley, Timothy Deegan, Scot Z. Matayoshi, Bronson Azama, Vanita Rae Smith, and Rene Mansho.
3. [Public Testimony](#) received June 5, 2020 – Patrick Pollard
4. [Public Testimony](#) received June 4, 2020 – Shaun McCreedy
5. [Public Testimony](#) received June 4, 2020 – Pacific Resource Partnership (Christopher Delaunay)
6. [Public Testimony](#) received June 3, 2020 – Karen Galut
7. Public Testimony received May 28, 2020- Trees for Honolulu’s Future (Dan Dinell)

There were no questions on the written public testimony.

DISCLOSURES

Commissioner Giovanni questioned whether Chair Scheuer would be asking for disclosures from the Commissioners.

Chair Scheuer responded that Commissioners had made initial disclosures at the earlier January and May meetings and asked if there were any more recent disclosures to be made. There were none.

For the sake of brevity, the minutes will provide just a list of the witnesses in the order they testified. ("Accept" notation indicates that testimony was in favor of the Petition. "Reject" notation indicates that testimony was against the Petition").

Please refer to the transcripts for further details of public testimony. Only comments and/or questions asked of testifiers are noted. No notation indicates that no questions were posed to the testifier.

PUBLIC WITNESSES – Pre-registered

1. Chris Delaunay – Pacific Resource Partners – Support

Commissioner Okuda requested additional details on the organization that Mr. Delaunay was representing and what perspective that organization had on the proposed disposal of waste at the PVT landfill. Mr. Delaunay shared what he thought might occur during the construction period.

There were no further questions for Mr. Delaunay.

2. Bronson Azama- Reject

Mr. Azama stated that he would stand on his written testimony and responded to questions from Chair Scheuer and Commissioner Wong regarding involvement with traditional and cultural practices and community restoration events.

PUBLIC WITNESSES – non-registered

3. Lauren Pokipola – Reject

Ms. Pokipola responded to questions from Commissioner Chang and Chair Scheuer on her involvement with cultural and traditional practices.

4. Shaun McCreedy – Reject

Mr. McCreedy responded to questions from Commissioner Okuda on the extent of his involvement with the Intervenors and preservation efforts related to the Petition Area.

5. Matthew Harris – Reject (Mr. Harris was called several times earlier as a registered witness, but only responded during this portion of the public witness testimony period.)

Mr. Harris responded to questions from Commissioner Chang and Cabral and Chair Scheuer. Commissioner Chang sought Mr. Harris' perspective on the preservation efforts being proposed for the Petition Area. Commissioner Cabral thanked Mr. Harris for his participation and questioned how the demands of future population growth could be addressed. Chair Scheuer thanked and recognized Mr. Harris' involvement in community matters.

Chair Scheuer made a final call for Public Witnesses and there was no response. Chair Scheuer declared that the Public Testimony portion of the meeting was closed and called for a recess.

The Commission went into a recess at 10:04 a.m. and reconvened at 10:14 a.m.

Chair Scheuer called for the acceptance of Exhibits for the record.

EXHIBITS OFFERED FOR THE RECORD

Chair Scheuer called for the Parties to offer their Exhibits for the record.

Petitioner offered its Exhibits 54-59 for the record. There were no objections to Petitioner's Exhibits and they were admitted.

County stated that it had no further Exhibits to enter.

OP stated that its Exhibit 9 needed to be replaced due to a change of witness and offered its new Exhibit 9 – CV or Cynthia King and Exhibit 10- letter from DOT for the record. There were no objections to OP's Exhibits and they were admitted to the record.

Intervenor offered its Exhibit 15 – Analysis of Market Study for the record. There were no objections to Intervenor's exhibit 15 and it was admitted.

Chair Scheuer concluded the admission of exhibits portion of the meeting and called for the resumption of Petitioner's presentation.

PRESENTATIONS

HMP (Continued)

Mr. Tabata described his remaining presentation for the Commission and stated the order of his witnesses' appearances and offered his first witness, Scott Ezer, for cross-examination.

PETITIONER'S WITNESSES

1. Scott Ezer (Mr. Ezer was earlier qualified on January 22, 2020 as an Expert Witness in Planning and Land Use and resumed his summary of his written testimony for the Commission.)

Mr. Ezer was extensively questioned by Commissioner Okuda on visual impacts that the proposed project would have, alternative cemeteries available to the public, construction waste disposal, and impacts to water quality, endangered species and conservation/preservation efforts. Commissioner Okuda also inquired questions regarding Fish & Wildlife issues which were deferred to an expert witness, future Petition Area plans which were deferred to Mr. Morford, Cultural Preserve issues which were referred to Dr. Watson and rockfall mitigation which were deferred to Mr. Lim.

Chair Scheuer declared a recess at 11:12 a.m. and reconvened the meeting at 11:22 a.m.

Commissioner Okuda resumed his questioning of Mr. Ezer on rockfall hazards and mitigation; and whether a financial analysis of the conservation district property had been performed. Mr. Ezer deferred to Mr. Lim, Mr. Morford and Dr. Watson to provide answers with the level of detail that Commissioner Okuda was seeking.

There were no further questions for Mr. Ezer and no re-direct by Mr. Tabata. Mr. Tabata identified the witnesses that would next be heard by the Commission and stated that his next witness would be Thomas Holliday.

2. Thomas Holliday – qualified as an Expert Witness in Real Estate Market Assessment and Economic Impacts.

Mr. Holliday summarized his written testimony and described the methodology involved with his work. Mr. Holliday concluded his testimony and was available to questions. Chair Scheuer assessed the proceedings and decided to call a recess.

Chair Scheuer declared a recess at 12:15 p.m. and reconvened the meeting at 1:01 p.m.

OP and County had no questions.

Mr. Yoshimori requested clarification on how the market studies were done and analyzed; and how various projections and conclusions were drawn from the data.

Commissioners Cabral, Chang, Okuda, Giovanni, Wong and Chair Scheuer requested clarification on market trends and demand for burial plots, the availability of product to offer the public and what policies would be applied to manage the facility, how cost and demand were affected by supply availability, how much Mr. Holliday was being compensated for his appearance, what economic considerations factored into the studies that were conducted, how product price analyses were calculated, how the efficiencies of the secondary market impacted the product dynamics, and how ongoing operating costs would need to be managed to sustain the facility.

There were no further questions for Mr. Holliday. Mr. Tabata had no redirect and questioned how long the proceedings were planned to continue. A discussion ensued to determine how much time Mr. Tabata's remaining presentation would take. Chair Scheuer replied that the proceedings would likely conclude around 4 p.m. and declared a recess.

The Commission went into recess at 2:07 p.m. and reconvened at 2:18 p.m.

Mr. Tabata stated that due to scheduling conflicts, he would like to offer his next witness, Tom Nance, out of order and that Mr. Matsubara would be handling this portion of Petitioner's presentation. There were no objections.

3. Tom Nance- was qualified as an expert in groundwater development.

Mr. Nance provided a summary of the work he had performed for the proposed project and described how he had assessed water and neighboring ground conditions and their present and future impacts to the Petition Area and the endangered damselfly population . Mr. Nance also described suggested water control methods and systems that he had proposed to Petitioner to consider for the proposed project

County had no questions.

Chair Scheuer asked if OP had any questions. Ms. Apuna responded that she needed more time and requested that Intervenor precede her. Chair Scheuer acknowledged her request and called on Mr. Yoshimori.

Mr. Yoshimori requested clarification on the proposed retaining walls, what the impacts of constructing the walls would have on the environment and how the proposed design would direct water flow, control water levels, and provide mitigation methods to protect the damselfly population.

Ms. Apuna requested clarification on the “herringbone” design features and how the manually controlled valves would be utilized during normal and adverse weather conditions. Mr. Nance described how similar water control systems were used on local football fields and golf courses to direct water and prevent flooding.

Commissioner Okuda requested clarification on possible impacts to the damselfly population in the event that water flow to its habitat were stopped, who had engaged him to conduct his study, additional details of the environmental impacts of the excavation and site preparations needed to install the proposed water control system, and on the proposed location of the controls to operate the system. Mr. Nance deferred questions on who was responsible for the water flow to the damselfly habitat to HMP.

Commissioners Chang, Cabral and Chair Scheuer requested clarification on the review and approval process for the proposed mitigation plan, what would happen during a flooding event, what the proposed project impacts would be to the surrounding landscape and water recharge levels and what contingency considerations were made in determining the appropriate design that was selected.

On redirect, Mr. Matsubara requested clarification on the proposed mitigation plan and on the waterline/subsurface drain conditions for the Petition Area. Commissioner Okuda requested clarification on the scope of what Mr. Nance’s testimony included. Mr. Nance stated that his testimony did not include the calculated amount of runoff.

There were no further questions for Mr. Nance.

Chair Scheuer declared a recess at 3:11 p.m. and reconvened the meeting at 3:21 p.m.

Mr. Matsubara called for his next witness, Mr. Morford.

4. Jay Morford – President of HMP

Mr. Morford summarized his written testimony and provided additional information on how HMP reacted to the discovery of the damselfly population on HMP grounds and how the damselfly buffer area was established.

Mr. Pang requested clarification on HMP's proposed plans for excavation and grading and how HMP would cooperate with authorities on landscaping and tree replacement (re-forestation) plans.

Ms. Apuna requested clarification on HMP's parent company SCI (Service Corporation International) and how the organizational structure and internal approval authorities were structured; how HMP would comply with OP's 12 proposed conditions; that would control the manual valve suggested for the subsurface control system and how HMP would participate in the conservation easement arrangement proposed for the Petition Area. Mr. Morford described how HMP and SCI were connected, how HMP would cooperate on the proposed OP Conditions, how HMP currently planned to handle the manual valve system (but was open to discussing this control with other entities) and how it was too soon to discuss negotiations regarding the conservation easement since conditions were still undetermined.

Mr. Yoshimori requested clarification on the policies and facility capacities that HMP had, the considerations made that led to the decision to expand the cemetery area, how the damselfly habitat area would be managed if the Petition were granted, and on planned future tree canopy replacement efforts. Mr. Morford deferred questions regarding the tree canopy replacement program to a Petitioner's expert witness.

Commissioners Ohigashi and Okuda requested clarification on the secondary market for funeral plots, the corporate structure of HMP and SCI and the “due diligence” performed by SCI during its acquisition of HMP, and on additional aspects of the rockfall hazard and injury issue. Mr. Matsubara argued that it was speculative to anticipate the future in such detail beyond what had been discussed.

Chair Scheuer assessed the time requirements that Petitioner had for the remainder of its presentation. A discussion ensued to determine the number of witnesses and time required to question them. Chair Scheuer stated that the questioning of Mr. Morford by Commissioners would be suspended and that the Commission would recess for the day after gathering input from the Parties.

The Commission went into recess at 4:25 p.m. with plans to reconvene at 9:00 a.m. on June 10, 2020.

LAND USE COMMISSION
MEETING MINUTES

June 10, 2020 – 9:00 a.m.

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PLACE: Zoom Webinar Virtual Meeting registration-use link
below

https://us02web.zoom.us/webinar/register/WN_17e0oDtCTZKJxVSayZxJMQ

***The YOUTUBE broadcast feature planned for this LUC meeting segment experienced technical difficulties and will be posted at a later date after the “ZOOM” recording files are configured in a format that will enable the YOUTUBE broadcast.**

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Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Jean McManus
(Attending via ZOOM conference media)

CALL TO ORDER

Chair Scheuer called the meeting to order at 9:03 a.m.

Chair Scheuer had Mr. Orodener verbally do a roll call to confirm Commissioner attendance for the record. All present Commissioners acknowledged that they were present and able to communicate via the ZOOM program.

Chair Scheuer updated the record to reflect additional written public testimony that the LUC had received and reviewed the procedures for the meeting.

There were no objections to or questions on the procedures.

Chair Scheuer called for the Parties to identify themselves and confirm their attendance and resumed proceedings on Docket No. A17-804.

CONTINUED ACTION

A17-804 Hawaiian Memorial Life Plan, Ltd.

To consider Docket No. A17-804 Petition 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 TMK (1) 4-5-033: por . 001

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Grant Yoshimori- Spokesperson for Intervenor Hui O Pikoiloa (“HOP”)

Rich McCreedy, HOP

PETITIONER’S WITNESSES (Continued)

4. Jay Morford – President of HMP

Mr. Morford resumed fielding questions from the Commissioners.

Commissioner Okuda continued his questions from the previous day and requested clarification on how HMP would respond to various proposed conditions for approval on matters of indemnification from rockfall issues, compliance with OP conditions, and cultural matters. Mr. Morford deferred cultural matter questions to Dr. Watson.

Mr. Matsubara commented that Mr. Morford's testimony was to address the business decisions involved in the proposed project and a discussion ensued to determine whether recalling Mr. Morford after hearing other expert witnesses testify would be more appropriate. Mr. Matsubara described how the other Petitioner witnesses would contribute information to the proceedings and what Mr. Morford's testimony would cover.

Commissioners Okuda, Wong, Chang, Giovanni, Aczon, Ohigashi and Chair Scheuer requested clarification on the percentage of gross revenue that would remain in Hawaii from HMP business operations, how HMP would handle working with community groups on traditional/cultural matters, mitigation of disruption to the damselfly habitat, grading and best management practices during the construction phase, and the Koolaupoko Sustainable Community Plan. Mr. Morford also described pricing for HMP products and his role during an earlier attempt to redesignate the Petition Area and how HMP had tried to adjust their proposed project to respond to and correct the items which were objectionable to those who were against it.

There was a brief discussion to clarify how Mr. Morford would re-appear later in the proceedings to respond to questions from the Parties and Mr. Morford deferred questions on cultural/traditional practices and the Ka pa`a kai O Ka Aina analysis to Dr. Watson.

Mr. Matsubara stated that the next Petitioner witness was Jami Hirota, civil engineer, and that Mr. Tabata would be handling that portion of the presentation.

5. Jami Hirota -was qualified as an expert in Civil Engineering

Ms. Hirota described the grading and drainage plans that she had devised for the proposed project and the soil erosion and control measures that would be in place to mitigate the construction impact to the environment.

Chair Scheuer declared a recess at 10:03 a.m. and reconvened the meeting at 10:13 a.m. Mr. Wynhoff suggested that a verbal rollcall be taken to confirm that all Commissioners were still in attendance. Chair Scheuer acknowledged Mr. Wynhoff's suggestion and confirmed that all Commissioners were present.

Ms. Hirota responded to questions from the Parties and Commissioners when the proceedings resumed.

Mr. Pang requested clarification on what had transpired during discussions with DPP on the proposed project. Ms. Hirota described how future grading permits and landscaping plans would need to be approved at appropriate stages of construction.

Ms. Apuna requested clarification on how the planned retention basins were allowed for access and maintenance activity.

Mr. Yoshimori requested clarification on the proposed drainage improvements, retaining walls, and how overflow conditions within the detention basins would be managed.

Commissioner Giovanni requested clarification on the "clean fill" disposition, what precautions were in place to avoid contamination, and what conditions for re-using the clean fill were. Mr. Tabata described how he would work with his client on a proposed condition to address those concerns.

Commissioner Wong requested clarification on how Mr. Nance's testimony about surface water traveling over the clay soil surface impacted engineering plans for grubbing the area and protecting the damselfly habitat; and how the detention/retention system functioned.

Commissioners Okuda, Chang, Cabral and Chair Scheuer requested clarification on Ms. Hirota's role in the Draft and Final EIS, details about the

orientation of the map used for the presentation, how the detention/retention basins improved drainage for the area, how site plan details would become more definite as additional construction details were gathered, and how the conflicting representations need to be further explained. Mr. Tabata commented that he would work with Petitioner to better explain and resolve what appeared to be conflicting plans due to the planner based and engineering based perspectives involved in the proposals.

Mr. Tabata had no redirect and called his next witness, Dr. Reginald David.

Chair Scheuer declared a recess at 11:06 a.m. and reconvened the meeting at 11:16 a.m.

6. Dr. Reginald David- was qualified as an expert biologist specializing in Avian/Terrestrial Mammals

Dr. David summarized his report for the Commission.

Mr. Pang requested clarification on the timeframe of when Dr. David had conducted his study, what the study encompassed and what methodologies were used during the study.

Mr. Yoshimori requested clarification on Dr. David's assessment of the damselfly population in the Petition Area and whether the Hawaiian Hoary Bats had established themselves. Commissioner Giovanni inquired whether the scope of expertise for Dr. David needed to be expanded to include mammals and avian species. There were no objections to broadening the scope of Dr. David's expertise.

Commissioners Wong and Ohigashi and Chair Scheuer requested clarification on grading and landscape changes planned for the Petition Area, what impact the construction would have on the environments and what mitigation plans were in place to preserve the natural landscape. Questions were also asked to clarify incidental takings, the conservation plan for the Petition Area, and what Federal and State regulatory agencies were involved. A discussion ensued and on redirect, Mr. Tabata confirmed that incidental take permits were not required for the proposed project.

Commissioner Chang requested and given an opportunity to get clarification on how the mitigation measures were going to be implemented. Mr. Tabata supplemented his redirect by describing the planned mitigation measures and how hoary bats sightings were included.

Mr. Tabata presented his next witness, Dr. Stephen Montgomery.

7. Dr. Stephen Montgomery⁰ was qualified as an expert entomologist –terrestrial invertebrates

Dr. Montgomery summarized his written testimony and described the actions necessary to minimize threats to the damselfly population in the Petition Area.

Ms. Apuna requested clarification on what the training needs might be to educate HMP staff on the monitor water levels in the Petition to sustain the habitat.

Mr. Yoshimori requested clarification on other habitats for the damselfly outside Oahu and the populations and mitigation measures associated with the seepage water levels; and what could be done to improve the existing habitat for the damselfly population in the Petition Area.

Chair Scheuer declared a recess at 12:18 p.m. and reconvened the meeting at 1:00 p.m.

7. Dr. Stephen Montgomery⁰ was qualified as an expert entomologist –terrestrial invertebrates (continued)

Commissioners Cabral, Chang, Wong, Okuda, Aczon and Chair Scheuer requested clarifications on Dr. Montgomery's Federal work background with the United States Fish and Wild Life Services, his findings regarding the damselfly habitat, how open Petitioner was to adopting the suggested mitigation measures and how Petitioner had reacted to protecting the damselfly population after discovering it and in continuing to protect it moving forward; suggested preservation and possible incidental takings that might occur during construction; what enhancements to bolster the damselfly population might be

available, and what might have happened to the damselfly colony if it had not been discovered.

There were no further questions for Dr. Montgomery and no re-direct by Mr. Tabata.

Mr. Tabata called his next witness, Dr. Stephen Spengler.

8. Dr. Stephen Spengler – was qualified as an expert witness in hydrology.

Dr. Spengler summarized his written testimony for the Commission and described the water resources in the Petition Area and its surroundings.

Mr. Pang requested clarification on the scope and involvement that Dr. Spengler had with the grading plans designed by Ms. Hirota and what considerations were involved in any analysis performed on the Petition Area. Dr. Spengler described the limits of his studies for the area and stated that no analysis as described by Mr. Pang had been done yet.

Mr. Yoshimori requested clarification on the findings and analysis for impacts to the Petition Area basin during rainfall events.

Chair Scheuer declared a recess at 1:59 p.m. and reconvened the meeting at 2:10 p.m.

8. Dr. Stephen Spengler –(continued)

Commissioners Chang and Cabral requested clarification on the formaldehyde levels and ethical standards involved in written testimony.

Mr. Tabata had no re-direct and offered his next witness, Maya LeGrande.

9. Maya LeGrande- was qualified as an expert witness in botany.

Ms. LeGrande described her written testimony of her studies regarding the botanical resources of the Petition Area and what her recommendations were to mitigate the damage to the landscape caused by the proposed project.

Mr. Pang requested clarification on the landscape tree replacement plans.

OP and Intervenor had no questions.

Commissioners Giovanni, Chang and Wong requested clarification on the carbon footprint and the impact of deforestation, whether a condition to address plant replacements were necessary, the native versus invasive species that existed in the Petition Area and the impact on rainfall and waterflow that was expected during and after construction.

Mr. Tabata had no re-direct and offered his next witness, Ms. Susan Burr.

10. Susan Burr – was qualified as an expert witness in environmental sciences.

Ms. Burr summarized her written testimony and described the results of her work to the Commission.

County, OP, and Intervenor had no questions for Ms. Burr.

Commissioner Chang requested clarification on how new and old rules for water quality impacted the EIS.

Mr. Tabata had Ms. Burr clarify the jurisdictional controls regarding water and permitting requirements needed for the proposed project.

Chair Scheuer declared a recess at 3:01 p.m. and reconvened the meeting at 3:11 p.m.

Mr. Matsubara offered Petitioner's next witness, Todd Beiler, to the Commission.

11. Todd Beiler- was qualified as an expert witness in acoustical engineering.

Mr. Beiler summarized his written testimony and described the noise impacts that the proposed project would have.

Mr. Pang requested clarification on how government guidelines to noise control would be addressed.

OP had no questions.

Mr. Yoshimori requested clarification on the estimated noise levels and hours of operation time limits involved with the proposed project to control construction noise.

Commissioners Giovanni, Chang, Okuda and Chair Scheuer requested clarification on allowed noise sound levels and the Department of Health (DOH) regulations involved, whether night-time work would be involved, whether a condition to address noise concerns was needed, the technical measurement and standards DOH would utilize to check for compliance, and how noise and vibration concerns would be handled with community outreach, alerts and notifications, and monitoring.

Mr. Matsubara had Mr. Beiler clarify how various noise mitigation techniques would be used during the project to suppress noise generation during re-direct.

Commissioners Chang, Ohigashi, and Aczon requested clarification on the re-direct regarding whether other mitigation measures of supplying air conditioners to impacted residents were considered, how effective the DOH was in monitoring and enforcing noise controls, how noise permits and reports of violations would be handled and how DOH had shut down projects due to noise in the past.

There were no further questions for Mr. Beiler. Mr. Matsubara offered his next witness, Matt Nakamoto.

12. Matt Nakamoto – was qualified as an expert in transportation engineering.

Mr. Nakamoto summarized his written testimony and described to traffic impact analysis that he had performed for the Commission.

Mr. Pang requested clarification on the trip calculations reported.

OP and Intervenor had no questions.

Commissioners Okuda, Chang, Wong and Okuda requested clarification on the estimates calculated for construction generated traffic, the requirements for

Petitioner to comply with the proposed traffic plan, and how traffic might be impacted under a variety of scenarios.

There was no re-direct and no further questions for Mr. Nakamoto.

Chair Scheuer assessed the progress of the proceedings and determined how much more time Petitioner would require for its remaining presentation on June 24, 2020. A brief discussion ensued to confirm the time estimates.

Chair Scheuer asked if there was any further business to discuss. There was none.

Chair Scheuer adjourned the meeting at 4:25 p.m.