

LAND USE COMMISSION  
MEETING MINUTES  
November 16<sup>th</sup>, 2022 – 9:00 a.m.

**Pursuant to Hawai‘i Revised Statutes, HRS § 92 as amended, the Commission conducted its meeting in person. 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 meeting.**

IN PERSON: Maui Arts & Cultural Center, Haynes Meeting Room  
1 Cameron Way, Kahului, HI 96732

YOUTUBE RECORDING:  
(<https://www.youtube.com/watch?v=mx9qmOE0RBY>)

COMMISSIONERS PRESENT: Dan Giovanni  
Lee Ohigashi  
Dawn N. S. Chang  
Gary Okuda  
George Atta  
Melvin Kahele  
Kū‘ike Kamakea-‘Ōhelo

(9 seated Commissioners as of 05/01/22)

STAFF PRESENT: Daniel Orodener, Executive Officer  
Scott Derrickson, Chief Planner  
Riley Hakoda, Staff Planner (via Zoom)  
Martina Segura, Staff Planner  
Ariana Kwan, Chief Clerk  
Daniel Morris, Esq. Deputy Attorney General (via Zoom)

COURT REPORTER: Naegeli Deposition and Trial  
(via Zoom video recording)

**CALL TO ORDER** (*YouTube: 00:00:05*)

Chair Dan Giovanni called the meeting to order at 9:04 a.m.

**APPROVAL OF THE MINUTES** (*YouTube: 00:02:58*)

The first agenda item was the approval of the November 2<sup>nd</sup>, 2022, Minutes. There was no written testimony, or members of the public who wished to testify on the approval of the Minutes.

Commissioner Okuda choose to abstain from voting on the Minutes, because he did not participate in the November 2<sup>nd</sup> meeting.

Commissioner Ohigashi moved to adopt the November 2<sup>nd</sup>, 2022 Minutes, and Commissioner Atta seconded the motion.

The November 2<sup>nd</sup>, 2022, Minutes were approved with 6 ayes, 0 nays, 1 abstain, and 2 excused.

**TENTATIVE MEETING SCHEDULE** (*YouTube: 00:04:30*)

Chair Giovanni called for Land Use Commission Staff to provide the Tentative Meeting Schedule.

Executive Officer, Dan Orodener provided the following dates:

December 7<sup>th</sup>: A89-651 Haseko (O’ahu)

December 21<sup>st</sup>: A81-525 Y-O Limited Partnership (Hawai‘i)

January 11<sup>th</sup>: A19-809 Pūlama Lāna‘i Miki Basin (Maui)

**A19-809 PŪLAMA LĀNA‘I MIKI BASIN (MAUI)** (*YouTube: 00:05:44*)

Petition to Amend the Land Use District Boundaries from the Agricultural District to the Urban District for an industrial park and other uses at Miki Basin. Approximately 200 acres of land situated at Lāna‘i City, Island of Lāna‘i, Tax Map Key No. (2) 4-9-002:061 (por)

**Appearances:**

***Office of Planning and Sustainable Development (“OPSD”)***

Aaron Setogawa (Planner)  
Katia Balassiano (Program Administrator)  
Bryan Yee, Esq. (Deputy Attorney General)

***County***

Michele McLean (Director)  
Kurt Wollenhaupt (Planner)  
Michael Hopper (Corporation Counsel)

***Petitioner***

Calvert Chipchase, Esq. (Counsel for Petitioner)  
Stacey Gray, Esq. (Counsel for Petitioner)  
Christopher Goodin, Esq (Counsel for Petitioner)  
Kurt Matsumoto (President, Pūlama Lāna‘i)  
Trisha Kehaulani Watson J.D., Ph.D., (President, Honua Consulting)  
Keiki-Pua Dancil, Ph.D., (Sr. VP of Government Affairs and Strategic Planning, Pūlama Lāna‘i)

***Public***

None

**Disclosures** (*YouTube: 00:10:23*):

Commissioner Chang disclosed that in 2015, she had a small consulting contract with Pūlama Lāna‘i with assisting with Lāna‘i Cemetery. Since then, she stated that she had no other financial involvement with Pūlama Lāna‘i and stated that the previous work would not affect

her ability to be fair and objective regarding this Petition. There were no objections to her continued participation.

Later, when witness Dr. Keiki-Pua Dancil was sworn in, Chair Giovanni disclosed he worked with Dr. Dancil and stated that their previous work relationship would not affect his ability to be fair and objective regarding this Petition. There were no objections to his continued participation (*YouTube: 00:20:05*).

**Public Testimony** (*YouTube: 00:14:27*)

The Land Use Commission received no written testimonies from the public on this matter. Chair Giovanni opened the meeting up for testimony on the Petition for District Boundary Amendment (“DBA”) A19-809 Pūlama Lāna’i Miki Basin. There were no members of the public who wished to testify on this matter.

**Admission of Exhibits** (*YouTube: 00:15:08*)

Mr. Chipchase submitted an Exhibit List (1-20) and an additional Exhibit (20), which was formally received and stamped during the meeting as well as distributed to the Parties and the Commission. There were no objections from the Parties, The Land Use Commission accepted the Exhibits from the Petitioner as part of the Record.

The County of Maui had no Exhibits to add to the record.

Mr. Yee from OPSD, identified Exhibits 1-8. There were no objections from the Parties, The Land Use Commission accepted the Exhibits from OPSD as part of the record.

**Presentations** (*YouTube: 00:18:45*)

Mr. Chipchase gave a brief introduction and introduced his witnesses Dr. Trisha Kehaulani Watson, Kurt Matsumoto, and Dr. Keiki-Pua Dancil.

Dr. Watson addressed the archeological and historical studies involved with this Petition and welcomed cross examinations and questions from the Commissioners and Parties. In response to the Witnesses presentation, the Commissioners asked questions relating to the Terms and Conditions of Honuas contract, use of land prior to plantation, and traditional recourses. (*YouTube: 00:21:57*).

Mr. Matsumoto provided an overview of the proposed project and welcomed cross examination and questions from the Commissioners and parties. In response to the Witnesses presentation, the Commissioners asked questions relating to the renewable energy project and photovoltaics, jobs and training for the people of Lāna’i, reasoning behind the County of Maui special permit, the full vision and plan for Pūlama Lāna’i, community engagement, and the issue of cats and Native birds (*YouTube: 00:50:30*).

Dr. Dancil provided more detail about the proposed Project and an overview of some of the technical studies involved and welcomed cross examinations questions from the

Commissioners and Parties. In response to the Witnesses presentation, the Commissioners asked questions relating to the plans for renewable energy and the studies in the EA, the cost of energy for the people of Lānaʻi, and the possible impacts the reduction in grid reliance would have on the community (*YouTube: 02:36:27*).

Pūlama Lānaʻi committed to using only photovoltaic and battery storage on the 127 acres as represented in the application before the Commission. Pūlama Lānaʻi also stated that if pulling the hotels off the grid would lead to an increase in cost for consumers, Pūlama Lānaʻi would not pursue that course of action. In other words, the net result would not impact customers, however, the result would be achieved (*YouTube: 03:51:36*).

The Petitioner witnesses were followed by the presentation from the County of Maui. Michele McLean stated the County of Maui supports the Petition, there were no questions for the County of Maui (*YouTube: 03:56:15*).

The County of Maui was followed by OPSD, which supports the Petition. There were no questions from the Parties (*YouTube: 03:58:07*).

**Public Testimony** (*YouTube: 03:59:50*)

Once again, Chair Giovanni opened the meeting up for public testimony on the Petition for DBA A19-809 Pūlama Lānaʻi Miki Basin. There were no members of the public who wished to testify on this matter.

**Proposed Decision and Order Dates** (*YouTube: 04:00:19*)

Chair Giovanni declared the evidentiary portion of the proceedings concluded, and announced the following dates:

The Parties proposed findings of fact, conclusions of law and decision and order to the Commission and other Parties no later than the close of business on December 12th, 2022.

All comments, stipulations or objections to the parties' respective proposals shall be served upon all Parties no later than the close of business on December 21st, 2022.

The deadline for any rebuttals is December 28th, 2022.

The next hearing is scheduled for January 11th, 2023.

There were no objections from the Parties.

**ADJOURNMENT** (*YouTube: 04:07:40*)

There being no further business to attend to, Chair Giovanni ended the meeting at 2:12 p.m.