

LAND USE COMMISSION
STATE OF HAWAI'I

Hearing held on November 18, 2020
Commencing at 9:00 a.m.

Held via ZOOM by Interactive Conference Technology

I. Call to Order

II. Adoption of Minutes

III. Tentative Meeting Schedule

IV. ACTION

A19-809 Lana'i Resorts, LLC, dba Pulama Lana'i
Consider Motion to Issue Notice of a Finding of
No Significant Impact for Docket No. A19-809
Lana'i Resorts, LLC's Petition to Amend the
Land District Boundaries of certain land
Situated at Lana'i City, Island of Lana'i,
consisting of approximately 200 acres from the
Agricultural District to the Urban District,
Tax Map Key No. (2)4-9-02:01(por.)

V. Adjournment

BEFORE: Jean Marie McManus, CSR #156

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1 APPEARANCES:

2 NANCY CABRAL, Acting Chair (Big Island)
EDMUND ACZON, Vice Chair (Oahu)
3 GARY OKUDA (Oahu)
LEE OHIGASHI (Maui)
4 ARNOLD WONG (Oahu)
DAWN CHANG (Oahu)
5 DAN GIOVANNI (Kauai)

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STAFF:

7 WILLIAM WYNHOFF, ESQ.
MELISSA GOLDMAN, ESQ.
8 Deputy Attorneys General

9 DAN ORODENKER, Executive Officer
RILEY K. HAKODA, Chief Clerk
10 SCOTT DERRICKSON, Chief Planner

11 DAWN T. APUNA, ESQ.
Deputy Attorney General
12 ERIC SETOGAWA, Planner
Office of Planning
13 State of Hawaii

14 MICHAEL HOPPER, ESQ.
Deputy Corporation Counsel
15 JORDON HART, County Planning Department
County of Maui

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1 ACTING CHAIR CABRAL: Aloha mai kakou;
2 good morning. This is the November 18, 2020 Land Use
3 Commission Meeting and it is being held using
4 interactive conference technology linking
5 videoconference participants and other interested
6 individuals of the public via the ZOOM internet
7 conferencing program to comply with State and County
8 official operational directives during the COVID-19
9 pandemic. Members of the public are viewing the
10 meeting via the ZOOM webinar platform.

11 For all meeting participants, I would like
12 to stress to everyone the importance of speaking
13 slowly, clearly and directly into your microphone.
14 Before speaking, please state your name and identify
15 yourself for the record. Also, please be aware that
16 all meeting participants are being recorded on the
17 digital record of this ZOOM meeting. Your continued
18 participation is your implied consent to be part of
19 the public record of this event. If you do not wish
20 to be part of the public record, please exit this
21 meeting now.

22 This ZOOM conferencing technology allows
23 the Parties and each Commissioner individual remote
24 access to the meeting via their personal digital
25 devices. Also please note that due to matters

1 entirely outside of our control, occasional
2 disruptions to the connectivity may occur for one or
3 more members of the meeting at any given time. If
4 such disruptions occur, please let us know and be
5 patient as we try to restore the audio/visual signals
6 to effectively conduct business during this pandemic.

7 My name is Nancy Cabral and I am currently
8 serve as the LUC Vice Chair. Commissioners Aczon,
9 Chang, Okuda and Wong, the LUC Executive Officer,
10 Daniel Orodener, the LUC Chief Planner Scott
11 Derrickson, And Chief Clerk Riley Hakoda, the LUC
12 Deputy Attorneys General Lauren Chun -- I think that
13 has changed. Is that Melissa Goldman? Okay, and
14 Bill Rykoff (sic) and the Court Reporter, Jean
15 McManus are all on Oahu.

16 Commissioner Oangashi (sic) is on Maui and
17 Commissioner Giovanni is on Kauai, And I am here on
18 the Big Island. There are currently eight seated
19 Commissioners of a possible nine. Chair Scheuer may
20 be joining us during the recess time, if needed.

21 Our first order of business is the adoption
22 of the November 4th and 5th, 2020 minutes.

23 Mr. Hakoda and Mr. Derrickson, has there
24 been any written testimony submitted in regard to
25 these minutes? Are we ready?

1 CHIEF CLERK: Madam Chair, this is Riley.
2 There have been no public witnesses for the minutes.

3 ACTING CHAIR CABRAL: Commissioners, can I
4 have a motion to adopt the minutes or any adjustments
5 or amendments on your part?

6 COMMISSIONER GIOVANNI: Move to adopt.

7 COMMISSIONER OHIGASHI: Second.

8 ACTING CHAIR CABRAL: So that's our
9 neighbor island Commissioner Giovanni made the
10 motion, seconded by Mr. Oangashi (sic) to adopt the
11 November 4th and 5th, 2020 minutes.

12 Mr. Orodenger, please poll the
13 Commissioners.

14 EXECUTIVE OFFICER: Thank you, Madam Chair.
15 The motion is to adopt the minutes.

16 Commissioner Giovanni?

17 COMMISSIONER GIOVANNI: Aye.

18 EXECUTIVE OFFICER: Commissioner Ohigashi?

19 COMMISSIONER OHIGASHI: Aye.

20 EXECUTIVE OFFICER: Commissioner Okuda?

21 COMMISSIONER OKUDA: Yes.

22 EXECUTIVE OFFICER: Commissioner Chang?

23 COMMISSIONER CHANG: Aye.

24 EXECUTIVE OFFICER: Commissioner Aczon?

25 COMMISSIONER ACZON: Aye.

1 EXECUTIVE OFFICER: Commissioner Wong?

2 COMMISSIONER WONG: Yes.

3 EXECUTIVE OFFICER: Chair Scheuer is
4 absent.

5 Vice Chair Cabral?

6 ACTING CHAIR CABRAL: Yes.

7 EXECUTIVE OFFICER: Thank you, Madam Chair.
8 The motion passes unanimously.

9 ACTING CHAIR CABRAL: The next item on our
10 agenda is the tentative meeting schedule for the
11 upcoming Land Use Commission meetings.

12 Mr. Orodenker, can you provide that for us,
13 please?

14 EXECUTIVE OFFICER: Thank you, Madam Chair.

15 The next meeting that we have scheduled is
16 for December 3rd for Hokua Place, and that will once
17 again be by ZOOM.

18 We have a meeting scheduled for
19 December 30th. We are cancelling December 16th and
20 17th meeting.

21 December 30th meeting will be for the C.
22 Brewer bifurcation matter.

23 On January 6th, we once again have the
24 Hokua matter scheduled as we do for January 7th.

25 On January 27th, we have the Kamalani

1 matter on Maui; and on the 28th we have the Barry
2 Trust matter scheduled.

3 We are suspending, for the moment, filling
4 in the calendar for after January.

5 Preliminary announcements. Our long time
6 planner Bert Saruwatari is retiring on December 30th.
7 So we have to figure out how we can handle the loss
8 of someone who has been here for 30 years, but we
9 would like the Commissioners to please keep the dates
10 open.

11 February 10th and 11th, February 24th and
12 25th, March 10th and 11th, and March 24th and 25th.

13 ACTING CHAIR CABRAL: Commissioners, do you
14 have any questions?

15 Commissioner Giovanni.

16 COMMISSIONER GIOVANNI: So I understand
17 that the meeting from December 16th has been moved to
18 December 30.

19 Did you say the meeting that was
20 December 17 has been cancelled altogether, or has
21 that been moved to a different date?

22 EXECUTIVE OFFICER: There was no agenda
23 item set on those dates, so the 16th and 17th is
24 cancelled.

25 COMMISSIONER GIOVANNI: And the 30th is

1 new?

2 EXECUTIVE OFFICER: Yes.

3 COMMISSIONER GIOVANNI: Thank you.

4 ACTING CHAIR CABRAL: Commissioners, any
5 more questions?

6 At this point I would like to go ahead and
7 turn this over to our Executive Director Orodener to
8 lead us forward.

9 EXECUTIVE OFFICER: Thank you, Madam Chair.

10 This morning at about 8:45 we received a
11 communication from the Petitioner, and they have
12 decided to withdraw their submittal of the
13 Environmental Assessment. As a result, this matter
14 is no longer on calendar, and we do not need to
15 proceed further with the hearing on this matter.

16 ACTING CHAIR CABRAL: Thank you. That
17 would lead me to believe that since we have no other
18 business at this time, we would at this point adjourn
19 this meeting.

20 EXECUTIVE OFFICER: That is correct, Madam
21 Chair.

22 ACTING CHAIR CABRAL: Having no other
23 business to attend to, I hereby adjourn this meeting.

24 EXECUTIVE OFFICER: Thank you, Madam Chair.

25 ACTING CHAIR CABRAL: Thank you for

1 attending, though that's a lot of effort to go into,
2 a brief approval of minutes, though, that's
3 important.

4 Thank you to Riley for his wonderful
5 minutes, and Jean for her wonderful work always.

6 Any other comments? We are adjourned.
7 Have a good Thanksgiving. Thank you all.

8 (The proceedings adjourned at 9:13 a.m.)

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CERTIFICATE

1 STATE OF HAWAII)
2) SS.
3 COUNTY OF HONOLULU)

4 I, JEAN MARIE McMANUS, do hereby certify:

5 That on November 18, 2020, at 9:00 a.m.,
6 the proceedings contained herein was taken down by me
7 in machine shorthand and was thereafter reduced to
8 typewriting under my supervision; that the foregoing
9 represents, to the best of my ability, a true and
10 correct copy of the proceedings had in the foregoing
11 matter.

12 I further certify that I am not of counsel for
13 any of the parties hereto, nor in any way interested
14 in the outcome of the cause named in this caption.

15 Dated this 18th day of November, 2020, in
16 Honolulu, Hawaii.

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19 /s/ Jean Marie McManus
20 JEAN MARIE McMANUS, CSR #156
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