

DAVID Y. IGE
GOVERNOR



LAND USE COMMISSION

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

DANIEL ORODENKER
EXECUTIVE OFFICER

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804
Email Address: dbedt.luc.web@hawaii.gov

Telephone: (808) 587-3822
Fax: (808) 587-3827
Website: luc.hawaii.gov

February 18, 2022

To: Senate President Ronald D. Kouchi
Speaker of the House Scott K. Saiki
Senators
Representatives

Re: 2022 State Land Use Review of Districts Report ("SLURD Report")

We understand that recently you have received the above referenced SLURD Report from the Office of Planning and Sustainable Development ("OPSD"). The SLURD Report among other items recommends a new process for reclassifying lands that would strip basic due process from affected property rights holders. The Land Use Commission ("LUC") is taking the unusual step of sending this letter to the entire Legislature to ensure you are aware that the SLURD Report was prepared with our minimal input and is not agreed to by the LUC. The LUC has two major concerns with the Report – the process used for its development and the substance of its analysis and recommendations.

Our chief process concern is the LUCs marginalized involvement in the Report's development is not unique. Despite the profound changes to Hawai'i that are being proposed in the SLURD recommendations, there has not been the most basic levels of engagement with farming, ranching, community, environmental and Native Hawaiian and other property rights holders prior to OPSD submission of the SLURD Report to the LUC or the Legislature.

Specifically, to our knowledge the only engagement conducted by OPSD with critical rights holders consisted of posting the document on a secondary page of the OPSD website for comment since November 2021. As you know the LUC is a state body that regularly holds hearings across the islands and hears from individuals and organizations whose rights may be affected by urbanization. Based on that extensive experience, we do not believe that a website posting of a report is the inclusive or thorough community engagement process that is necessary or appropriate.

Our concerns with the substance of the report center on the disconnect between the analyses done and the recommendations made. As described in more detail in our attached letter to OPSD, the recommendations made are not supported by the analysis undertaken, which was limited to a review of geographic data. This has led to our belief that the recommendations in the SLURD Report were predetermined, and the OPSD process was designed to protect conclusions that were already reached.

We have attempted to raise these concerns internally within our Department through meetings, briefings, and letters – to no meaningful avail. As such we conclude the document falls short of something that should be used as a basis to inform and guide legislation.

Thank you for your consideration. We would be happy to work cooperatively to produce a report that would achieve the ends the Legislature intended when revising HRS 205-18 in 2021. Should you have any questions, please contact Daniel Orodener, Executive Officer of the Land Use Commission at 808-587-3826.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jonathan Likeke Scheuer', written in a cursive style.

Jonathan Likeke Scheuer, Ph.D.,
Chair, Land Use Commission