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**STATE OF HAWAII
LAND USE COMMISSION**

Meeting held on February 8, 2023

Commencing at 9:15 a.m.

Held at

Maui Arts & Cultural Center

Haynes Room

1 Cameron Way

Kahului, Hawaii 96732

I. CALL TO ORDER

II. ADOPTION OF MINUTES

December 7, 2022

III. TENTATIVE MEETING SCHEDULE

IV. AUTHORIZATION FOR LUC CONFERENCE TRAVEL

National Planning Conference:

April 1- April 4, 2023 in Philadelphia PA

Urban Land Institute Conference:

May 16-18, 2023 in Toronto, ON, CANADA

V. CLOSING ARGUMENTS AND DECISION MAKING

A19-809 PULAMA LANAI - MIKI BASIN (MAUI)

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 lands situated at Lanai City, Island

of Lanai, Tax Map Key No. (2)4-9-002:061(por)

VI. RECESS

BEFORE:

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PARTICIPANTS

LUC COMMISSIONERS:

- Dan Giovanni, Chair
- Gary Okuda
- George Atta
- Kuikeokalani Kamakea-Ohelo
- Lee Ohigashi
- Mel Kahele
- Nancy Cabral

LUC STAFF:

- Daniel Orodenker, Executive Officer (via Zoom)
- Scott Derrickson, LUC Chief Planner
- Martina Segura, LUC Planner
- Riley Hakoda, LUC Planner
- Ariana Kwan, LUC Chief Clerk
- Daniel Morris, LUC AG (via Zoom)

OPSD:

- Bryan Yee, OPSD AG
- Aaron Setogawa, OPSD Planner
- Katia Balassiano, Land Use Administrator

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PARTICIPANTS (CONTINUED)

COUNTY OF MAUI:

Michael Hopper, Esquire, Deputy Corporation Counsel

Kathleen Aoki, Acting Director, Maui Planning

PETITIONERS COUNSEL

Calvert Chipchase, Esquire

Keiki-Pua Dancil

1 **CHAIR GIOVANNI:** On the record, 9:15.

2 Aloha mai kakou. Good morning, everyone.

3 This is the February 8th, 2023, Land Use
4 Commission meeting. This is an in-person meeting
5 which is being held at the Maui Arts & Cultural
6 Center, Haynes Meeting Room 1, Cameron Way, Kahului,
7 Hawai'i 96732.

8 This meeting is open to the public. Court
9 reporting transcriptions are being done from the
10 Zoom meetings, so we've got a parallel process where
11 we are recording the meeting on Zoom and we have
12 some people attending the meeting by Zoom from
13 Honolulu.

14 For all meeting participants, I would like
15 to stress the importance of speaking slowly,
16 clearly, and directly into your microphone. I might
17 say loudly, too. Before speaking, please state your
18 name and identify yourself for the record.

19 Even though that this is an in-person
20 meeting, please be aware that all meeting
21 participants are being recorded on a digital record
22 of this Zoom meeting for court reporting purposes.
23 Your continued participation is your implied consent
24 to be part of the public record of this event. If
25 you do not wish to be part of the public record, you

1 should exit the meeting now.

2 I will share with all of you that we will
3 take breaks from time to time, and there will be a
4 lunch break at 11:30 if we're still in session. The
5 breaks from time to time will be approximately every
6 hour for about 5 to 10 minutes.

7 My name is Dan Giovanni, and I have the
8 pleasure to serve as the LUC Chair. We currently
9 have eight seated commissioners. Along with me are
10 Commissioners Nancy Cabral and Lee Ohigashi, Gary
11 Okuda, Ku'ike Kamakea-'Ohelo, George Atta, Mel
12 Kahele. Commissioner Michael Yamane is excused from
13 this meeting.

14 Also attending by Zoom is the LUC
15 Executive Officer Daniel Orodener. Here with us
16 today is the LUC Chief Planner Scott Derrickson, the
17 LUC Staff Planner Martina Segura, the LUC Chief
18 Clerk Ariana Kwan, and attending by Zoom LUC
19 Attorney General Dan Morris.

20 Again, court reporting transcripts are
21 being done from this Zoom recording.

22 Our first order of business is the
23 adoption of the minutes from the meeting of December
24 7th, 2022.

25 Ms. Kwan, has there been any written

1 testimony submitted on the December 7th minutes?

2 **MS. KWAN:** No, Chair.

3 **CHAIR GIOVANNI:** Thank you. Are there any
4 members of the public, Ms. Kwan, who have signed up
5 to testify on the adoption of the minutes?

6 **MS. KWAN:** Not at this time, Chair.

7 **CHAIR GIOVANNI:** Thank you.

8 Commissioners, are there any corrections
9 or comments on the minutes? If not, is there a
10 motion to adopt the minutes for December 7th?

11 **COMMISSIONER OHIGASHI:** So moved.

12 **COMMISSIONER CABRAL:** Second.

13 **CHAIR GIOVANNI:** Moved by Commissioner
14 Ohigashi and seconded by Commissioner Cabral. All
15 in favor of the adoption of the minutes, please say
16 aye.

17 **(A chorus of ayes.)**

18 **CHAIR GIOVANNI:** Anybody opposed? The
19 minutes from December 7th, 2022, are adopted. Thank
20 you.

21 The next agenda item is the tentative
22 meeting schedule.

23 Mr. Orodanker, can you share that with us,
24 please?

25 **MR. ORODENKER:** Thank you, Chair. Can you

1 hear me okay?

2 **CHAIR GIOVANNI:** We hear you good.

3 **MR. ORODENKER:** Oh, great. Thank you.

4 Tomorrow we will be meeting on Maui for the DOE
5 Kihei High School status report. On February 22nd
6 and 23rd, the calendar is open. Our next scheduled
7 meeting is in April. April 13th we have Y-O Limited
8 Partnership, and we have tentatively on April 26th
9 the Waimanalo Gulch matter.

10 We would caution the commissioners not to
11 plan to release the other remaining dates until
12 they've heard from us. We have a number of items
13 that we understand may be filed on short notice.
14 Thank you.

15 **CHAIR GIOVANNI:** Thank you, Mr. Orodenker.
16 Commissioners, do you have any questions
17 on the calendar as presented?

18 Hearing none, thank you.

19 Our fourth order of business is the
20 authorization for LUC conference travel. There's a
21 National Planning Conference April 1st through April
22 4th, 2023, in Philadelphia, Pennsylvania, and the
23 Urban Land Institute Conference May 16 through May
24 18, 2023, in Toronto, Ontario, Canada.

25 Mr. Orodenker, could you please explain

1 the travel plans and the need for these to be
2 authorized by the commission?

3 **MR. ORODENKER:** Thank you, Chair. As the
4 commission in actuality is the governing authority
5 on the Land Use Commission budget, we have scheduled
6 or would like authorization to send three staff and
7 two commissioners to the APA Conference in
8 Philadelphia, and we would like to get authorization
9 to send two staff and two commissioners to the ULI
10 Conference on May 16th to the 18th.

11 The budget is sufficient to handle those
12 items, and we are just merely seeking confirmed
13 authorization to undertake the travel.

14 **CHAIR GIOVANNI:** Thank you, Mr. Orodenker.
15 Commissioners, what is your pleasure?
16 Wait a minute. Ms. Cabral?

17 **COMMISSIONER CABRAL:** Chair, I move to
18 approve the expenditure to take that action.

19 **CHAIR GIOVANNI:** Okay. So the
20 authorization for the travel -- I'm just going to
21 repeat it, what I heard. The National Planning
22 Conference would be three staff plus two
23 commissioners, and for the Urban Land Institute
24 Conference in Toronto would be two staff plus two
25 commissioners.

1 And we do have sufficient budget, and we
2 have been moved and seconded for this commission to
3 authorize that travel from our budget; is that
4 correct?

5 **MR. ORODENKER:** That's correct, Chair.

6 **COMMISSIONER CABRAL:** Yes. Correct. Yes.

7 **CHAIR GIOVANNI:** Okay. So, commissioners,
8 what's your pleasure? And I'll have Mr. Orodenker
9 please poll the commissioners on the motion.

10 **MR. ORODENKER:** Chair, I think this can be
11 done with just a voice vote.

12 **CHAIR GIOVANNI:** Okay. All in favor, say
13 aye.

14 **(A chorus of ayes.)**

15 **CHAIR GIOVANNI:** Any opposed? So moved.

16 Our fifth order of business is the closing
17 argument and decision making on A19-809 Pulama
18 Lana'i Miki Basin Maui. It's a Petition to Amend
19 the Land Use District Boundaries from Agricultural
20 District to Urban District for an industrial park
21 and other uses at Miki Basin, approximately 200
22 acres of lands situated in Lana'i City.

23 Let me briefly describe our procedure for
24 this agenda item. First, I will ask if there are
25 any disclosures from the commissioners. Then I will

1 update the record, and I'll also ask the parties to
2 identify themselves.

3 Then I will recognize the written public
4 testimony that has been submitted in this matter,
5 identifying the person or organization who has
6 submitted the testimony.

7 Next, I will call on members of the public
8 who wish to testify on this District Boundary
9 Amendment for A19-809 Pulama Lana'i. Members of the
10 public will each have two minutes to provide their
11 testimony and should stand by after their testimony
12 to respond to any questions by the parties or the
13 commissioners.

14 When all questions have been completed,
15 the Chair will excuse the witness and call the next
16 witness to the witness box.

17 After completion of the public testimony
18 portion of the proceedings, I will give each of the
19 parties an opportunity to present their closing
20 arguments. After the parties have completed their
21 closing arguments, I will then allow public
22 testimony.

23 After that portion of the proceedings, the
24 commission will enter into formal deliberations.

25 Disclosures. Do any of the commissioners

1 have any disclosures to make regarding their
2 participation in this agenda item?

3 Commissioner Okuda?

4 **COMMISSIONER OKUDA:** This is Gary Okuda,
5 Mr. Chair. I have the following disclosure to make,
6 which occurred since the last hearing. I represent
7 the ILWU Local 142 in a case titled International
8 Longshore and Warehouse Union Local 142, plaintiff,
9 versus Kaua'i Island Tours Incorporated, defendant.
10 It's a case pending in the Fifth Circuit Court Case
11 No. 5CCB-20-035.

12 The defendant has an attorney that entered
13 an appearance, Mr. Mauna, M-a-u-n-a, Kea, K-e-a,
14 Trask, T-r-a- s-k, who represents the defendant.
15 And so I'd like to make the disclosure that Mr.
16 Trask, who's from the Cades Schutte firm, represents
17 the defendant in a case where I represent the
18 plaintiff, ILWU Local 142.

19 My representation of the union will not
20 affect my viewpoints or decision making in this
21 case, and except for the fact that I am the attorney
22 representing the ILWU Local 142, I do not have any
23 financial interest in the outcome of the case.
24 Thank you.

25 **CHAIR GIOVANNI:** So I'm going to do

1 something a little different. I'd like the parties
2 to identify themselves for the record, and then I'll
3 ask each of you if you have any objection to Mr.
4 Okuda continuing.

5 **MR. CHIPCHASE:** Very good. Very good,
6 Chair. Cal Chipchase for the petitioner. With me in
7 person is Keiki-Pua Dancil as the representative of
8 Pulama Lana'i. Appearing online today are Chris
9 Goodin, Stacey Gray, and Molly Olds.

10 **CHAIR GIOVANNI:** Thank you, Mr. Chipchase.
11 County of Maui?

12 **MR. HOPPER:** Thank you, Mr. Chair, and
13 good morning, members of the commission. Michael
14 Hopper, deputy corporation counsel with the County
15 of Maui representing the Maui County Department of
16 Planning. With me are Acting Planning Director
17 Kathleen Aoki and Planner Kurt Wollenhaupt.

18 **CHAIR GIOVANNI:** Thank you, Mr. Hopper.
19 OPSD?

20 **MR. YEE:** Good morning. Deputy Attorney
21 General Brian Yee on behalf of the Office of
22 Planning and Sustainable Development. With me is
23 Aaron Setogawa and Katia Balassiano from the Office
24 of Planning and Sustainable Development.

25 **CHAIR GIOVANNI:** Very good.

1 Mr. Chipchase, do you have any objection
2 to the continued participation of Commissioner Okuda
3 based on his disclosure?

4 **MR. CHIPCHASE:** No objection. I'll add
5 just so the record is complete that I have no
6 involvement in that case and was not aware of it
7 until this morning.

8 **CHAIR GIOVANNI:** Thank you.

9 Mr. Hopper from the County of Maui?

10 **MR. HOPPER:** I have no objection, Chair.

11 **CHAIR GIOVANNI:** Thank you.

12 Mr. Yee?

13 **MR. YEE:** No objection.

14 **CHAIR GIOVANNI:** Thank you.

15 Anybody else? Any other commissioners
16 want to make a disclosure?

17 So I have a disclosure to make of my own.
18 I've made it previously on this hearing. Ms. Keiki-
19 Pua Dancil and I are former colleagues at the
20 Hawaiian Electric Company. We worked together
21 several years ago, and we don't have any business
22 ongoing at this current time.

23 I have no financial interest whatsoever in
24 the matters involving Pulama Lana'i, so I think that
25 I could see it on a fair and unbiased basis and ask

1 you if you have any issues with that.

2 Petitioner?

3 **MR. CHIPCHASE:** Chair, Cal Chipchase for
4 petitioner. No objections.

5 **CHAIR GIOVANNI:** Thank you.

6 Mr. Hopper?

7 **MR. HOPPER:** No objections, Chair.

8 **CHAIR GIOVANNI:** Mr. Yee?

9 **MR. YEE:** No objections.

10 **CHAIR GIOVANNI:** Thank you.

11 Last call for disclosures. Seeing none,
12 let me update the record.

13 The commission last heard this matter on
14 November 16th, 2022, and since then the Land Use
15 Commission updated the deadline dates in
16 collaboration with the parties. On December 20th,
17 2022, the LUC received the petitioner's stipulation
18 regarding deadlines.

19 On January 3rd, 2023, the petitioner filed
20 Proposed Findings of Fact, Conclusions of Law, and
21 Decision and Order. On January 9th, 2023, the LUC
22 received petitioner's Amended Proposed Findings of
23 Fact, Conclusions of Law, and Decision and Order.

24 On January 18th, 2023, the Office of
25 Planning and Sustainable Development filed their

1 response to the Amended Proposed Decision and Order.
2 On January 18th, 2023, the LUC received the
3 petitioner's Stipulated Second Amended, Proposed
4 Findings of Fact, Conclusions of Law, and Decision
5 and order.

6 And on January 26th, 2023, the LUC mailed
7 and emailed an agenda for February 8th-9th meeting
8 to parties statewide and the Maui list.

9 So the parties have already identified
10 themselves for the record, so I thank you for that.
11 I'll now recognize public testimony.

12 Ms. Kwan, has there been any written
13 testimony on this matter?

14 **MS. KWAN:** No, Mr. Chair.

15 **CHAIR GIOVANNI:** Thank you.

16 I will now call on any members of the
17 public to provide testimony on this agenda item.
18 Are there any members of the public present who
19 would like to testify in person?

20 Seeing none, I will say that the public
21 testimony has been concluded for now. Later I will
22 give a second opportunity if anybody wishes to
23 provide public testimony.

24 It's now time for closing arguments.

25 Mr. Chipchase, do you have any comments

1 you would like to make at this time?

2 **MR. CHIPCHASE:** Yes, Chair, if I may, we
3 have a brief slide presentation.

4 My goal in this, commissioners, is simply
5 to remind everyone of the evidence -- the hearing
6 was not that long ago, so I won't belabor it -- to
7 cover the conditions, in particular the conditions
8 that have been stipulated among the parties, and
9 then, of course, to be available to answer any
10 questions the commission may have.

11 I estimate 15 minutes at the most.

12 **CHAIR GIOVANNI:** Please proceed.

13 **MR. CHIPCHASE:** Thank you, Chair.

14 Commissioners, as we presented the
15 evidence the last time that we met, this District
16 Boundary Amendment would not only meet the community
17 plan goal of providing additional industrial space
18 for Lana'i, but has already been designated for
19 renewable energy projects, the consolidation of
20 existing industrial uses elsewhere in the island,
21 and to make land available for light and heavy
22 industrial needs as they arise throughout the
23 island.

24 The stipulated order, as the Chair read,
25 went through various iterations. We have reached

1 agreement with both the county and OPSD on the form
2 of the order, including the conditions that we
3 discussed at the end of the hearing with the chair
4 and with former Commissioner Chang related to the
5 representations and other commitments that Pulama
6 Lana'i is prepared to make. I'll cover those at the
7 very end of this closing argument.

8 What I wanted to turn to now is the
9 standard for approval of the District Boundary
10 Amendment. The evidentiary standard is more likely
11 than not, a preponderance of the evidence.

12 The considerations that this commission
13 looks at for approval are whether the project is
14 reasonable, not violative of HRS Section 205-2, and
15 consistent with the policies and criteria
16 established pursuant to three specific statutes.

17 Those are Section 205-16, which requires
18 conformance with the state plan; 205A-2, which is
19 the Coastal Zone Management Act; and 205-17, which
20 lists the commission's decision-making criteria.
21 We'll discuss each of those very briefly in turn.

22 The first requirement is that the District
23 Boundary Amendment, the DBA, is reasonable. Here
24 we've shown that the industrial park provides for
25 consolidation of industrial uses, is adjacent to

1 existing industrial uses, and is located both far
2 enough from the city so as not to impact surrounding
3 land uses, but also be conveniently located so that
4 folks can access the industrial area.

5 Under those facts, we believe that the
6 petition, the District Boundary Amendment, is
7 reasonable.

8 Turning to Section 205-2, it provides, in
9 part, "Urban districts shall include activities or
10 uses as provided by ordinances or regulations of the
11 county within which the urban district is situated."

12 As I mentioned at the beginning, this
13 District Boundary Amendment would align the land
14 uses on Lana'i with the community plan, which went
15 through extensive public review and comment.

16 And in addition, there is a pending
17 application for change in zoning that would move the
18 land from agriculture and interim zoning districts
19 into light industrial and heavy industrial, both
20 aligning with the community plan and, if granted,
21 this District Boundary Amendment.

22 The third requirement has those three
23 subparts that I mentioned, and as to those, the
24 petition details how it conforms to the Hawai'i
25 State Plan on pages 37 to 43.

1 With respect to the Coastal Zone
2 Management Act, this project is located more than
3 three miles from the coast, which means the
4 principal area of concern would be surface water
5 runoff generated or impacted by the project.

6 As set forth on pages 16 and 17 of the
7 petition, the project was designed to contain runoff
8 in the basins, with sufficient capacity so as not to
9 discharge runoff into the ocean.

10 That takes us to Section 205-17. We've
11 put that section up on the screen in an incredibly
12 tiny font. I will briefly cover the different parts
13 of it.

14 As to the first factor, as detailed on
15 pages 37 through 43, the industrial park conforms to
16 the applicable goals and policies of the Hawai'i
17 State Plan and the adopted functional plans, and on
18 those pages we identified the goal or the policy and
19 the way in which that conforms. And that's
20 consistent with the evidence that was presented.

21 As to the second factor, the petition
22 conforms to the standards for determining urban
23 district boundaries, and we've detailed that on
24 pages 47 through 50 of the petition.

25 The third factor considers the impact of

1 the proposed reclassification on six areas of state
2 concern. I'll briefly run through those.

3 As to Area A, the project will not impact
4 natural habitats. The site was a former pineapple
5 field, and it will preserve natural coastal systems
6 by preventing runoff as described in the petition.

7 As to area of concern B, the project
8 assessed the cultural and historical impacts -- and
9 you heard from our witnesses at the last hearing --
10 and worked with SHPD to ensure compliance with all
11 state requirements.

12 The project is also negating impact to
13 flora and fauna such as sea birds and, as I'll
14 discuss, any potential impact to hoary bats. In
15 addition, protective measures were implemented to
16 prevent invasive species from being introduced as
17 part of the project or the project development.

18 Turning to Area C, the industrial park
19 will benefit Hawai'i's economy, and there will
20 remain ample agricultural land for cultivation on
21 Lana'i. And at our last hearing, we discussed the
22 relative available acreages and the benefits both in
23 the development and operation of this project.

24 As to Area D, no state funds are required
25 for this project. It is entirely privately funded.

1 The commitment of water will occur as detailed in
2 the petition and at our hearing, but we will develop
3 additional sources, and there is adequate supply to
4 meet the needs of the industrial park through all
5 its development phases.

6 As to Area E, during construction more
7 than \$78 million will go to trades, creating short-
8 and long-term employment opportunities, and by 2030,
9 we are estimated to generate \$670 million in state
10 taxes and nearly \$380 million in county taxes.

11 Area F of the state concerns -- the final
12 area -- relates to housing. This project doesn't
13 concern Area F, because it's not a housing project.

14 The fifth factor is the compliance with
15 the conformity with the county general plan. We've
16 detailed our conformance to that plan on pages 45
17 through 47 of the petition.

18 The sixth factor are the representations
19 and the commitments made by Pulama Lana'i in its
20 writings and throughout the course of this hearing.
21 Those representations and commitments are included
22 in the stipulated conditions.

23 If I turn to the conformance with HAR 15-
24 15-78 and -79, these are the remaining two decision-
25 making criteria. The project will be more than 87

1 percent complete within 10 years of the commission's
2 approval -- sort of the minimum, given the way the
3 project is structured.

4 The remaining 26 acres may be developed
5 within that period as well, as uses and needs arise,
6 or it may take more than 10 years to completely fill
7 that 26 acres. But we anticipate it would not take
8 more than an additional 10 years before even that
9 portion of the project has been completed.

10 The last thing that I wanted to cover are
11 the stipulated conditions. We put those up on the
12 screen and, of course, they're detailed in the
13 stipulated findings, the findings, conclusions, and
14 decision and order.

15 To summarize them, Condition 1 relates to
16 preserving water resources and requires consultation
17 with the Commission of Water Resource Management,
18 installing water efficient fixtures and water
19 efficient practices wherever practicable.

20 Condition 2 relates to stormwater
21 management, requiring the implementation of best
22 management practices in preventing pollution and
23 runoff during storm events.

24 Condition 3 relates to participating in
25 the Commission on Water Resource Management's Water

1 Audit Program.

2 Condition 4 requires providing FAA notice
3 of construction and otherwise working with FAA to
4 ensure there are no impacts to aviation.

5 Condition 5 relates to providing notices
6 to lessees regarding who are in proximity to the
7 airport.

8 Condition 6 deals with hazards to aircraft
9 operations and requires continued work with DOTA and
10 the FAA.

11 Condition 7 relates to the highway
12 improvements.

13 Condition 8 is our commitment to avoid
14 potential impacts to hoary bats.

15 Condition 9 refers to the requirements to
16 minimize the impact on sea birds.

17 Condition 10 includes minimalization
18 measures designed to decrease the likelihood of
19 spreading invasive species, and Condition 11 details
20 the infrastructure deadline.

21 Conditions 12 through 19 are standard
22 commission conditions. I won't run through those.
23 They are stated, of course, in the draft D&O.

24 The last two conditions that I'd like to
25 cover. Condition 20 relates to those commitments

1 that Pulama Lana'i made at the last hearing. The
2 first is the commitment regarding the type of
3 renewable energy intended for the 127-acre portion
4 of the project.

5 Former Commissioner Chang wanted to ensure
6 that that representation, that commitment remains
7 that the project -- that area of the project will be
8 used only for PV and battery storage, and so we have
9 incorporated that condition.

10 Condition 21 relates to the discussion of
11 a potential impact on rate payers if the existing
12 hotel were pulled from the grid. And as to those --
13 as to that condition, we believe that we have
14 encapsulated the commission's intent to ensure that
15 there is no impact to rate payers.

16 Through the evidence that's been presented
17 through the draft Decision and Order and through the
18 conditions that we have incorporated, we believe
19 that we have met all of the decision-making
20 criteria, satisfied the concerns that were expressed
21 by the commission, and worked with both the Office
22 of Planning and Sustainable Development and the
23 county to incorporate a D&O that is faithful to the
24 record and that adopts appropriate conditions.

25 That concludes my presentation. I am

1 available for questions, of course, and we
2 respectfully ask for your approval. Thank you.

3 **CHAIR GIOVANNI:** Thank you, Mr. Chipchase.
4 Commissioners, any questions to the
5 petitioner?

6 Commissioner Atta?

7 **COMMISSIONER ATTA:** Yeah. I just got one
8 more for clarification. I'd just like to
9 Commissioner Chang's concern to what rate payers
10 will pay. So what financial condition are we
11 talking about?

12 **MR. CHIPCHASE:** Absolutely, commissioner.
13 So as to that, it's set out in Condition 21, but
14 I'll read it for the benefit of the commission.

15 It states, "If an increase to rate payers
16 will result from the removal of the two hotels from
17 the existing grid, petitioner will commit to either
18 offset the increase or not remove the hotels from
19 the grid."

20 **COMMISSIONER ATTA:** Thanks.

21 **CHAIR GIOVANNI:** Commissioners, any other
22 questions?

23 I just had one. The 87 percent of
24 infrastructure within 10 years, I presume that
25 assumes that the renewable energy project will be

1 completed within that timeframe; is that correct?

2 **MR. CHIPCHASE:** That's correct,
3 commissioner.

4 **CHAIR GIOVANNI:** Okay. That's a big part
5 of it.

6 **MR. CHIPCHASE:** It is.

7 **CHAIR GIOVANNI:** Yeah. Okay. I don't
8 have any additional.

9 Commissioner Cabral?

10 **COMMISSIONER CABRAL:** Yes. My question is
11 on this promise or commitment to relieve the --
12 continue absorbing the electrical usage or to pay so
13 that the residents aren't impacted by such a drop.
14 Is there a better formula figured out on exactly how
15 that's going to happen?

16 That could get very confusing or
17 controversial as it moves forward. I mean, are you
18 basing it on what the consumption is now, but more
19 people move in, so they consume more, so you have to
20 pay back less? I mean, is there any -- has anybody
21 worked out exactly how that's going to happen, at
22 what time and framework?

23 **MR. CHIPCHASE:** I'll turn any specifics
24 over to Ms. Dancil for clarification and
25 confirmation, but what the essence of the condition

1 is intended to address is the potential that
2 removing the hotels from the existing grid -- so not
3 directly related to the solar project, but removing
4 them from the grid -- could impact rate payers
5 because now a fewer number of users have to absorb a
6 greater number of set or fixed costs.

7 And we're able to address any such impact
8 by either offsetting that cost for consumers or, if
9 we aren't or we are unwilling to do that, we won't
10 remove the hotels from the grid. So whichever way
11 we approach it, the net impact to the community, to
12 the other rate payers, will be nothing.

13 And Keiki-Pua, if I missed anything or
14 misstated anything, I invite you to correct it.

15 **COMMISSIONER CABRAL:** So that would be
16 regardless of what -- like, as of today, the
17 residents are consuming so much and the hotel so
18 much; okay? But if five or ten years from now the
19 residents have grown and now they have a greater
20 percentage, is it based on that percentage? Or if
21 the population's shrunk and absorbing less, you're
22 still going to make that differential at whatever
23 timeframe you go off the grid?

24 **MR. CHIPCHASE:** So if we did go off the
25 grid with the two hotels, the determination would be

1 made at the time the hotels are taken off the grid,
2 because that would be the point at which rate payers
3 may be impacted.

4 **COMMISSIONER CABRAL:** Okay. Thank you
5 very much.

6 **MR. CHIPCHASE:** You're welcome.

7 **CHAIR GIOVANNI:** Let me add a question
8 along those lines that might help clarify for
9 everyone. At the hearing that we had, either you or
10 Mr. Matsumoto -- might have been you, Ms. Dancil --
11 indicated that you had ongoing off and on
12 negotiations, discussions which were proprietary in
13 nature with the Hawaiian Electric Company and Maui
14 Electric.

15 I would presume this provision would be
16 part of those continuing discussions as they might
17 occur; is that correct?

18 **MS. DANCIL:** Aloha, Chair. This is Keiki-
19 Pua Dancil from Pulama Lana'i. Yes, that is
20 correct.

21 **CHAIR GIOVANNI:** Ms. Dancil, I've been
22 reminded by my second chair here I have to swear you
23 in before you can say anything. So do you swear
24 that what you're about to say is the truth? And
25 then you could say it again.

1 **MS. DANCIL:** I do.

2 **CHAIR GIOVANNI:** Thank you.

3 **MS. DANCIL:** Aloha, commissioners. Yes,
4 that is correct. Those would be part of those
5 discussions.

6 **CHAIR GIOVANNI:** Yeah. So my read of that
7 is that it will not be an individual matter. It
8 would be a formula would be developed to the mutual
9 interests of the electric company and Pulama.

10 **MR. CHIPCHASE:** Thank you.

11 **CHAIR GIOVANNI:** Yeah. Okay. Any other
12 questions?

13 **COMMISSIONER OHIGASHI:** I have a couple of
14 questions.

15 **CHAIR GIOVANNI:** Commissioner Ohigashi?

16 **COMMISSIONER OHIGASHI:** Just for
17 clarification, stipulated condition number 11 and
18 stipulated condition number 15 deal with two
19 different aspects of the project, but both say that
20 it will be done -- the infrastructure will be done
21 within 10 years.

22 Are you bifurcating the infrastructure, or
23 the common infrastructure that is required for the
24 whole parcels, do you need -- essentially, do you
25 need these two conditions, or is there a reason why

1 they are just there? I'm just curious about this.

2 **MR. CHIPCHASE:** Let me just take a moment
3 to read them and make sure I answer your question
4 correctly.

5 **CHAIR GIOVANNI:** You think they're
6 redundant.

7 **COMMISSIONER OHIGASHI:** No. I just wanted
8 to know why.

9 **MR. CHIPCHASE:** So, commissioner,
10 Condition 11 is specific to the development of the
11 proposed PV and battery storage project, which, as
12 the Chair mentioned, consumes a substantial portion
13 of the anticipated land area. And so in discussions
14 with OPSD, the county has determined that a
15 condition specific to the development of that
16 infrastructure in that area would be appropriate.

17 Condition 15 is the standard commission
18 condition with respect to backbone infrastructure,
19 and so that's a condition that's always imposed as
20 part of the project. And so I do believe that for
21 this case and this matter, both conditions are
22 appropriate and not in conflict.

23 **COMMISSIONER OHIGASHI:** And Condition 19
24 is the general conditions requiring that you're
25 going to develop this project within the parameters

1 of -- but not -- well, fully or partially release
2 the condition provided here until a portion of
3 petitioner -- no, that's not the other one.

4 The section that I was going to ask you
5 about was the one that says that you're going to
6 develop this in substantial compliance with the
7 representations that you made. I think it's
8 Condition 14.

9 **MR. CHIPCHASE:** 14, commissioner.

10 **COMMISSIONER OHIGASHI:** And so the
11 statements that you made on behalf of your client
12 regarding the regular payments and the timing of any
13 compensation or decisions on that on Condition 21,
14 that would be a substantial -- I believe you had
15 substantial representation to the commission.

16 **MR. CHIPCHASE:** No argument, commissioner.

17 **COMMISSIONER OHIGASHI:** And in addition to
18 that, I believe that you indicated one of -- I
19 forgot who indicated to one of my questions -- was
20 that whether or not the cost of these proceedings or
21 the cost of getting your developmental rights within
22 these proceedings would be added to the cost of the
23 lease to a third person for purposes of paying --
24 for purposes -- for the purpose of the photovoltaic
25 facility, or the photovoltaic things.

1 And you indicated that it does not,
2 because the proposed lease rent is locked or made
3 within the fees within the PUC determination and
4 that there will be no changes to that proposed lease
5 amount.

6 **MR. CHIPCHASE:** Commissioner, if I may,
7 I'll just turn it over to Ms. Dancil for
8 confirmation.

9 **COMMISSIONER OHIGASHI:** I know it's -- I'm
10 just working off of my memory, so I'm sorry to --
11 so, yeah.

12 **MS. DANCIL:** Aloha, Commissioner Ohigashi.
13 So if I understand you correctly, you're asking if
14 the lease rent will increase depending on the cost
15 of these proceedings. Is that the question or --?

16 **COMMISSIONER OHIGASHI:** No.

17 **MS. DANCIL:** Okay.

18 **COMMISSIONER OHIGASHI:** My question was
19 there's a difference between getting development
20 rights for land and having no developmental rights
21 for land.

22 Under the agricultural district, which is
23 photovoltaic systems are permitted use and requires
24 a Special Use Permit, my question was because you
25 went through the urbanization of the land from

1 agricultural to urban and getting that right, would
2 that cost increase, you know, paying those
3 development rights be transferred into the lease?
4 Or would it be treated like you would be getting a
5 Special Use Permit on the agricultural purposes?

6 **MS. DANCIL:** So we haven't fully
7 negotiated right now with the -- there is a selected
8 developer, and we haven't fully negotiated the lease
9 cost.

10 Our objective is to provide the most least
11 cost to our customers on Lana'i, our residents, and
12 so we would be reasonable. So it wouldn't be what
13 you would normally see of an AG. It wouldn't be a
14 straight urban lease with all the developments, all
15 those things rolled into the AG rate -- or the urban
16 rate.

17 It would be closer to AG, but not
18 necessarily just an Ag rate lease, because the AG
19 rate lease would be different than the urban. But
20 it would -- we wouldn't roll in all the costs. Our
21 objective is to provide the lowest cost to our
22 customers.

23 **COMMISSIONER OHIGASHI:** My recollection
24 when I asked that question was there was an
25 assurance that it would be under agricultural type

1 of lease. But you can correct me if I'm wrong. I
2 can look back in the --

3 **MR. CHIPCHASE:** I don't remember. I
4 remember the discussion, commissioner. I don't
5 remember exactly the response.

6 If I remember the discussion correctly, it
7 dealt with the differential between what the cost
8 would have been to pursue a Conditional Use Permit
9 versus pursuing a District Boundary Amendment.
10 Would that differential be charged to the lessees?
11 And I believe the answer was no.

12 And so Ms. Dancil has confirmed that
13 that's correct.

14 **COMMISSIONER OHIGASHI:** Okay.

15 **CHAIR GIOVANNI:** Thank you, Mr. Chipchase
16 and Ms. Dancil.

17 **MR. CHIPCHASE:** You're welcome, Chair.

18 **CHAIR GIOVANNI:** To the County of Maui.
19 Mr. Hopper, do you have any closing argument you
20 would like to make?

21 **MR. HOPPER:** Just briefly, Chair. The
22 County of Maui Department of Planning supports the
23 request for a District Boundary Amendment subject to
24 the 21 conditions as set forth in the Stipulated
25 Decision and Order.

1 This is consistent with the position
2 statement that the county has filed in this docket
3 and noted in the position statement and throughout
4 these proceedings that this is consistent with the
5 designation under a community plan of light
6 industrial.

7 The county believes that this request
8 meets the requirements of the District Boundary
9 Amendment proceeding as far as the criteria for
10 reclassification and has filed a position statement
11 as aforementioned to that effect.

12 We're available for questions, but at this
13 stage would recommend that you grant the District
14 Boundary Amendment as set forth in the Stipulated
15 Decision and Order. Thank you.

16 **CHAIR GIOVANNI:** Thank you, Mr. Hopper.
17 Commissioners, any questions for the
18 County of Maui?

19 **COMMISSIONER OKUDA:** Chair?

20 **CHAIR GIOVANNI:** Commissioner Okuda?

21 **COMMISSIONER OKUDA:** This is Gary Okuda.
22 Thank you, Mr. Chair.

23 Mr. Hopper, do you have any disagreement
24 with the statements of law that Mr. Chipchase went
25 over during his presentation?

1 **MR. HOPPER:** I think he essentially
2 basically went over the criteria as set forth in
3 both your rules and Hawai'i Revised Statutes for the
4 requirements for reclassification, so I don't have
5 any disagreement that I can think of.

6 **COMMISSIONER OKUDA:** Thank you very much.
7 No further questions, Mr. Chair.

8 **CHAIR GIOVANNI:** I have two items. I just
9 want to confirm that the slide presentation that you
10 shared with us today will be made available to LUC
11 staff for the record.

12 **MR. CHIPCHASE:** Yes, Chair.

13 **CHAIR GIOVANNI:** Thank you.

14 So I updated the record. I noted the
15 Office of Planning and Sustainable Development filed
16 a response. I don't think I said that the County of
17 Maui filed its response or that we had received it.
18 And you just said that you did send in a written
19 response?

20 **MR. HOPPER:** Not a written response. We
21 let the petitioner know that after a very small
22 change to the condition that we could agree to
23 stipulate to the current decision.

24 **CHAIR GIOVANNI:** Now you're just verifying
25 that.

1 **MR. HOPPER:** Yeah. That was represented
2 by petitioners in their filing, so they did seek
3 that from us, and it was an accurate representation
4 that we stipulated to this Decision and Order after
5 a small change to the condition.

6 **CHAIR GIOVANNI:** Fair enough. Thanks for
7 the clarification.

8 Commissioners, anything further for the
9 county?

10 Thank you, Mr. Hopper. We'll proceed.

11 Mr. Yee, OPSD, closing argument?

12 **MR. YEE:** Good morning. This is a
13 proposal for an industrial park, which is not a
14 naturally popular kind of project, but it is
15 nevertheless important for any island economy to
16 locate a place where these industrial activities can
17 occur in a single area rather than being distributed
18 throughout the island and potentially conflicting
19 with other uses.

20 So this particular industrial park is
21 consistent with the county plans and for which there
22 is -- has been community outreach and without any
23 significant community opposition.

24 We are satisfied with the -- that they
25 have come up with a plan that will satisfy both the

1 legal and discretionary choices to be made in
2 approving it and appreciate the gracious cooperation
3 of the petitioner and county in coming to an
4 agreement on a proposed D&O.

5 The Office of Planning and Sustainable
6 Development supports the project and supports the
7 adoption of the proposed and second amended proposed
8 D&O. I'm happy to answer any other questions.

9 **CHAIR GIOVANNI:** Thank you, Mr. Yee.

10 Commissioners, any questions for OPSD?

11 Seeing none, I have none. Thank you.

12 I just wanted to -- you know, we did have
13 a delay. We had to amend the dates. I think that
14 was triggered more by the delay in getting the
15 transcripts out on a timely basis from our hearing
16 as opposed to any difficulties that you were having
17 achieving a stipulated agreement. Will the parties
18 comment on that?

19 **MR. CHIPCHASE:** That's correct, Chair.

20 And I would also say that the timing in the sense of
21 the holidays --

22 **CHAIR GIOVANNI:** Yeah.

23 **MR. CHIPCHASE:** -- played a role in it as
24 well.

25 **CHAIR GIOVANNI:** Okay. So --

1 **MR. CHIPCHASE:** I appreciate the parties'
2 cooperation and the commission's consideration in
3 extending those deadlines so that we could get the
4 transcripts, finish the draft D&O, and work out the
5 conditions.

6 **CHAIR GIOVANNI:** And have a nice holiday.

7 **MR. CHIPCHASE:** That, too.

8 **CHAIR GIOVANNI:** Yeah. Yeah. Fair
9 enough.

10 **MR. YEE:** If I could just note, it is a
11 constant refrain from us. More time is better. But
12 with that, I will leave it alone.

13 **CHAIR GIOVANNI:** Okay.

14 Mr. Hopper?

15 **MR. HOPPER:** I think I agree with
16 everything that was just said, so thank you.

17 **CHAIR GIOVANNI:** Thank you.

18 Okay. Well, now I'm going to give an
19 opportunity for public testimony, second round. If
20 anybody would like to afford the public to provide
21 additional testimony, please raise your hand if you
22 are here, and you will be recognized.

23 I don't see anyone, so, Ms. Kwan, are you
24 aware of anyone that is registered for public
25 testimony at this time?

1 **MS. KWAN:** No, Mr. Chair.

2 **CHAIR GIOVANNI:** Thank you.

3 So we'll close the public testimony and
4 proceed to formal deliberations.

5 Before we take up any motion, the Chair
6 would like to confirm for the record that all
7 commissioners and myself are prepared to participate
8 in these proceedings.

9 Commissioner Cabral, have you had a chance
10 to review the recording of November 16, 2022,
11 meeting and are you prepared to participate?

12 **COMMISSIONER CABRAL:** Yes.

13 **CHAIR GIOVANNI:** Thank you.

14 Commissioner Ohigashi, are you prepared to
15 participate?

16 **COMMISSIONER OHIGASHI:** Yes.

17 **CHAIR GIOVANNI:** Commissioner Okuda?

18 **COMMISSIONER OKUDA:** Yes.

19 **CHAIR GIOVANNI:** Commissioner Atta?

20 **COMMISSIONER ATTA:** Yes.

21 **CHAIR GIOVANNI:** Commissioner Kahele?

22 **COMMISSIONER KAHELE:** Yes, Mr. Chair.

23 **CHAIR GIOVANNI:** Commissioner Kamakea-
24 'Ohele?

25 **COMMISSIONER KAMAKEA-'OHELO:** Yes, sir.

1 **CHAIR GIOVANNI:** And the chair is also
2 prepared to proceed.

3 The commission will now enter
4 deliberations.

5 **COMMISSIONER OHIGASHI:** Mr. Chair?

6 **CHAIR GIOVANNI:** And entertain a motion.

7 **COMMISSIONER OHIGASHI:** Mr. Chair?

8 **CHAIR GIOVANNI:** The Chair recognizes
9 Commissioner Ohigashi.

10 **COMMISSIONER OHIGASHI:** Move to adopt the
11 Stipulated -- what is called Stipulated Proposed
12 Findings of Fact, Conclusions of Law -- wait a
13 minute. I'll amend it to say the Second Amended
14 Proposed Findings of Fact, Conclusions of Law, and
15 Decision and Order submitted by the petitioner and
16 stipulated by all parties.

17 **CHAIR GIOVANNI:** Let me confirm with Mr.
18 Orodenker. Did you get that?

19 **MR. ORODENKER:** Yes, I did, Chair. The
20 motion was to adopt the Stipulated Proposed Findings
21 of Fact, Conclusions of Law, and Decision and Order
22 as submitted by the petitioner and agreed to by the
23 parties.

24 **CHAIR GIOVANNI:** The second amended
25 version of that; correct?

1 **MR. ORODENKER:** Correct. The second
2 amended -- yes, correct.

3 **CHAIR GIOVANNI:** Okay. Do I have a second
4 to the motion?

5 **COMMISSIONER KAHELE:** Second.

6 **CHAIR GIOVANNI:** Seconded by Commissioner
7 Kahele.

8 So, Commissioner Ohigashi, would you like
9 to speak to your motion?

10 **COMMISSIONER OHIGASHI:** Yes. I commend
11 the petitioner for complying with all the requests
12 that the commission had. In addition to that, I
13 commend the petitioner for putting on a very good
14 case, like Mr. Chipchase always does.

15 I do have some lingering concerns about
16 the previous actions in this -- on this -- in this
17 area, the granting of a Special Use Permit for
18 certain parcels of land now covered by this change,
19 this urbanization of these particular parcels.

20 And I do think that the County of Maui
21 engaging -- or the previous applications engaging
22 sort of in that form of chopping or -- well, to put
23 it bluntly, I do believe that the activities of the
24 County of Maui seemed to have made, and this
25 petition seemed to have skirted, the 15-acre issues

1 in regard to those areas.

2 I understand that nobody can contemplate
3 the future in this matter; however, it would appear
4 that when we took a look at the evidence of the past
5 dealings, that this type of action was trying to
6 parcel things out.

7 I'm glad that the County of Maui since
8 that time has come in support of this particular
9 petition and to try and do it in a -- rather than in
10 a piecemeal fashion, to do it in a whole fashion.

11 And I apologize for staying on my high
12 horse or my positions on Special Use Permits, but
13 that's, given my time on the commission, I think
14 that I'd like to leave with that crusade on board.
15 But I wholeheartedly support the motion.

16 **CHAIR GIOVANNI:** Thank you, commissioner.

17 Commissioner Okuda, would you like to
18 speak to your second -- or Commissioner Kahele,
19 excuse me?

20 **COMMISSIONER KAHELE:** Thank you, Chair.

21 **CHAIR GIOVANNI:** Thank you.

22 Any other commissioners want to speak?

23 Commissioner Cabral?

24 **COMMISSIONER CABRAL:** Thank you.

25 Commissioner Cabral here.

1 I want to just make it clear that the
2 motion is definitely going to include that it's
3 subject to the original 21 conditions that were
4 identified in the stipulated and amended proposal
5 and that also that we want to make sure that we
6 clear this -- our Land Use Commission staff to be
7 able to make modifications of procedural matters and
8 standardization in that so that this is clear moving
9 forward to involve less problems in the future.

10 **CHAIR GIOVANNI:** Do you also want to
11 authorize me to sign it once we get to that point?

12 **COMMISSIONER CABRAL:** We'll authorize you
13 to sign it once it's ready. Yes.

14 **CHAIR GIOVANNI:** So I will take that as a
15 friendly amendment to include all 21 conditions and
16 authorize as the chair to sign once it's finalized.

17 Do you agree to that friendly amendment,
18 Commissioner Okuda -- I mean Commissioner Ohigashi?
19 For clarity.

20 **COMMISSIONER OHIGASHI:** I'm only
21 hesitating because you called me Commissioner Okuda.

22 **CHAIR GIOVANNI:** One slight slip and then,
23 yeah. Speaking of whom, Commissioner Okuda?

24 **COMMISSIONER OKUDA:** Thank you, Mr. Chair.
25 I'd like to just follow up on the comment by

1 Commissioner Ohigashi describing what he said about
2 special permits as a crusade; okay?

3 I think his position is well taken. What
4 this Stipulated Decision and Order demonstrates is
5 that compliance with the intent and the statute and
6 the administrative rules does not have to be overly
7 complicated or time consuming if you have competent
8 counsel making the presentation.

9 And I don't think, you know, by
10 recognizing Mr. Chipchase's competence here we're
11 showing any favoritism, because as you know, on a
12 number of other cases we have taken a different
13 position, notwithstanding the fact he's filed an
14 appeal.

15 So we view his presentations on a case-by-
16 case basis, but I think the record shows that, you
17 know, the competence -- and it's not only of Mr.
18 Chipchase; it's Mr. Hopper, who always does a solid
19 job, whether we agree or disagree with him; and with
20 Mr. Yee.

21 So, you know, if good lawyering takes
22 place, the statute can be complied with at a
23 reasonable cost to the petitioners and the parties,
24 because we do recognize administrative procedures
25 add to costs, and if we can avoid unnecessary costs,

1 we like to do that.

2 So I don't necessarily believe that what
3 Commissioner Ohigashi is stating or what he
4 described as his crusade is really something that
5 causes a lot of additional cost if we have competent
6 counsel who, frankly, don't try to skirt the plain
7 language of the law. And this case demonstrates how
8 competent counsel really can move a good project
9 forward.

10 So I think we should recognize what has
11 been done here, since many times we might look like
12 we've taken a different, more critical approach. So
13 for those reasons, and the fact that the record and
14 the evidence clearly supports the application or
15 law, I will be voting in favor of the motion.

16 Thank you, Mr. Chair.

17 **CHAIR GIOVANNI:** Thank you, Commissioner
18 Okuda.

19 Any other commissioner wish to speak to
20 the motion?

21 Seeing none, I have a couple of comments.
22 I also want to commend all the parties for their
23 performance in this agenda item and in this
24 petition. Very well received by this commission and
25 very efficient.

1 I think this is, as Mr. Yee said, this is
2 a good way to go for the people of Lana'i, to
3 concentrate an industrial park in a logical place
4 for the benefit of the island and move it forward.

5 Ultimately, I want to compliment Pulama
6 Lana'i. And Mr. Matsumoto is not here today, but has
7 been a participant in these proceedings up to now,
8 and Ms. Dancil. Very professional, very
9 understanding. And in particular the way that you
10 conducted and worked with this commission at the
11 hearing itself to respond to Commissioner Chang's
12 interests and to my personal interests and the
13 Conditions 20 and 21. Thank you very much. I will
14 be supporting the motion as well.

15 Mr. Orodenger, would you like to poll the
16 commission, please?

17 **MR. ORODENKER:** Thank you, Chair. The
18 motion is to adopt the Second Amended Stipulated
19 Proposed Findings of Fact, Conclusions of Law, and
20 Decision and Order as submitted by petitioner and
21 agreed to by the parties, including all 21
22 conditions, and that the chair be authorized to sign
23 the Decision and Order.

24 Commissioner Ohigashi?

25 **COMMISSIONER OHIGASHI:** Yes.

1 **MR. ORODENKER:** Commissioner Kahele?

2 **COMMISSIONER KAHELE:** Yes.

3 **MR. ORODENKER:** Commissioner Atta?

4 **COMMISSIONER ATTA:** Yes.

5 **MR. ORODENKER:** Commissioner Kamakea-

6 'Ohelo?

7 **COMMISSIONER KAMAKEA-'OHELO:** Aye.

8 **MR. ORODENKER:** Commissioner Okuda?

9 **COMMISSIONER OKUDA:** Yes.

10 **MR. ORODENKER:** Commissioner Cabral?

11 **COMMISSIONER CABRAL:** Yes.

12 **MR. ORODENKER:** Commissioner Yamane is

13 excused.

14 Chair Giovanni?

15 **CHAIR GIOVANNI:** Aye.

16 **MR. ORODENKER:** Thank you, Chair. The

17 motion passes with seven affirmative votes.

18 **CHAIR GIOVANNI:** Thank you very much.

19 And congratulations.

20 **MR. CHIPCHASE:** Thank you, Chair. Thank

21 you, commissioners. We really appreciate your time

22 and the approval of this project.

23 **CHAIR GIOVANNI:** Thank you. Do good work.

24 **MR. CHIPCHASE:** Thank you.

25 **CHAIR GIOVANNI:** This concludes our

1 hearing for today. The commission will recess.

2 **COMMISSIONER OHIGASHI:** Before you
3 conclude --

4 **CHAIR GIOVANNI:** Before I conclude, yes.

5 **COMMISSIONER OHIGASHI:** I just want to say
6 nice to see Ms. Aoki here. And, Mr. Hopper, you're
7 looking good. You're losing weight. Happy New
8 Year.

9 **MR. HOPPER:** Thank you, commissioner.

10 **COMMISSIONER CABRAL:** I'd like to say also
11 that I really wish we were on Lana'i. We've had
12 lovely trips to Lana'i, and so I wish that we were
13 there for these hearings. So if we have to come
14 back, I will come back. Thank you very much, though.

15 **CHAIR GIOVANNI:** We assume one day we'll
16 be there.

17 **COMMISSIONER CABRAL:** Yes.

18 **CHAIR GIOVANNI:** Okay. Anybody else want
19 to make a comment before we conclude?

20 Seeing none, this concludes our hearing
21 today. The commission will recess and resume
22 tomorrow at Kihei Community Center, 303 East Lipoa
23 Street in Kihei 96753. The meeting will start at
24 9:15 a.m. tomorrow morning. Thank you all so much.

25 **(Meeting recessed at 10:13 a.m.)**

1 CERTIFICATE

2
3 I, Davilyn Payne, do hereby certify that the
4 proceeding named herein was professionally transcribed on
5 the date set forth in the certificate herein; that I
6 transcribed all testimony adduced and other oral
7 proceedings had in the foregoing matter; and that the
8 foregoing transcript pages constitute a full, true, and
9 correct record of such testimony adduced and oral
10 proceeding had and of the whole thereof.

11
12 IN WITNESS HEREOF, I have hereunto set my hand this
13 23th day of February, 2023.

14
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16 

17
18
19 _____
20 Davilyn Payne
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25