

LAND USE COMMISSION
MEETING MINUTES

June 29, 2017

9:00 a.m.

**County of Kaua`i Moikeha Building Conference Room 2A/2B
4444 Rice Street, Lihu`e, Kaua`i, Hawai`i, 96766**

COMMISSIONERS PRESENT: Edmund Aczon
Gary Okuda
Arnold Wong
Jonathan Scheuer
Linda Estes
Nancy Cabral
Dawn Chang

COMMISSIONERS EXCUSED: Aaron Mahi
Lee Ohigashi (appointed but not sworn in yet)

LUC STAFF PRESENT: Daniel Orodener, Executive Officer
Diane Erickson, Deputy Attorney General
Bert Saruwatari, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Jean McManus

CALL TO ORDER

Chair Aczon called the meeting to order at 9:00 a.m.

HEARING AND ACTION

A17-802 County of Kaua`i Housing Agency- Lima Ola HRS 201H Project

Petition of COUNTY OF KAUA`I HOUSING AGENCY To Amend the Agricultural Land Use District Boundaries into the Urban Land Use District for certain lands situated at `Ele`ele, Kaua`i, Hawai`i; consisting of approximately 75 acres, Tax Map Key No. (4) 2-1-001:054

Chair Aczon stated that this was the resumption of a hearing and action meeting on Docket No. A17-802.

APPEARANCES

David Minkin Esq. and Kelsey Yamaguchi, Esq., Counsel for County of Kauai Housing Agency ("CKHA")

Kanani Fu, Director, CKHA

Matthew Bracken, Esq. Deputy Corporation Counsel, for County Planning Department (“County”)

Michael Dahilig, Director, County

Dawn Takeuchi Apuna, Esq., Deputy Attorney General, for State Office of Planning (“OP”)

Leo Asuncion, Director, OP

Intervenor- Jean Nishida-Souza (“Intervenor”)

PRESENTATIONS

Chair Aczon called for the Petitioner to resume their presentation. Mr. Minkin stated that he had additional witnesses to offer to the Commission before Mr. Solmssen continued his response to questions and described how the new witnesses would contribute to Petitioner’s case. Chair Aczon asked the Parties if there were any objections to the addition of the new Petitioner witnesses. There were no objections

Petitioner Witnesses

1. James Powell – Field Archaeologist (Expert)

Mr. Powell, after being sworn in, described the methods that archaeologists use to gather background historical information, assess field conditions and conduct site investigations in areas affected by different degrees of contact with modern civilization or agricultural development.

Commissioners Chang and Scheuer requested clarification on various aspects of Mr. Powell’s testimony.

2. Missy Kamai –Archaeology and Traditional and Customary Native Hawaiian Practices (Expert)

Ms. Kamai, after being sworn in, described her educational and professional background in anthropology and archaeology and provided her family’s history of cultural and traditional practices in and around the Petition Area spanning 6 generations and what methods of data collection for archaeological surveys were most effective.

Commissioners Chang, Scheuer, Wong, and Cabral requested clarification on various aspects of Ms. Kamai’s testimony.

Commissioner Okuda asked whether the previously agreed oral stipulation regarding expert witnesses covered the supplemental witnesses offered to the Commission. The Parties shared their perspectives on whether the oral stipulation regarding expert testimony should extend to the additional Petitioner witnesses and discussion ensued to determine how the witnesses would be offered.

Chair Aczon declared a recess at 10:00 a.m. and reconvened the meeting at 10:13 a.m.

Chair Aczon acknowledged the appearance of Mr. Asuncion, Director of OP at the proceedings.

After hearing the various arguments on whether the oral stipulation should extend to the new witnesses, Chair Aczon stated that each witness would be individually qualified in their respective areas of expertise as they appeared.

Mr. Powell and Ms. Kamai were admitted as experts in archaeology; and Ms. Kamai was also admitted as an expert in cultural and traditional Native Hawaiian practices.

Commissioners Okuda, Scheuer and Chang requested additional clarification on Ms. Kamai's testimony.

3. Janet Kahalekomo (had difficulty hearing and was assisted by grandson Bronson Sahut)

Ms. Kahalekomo, after being sworn in, was qualified and accepted as an expert in Cultural/Traditional Practices specific to the westside of Kaua`i. Ms. Kahalekomo shared her family history and described how earlier generations of her family observed and practiced various cultural and traditional rites and cultivated/collected salt from the ocean; and how she participated in educating youngsters attending `Ele`ele Elementary School about Hawaiiiana.

Commissioners Scheuer and Chang and Mr. Minkin and Ms. Souza requested clarification on various aspects of Ms. Kahalekomo's testimony.

Ms. Souza recognized and thanked Ms. Kahalekomo for her hard work and contributions to the community.

Chair Aczon declared a recess at 11:00 a.m. and reconvened the meeting at 11:05 a.m.

4. *Kumu* Leinaala Jardin,

Ms. Jardin, after being sworn in, was qualified and admitted as an expert in cultural and traditional practices specific to the westside of Kaua`i; and provided her perspective of cultural/traditional practices on the westside of Kaua` and described her *kumu hula* lineage and what her *halau's* gathering practices were.

Commissioners Scheuer, Chang, and Okuda requested additional clarification on various aspects of her testimony.

5. *Kumu* Sabra Kauka

Ms. Kauka, after being sworn in, was qualified and admitted as an islandwide expert in cultural and traditional practices. Ms. Kauka described her *kumu hula* lineage and the Native Hawaiian practices that occurred on Kaua`i that she was aware of; and her participation in cultural impact assessment surveys.

Commissioners Chang, Scheuer, and Okuda requested clarification on portions of her testimony.

Chair Aczon entertained a motion to amend the agenda to expedite matters. Commissioner Cabral moved and Commissioner Scheuer seconded that the agenda be amended to conduct the Executive Session portion of the agenda to address LUC private personnel matters during lunch and that the Commission enter Executive session for that purpose. By voice vote, the Commission unanimously voted to amend the agenda and enter Executive Session.

The Commission entered Executive Session at 12:13 p.m and exited and reconvened into regular session at 12:54 p.m.

Mr. Minkin continued with his next witness.

6. Thomas Nizo

Mr. Nizo , after being sworn in, was qualified and admitted as a cultural practitioner and an expert in cultural and traditional salt making practices. Mr. Nizo described his activities as a salt-maker and provided clarification on aspects of his testimony to Commissioners Chang, Scheuer, and Mr. Minkin and Ms. Souza.

Mr. Minkin requested that Mr. Solmssen (Petitioner Witness #4) be allowed to return to the stand and complete his testimony. Chair Aczon acknowledged and granted his request.

4. Max Solmssen (continued testimony)

Mr. Solmssen resumed and completed his testimony by responding to questions from Commissioners Scheuer, Wong, Okuda and Chang and Ms. Souza and Mr. Minkin.

Mr. Minkin stated that he would like to have Marie Williams appear out of order due to time constraints. Chair Aczon granted the request and allowed Ms. Williams to testify out of sequence.

7. Marie Williams-Long Range Planner, County of Kaua`i Planning Department

Ms. Williams, after being sworn in, shared the background history of the proposed project and its current and future plans and reasons for seeking a land use district boundary amendment.

The Commission recessed at 2:25 p.m. and reconvened at 2:32 p.m. during Ms. Williams' testimony.

Ms. Williams responded to questions from Mr. Minkin, Ms. Souza, and Commissioners Wong, Estes, Okuda, and Chang to clarify portions of her testimony.

8. Anson Murayama- Project Engineer

Mr. Murayama, after being sworn in, described his role in the proposed project and described the design features; system capacities and planning considerations involved with the proposed infrastructure storm water system.

Mr. Orodener excused himself from the meeting at 3:00 p.m. and returned at 3:03 p.m.

Chair Aczon announced that the Commission intended to recess at the conclusion of Mr. Murayama's testimony and resume the proceedings on July 7, 2017.

Mr. Murayama provided clarification of his testimony to Mr. Bracken, Ms. Souza, and Commissioners Scheuer, Wong, Chang, Cabral and Okuda; and completed his testimony.

At 3:32 p.m., Chair Aczon declared that the Commission was in recess and would resume proceedings on July 7, 2017.



