

LAND USE COMMISSION
MEETING MINUTES
September 25, 2025 – 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.

LOCATION: Leiopapa A Kamehameha, State Office Tower, Room 405
235 S Beretania Street, Room 405, Honolulu, HI 96813

YOUTUBE RECORDING: <https://youtu.be/rHzD0kXKBzA>

COMMISSIONERS PRESENT:

Brian Lee
Mel Kahele
Dan Giovanni (Via Zoom)
Bruce U'u
Myles Miyasato (Via Zoom)
Nancy Carr Smith

STAFF PRESENT:

Daniel Orodener, Executive Officer
Martina Segura, Staff Planner
Ariana Kwan, Chief Clerk
John Dubiel, Esq. Deputy Attorney General
(Via Zoom)

COMMISSIONERS ABSENT:

Ken Hayashida
Kū'ike Kamakea-Ōhelo
Michael Yamane

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

CALL TO ORDER (YouTube: 00:00:00 - 00:03:51)

Chair Lee called the meeting to order at 10:00 a.m.

INFORMATIONAL BRIEFING: ENVIRONMENTAL IMPACT STATEMENT ("EIS")

(YouTube: 00:03:52 - 02:14:09)

Presentation by the State of Hawai'i, Office of Planning and Sustainable Development ("OPSD"), Environmental Review Program ("ERP") and Ron Terry from Geometrician Associates, LLC. Presentation on the State's EIS process, including statutory requirements, review procedures, and the Commission's role in evaluating environmental documents.

Appearances

Office of Planning and Sustainable Development ("OPSD")

Mary Alice Evans, Director
Tom Eisen, Planner

Guest Speaker

Ron Terry, Geometrician Associates, LLC.

Presentation (YouTube: 01:15:59-02:59:16)

The presentation outlined the environmental review process, Chapter 343, environmental review triggers, types of reviews (exemptions, Environmental Assessments ("EA") and EIS's), rule amendments made, resources and the responsibilities of agencies like the LUC. They outlined agencies or commissions like the LUC may act as approving or accepting authorities for EAs or EIS's. Applicants must provide studies and responses to public comments, while agencies must apply the statutory "significance criteria" to determine whether impacts require an EIS. The ERP highlighted public participation tools, including



required comment periods, the Environmental Notice (published twice monthly), and the online library of EAs and EISs dating back to the 1970s. The presenters discussed the acceptability review for final EIS documents. Commissioners must verify that procedures were properly followed, that required content is present, and that all substantive comments received were addressed adequately. They noted that content overlaps with other laws, like Chapter 205 for district boundary amendments, but agencies must apply both.

A detailed discussion clarified the distinction between Chapter 343 requirements and the Ka Pa‘akai court decision. Chapter 343 does not mandate a Ka Pa‘akai analysis but requires consideration of cultural resources, which may be addressed through a cultural impact assessment (“CIA”) in an EA or EIS. The presentation closed with reflections on the evolution of Chapter 343, the importance of transparency, and updates from the 2019 rule amendments.

Commissioners raised several questions to clarify the process. Questions included: which agency reviews an EIS and whether the same triggers apply to both EA and EIS; cost implications between doing an EA and an EIS; power generation facilities and whether renewable energy projects like solar farms trigger an EIS; whether all projects require an EIS or if some only require an EA; concerns about projects being stalled; and whether an EIS can become stale.

ADJOURNMENT *(YouTube: 02:14:10 - 02:16:02)*

Before closing, staff recognized Executive Officer Daniel Orodener for receiving the DBEDT Manager of the Year award. Commissioner Carr Smith inquired about the process for requesting that an item be added to a future agenda.

With no further business, the Chair adjourned the meeting at 12:37 p.m.