

LAND USE COMMISSION
MEETING MINUTES
March 7th, 2024 – 10:00 a.m.

Pursuant to Hawai'i Revised Statutes, HRS §92 as amended, the Commission conducted its meeting in hybrid format. Interested persons submitting written testimony were recommended to submit their written Statements 24 hours in advance of the meeting to allow for distribution to the Commission prior to the meeting.

IN PERSON: Leiopapa A Kamehameha, State Office Tower, Room 405 235 South Beretania Street, Honolulu, HI 96813

YOUTUBE RECORDING: (<https://www.youtube.com/watch?v=NNMKGPjHp6Q>)

COMMISSIONERS PRESENT:

Lee Ohigashi (Zoom)
Gary Okuda (Zoom)
George Atta
Melvin Kahele
Kū'ike Kamakea-Ōhelo (Zoom)
Michael Yamane (Zoom)
Brian Lee (Zoom)
Nancy Carr Smith (Zoom)

STAFF PRESENT:

Daniel Orodenker, Executive Officer
Scott Derrickson, Chief Planner
Martina Segura, Staff Planner
Ariana Kwan, Chief Clerk
Dan Morris, Esq. Deputy Attorney General

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

CALL TO ORDER (YouTube: 00:00:06)

First Vice Chair Ohigashi, hereby referred to as "Chair", called the meeting to order at 10:00 a.m.

APPROVAL OF THE MINUTES (YouTube: 00:04:20)

The first agenda item was the approval of the February 7th, 2024, Minutes. There was no written testimony, or members of the public who wished to testify on the approval of the Minutes.

Commissioner Yamane moved to adopt the February 7th, 2024, Minutes, and Commissioner Kamakea-Ōhelo seconded the motion.

February 7th, 2024, Minutes were approved with 7 ayes, 0 nays, 1 excused, and 1 abstain.

TENTATIVE MEETING SCHEDULE (YouTube: 00:05:57)

Chair Ohigashi called for Land Use Commission Staff to provide the Tentative Meeting Schedule. Executive Officer, Daniel Orodenker provided the following tentative meeting dates, and cautioned the Commissioners not to plan to release the remaining days due to upcoming items:

April 3, 2024: A92-683 Halekua Development (O'ahu)
April 4, 2024: A92-683 Halekua Development (O'ahu)
May 8, 2024: A92-686 AMFAC/HHFDC (Maui)
May 21-22 and June 5, 2024: SP09-40 Waimānalo Gulch (O'ahu)
June 6, 2024: Proposed Rule Amendments (O'ahu)
June 19-20, 2024: SP97-390 Central Maui Land Fill and A11-792 DHC (Maui)
July 10-11, 2024: Commissioner Training (O'ahu)
July 24, 2024: A07-773(a) ELC (Maui)



POSTPONEMENT OF PROPOSED ADMINISTRATIVE RULES (YouTube: 00:09:58)

Update from Staff regarding the proposed rule amendments and recommendation to postpone. The first draft of the rules amendments was posted on November 7, 2023 and can be viewed online at: <https://luc.hawaii.gov/2023-admin-rules> or in person, by appointment only, at the Land Use Commission (LUC) office. To schedule an appointment to review the proposed rule amendments in person, please email dbedt.luc.web@hawaii.gov or call 808-587-3822.

Appearances

Public

Travis Hishinuma

Public Testimony Round One (YouTube: 00:10:07 -00:22:06)

The Land Use Commission received one written testimony prior to the start of the meeting from the public on this matter. Chair Ohigashi opened the meeting up for testimony on the matter, and there was one member of the public who wished to provide testimony on the matter, in support of the postponement. The Commission asked the testifier questions regarding the written testimony and suggestions on language for the amendments.

Presentation (YouTube: 00:22:30-00:33:07)

Executive Officer Orodenerker provided a brief presentation on the reason for the postponement of rule drafting. The Land Use Commission Staff is postponing the rule drafting until June, because there are measures that are active and moving through the legislature currently, rather than going through the process numerous times.

Commissioners asked questions regarding testimony on measures, which was determined outside of the agenda item. The discussion was postponed, and Commissioners were directed to discuss with the Executive Officer.

Public Testimony Round Two (YouTube: 00:33:22- 00:33:35)

Once again, Chair Ohigashi opened the meeting up for public testimony on this matter, and there were no members of the public that wished to testify during the second round of public testimony.

EXECUTIVE SESSION (YouTube: 00:33:37- 00:38:15)

The Commission anticipates going into executive session pursuant to HRS § 92-5 to consult with the Commission's Attorney regarding issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities pertaining to Civil No. 1: 17-cv-00113-SOM-WRP (LUC Docket No. A87-617 DW 'Āina Le'a Development, LLC.)

Appearances

Department of the Attorney General

David Day, Esq.

Ciara W.K. Kahahane, Esq.

Sharon Lovejoy, Esq. (Outside Counsel)

Public

None

Public Testimony Round One (YouTube: 00:34:49 -00:35:07)

The Land Use Commission did not receive any written testimony on the matter, and there were no members of the public that wished to provide testimony on the matter.



Executive Session Minutes (YouTube: 00:35:12-00:38:15)

Commissioner Kamakea-‘Ōhelo moved to enter executive session with LUC staff remaining in the room, and Commissioner Carr-Smith seconded the Motion. The Motion passed to go into executive session with 8 ayes, 0 nays, and 1 excused. The Commission entered executive session at 10:36 a.m. (YouTube: 00:36:07)

Commissioner Kamakea-‘Ōhelo moved to exit executive session, and Commissioner Lee seconded the Motion. The Motion passed to exit executive session with 8 ayes, 0 nays, and 1 excused. The Commission exited executive session at 11:49 a.m. (YouTube: 00:36:13)

During executive session, the Commission's Attorneys presented on issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities pertaining to Civil No. 1: 17-cv-00113-SOM-WRP (LUC Docket No. A87-617 DW 'Āina Le'a Development, LLC.) Commissioners asked the Attorneys questions regarding the status of the litigation, motions filed in the litigation, the Commission's powers, duties, privileges, immunities, and liabilities pertaining to LUC Docket No. A87-617 DW 'Āina Le'a Development, LLC.

Public Testimony Round Two (YouTube: 00:37:57- 00:38:15)

Once again, Chair Ohigashi opened the meeting up for public testimony on this matter, and there were no members of the public that wished to testify during this time.

ADJOURNMENT (YouTube: 00:38:49)

With no further business the meeting was adjourned at 11:51 a.m.