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**STATE OF HAWAII
LAND USE COMMISSION**

Meeting held on August 22, 2024

Commencing at 9:00 a.m.

Held at

Leiopapa A Kamehameha, State Office Tower, Room 405

235 S. Beretania Street, Room 405

Honolulu, HI 96813

I. CALL TO ORDER

**II. SP09-403 Department of Environmental Services,
City and County of Honolulu (Waimanalo Gulch
Sanitary Landfill) (Oahu)**

Adoption of Findings of Fact, Conclusions of
Law, and Decision and Order for Application
to Modify SP09-403 (SUP No. 2008 SUP-2)

III. ADJOURNMENT

BEFORE :

1 LUC Meeting Participants August 22, 2024

2

3 LUC Commissioners

4 1. Brian Lee

5 2. Bruce U'u

6 3. Dan Giovanni, Chairman

7 4. Mel Kahele

8 5. Myles Miyasato

9 6. Nancy Carr Smith

10

11 LUC Staff

12 1. Daniel Orodener, Executive Officer

13 2. Scott Derrickson, Chief Planner

14 3. Martina Segura, Staff Planner

15 4. Arnold Wong, Land Use Development Coordinator

16 5. Ariana Kwan, Chief Clerk

17 6. Miranda Steed, Esquire, Deputy Attorney General

18

19 Department of Environmental Services ("ENV"), City and

20 County of Honolulu

21 1. Jeffrey Hu, Esquire, Deputy Corporation Counsel

22

23 Department of Planning and Permitting ("DPP"), City and

24 County of Honolulu

25 1. Pono Arias, Esquire, Deputy Corporation Counsel

1 PARTICIPANTS (CONT'D)

2

3 Office of Planning and Sustainable Development ("OPSD")

4 2. Alison Kato, Esquire, Deputy Attorney General

5 3. Katia Balassiano, Planning Program Administrator

6

7 Ko Olina Community Association and Maile Shimabukuro

8 ("KOCA")

9 1. Calvert Chipchase, Esquire

10 2. Christopher Goodin, Esquire

11

12 Schnitzer Steel Hawaii Corporation

13 1. Joyce Tam-Sugiyama, Esquire

14 2. Rihui Yan, Esquire

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1 **CHAIRMAN GIOVANNI:** So call this meeting
2 to order.

3 It's 9:02 by my clock. So aloha mai
4 kakou. Good morning, everyone.

5 This is the August 22nd, 2024, Land Use
6 Commission Meeting. This is a hybrid meeting which
7 is physically located at the Leiopapa A Kamehameha
8 State Officer Tower, 235 South Beretania Street,
9 Room 406, Honolulu, Hawaii, 96813 and this meeting
10 is open to the general public.

11 Transcriptions are also being done from
12 this Zoom recording of this meeting. All meeting
13 participants, I would like to stress the importance
14 of speaking slowly, clearly and directly into your
15 microphone. Before speaking, please state your name
16 and identify yourself for the record, and that last
17 is very important since this is a Zoom meeting and
18 it's difficult to tell who might be speaking for
19 some participants.

20 This is a hybrid meeting. Please be aware
21 that all meeting participants are being recorded on
22 the digital record of this Zoom meeting which will
23 be posted to YouTube and used for court reporting
24 purposes. Your continued participation is your
25 implied consent to be part of the public record of

1 this event.

2 If you do not wish to be part of the
3 public record, you should exit the meeting now.

4 Also, please note that due to matters
5 entirely outside of our control for occasional
6 disruptions or to connectivity that may occur and
7 for one or more members of the meeting at any given
8 time, if such disruptions occur, please be patient
9 as we try to restore the audio/visual signals to
10 effectively conduct our business.

11 Please note that the Q and A feature on
12 Zoom will only be monitored for signing up public
13 testimony. All other communications will not be
14 addressed or part of the meeting record.

15 Communications can be emailed to our office at:
16 dbedt.luc.web@hawaii.gov.

17 I will also share with all participants
18 that we are taking breaks from time to time as
19 necessary. Normally, a five to ten minute break
20 every hour or so.

21 So my name is Dan Giovanni and I have the
22 pleasure to serve as the LUC Chair and we currently
23 have nine seated commissioners. Along with me
24 present today are Commissioner Mel Kahele,
25 Commissioner Brian Lee, Commissioner U'u from Maui,

1 Commissioner Carr Smith from Kona of Hawaii Island
2 and Commissioner Myles Miyasato from Helo of Hawaii
3 Island.

4 Excused from today's meeting are
5 Commissioner Kamakea-Ohelo, Commissioner Hayashida
6 and Commissioner Yamane.

7 Also in attendance are LUC Executive
8 Officer Daniel Orodener, LUC Chief Planner Scott
9 Derrickson, LUC Staff Planner Martina Segura, LUC
10 Chief Clerk Ariana Kwan and LUC Attorney General, I
11 believe that is Miranda Steed. Can that be
12 confirmed for me?

13 **MS. STEED:** Yes. That is, Chair. This is
14 Deputy Attorney General Miranda Steed.

15 **CHAIRMAN GIOVANNI:** Thank you for joining
16 us today.

17 Okay. Our next order of business is the
18 adoption of order for SP09-403 Department of
19 Environmental Services, Waimanalo Gulch Sanitary
20 Landfill. This agenda item is to adopt the order
21 granting the 2024 Motion to Amend.

22 Condition No. 1 of the Planning
23 Commission's Finding of Fact, Conclusions of Law,
24 and Decision and Order dated June 10th, 2019, and
25 Condition no. 5 of the 2019 LUC Finding of Fact,

1 Conclusions of Law and Decisions of Order.

2 At this time, I'd like the parties to
3 identify themselves, beginning with the petitioner.

4 **MR. HU:** Jeffry Hu. Good morning. This
5 is Deputy Corporation Counsel Jeffrey Hu along with
6 Camilla Chan and we're for the City and County of
7 Honolulu's Department of Environmental Services.

8 **CHAIRMAN GIOVANNI:** Thank you, Mr. Hu. Is
9 the intervenor Ko Olina Community Association
10 represented?

11 **MR. CHIPCHASE:** Yes, Chair. Good morning.
12 Cal Chipchase and Chris Goodin joining
13 remotely for Ko Olina Community Association and
14 Senator Maile Shimabukuro.

15 **CHAIRMAN GIOVANNI:** Thank you. Is
16 intervenor Schnitzer present and who represents him?

17 **MS. TAM-SUGIYAMA:** Yes, Chair. This is
18 Joyce Tam-Sugiyama and Rihui Yan for Schnitzer.

19 **CHAIRMAN GIOVANNI:** Thank you. For the
20 County, City and County of Honolulu, who is present
21 please and representing?

22 **MR. ARIAS:** Aloha mai kakou, Pono Arias,
23 Deputy Corporation Counsel on behalf of the
24 Department of Planning and Permitting.

25 **CHAIRMAN GIOVANNI:** Thank you very much.

1 And for the State Office of Planning and
2 Sustainable Development who is present and
3 representing?

4 **MS. KATO:** Good morning. Alison Kato,
5 Deputy Attorney General for the Office of Planning
6 and Sustainable Development and Katia Balassiano
7 from OPSD is also here. Thank you.

8 **CHAIRMAN GIOVANNI:** Great. Thank you for
9 joining us.

10 So our reimbursement policy. Good
11 morning, Mr. Hu. Have you reviewed HAR15-15-45.1
12 regarding the reimbursement of hearing expenses?

13 **MR. HU:** Jeffrey Hu. I reviewed it last
14 time. I haven't reviewed it since.

15 **CHAIRMAN GIOVANNI:** So you're still --

16 **MR. HU:** I --

17 **CHAIRMAN GIOVANNI:** Go ahead.

18 **MR. HU:** Sorry. Yes, I am still aware of
19 the HAR rule.

20 **CHAIRMAN GIOVANNI:** Okay. And you agree.

21 **MR. HU:** Jeffrey Hu. Yes.

22 **CHAIRMAN GIOVANNI:** Thank you very much.
23 So disclosures and conflicts of interest.

24 In accordance with HRS Section 84-14,
25 Commissioners are not allowed to take any official

1 action affecting a business in which they or a
2 member of their family have a financial interest.

3 They must therefore recuse themselves from
4 this matter if there is any benefit, monetary or
5 otherwise, to themselves or members of their family.
6 Also in accordance with legal, ethical standards,
7 the commissioners should disclose any relationship,
8 business, social or otherwise that they may have
9 with the petitioner or its representatives or any of
10 the other parties in this proceeding that may give
11 rise to an allegation of bias or impropriety.

12 Do any of the commissioners present today
13 have any conflicts of interest or disclosures to
14 make at this time?

15 So I can't see the room clearly one by
16 one, so Ms. Kwan, can you verify that there is no
17 commissioner that is asking to speak up at this
18 time.

19 **MS. KWAN:** No, Mr. Chair. Nobody is
20 trying to speak up.

21 **CHAIRMAN GIOVANNI:** Okay. Great. So
22 there are no conflicts of interest or disclosures to
23 make and we will proceed.

24 So let me briefly explain the procedure
25 for today. First, I will recognize the written,

1 public testimony that has been submitted in this
2 matter. Next, I will call for members of the public
3 who wish to provide oral testimony on this matter.

4 After completion of the public testimony
5 portion and the proceeding, the Chair would like to
6 ask the parties if they had any comments on the
7 adoption of order.

8 At the conclusion of the parties' comments
9 and commissioners' questions, the public will again
10 be granted a second opportunity to provide public
11 testimony in the manner set forth previously.

12 Finally, commission will conduct its
13 deliberations.

14 Please be informed that the relevant
15 records and documents pertaining to this matter can
16 be accessed for review on the LUC website and I'm
17 going to say this twice:

18 <https://luc.hawaii.gov/sp09-403>.

19 Again: <https://luc.hawaii.gov/sp09-403>.

20 I will now recognize written public
21 testimony that has been submitted in this matter.

22 Ms. Kwan, has there been any written
23 testimony submitted on this matter?

24 **MS. KWAN:** No new testimony has been
25 submitted, Chair.

1 **CHAIRMAN GIOVANNI:** Thank you, Ms. Kwan.

2 Are there any members of the public who
3 wish to testify on this matter?

4 Ms. Kwan, has anybody signed up or
5 indicated through Zoom that they wish to testify?

6 **MS. KWAN:** Nobody has indicated in the Q
7 and A feature that they would like to testify.

8 **CHAIRMAN GIOVANNI:** Thank you. Then we'll
9 proceed then.

10 Mr. Hu, please make your comments, your
11 presentation.

12 **MR. HU:** Jeffrey Hu. Chair, I have no
13 further comments since our presentation from two
14 weeks ago. Thank you.

15 **CHAIRMAN GIOVANNI:** So the question on the
16 -- the question has to do with the adoption of
17 order, so you are suggesting that you have no
18 comments relative to the adoption of the order, is
19 that correct?

20 **MR. HU:** Jeffrey Hu. Yes, that's correct,
21 except that, you know, we hope that Land Use
22 Commission continues to go forward with -- proceed
23 with adopting the order as indicated in the previous
24 meeting. Thank you.

25 **CHAIRMAN GIOVANNI:** Thank you for the

1 clarification.

2 Commissioners, any questions for Mr. Hu at
3 this point? I see none.

4 So now we'll move to the intervenor, Mr.
5 Chipchase.

6 **MR. CHIPCHASE:** Yes, Chair. Cal
7 Chipchase.

8 Chair Members, we do have one comment on
9 the proposed order. At page 68 of the proposed
10 order, as the order is stating its conclusion.

11 In the second to last line and the last
12 line, the proposed order reads, "With the addition
13 of quarterly reporting from the applicant to the
14 Land Use Commission." We would suggest that that
15 sentence should be revised to capture the quarterly
16 reporting requirement imposed by the Honolulu
17 Planning Commission as well as to specify that the
18 quarterly reporting to the Land Use Commission is in
19 writing and not in person, which I think is clear
20 from the Commission's decision at our last meeting
21 on this matter.

22 So if I may propose a simple revision that
23 captures both of those points, and as you'll recall,
24 Chair and Members, no doubt, the motion was made to
25 approve the petition with the Planning Commission's

1 condition of quarterly reporting plus the Land Use
2 Commission's condition of quarterly reporting in
3 writing.

4 And so to capture the motion faithfully, I
5 would ask that that last clause beginning at the
6 second line on page 68, the second to last line on
7 page 68 be amended to read as follows: With the
8 quarterly reporting condition imposed by the
9 Planning Commission and further subject to quarterly
10 reporting from the applicant to the Land Use
11 Commission in writing.

12 With that addition, Chair, that
13 modification to the final clause, no further comment
14 on the order and accepted as presented by staff.

15 **CHAIRMAN GIOVANNI:** Thank you, Mr.
16 Chipchase.

17 Commissioners, any questions for Mr.
18 Chipchase, including any questions or comments to
19 his suggested change?

20 **COMMISSIONER LEE:** Chair?

21 **CHAIRMAN GIOVANNI:** Commissioner Lee.

22 **COMMISSIONER LEE:** Yes, Mr. Chipchase
23 clarify the Planning Commission in Honolulu? Theirs
24 was in person and the LUC is in writing, is that
25 correct?

1 **MR. CHIPCHASE:** That's correct,
2 Commissioner.

3 **COMMISSIONER LEE:** Okay. Thank you, Chair.
4 Thank you, Mr. Chipchase.

5 **CHAIRMAN GIOVANNI:** Okay. Any further
6 questions for Mr. Chipchase?

7 So if the -- just the way I understand
8 this. If the commission would agree to that
9 suggested amendment, we'll take it up in
10 deliberations before we vote to adopt the order.

11 Okay. Petitioner, do you have any comment
12 on the presentation by Mr. Chipchase?

13 **MR. HU:** Jeffrey Hu. I have no comments.
14 Thank you.

15 **CHAIRMAN GIOVANNI:** Thank you. Intervenor
16 Schnitzer, do you have any comments on the
17 recommendations and comments of Mr. Chipchase?

18 **MS. TAM-SUGIYAMA:** Joyce Tam-Sugiyama. We
19 have no objections.

20 **CHAIRMAN GIOVANNI:** Very good.
21 County, do you have any comment or -- on
22 Mr. Chipchase's testimony and recommendation?

23 **MR. ARIAS:** Aloha, no objections to Mr.
24 Chipchase's recommendations.

25 **CHAIRMAN GIOVANNI:** Thank you. OPSD?

1 Your turn.

2 **MS. KATO:** Alison Kato. We're fine with
3 that, too. Thank you.

4 **CHAIRMAN GIOVANNI:** Very good.
5 Commissioners, any final comments or questions for
6 Mr. Chipchase?

7 Okay. Hearing none --

8 **COMMISSIONER KAHELE:** Chair, I've got a
9 question.

10 **CHAIRMAN GIOVANNI:** Who is that?
11 Commissioner Kahele?

12 **COMMISSIONER KAHELE:** Mel Kahele, yes.

13 Thank you. I know there were a lot of
14 questions asked in our last meeting, but -- that I -
15 that were unanswered, we've got to give two years'
16 extension, find a new location. Is that new
17 location going to include the waste that's currently
18 being dumped, the construction demolition waste
19 that's current being dumped at PVT considering they
20 only have got seven years of life left. I guess
21 that was a question, I believe someone may have
22 asked it. Was it answered?

23 **CHAIRMAN GIOVANNI:** So, Commissioner
24 Kahele, to whom are you directing your question?

25 **COMMISSIONER KAHELE:** Mr. Hu.

1 **MR. HU:** Jeffrey Hu. So I believe the
2 seven years that we were talking about is in regard
3 to -- or it's more like seven and a half to eight
4 years was in regard to the Waimanalo Gulch. The PVT
5 landfill currently -- we're not sure exactly when
6 it's going to close, but I thought the capacity was
7 probably less than that, currently.

8 But to answer your question, the new
9 landfill that we're looking to identify and
10 eventually site, that's currently going to be a
11 municipal -- it's going to take in municipal waste
12 and so if the PVT landfill closes and PVT just for
13 everybody's information takes in construction and
14 demolition waste, and so if that closes and if there
15 is no other CMD waste landfill out there, then I
16 guess the city would have to look into whether it
17 has to take in C&D as waste as well, but currently,
18 we're -- I believe the new landfill that we're
19 trying to identify, currently we're only looking at
20 MSW which is municipal solid waste.

21 **COMMISSIONER KAHELE:** So what would happen
22 to the construction demolition waste once PVT shuts
23 down? Isn't the city responsible for all the waste
24 that fills through the county or Honolulu?

25 **MR. HU:** Jeffrey Hu. I think you're

1 right, because the city is probably the last -- you
2 know, it's the city's duty, right, to the people to
3 figure out what to do, so I think if the city is
4 faced with that issue, then I think it's up to the
5 city to figure out where to put that C&D waste, so
6 you're correct, I think.

7 **COMMISSIONER KAHELE:** So what did you want
8 to look for? A location that's going to include the
9 construction and demolition? Because currently,
10 Waimanalo Gulch is able to take construction
11 demolition.

12 **MR. HU:** That's --

13 **COMMISSIONER KAHELE:** Yes.

14 **MR. HU:** Jeffry Hu.

15 **COMMISSIONER KAHELE:** So the new location
16 that you're possibly going to be looking at finding
17 within the next six months, the permit will also
18 include construction or just MSW?

19 **MR. HU:** Jeffrey Hu. I believe you're
20 right that it would probably include both C&D and
21 MSW. Yes, so I --

22 **COMMISSIONER KAHELE:** Is Mr. (inaudible)
23 in attendance?

24 **MR. HU:** I don't think he's in attendance
25 today.

1 **COMMISSIONER KAHELE:** Okay. All right. So
2 the answer is yes.

3 **MR. HU:** Jeffrey Hu. I think it's going
4 to be a yes. I just don't know where the next site
5 is, so I'm kind of just speculating.

6 **COMMISSIONER KAHELE:** Okay. We'll take it
7 as that. Thank you. Thank you, Chair.

8 **CHAIRMAN GIOVANNI:** Thank you,
9 Commissioner. Thank you, Mr. Hu.

10 So where was I? Intervenor Schnitzer, you
11 have a presentation?

12 **MS. TAM-SUGIYAMA:** Joyce Tam-Sugiyama. We
13 have nothing further to add. Thank you.

14 **CHAIRMAN GIOVANNI:** So do you suggest or
15 recommending adoption of the order?

16 **MS. TAM-SUGIYAMA:** Yes. With Mr.
17 Chipchase's recommended modification.

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

19 Commissioners, any questions for Ms.
20 Sugiyama?

21 Petitioner, any questions for Ms.

22 Sugiyama?

23 Mr. Hu? Any questions?

24 **MR. HU:** I'm so sorry. Jeffrey Hu. No
25 questions. No comments. Thank you.

1 **CHAIRMAN GIOVANNI:** Thank you. Mr.
2 Chipchase, any questions?

3 **MR. CHIPCHASE:** Cal Chipchase, no
4 questions, Chair.

5 **CHAIRMAN GIOVANNI:** Thank you. City and
6 county, any questions?

7 **MR. ARIAS:** Pono Arias. No questions or
8 comments.

9 **CHAIRMAN GIOVANNI:** Thank you. OPSD, any
10 questions?

11 **MS. KATO:** Alison Kato. No questions.
12 Thank you.

13 **CHAIRMAN GIOVANNI:** Thank you very much.
14 Commissioners, final round. Any comments
15 or questions for City and County of Honolulu?

16 Okay. Thank you. So City and County of
17 Honolulu, would you like to present your position on
18 the adoption of the order? Mr. Arias?

19 **MR. ARIAS:** Pono Arias. No objections as
20 to form. We would approve of adopting.

21 **CHAIRMAN GIOVANNI:** Thank you very much.
22 Commissioners, any questions for City and
23 County of Honolulu? Mr. Chipchase, any questions
24 for City and County of Honolulu?

25 **MR. CHIPCHASE:** Cal Chipchase. No

1 questions, Chair.

2 **CHAIRMAN GIOVANNI:** Thank you. Ms.
3 Sugiyama, any questions for City and County?

4 **MS. TAM-SUGIYAMA:** No questions.

5 **CHAIRMAN GIOVANNI:** OPSD, any questions
6 for City and County?

7 **MS. KATO:** Alison Kato. No questions.

8 **CHAIRMAN GIOVANNI:** Thank you. Last
9 round.

10 Commissioners, any final comments or
11 questions for City and County?

12 Okay. So now we're up to OPSD for their
13 final presentation of their position, adoption of
14 the order.

15 **MS. KATO:** Alison Kato. OPSD is fine with
16 adoption of this order with Mr. Chipchase's revision
17 and the only thing I wanted to note is a table on
18 page 56 paragraph 343. My name has one L, and on --
19 actually on page 19. I'm not sure if there's maybe
20 a word that's highlighted, but that's all the
21 comments I have. Thank you.

22 **CHAIRMAN GIOVANNI:** What was the last
23 comment about the highlighting? What page was that?

24 **MS. KATO:** Page 19, I think there's a word
25 that's highlighted or at least it is on my printout.

1 **CHAIRMAN GIOVANNI:** Okay. Thank you.
2 Commissioners, any questions for OPSD?
3 Petitioner, Mr. Hu, any questions for
4 OPSD?

5 **MR. HU:** Jeffrey Hu. No questions. Thank
6 you.

7 **CHAIRMAN GIOVANNI:** Mr. Chipchase, any
8 questions or comments for OPSD?

9 **MR. CHIPCHASE:** No. No questions or
10 comments, Chair.

11 **CHAIRMAN GIOVANNI:** Ms. Sugiyama, any
12 questions?

13 **MS. TAM-SUGIYAMA:** No questions or
14 comments.

15 **CHAIRMAN GIOVANNI:** Commissioners, final
16 chance. Any questions? Comments?

17 Very good, so typo on page 56 and a
18 highlight on page 19, so we'll clean that up. The
19 staff will verify and clean that up, obviously.

20 So at this time, the Commission will now
21 consider adoption of the order by its public
22 deliberations.

23 Commissioners, before you and for your
24 consideration is a deliberation and adoption of the
25 proposed findings of fact, conclusions of law and

1 decisions of order prepared by staff as instructed
2 at the last meeting on this docket.

3 So are there any questions or
4 recommendations or motions at this time and let me
5 invite a motion that would include the non-
6 controversial recommendation made today.

7 **MS. KWAN:** Ariana Kwan. I think you
8 forgot to offer second round of testimony before
9 deliberations.

10 **CHAIRMAN GIOVANNI:** To the public?

11 **MS. KWAN:** Yes.

12 **CHAIRMAN GIOVANNI:** Oh, I'm sorry. I
13 didn't see that. Thank you so much.

14 Is there anyone signed up to do public
15 testimony at this time?

16 **MS. KWAN:** If anyone in the public would
17 like to give testimony please use the Q and A
18 feature now.

19 Seeing none, Chair.

20 **CHAIRMAN GIOVANNI:** So we may proceed now?

21 **MS. KWAN:** Yes, you may.

22 **CHAIRMAN GIOVANNI:** Okay. Thank you, Ms.
23 Kwan, for that. I really appreciate it. I'm sorry
24 I overlooked it.

25 What I was saying is the Chair will

1 entertain a motion and I'm going to call on
2 Commissioner Lee in just a second and Mr. Lee, let
3 me encourage you to either include or not include
4 considerations of the recommendations made by the
5 intervenors. So Mr. Lee, you are recognized.

6 **COMMISSIONER LEE:** Thank you, Chair.

7 I move to adopt the proposed findings of
8 facts, conclusions of law and decision and order for
9 the application to modify SP09-403 SUP #2008 SUP-2
10 in accordance with the comments made by Mr.
11 Chipchase and with the conditions of the Honolulu
12 Planning Commission to include quarterly, in-person
13 meetings and in writing updates quarterly to the
14 Land Use Commission.

15 **CHAIRMAN GIOVANNI:** Thank you and I assume
16 you would also advise to correct the typo and
17 highlight if that, in fact, is the case?

18 **COMMISSIONER LEE:** That is correct, to
19 correct the two typographical errors, the
20 highlighting and the misspelling of Ms. Kato's name
21 in the proposed draft. Thank you.

22 **CHAIRMAN GIOVANNI:** Mr. Orodanker, is that
23 your hand up?

24 **MR. ORODENKER:** Yes, Mr. Chair, Staff
25 would request that the order include authorization

1 for the Chair to sign the order?

2 **CHAIRMAN GIOVANNI:** Mr. Lee, would your
3 motion include an authorization for the Chair to
4 sign the order?

5 **COMMISSIONER LEE:** Isn't that standard
6 procedure? Are you trying to differentiate between
7 everyone signing and just the Chair signing? To
8 clarify.

9 **CHAIRMAN GIOVANNI:** Mr. Orodenger?

10 **MR. ORODENKER:** Standard.

11 **COMMISSIONER LEE:** Thank you. Commissioner
12 Lee.

13 It is standard procedure, but it also is a
14 good idea to make it clear that the Chair is
15 authorized to sign the modified order.

16 **MR. ORODENKER:** I'll amend my motion to
17 include authorizing the Chair to sign on behalf of
18 the Land Use Commission.

19 **CHAIRMAN GIOVANNI:** Okay. So I have a
20 second to the motion made by Commissioner Lee?

21 Let me restate the -- Commissioner Carr
22 Smith, can you restate the motion that you -- a
23 second for?

24 **COMMISSIONER CARR SMITH:** Approval subject
25 to Mr. Chipchase's recommendation and Ms. Kato's

1 notations on typos and executive officer's inclusion
2 of the Chair having the ability to sign on the LUC's
3 behalf.

4 **CHAIRMAN GIOVANNI:** Very good. Thank you
5 very much.

6 Commissioners, any comments anybody wants
7 to make in support or in opposition of the motion,
8 starting with Commissioner Lee?

9 **COMMISSIONER LEE:** None, Chair.

10 **CHAIRMAN GIOVANNI:** Thank you.

11 Commissioner Carr Smith?

12 **COMMISSIONER CARR SMITH:** Nothing more

13 here. Thank you.

14 **CHAIRMAN GIOVANNI:** Thank you.

15 Any other commissioners?

16 The Chair will support the motion as
17 presented by Commissioner Lee and seconded by
18 Commissioner Carr Smith.

19 Mr. Orodanker, please poll the
20 commissioners for a vote.

21 **MR. ORODENKER:** Thank you, Mr. Chair.

22 The motion is to adopt the findings of
23 fact and conclusions of law in accordance with the
24 comments made by petitioner and corrections and
25 typographical errors and authorization of the Chair

1 to sign the motion on LUC's behalf.

2 **CHAIRMAN GIOVANNI:** Mr. Orodenger, I think
3 the suggestion was by the intervenor, not the
4 petitioner.

5 **MR. ORODENKER:** Oh, I'm sorry. The
6 intervenor. My bad, Mr. Chair.

7 **CHAIRMAN GIOVANNI:** Okay, so start over.

8 **MR. ORODENKER:** Motion is to adopt
9 findings of fact and conclusions of law in
10 accordance with the comments made by intervenor and
11 correction of typographical errors and authorization
12 of the Chair to sign the motion on LUC's behalf.

13 **COMMISSIONER LEE:** Shouldn't that include
14 decisions and order, too? You mentioned findings of
15 fact, conclusions of law, but you twice did not
16 include decision and order. Thank you.

17 **MR. ORODENKER:** Okay.

18 **CHAIRMAN GIOVANNI:** Okay. Let's start
19 over.

20 **MR. ORODENKER:** Adopt the findings of
21 fact, conclusions of law and decision and order in
22 accordance with the comments made by intervenor and
23 corrections of typographical errors and
24 authorization of the Chair to sign the order on
25 LUC's behalf.

1 **CHAIRMAN GIOVANNI:** Okay. Proceed.

2 **MR. ORODENKER:** Commissioner Lee?

3 **COMMISSIONER LEE:** Aye.

4 **MR. ORODENKER:** Commissioner Carr Smith?

5 **COMMISSIONER CARR SMITH:** Aye.

6 **MR. ORODENKER:** Commissioner Hayashida is
7 excused.

8 Commissioner Kahele?

9 **COMMISSIONER KAHELE:** Aye.

10 **MR. ORODENKER:** Commissioner Kamakea-Ohelo
11 is excused.

12 Commissioner Miyasato?

13 **COMMISSIONER MIYASATO:** Aye.

14 **MR. ORODENKER:** Commissioner U'u?

15 **COMMISSIONER U'U:** Aye.

16 **MR. ORODENKER:** Commissioner Yamane is
17 excused.

18 Chair Giovanni?

19 **CHAIRMAN GIOVANNI:** Aye.

20 **MR. ORODENKER:** Thank you, Mr. Chair. The
21 motion passes unanimously with six votes.

22 **CHAIRMAN GIOVANNI:** Very good. Thank you.

23 So this concludes our meeting for today
24 unless there's any further business to discuss.

25 Commissioners, anything at this point?

1 Hearing none, the meeting is adjourned.

2 Thank you very much for your time this morning. I
3 appreciate it.

4 (WHEREUPON, the meeting was concluded at
5 9:31 a.m.)

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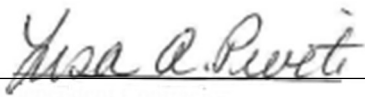
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CERTIFICATE

I, Lisa A. Previti, do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 6th day of September, 2024.



Lisa A. Previti