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LAND USE COMMISSION
STATE OF HAWAI'I

HEARING and ACTION)
SP15-406 KAWAILOA SOLAR, LLC (O'ahu))
_____)

The above entitled matter came on for a hearing and
action meeting at the Airport Conference Center, 400
Rodgers Blvd. Suite 700, Room #3, Honolulu, Hawai'i
commencing at 9:30 a.m. June 9, 2015, pursuant to
Notice.

REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR #5910
Certified Shorthand Reporter

1 A P P E A R A N C E S

2

3 COMMISSIONERS:

4 CHAD McDONALD, CHAIR
5 EDMUND ACZON
6 JONATHAN SCHEUER
7 KENT HIRANAGA
8 BRANDON AHAKUELO
9 AARON MAHI
10 ARNOLD WONG
11 LINDA ESTES

12
13 EXECUTIVE OFFICER: DAN ORODENKER
14 CHIEF CLERK: RILEY HAKODA
15 STAFF PLANNER: BERT SARUWATARI

16 DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

17

18 Docket No. SP-406 KAWAILOA SOLAR, LLC (O'ahu)

19 For the Petitioner: RANDALL SAKUMOTO, Esq.
20 MARGUERITE NOZAKI, Atty. at Law
21 WREN WESTCOATT, Project Manager

22 For the County: RICHARD LEWALLEN Dept. Corp. Counsel

23 For the State: RODNEY FUNAKOSHI
24 Office of Planning
25

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1 CHAIRPERSON McDONALD: Good morning. I'd
2 like to call the State of Hawai'i Land Use Commission
3 meeting to order. Before we get started I'd like to
4 welcome our newest Commissioner from the Island of
5 Kauai, Commissioner Estes. Welcome.

6 COMMISSIONER ESTES: Thank you very much.
7 (applause)

8 CHAIRPERSON McDONALD: That means good
9 luck. (general laughter) The first order of business
10 is the adoption of the minutes of the meeting from our
11 April 29, 2015 meeting. Do I have a motion to
12 approve?

13 COMMISSIONER HIRANAGA: I have a comment.
14 I notice on the roll call 6, I believe it is 6 eyes
15 and 3 excused. At that time I don't think we had 1
16 excused and we had 2 vacancies just for clarity.

17 CHAIRPERSON McDONALD: So thank you,
18 Commissioner Hiranaga. We'll make a note of the
19 change.

20 COMMISSIONER SCHEUER: Not to belabor the
21 point, but I think they were still in office until the
22 close of the session?

23 CHAIRPERSON McDONALD: You're right.
24 That's right. I stand corrected. Thank you,
25 Commissioner Scheuer.

1 COMMISSIONER SCHEUER: I was very
2 sensitive to that date personally. So I was aware.
3 (laughter)

4 CHAIRPERSON McDONALD: Okay. So with that
5 do I have a motion to approve?

6 COMMISSIONER WONG: Moved.

7 COMMISSIONER ACZON: Second.

8 CHAIRPERSON McDONALD: Moved by
9 Commissioner Wong seconded by Commissioner Aczon. All
10 those in favor say aye. "Aye". Any opposed? (no
11 comments) Minutes are adopted. Mr. Orodener, can
12 you please review with the Commission its tentative
13 meeting schedule.

14 MR. ORODENKER: June 26 we're going to
15 reschedule. That was supposed to be McClean Honokohau
16 Properties in Kona. We won't have a quorum for that
17 date. We're not sure what date we'll be changing that
18 to. Depends on whether or not we can develop a
19 quorum.

20 We have several DBA's before the Land Use
21 Commission and some Special Permit activities. That
22 should be scheduled in the near future. We don't have
23 hard dates for that date that includes Towne
24 Development, Olowalo Town, LLC; Kaloko Makai, Ocean
25 Side, 1250. Those are both on the Big Island. The

1 first were on Maui.

2 Kaua'i is Hokua Place, Kapa'a Highlands.
3 We still have pending the Waimanalo Gulch sanitary
4 landfill (coughing). I don't know why I choke on that
5 one. (laughter) The Kawaihoa Solar, LLC Special Permit
6 as well. Then we have motions for Order to Show Cause
7 for Kuilima, and the Maui Tomorrow Foundation, South
8 Maui Citizens for Responsible Growth. That's still
9 pending.

10 Future DBA's include Queen Liliu'okalani
11 Trust and Haseko 'Ewa Marina. Future motions include
12 Makena Resort, Island Schools and Kauai Community
13 College. And I'll remind everyone the HCPO convention
14 is October 14 to 16.

15 CHAIRPERSON McDONALD: Thank you,
16 Mr. Orodener. Okay. I'm now going to take up public
17 testimony for docket No. SP15-406 Kawaihoa Solar, LLC,
18 Oahu to consider an application for a Special Permit
19 to construct a 50 megawatt photovoltaic energy
20 generating facility and accessory uses and structures
21 on lands rated Class A, B, C by the Land Study Bureau,
22 TMK 6-1-005 portion parcel 1 and 6-1-006 portion of
23 parcel 1.

24 I'll now call for those individuals
25 desiring to provide public testimony on Docket No.

1 SP15-406 to identify themselves. All such individuals
2 will be called in turn to our witness box where they
3 will be sworn in prior to their testimony. The Chair
4 would like to also note from time to time I'll be
5 calling for short breaks.

6 After completion of the public testimony
7 portion of the proceedings we'll commence with
8 hearing the case in chief which is agenda item No. V.
9 Is there anyone in the audience wishing to provide
10 public testimony on this matter? Seeing none, we'll
11 move on to agenda item No. V.

12 This is a hearing and action meeting on
13 Docket No. SP-406 Kawaiiloa Solar, LLC O'ahu to
14 consider an application for a Special Permit to
15 construct a 50 megawatt photovoltaic energy generation
16 facility and accessory uses and structures on lands
17 rated class A, B, and C by the Land Study Bureau, TMK
18 6-1-005 portion of parcel 1 and 6-1-006 portion of
19 parcel 1. I'd also like to note that the agenda for
20 this meeting had a typographical error in the TMK
21 description of the Petition Area.

22 It was incorrectly stated as TMK 6-1-005
23 portion parcel 1 and 6. Therefore parcel 6 is
24 stricken, correct? As well as 6-1-001 portion of
25 parcel 1.

1 Will the Applicant or representative
2 please identify themselves for the record please.

3 MR. SAKUMOTO: Thank you, Mr. Chair.
4 Randall Sakumoto and Marguerite Nozaki representing
5 the Applicant Kawaihoa Solar, LLC. And also with us
6 today is the Applicant's Project Manager Wren
7 Westcoatt.

8 CHAIRPERSON McDONALD: Thank you. On May
9 8th, 2015 the Commission received the complete record
10 of the City and County of Honolulu Planning
11 Commission's proceedings recommending approval of
12 Applicant's application for the Special Permit
13 including the Planning Commission, Applicants of
14 Proposed Findings of Fact, Conclusions of Law and
15 Decision and Order.

16 On May 12, 2015 the Commission received
17 the Special Permit filing fee from the Petitioner. On
18 June 1st, 2015 the Commission mailed the June 9th,
19 2015 LUC meeting agenda, notice to the parties and to
20 the statewide O'ahu mailing lists.

21 On June 3rd, 2015 the Commission received
22 the official transcript Volume II of the April 15,
23 2015 continued public hearing.

24 On June 5th, 2015 the Commission received
25 Applicant's proposed Order adopting the City and

1 County of Honolulu Planning Commission's Findings of
2 Fact, Conclusions of Law and Decision and Order.

3 Let me briefly describe our procedure for
4 today on this docket. First, I'll call for any
5 disclosure that the Commissioners may have on this
6 matter. The Applicant will then make its
7 presentation. After completion of the Applicant's
8 presentation we'll receive any public comments from
9 the Department of Planning & Permitting of the City
10 and County of Honolulu.

11 After completion of the County's
12 presentation we'll receive any public comments from
13 the State Office of Planning. After receiving public
14 comments from the State Office of Planning the
15 Commission will conduct its formal deliberations.
16 Are there any questions on today's procedures?

17 MR. SAKUMOTO: No, Mr. Chair.

18 CHAIRPERSON McDONALD: Thank you. At this
19 time I'd like to take up any disclosures from the
20 Commissioners. Commissioner Scheuer.

21 COMMISSIONER SCHEUER: Chair, just in the
22 interest of a very extensive disclosure, I worked for
23 the landowner in this case from 2002 to 2003. And I
24 also worked with the Applicant's attorney in around
25 2008 to 2010. When I was at OHA he was our counsel,

1 but I don't believe there's any conflict. And I
2 believe I can be fair in these proceedings.

3 CHAIRPERSON McDONALD: Applicant, any
4 objection to Commissioner Scheuer's participation in
5 this hearing?

6 MR. SAKUMOTO: We have no objections.

7 MR. LEWALLEN: No objection.

8 CHAIRPERSON McDONALD: Mr. Funakoshi?

9 MR. FUNAKOSHI: No objection.

10 CHAIRPERSON McDONALD: Thank you. Okay.
11 With that, Mr. Sakumoto, can you please proceed with
12 your presentation?

13 MR. SAKUMOTO: Thank you, Mr. Chair.
14 Aloha, Commissioners. We have a short slide
15 presentation for you. And if it's hard to see I
16 apologize, but we also gave you a hard copy of the
17 slides. So that's easier to see or you want to write
18 down notes. But Ms. Nozaki and I will be going
19 through the slides that are before you.

20 Kawaihoa Solar is proposing to develop a
21 50 megawatt solar energy facility approximately 4
22 miles northeast of Haleiwa Town on the North Shore of
23 O'ahu.

24 The proposed facility would be located on
25 land within portions of Tax Map Key 6-1-6, parcel 1

1 and 6-1-5, parcel 1. These are part of a larger lot
2 owned by Kamehameha Schools. The proposed facility
3 would be located, co-located with an existing wind
4 farm. This slide on the screen now provides a general
5 orientation of where the property is located on the
6 North Shore. You can see where it is relative to
7 Haleiwa Town here, and Waimea Bay right here. The
8 blue area here is the Project Area.

9 MS. NOZAKI: The Project would be located
10 on land in the state Agricultural District. The
11 facilities would be located within the area that
12 includes approximately 332.3 acres of Class B land and
13 37.9 acres of Class B land -- sorry, Class C land as
14 rated by the Land Study Bureau productive rating
15 system.

16 The Project Area also includes
17 approximately 1.9 acres of existing roadway on Class A
18 land and would involve installation of approximately
19 550 linear feet of underground electrical line to meet
20 the roadway. The surrounding land uses consists
21 primarily of pasture crop production and open space.

22 MR. SAKUMOTO: The Project will involve
23 installation of approximately a 50-megawatt solar
24 energy facility to provide renewable energy to HECO
25 for integration to their electrical distribution

1 system. The facility will be organized into 9 sites.
2 Sites 1 through 7, which you can see on this slide,
3 will be comprised of horizontal single access
4 tracking, ground-mounted photovoltaic systems. The
5 layout is designed to maximize the use of the terrain
6 with the panels facing approximately due south.

7 Site 8 contains 1 of 2 proposed
8 substations. And site 9 is the portion of the Project
9 located in the Class A and B lands which includes the
10 underground cables. On average the panels are
11 expected to extend approximately 4 and-a-half to 9
12 and-a-half feet off the ground.

13 This slide is another slide. It depicts
14 the location of the 9 sites. And it also shows the
15 rough location of the property relative to some of the
16 adjacent lands. I think what we wanted to show here
17 was essentially this is in an area where essentially
18 undeveloped agricultural area.

19 This slide is an existing view of the
20 Kawaihoa Wind Farm. You can see on this slide here
21 the wind turbines that are on the property. This next
22 slide is the same view, but showing the approximate
23 location of the solar panels which you can see here
24 within the wind farm.

25 This next slide shows a view from Ashley

1 Road which is the entry road to get into the Project.
2 This next slide is also along Ashley Road. I thought
3 this was helpful. You can see the wind turbines
4 within the Project Area. This area off to the side of
5 road is an existing drainage system.

6 This is another view. Basically the
7 reason I thought this was a helpful picture was to
8 show the current condition of the land. It's
9 essentially fallow right now. It's becoming
10 overgrown. This will need to be addressed when we
11 install the solar panels. But it should give you an
12 idea of the rough orientation of the property in its
13 current condition.

14 MS. NOZAKI: In accordance with Act 55
15 Session Laws Hawai'i of 2014, the Applicant intends to
16 lease portions of the Project Area to the local
17 rancher for sheep grazing operations. A few years ago
18 combining sheep grazing and a solar energy facility
19 was considered a novel idea. But it has now become a
20 more commonplace practice around Europe and the United
21 States, particularly in climates where annual rainfall
22 to support pasteurizing of livestock without the need
23 for irrigation.

24 Rather than utilizing motorized motors and
25 leaf cutters and chemical herbicides, many solar

1 projects use sheep as a sustainable environmentally
2 friendly means of vegetation management. Sheep graze
3 under and around the panels and keep the grass and
4 weeds down. And the panels provide shelter for the
5 sheep from rain and sun. Depicted in this slide is a
6 solar farm located elsewhere where sheep are grazing
7 underneath the solar panels. It'll give you a visual
8 idea of how this works.

9 THE REPORTER: Ms. Nozaki, could you use
10 your microphone, please.

11 MS. NOZAKI: Is this better?

12 THE REPORTER: Yes.

13 MS. NOZAKI: Construction on this Project
14 is estimated to take approximately 10 months. So the
15 Applicant hopes to be in construction by January 2016.
16 And for the Project into service by the end of 2016.
17 In the record is Kawaiiloa Solar's Preliminary
18 Agricultural Plan that was received by the Planning
19 Commission at its April 15, 2015 continued hearing.
20 The bullets in the slide provide a general overview of
21 the salient information regarding the sheep grazing
22 operation.

23 The Project proposes a sheep grazing
24 operation with a start of a flock of sheep of 200
25 pounds up to 400 to 500 sheep total. The local

1 rancher will utilize a controlled grazing system and
2 schedule for rotating the herd from one paddock to
3 another to ensure that the grass is not overgrazed.

4 There will be several pastures of varying
5 sizes with fixed or unmovable fencing of posts and hog
6 wire with similar construction. And within those
7 pastures the herd will be contained within smaller
8 paddocks, approximately 12 to 15 acres each and around
9 30. They'll be created by movable and electrified
10 fences.

11 With respect to water, half gallon to 2
12 gallons of water per day while grazing will be
13 utilized. Some of which will come through eating wet
14 forage and some of which will come to the use of fixed
15 moveable water troughs.

16 MR. SAKUMOTO: That's per sheep. The half
17 gallon to 2-gallon obviously. On May 8 the Honolulu
18 Planning Commission granted approval of the Special
19 Permit for this Project. However, because the subject
20 land area is greater than 15 acres, the Applicant must
21 also obtain the approval of the Land Use Commission.
22 Hence we're here before you today.

23 As you know the criteria for receiving a
24 Special Permit is set forth in Hawaii Administrative
25 Rules 15-15-95(c). In short there's a 5-prong test

1 for determining whether a proposed use may be
2 considered an unusual and reasonable use within the
3 State Agricultural District.

4 MS. NOZAKI: The first prong provides that
5 the use shall not be contrary to the objectives sought
6 to be accomplished by the Chapters 205 and 205A HRS
7 and the rules of the Commission. As it pertains to
8 Kawaiiloa Solar's application for a Special Permit,
9 section 205-2D of the Hawaii Revised Statute provides
10 that agricultural districts shall use solar energy
11 facilities if such facility is located on land with
12 soil rated as class B, C, D or E, and if it occupies
13 more than 10 percent of the acreage of the parcel or
14 20 acres of land.

15 The Kawaiiloa Solar Project is not contrary
16 to this section as Kawaiiloa Solar proposes to
17 construct a solar energy facility that would occupy
18 332.3 acres or greater than 20 acres of class B soils,
19 37.9 acres class B soils and 1.9 acres of class A
20 soils.

21 The Kawaiiloa Solar Project is also not
22 contrary to 205-4.5A of the Hawaii Revised Statutes
23 because that section permits that raising livestock
24 including poultry, bees, fish or other animal or
25 aquatic life, are propagated for including fish or

1 other animal or aquatic life that are propagated for
2 economic or personal use as required under Section,
3 subsection 3.

4 And Kawaiiloa intends to lease the land to
5 Kawaiiloa Ranch for a sheep grazing operation at a rate
6 of \$10 per acre per year which is at least 50 percent
7 below the market rent for comparable properties as
8 required under subsection 21A.

9 And Kawaiiloa Solar will provide proof of
10 financial security in favor of the landowner
11 Kamehameha Schools as required under subsection 21 big
12 letter B. As permitted by section 205-4.5A bee
13 keeping is a permitted use and is a compatible
14 agricultural component with solar panels.

15 As an alternative to sheep grazing
16 Kawaiiloa Solar will co-locate bees at the site. This
17 slide, slide 18, depicts a photograph of bee hives
18 that would be co-located with solar panels. And this
19 is another photograph of the beehives that will be
20 co-located with the solar panels at the Project site.

21 Also required under section 205-4.5(a)21
22 big letter C is decommissioning of the Project within
23 12 months following the termination of operations as
24 well as restoration of the lands in essentially the
25 same physical conditions as existed prior to the

1 development of the solar energy facility.

2 Kawaiiloa Solar submitted a decommissioning
3 plan as attachment 7 to its Special Use Permit which
4 is consistent with this section.

5 MR. SAKUMOTO: The second prong of the
6 5-prong test is that the proposed use would not
7 adversely affect the surrounding property. In this
8 case the proposed Project will not affect the areas
9 surrounding the Project site. The views of the
10 Project site are largely obstructed by natural
11 topography and vegetation. Any impacts from
12 construction will be temporary and intermittent.

13 The closest residences to the Project site
14 are .7 miles to the west and 1 mile to the north. And
15 Best Management Practices will be used throughout
16 construction.

17 The next several slides are simulated
18 views of the Project site. So this first one is a
19 simulated view from Kamehameha Highway. And you can
20 barely see -- you have to look very closely to try and
21 see the solar panels from this perspective. I think
22 it's roughly here. (Using pointer)

23 This is a simulated view from Mahuka
24 Heiau. Again, I think it's here. But it's very hard
25 to see basically from these vantage points.

1 This is a simulated view of the Project
2 site looking from Mokuleia Beach Park. And this last
3 one is a simulated view from Pupukea Road.

4 MS. NOZAKI: The third prong. The
5 proposed use would not unreasonably burden public
6 agencies to provide roads and streets, sewers, water
7 drainage and school improvements and police and fire
8 protection. This Project would not require
9 infrastructure support from public agencies and would
10 be unlikely to use police and fire protection
11 services.

12 MR. SAKUMOTO: The fourth prong is that
13 unusual conditions, trends and needs have arisen since
14 the District Boundaries and Rules were established.
15 In this case the current renewable portfolio
16 standards, which is a state law on renewable energy,
17 established a target for HECO having 15 percent of net
18 electricity sales by renewable energy by the end of
19 this year and 25 percent by the end of 2020.

20 I understand Governor Ige just signed into
21 law an amendment to the RPS which set much more
22 aggressive standards. But I think the point we're
23 trying to make here is that this has created an
24 unusual need for this renewable energy since the time
25 the District Boundaries for this property were

1 established.

2 The goal of this facility would be to
3 provide power for 15,000 households on O'ahu. In
4 short the Project is expected to address the needs for
5 both solar energy generation and agriculture.

6 MS. NOZAKI: The fifth prong: The land
7 upon which the proposed use is sought is unsuited for
8 the uses permitted within the district. Although not
9 unsuited for agricultural uses the land is capable of
10 meeting and balancing two important needs: Maintenance
11 for agricultural purposes, and development of
12 renewable energy resources which is consistent with
13 the objectives of HRS Chapter 205.

14 To facilitate your consideration and
15 decision-making in this matter, we filed a proposed
16 Decision and Order on May 8, 2015. As we'll see that
17 the proposed D&O incorporates all of the conditions
18 proposed by the Maui Planning Commission as well as
19 other provisions intended to make this document
20 consistent with the LUC's D&Os on Special Permits
21 including the Special Permit which the LUC recently
22 issued to the Waipio PV LLC in Docket No. SP15-405.

23 There are a couple of revisions, proposed
24 revisions that we'd like to make at this time. One is
25 to paragraph 61 of the Proposed Decision and Order on

1 page 13 which continues on to page 14. The last
2 sentence, and I'll quote it, "The only use of barbed
3 wire will be as security wire on top of the fence
4 surrounding the high voltage substation switch yard."
5 That sentence should be deleted as it does not -- is
6 not contained within the record. There will be barbed
7 wire around the substation but there will be no barbed
8 wire used on perimeter fencing within the Project.

9 The second proposed revision is found in
10 Paragraph 81 on Page 17 of the Proposed Decision and
11 Order. That paragraph provides or states, "Fire
12 control measures will be implemented into the Project
13 design and operation. Fire extinguishers will be
14 located close to and within the substation area. A
15 fire alarm system will also be installed to control
16 enclosures."

17 That entire paragraph 81 should be deleted
18 as it is not contained within the record. There is an
19 existing switch yard within the Project site which
20 already has been constructed and belongs to HECO and
21 managed by HECO. But as far as that entire paragraph
22 goes we would propose deletion of it completely.

23 MR. SAKUMOTO: Mr. Chair, those two
24 changes were pointed out by your staff and we thank
25 them for that. The other comments -- we just received

1 the comments from the State Office of Planning. I
2 haven't had a chance to look at them very carefully.
3 But in reading through some of them quickly it appears
4 that we may have inadvertently left off some of the
5 language from the Planning Commission's Decision and
6 Order. That was inadvertent if, in fact, that
7 happened. Our intention, as we stated in the
8 presentation, was to incorporate the conditions of the
9 Planning Commission. So if we actually didn't in our
10 proposed D&O that was unintentional.

11 That concludes our presentation. We'd be
12 happy to answer any questions the Commission may have.

13 CHAIRPERSON McDONALD: Thank you,
14 Mr. Sakumoto. At this time, Commissioners, any
15 questions for the Petitioner? Commissioner Wong.

16 COMMISSIONER WONG: I have a question
17 regarding the barbed wire. I thought because there's
18 endangered species there, the hoary bat, that you're
19 not supposed to use barbed wire. Or is my information
20 wrong?

21 MR. WESTCOATT: Wren Westcoatt.

22 CHAIRPERSON McDONALD: Can I quickly swear
23 you in?

24 MR. WESTCOATT: Please.

25 CHAIRPERSON McDONALD: Do you affirm the

1 testimony you're about to give will be the truth?

2 MR. WESTCOATT: I do.

3 CHAIRPERSON McDONALD: Please state your
4 name and address.

5 MR. WESTCOATT: Wren Westcoatt from
6 Kawaiiloa Solar and SunEdison. Address?

7 CHAIRPERSON McDONALD: Yes, please.

8 MR. WESTCOATT: Address. Hmm...
9 (laughter) 99 Alakea Suite 2440. Thank you. Very
10 good question.

11 CHAIRPERSON McDONALD: Thank you.

12 MR. WESTCOATT: Thank you. We have worked
13 with Fish and Wildlife Service on many other sites.
14 And their requirement is that we avoid using barbed
15 wire. So in this case there will be several miles of
16 perimeter fencing which will not have any barbed top
17 strand.

18 However, there's been an exception that's
19 been accepted around the high voltage substations and
20 switchyards barbed wire is allowed. It's a security
21 wire that goes on top. So those are small enclosures.
22 So they've been fine with that.

23 CHAIRPERSON McDONALD: Thank you.

24 Commissioner Scheuer?

25 COMMISSIONER SCHEUER: I have a couple

1 questions relating to the visual impact as it relates
2 to Waimea Valley. Was there a simulation done? You
3 did simulations from Ashley Road and other places,
4 Kamehameha Highway. Anything done for Waimea Valley?
5 Because they go after the wind farm was put in there
6 was a number of community members. That's a lot more
7 than we thought.

8 MR. WESTCOATT: We did not do a simulation
9 from the interior of Waimea Valley. However, we did a
10 simulation from the mouth of Waimea Valley from
11 Kamehameha Highway as it comes around the curve in the
12 location of the biggest low moment for the folks
13 coming around from Sunset Beach side.

14 And because the solar panels are not
15 installed on that nearest ridge to Waimea, but on the
16 next ridge over, the simulation shows that you would
17 have to be able to sort of have x-ray vision to look
18 through the land form to see the panels at all.

19 So because there was no way to see the
20 panels we didn't go up in Waimea Valley to do another
21 simulation. But they are located on the next ridge
22 over from the valley. So would not -- you would not
23 have any visual -- you'd not be able to see the panels
24 from Waimea Valley at all.

25 COMMISSIONER SCHEUER: To follow up. Was

1 there any -- in the record is there any correspondence
2 or communications with HI'IPAKA, LLC, the landowner of
3 Waimea Valley regarding this Project?

4 MR. WESTCOATT: We have folks from our
5 community affairs group who have done a lot of the
6 community outreach. Would I be able to let them
7 respond to that question specifically?

8 CHAIRPERSON McDONALD: Sure. You can have
9 a seat in the witness box.

10 CRYSTAL KUA
11 being first duly sworn to tell the truth, was examined
12 and testified as follows:

13 THE WITNESS: Yes.

14 CHAIRPERSON McDONALD: Please state your
15 name and address.

16 THE WITNESS: Aloha. Crystal Kua. I'm
17 with Kawaihoa Solar and SunEdison. Address 1099
18 Alakea Street, Suite 2440, Honolulu.

19 CHAIRPERSON McDONALD: Good morning.

20 THE WITNESS: Good morning. Aloha. In
21 response to Commissioner Scheuer's question we have
22 done, in fact, most recently, meetings with the
23 administration at Waimea Valley. We took with us a
24 series of simulations that we did including the ones
25 that we did from Waimea Beach Bay as well as some of

1 the simulations that we did from Pupukea to show them
2 what residents will see, what people will see.

3 So with the executive director we have had
4 those kinds of meetings. We continue to have meetings
5 with folks from the valley including those on the
6 Neighborhood Board. There's at least one person from
7 Waimea Valley on the Neighborhood Board.

8 COMMISSIONER SCHEUER: If I may follow up.
9 Were there any concerns expressed?

10 THE WITNESS: Mostly, I mean the visual
11 simulation meetings were in response to community
12 people who had concerns about visual impacts. So
13 we're doing a series of those meetings, continuing to
14 do a series of those meetings showing them what the
15 different views around the North Shore are like.

16 So I think the response from Waimea -- I
17 don't want to say 'positive' but pretty receptive to
18 what the visual simulation. So we continue to have a
19 good relationship with the folks at Waimea Valley.

20 COMMISSIONER SCHEUER: So there wasn't a
21 concern -- just to restate it -- there wasn't a
22 concern from Hi'ipaka that there was going to be a
23 visual impact from Waimea?

24 THE WITNESS: Not verbally, no. We had
25 the one individual meeting.

1 COMMISSIONER SCHEUER: Sorry.
2 nonverbally?

3 THE WITNESS: I mean, like, there was an
4 earlier question earlier was about a written
5 correspondence.

6 COMMISSIONER SCHEUER: Uh-huh. Where they
7 had raised the concern and you met with them and they
8 said, "Okay, we're good?" I think as a community there
9 was a concern about visual impact or views. So we
10 were responding to several community groups,
11 individuals, leaders, to show them what the views are
12 gonna be like from different vantage points in Waimea.
13 Nothing adverse was expressed to us in those meetings
14 about the visual simulations. Thank you, Ms. Kua.

15 CHAIRPERSON McDONALD: Thank you, Ms. Kua.
16 Commissioner Mahi?

17 COMMISSIONER MAHI: What were the other
18 concerns that you discovered in your discussions with
19 the community?

20 THE WITNESS: I think the people wanted to
21 know what our agricultural plans were. So we've been
22 going around and talking about what we're doing with
23 the sheep and some of the alternatives. I think they
24 wanted to make sure that they wanted to know some of
25 the details ahead of what we might be doing. There

1 was concern about, you know, just making sure we were,
2 we were responsive to their, to their questions. So
3 we've been trying to be there. I also wanted to note
4 for the record that Carolyn Unser, our community
5 outreach coordinator who lives in -- on the North
6 Shore, is also here. She's spent a considerable
7 amount of time with community 1-on-1. Like I said she
8 lives there so she works closely with a lot of
9 community leaders out on the North Shore.

10 COMMISSIONER MAHI: Good. Good. So that
11 was just the kind of an agricultural --

12 THE WITNESS: Yeah. The kind of --

13 COMMISSIONER MAHI: -- activity that was
14 gonna be there.

15 THE WITNESS: Yes. Well, the kind of
16 agriculture and general plans for agriculture. There
17 was the level of commitment we had to Ag. So I think
18 we've been trying to address those concerns and
19 questions.

20 MR. WESTCOATT: One of the questions --
21 this is Wren Westcott -- one of the questions was:
22 Will there be -- you say 'Ag' -- will there be seed
23 corn? There's seed corn in the area and there's
24 concerns in the community about that. So we explained
25 that there would not be in this case; that this would

1 be more of a pasture type operation.

2 THE WITNESS: The other question is: "Why
3 can't you do crops?" So we explained to them about
4 the water system at the site needs to be upgraded in
5 order to have crops there which for livestock or puka
6 using is okay. So those are the kinds of things
7 they've been asking us.

8 COMMISSIONER MAHI: This is a community
9 that was prior to that was in sugarcane?

10 THE WITNESS: Yes. Primarily. Primarily
11 sugarcane from Waialua Sugar. Now it's fallow guinea
12 grass.

13 CHAIRPERSON McDONALD: A follow up
14 question, Commissioner Wong?

15 COMMISSIONER WONG: Just wanted to ask was
16 there gonna be like a battery facility on site?

17 MR. WESTCOATT: No. No battery was
18 proposed as part of this Project.

19 COMMISSIONER WONG: Thank you.

20 CHAIRPERSON McDONALD: Any further
21 questions for the Petitioner? Seeing none, County,
22 any public testimony at this time?

23 MR. LEWALLEN: No, Mr. Chair. Thank you.

24 CHAIRPERSON McDONALD: State Office of
25 Planning, any public testimony at this time?

1 MR. FUNAKOSHI: Okay. Thank you. Yes.
2 Rodney Funakoshi with the State Office of Planning
3 with the land use division. I would like to briefly
4 summarize --

5 CHAIRPERSON McDONALD: Mr. Funakoshi, let
6 me swear you in.

7 RODNEY FUNAKOSHI
8 being first duly sworn to tell the truth, was examined
9 and testified as follows:

10 MR. FUNAKOSHI: Yes.

11 CHAIRPERSON McDONALD: Thank you. Please
12 proceed.

13 MR. FUNAKOSHI: I'd like to summarize some
14 of our comments that we've made to the City as well as
15 most recently our submittal this morning regarding the
16 proposed Finding of Fact and Proposed Decision and
17 Order. By way of context this 384 acres is part of a
18 larger 8,800 approximate area in Kawaihoa that in
19 February the Land Use Commission designated as
20 Important Agricultural Lands upon a petition from
21 Kamehameha Schools under a voluntary designation
22 process. So that just occurred.

23 We did submit comments to the Planning
24 Commission in conjunction with Special Permit on
25 request from the Department of Planning and Permitting

1 for comments.

2 In general the Office of Planning supports
3 the intent of the proposed Project which provides
4 renewable energy for the Island of O'ahu. We do have
5 ongoing concerns with regard to the statewide
6 challenge in seeking a balance of maintaining the
7 availability of high quality agricultural lands while
8 promoting renewable energy resources such as solar
9 facilities on lands within the Agricultural District.

10 We also have concerns that projects such
11 as these are tentatively feasible. The agricultural
12 aspect is sometimes not implemented as represented by
13 the Applicant. The proposed Project will reside on
14 lands rated as ALISH prime. The whole facility would
15 therefore preclude productive agricultural lands from
16 being used for these purposes for the duration of the
17 solar facility.

18 We recommended to the Planning Commission
19 that should the permit be granted that the
20 requirements of HRS 205-4.5 relating to compatible
21 agricultural activities, proof of financial security,
22 and decommissioning requirements be included as
23 specific conditions of approval. These have been.

24 I would like to commend the Applicant for
25 preparing and submitting a preliminary agricultural

1 plan which we have since reviewed along with the
2 Department of Agriculture, which we find to be fully
3 acceptable and consistent with the proposal for
4 agricultural use in conjunction with solar farm.

5 We'd also like to commend the City
6 Planning Commission for their basically elevating the
7 status of this permit which is an IAL -- which is on
8 IAL. I would contrast these to others that were not
9 an IAL. Therefore they have imposed very good
10 requirements in their conditions relative to the
11 agricultural plan. So we support those conditions.

12 What we've submitted this morning, I
13 apologize for the late submittal, but we only received
14 the proposed Findings on Friday afternoon. And this
15 may be our only opportunity to formally comment on the
16 proposed Order. So we'd like to provide our input as
17 part of this proceeding.

18 I'll summarize, again, our letter -- our
19 memorandum -- that basically we support and urge the
20 inclusion of the Planning Commission's findings and
21 recommended conditions. And specific ones that we
22 would like to see revised from the Proposed Decision
23 and Order, the Condition 1 of the proposed D&O
24 requests that the agricultural operation be commenced
25 within 1 year. We would like to revise that to 6

1 months from the start of commercial power generation.

2 The Applicant's proposed D&O does not
3 include Condition 2 from the Planning Commission's D&O
4 which we would like to see included. This relates to:
5 If during the term of the Special Permit that no
6 compatible agricultural operations exist for 6 months
7 that the Applicant shall notify the Commission and the
8 DPP director to explain the reasons and their efforts
9 to actively seek the establishment of a compatible
10 agricultural operation.

11 So we think this is a worthwhile condition
12 that holds, again, the Applicant to a higher standard
13 on these IAL lands.

14 Condition 3 includes language which would
15 allow a HECO switchyard to remain after termination of
16 the SUP. We recommend deletion of this additional
17 allowance which should obtain a separate Special
18 Permit if this facility is allowed to remain.

19 Condition 4. Regarding the Fish and
20 Wildlife Service should be revised to the language of
21 the Planning Commission used. That the Applicant
22 shall comply with the recommendations of the Fish and
23 Wildlife Service.

24 Then, finally, the Conclusion of Law No.
25 12 on Page 23 states that the Petition Area is not

1 classified as Important Agricultural Lands. So this
2 is erroneous. It should be revised to delete "not" in
3 the second sentence and add "reference to DR14-52 with
4 regard to the Land Use Commission's designation of the
5 subject lands as IAL effective March 5, 2015." That
6 concludes our testimony.

7 CHAIRPERSON McDONALD: Thank you,
8 Mr. Funakoshi. Before we go to any questions by the
9 Commissioners I want to take a quick recess. At that
10 time, Mr. Sakumoto, I know you just received the
11 filing. So why don't you review with your client.
12 We'll ask if there's any exceptions or objections to
13 their proposal.

14 MR. SAKUMOTO: Okay.

15 CHAIRPERSON McDONALD: We'll take a quick
16 recess.

17 (Recess was held. 10:13-10:25)

18 CHAIRPERSON McDONALD: We're back on the
19 record. Commissioners, at this time any questions for
20 the State Office of Planning? Commissioner Aczon.

21 COMMISSIONER ACZON: I just have a
22 question. What's the basis of the 6 months timeline
23 versus the 1 year?

24 MR. FUNAKOSHI: That was recommended by
25 the Planning Commission. So, again, what they've done

1 is held this application to a higher standard which
2 would maybe otherwise have been 1 year.

3 COMMISSIONER ACZON: What kind of timeline
4 did we give the others before? One year? Six months?

5 MR. FUNAKOSHI: I'm not sure. I think it
6 was a year.

7 COMMISSIONER ACZON: That's my final
8 question is for the Applicant. Do you guys have any
9 problem with the new timeline?

10 MR. SAKUMOTO: Actually, Commissioner, the
11 timeline as Mr. Funakoshi said, we did agree to that
12 at the Planning Commission level. I think the fact is
13 that the sheep grazing operation will have to
14 finalize, you know, the actual logistics and the
15 details of how they're going to implement the sheep
16 based upon how the grass grows after the solar panels
17 have been put in.

18 I think they can determine at that point
19 where the grass is growing, how much grass there is
20 and how the paddocks are gonna be organized. So there
21 needs to be some amount of time between the time the
22 panels are actually installed and the time the sheep
23 are put on the property. But I think 6 months we felt
24 was sufficient for that purpose.

25 COMMISSIONER ACZON: Okay. Thank you.

1 CHAIRPERSON McDONALD: Commissioner Wong.

2 COMMISSIONER WONG: I have a question for
3 the City. So there was no basis at all for that 1
4 year, 6 months with the Planning Commission?

5 MR. YOUNG: My name is Raymond Young. I'm
6 the staff planner with the City Department of Planning
7 and Permitting.

8 RAYMOND YOUNG

9 being first duly sworn to tell the truth, was examined
10 and testified as follows:

11 THE WITNESS: Yes.

12 MR. YOUNG: Thank you, Commissioner Arnold
13 Wong, for that question. Yes. During our hearing
14 before the Planning Commission that same question was
15 raised by the commissioners there. Yes, in fact, that
16 date is kind of an arbitrary date. But our director
17 felt it was a reasonable amount of time to allow the
18 Applicant to establish the uses as required by the
19 statutes.

20 COMMISSIONER WONG: So I have a question
21 for you on this, just being hypothetical. So if they
22 don't make it by 6 months, let's say they do it in one
23 year just because, just to mobilize the sheep or
24 whatever, bring 'em here, what would happen?

25 MR. YOUNG: The way the language of that

1 condition raises: If requested the Planning
2 Commission will ask the Applicant to come in for a
3 meeting. But I think like most applicants would have
4 a reporting requirement. They can just let us know in
5 writing they're still continuing with their efforts to
6 obtain a reasonable agricultural use on the site. So
7 I think -- I don't think there will be a problem with
8 that.

9 COMMISSIONER WONG: Thank you.

10 CHAIRPERSON McDONALD: Commissioner Aczon?

11 COMMISSIONER ACZON: Just a follow up
12 question. So it can be extended. There's room for
13 extension just in case there's a problem?

14 MR. YOUNG: Yes. The way the condition
15 reads that I think the Planning Commission can extend
16 the deadline. We also have a 1 year reporting
17 requirement. So you could extend out to that 1 year
18 and give us a status and update on their efforts.

19 COMMISSIONER ACZON: Thank you.

20 CHAIRPERSON McDONALD: Any further
21 questions for the Applicant, County or State at this
22 point in time? Seeing none, Mr. Sakumoto, I trust
23 that you had a chance to review State Office of
24 Planning's Memorandum?

25 MR. SAKUMOTO: Yes, we have, Mr. Chair.

1 And we have no objections to the changes that they're
2 requesting. As we mentioned our intention was
3 actually to take the substance of the Planning
4 Commission conditions and incorporate them into our
5 proposed conditions. In that process we, I think,
6 tried to tweak the language to match the language that
7 the Land Use Commission imposed in the prior Waiawa
8 D&O. But certainly as the Office of Planning
9 suggested we have no objections to these changes.

10 CHAIRPERSON McDONALD: Thank you,
11 Mr. Sakumoto. Okay, Commissioners, what's your
12 pleasure on this matter?

13 MR. LEWALLEN: Excuse me.

14 CHAIRPERSON McDONALD: I'm sorry.
15 Proceed.

16 MR. LEWALLEN: Mr. Chair, if you would
17 indulge us. The City does have -- the County does
18 have one comment regarding paragraph 4 on Condition
19 No. 3 submitted by the Office of Planning. With the
20 permission of the Chair, Commission, Mr. Young would
21 like to add some comment on that, please.

22 MR. YOUNG: Thank you.

23 CHAIRPERSON McDONALD: Sure.

24 MR. YOUNG: Thank you, Mr. Chairman. I
25 just wanted to clarify based on what I've read on the

1 Office of Planning's statement with respect to page 2
2 No. 4 regarding Condition No. 3 which recommends that
3 the deletion of the additional allowance for the
4 switch yard.

5 I think there may be some confusion here.
6 Because according to the Applicant and what the
7 Planning Commission had approved, the switch yards
8 were never really part of the SUP application because
9 they were already established as part of the wind
10 turbine system that is existing there.

11 And as an accessory use to a permitted use
12 we don't have any problems with allowing whatever
13 facilities are part of the wind turbine system.
14 Therefore the SUP only covered the substations. There
15 were 2 substations that were being permitted as part
16 of the PV SUP.

17 So I guess my thought is that it was not
18 relevant even though the Applicant had recommended
19 that the switch yard be retained at the time the
20 facilities are to be sunset and removed. They would
21 have been permitted anyway which is what it is today.
22 It's permitted as part of an accessory use to the wind
23 turbine system. Just that little clarification. I'm
24 open to questions.

25 CHAIRPERSON McDONALD: So noted.

1 Mr. Funakoshi, any question or response?

2 MR. FUNAKOSHI: I'd like Mr. Westcoatt to
3 confirm that.

4 MR. WESTCOATT: That's correct. The
5 switch yards mentioned in this application, those
6 belong -- are the fenced yards that belong to
7 Hawaiian Electric Company. They're currently
8 existing. So they are -- we included them because our
9 solar Project will be connecting to them. But they
10 are owned by HECO and....

11 MR. FUNAKOSHI: Would remain anyway.

12 MR. WESTCOATT: Yeah. Would remain.

13 MR. FUNAKOSHI: Okay. I'll withdraw our
14 comment 4 from my letter.

15 CHAIRPERSON McDONALD: Thank you for the
16 clarification, Rodney, for the permitted use for the
17 wind farm Project. Okay, with that, Commissioners,
18 again, what's your pleasure on this matter?

19 COMMISSIONER ACZON: Mr. Chair, is a
20 motion in order?

21 CHAIRPERSON McDONALD: It is.

22 COMMISSIONER ACZON: I move to approve the
23 SUP application with modifications as proposed by the
24 Petitioner, Office of Planning, and with modifications
25 LUC staff deems appropriate to conform to the record

1 in Chapter 205.

2 CHAIRPERSON McDONALD: We have a motion by
3 Commissioner Aczon. Do we have a second?

4 COMMISSIONER MAHI: Second.

5 CHAIRPERSON McDONALD: Second by
6 Commissioner Mahi. Any discussion? Hearing none,
7 Mr. Orodenger, could you please poll the Commission.

8 MR. ORODENKER: Thank you, Mr. Chair. The
9 motion is to approve with modifications. Commissioner
10 Aczon?

11 COMMISSIONER ACZON: Aye.

12 MR. ORODENKER: Commissioner Mahi?

13 COMMISSIONER MAHI: Aye.

14 MR. ORODENKER: Commissioner Wong?

15 COMMISSIONER WONG: Aye.

16 MR. ORODENKER: Commissioner Scheuer?

17 COMMISSIONER SCHEUER: Aye.

18 MR. ORODENKER: Commissioner Estes?

19 COMMISSIONER ESTES: Aye.

20 MR. ORODENKER: Commissioner Hiranaga?

21 COMMISSIONER HIRANAGA: Aye.

22 MR. ORODENKER: Chair McDonald?

23 CHAIRPERSON McDONALD: Aye.

24 MR. ORODENKER: Thank you, Mr. Chair. The
25 motion passes unanimously.

1 CHAIRPERSON McDONALD: Thank you. Thank
2 you, Petitioner, for your time, your presentation.
3 Good luck to you folks on the Project especially with
4 the PUC. (general laughter) County and State,
5 appreciate your time as well.

6 MR. LEWALLEN: Thank you.

7 We're going to take a 5 minute recess in
8 place to address our next agenda item.

9 MR. SAKUMOTO: Thank you, Mr. Chair.
10 Thank you, Commissioners. (10:35 recess).

11 CHAIRPERSON McDONALD: The next agenda
12 item is the legislative status report. Mr. Orodenger,
13 is there anything to report?

14 MR. ORODENKER: No, there's nothing to
15 report. It's the end of the last session. There was
16 nothing that passed that implicated us. (Laughter).

17 CHAIRPERSON McDONALD: Moving on to agenda
18 item No. 7. I deferred this item to this meeting
19 which is the election of officers. Any discussion?
20 Nominations at this point?

21 COMMISSIONER WONG: Mr. Chair, you know,
22 because this is almost pretty much a brand new board I
23 wanted to keep the seniority issue. So I wanted to
24 make a motion for Commissioner Aczon to be the Chair.

25 COMMISSIONER HIRANAGA: I'll second the

1 nomination.

2 CHAIRPERSON McDONALD: Okay. We have a
3 motion for Chairmanship for Commissioner Aczon which
4 has been first and second. I guess at this time I'll
5 take it by voice vote for Chairman. Oh...

6 COMMISSIONER ACZON: Would you want to see
7 if there are any others who want to?

8 CHAIRPERSON McDONALD: Sure. (general
9 laughter)

10 COMMISSIONER SCHEUER: I don't have one.
11 I'm just saying. (general laughter)

12 CHAIRPERSON McDONALD: Go ahead,
13 Commissioner Scheuer.

14 COMMISSIONER SCHEUER: No, I have no
15 other. I just wanted to procedurally you might ask if
16 there's anybody else who is interested in being Chair.
17 I suppose confirm that Commissioner Aczon is
18 interested in the nomination.

19 CHAIRPERSON McDONALD: Okay.
20 Commissioners, any issues with Commissioner Aczon or
21 Commissioner Mahi?

22 COMMISSIONER MAHI: I'd like to hear from
23 Commissioner Aczon about the nomination.

24 CHAIRPERSON McDONALD: Great.
25 Commissioner Aczon.

1 COMMISSIONER ACZON: I'm very honored for
2 Commissioner Wong's motion and second by Commissioner
3 Scheuer. I do accept the nomination. I hope, you
4 know, I can do a job well done as Chair McDonald.

5 CHAIRPERSON McDONALD: Appreciate that.
6 Appreciate that. I have full confidence in you,
7 Commissioner Aczon, that you'll lead this Commission.
8 I'm not sure how much business we have coming up, but
9 I'm sure you'll do a good job in leading them.

10 COMMISSIONER ACZON: Anything else,
11 Commissioners? A nomination has been accepted by
12 Commissioner Aczon. Thank you. That was important.
13 (Laughter).

14 COMMISSIONER WONG: Mr. Chair --

15 COMMISSIONER HIRANAGA: Are we going to
16 call for the vote?

17 CHAIRPERSON McDONALD: I'm going to call
18 for the vote. So the motion is Chairmanship for
19 Commissioner Aczon. All those in favor say aye.
20 (Responding in unison "Aye") Any opposed?
21 Congratulations, Commissioner Aczon.

22 COMMISSIONER WONG: Chair, wanted to move
23 for Commissioner Scheuer to be first vice chair.

24 CHAIRPERSON McDONALD: Okay.

25 COMMISSIONER ACZON: I'll second it.

1 CHAIRPERSON McDONALD: Second. Any
2 discussion? Commissioner Scheuer, do you accept the
3 nomination?

4 COMMISSIONER SCHEUER: I'm open to helping
5 the Commission in this way. If somebody else is,
6 like, really burning, like, they really wanted to be
7 the Vice Chair I'd be happy with that as well. But
8 I'm willing to serve. Ed says, "I fully accept" since
9 now he's the Chair so I guess so. (laughter)

10 CHAIRPERSON McDONALD: Okay. At this time
11 Commission Scheuer has accepted first Vice Chair.
12 Does it make sense at this point to make a nomination
13 for second Vice Chair? Commissioner Aczon.

14 COMMISSIONER ACZON: I would like to
15 nominate Commissioner Wong to be second Vice Chair.

16 CHAIRPERSON McDONALD: Okay. Any
17 discussion?

18 COMMISSIONER HIRANAGA: I'll second his
19 motion.

20 CHAIRPERSON McDONALD: Thank you,
21 Commissioner Hiranaga for the second. Commissioner
22 Wong, any words of wisdom?

23 COMMISSIONER WONG: I accept. That's it.
24 (laughter)

25 CHAIRPERSON McDONALD: Okay. Great. So

1 what we have here is a motion for First Vice Chair
2 Commission Scheuer, Second Vice Chair Commissioner
3 Wong. All those in favor say aye. "Aye". Any
4 opposed? Congratulations, Commissioner Scheuer, First
5 Vice Chair and Commissioner Wong Second Vice Chair.
6 At this time we have a scheduled executive session.
7 Do we have a motion?

8 COMMISSIONER ACZON: So moved.

9 COMMISSIONER WONG: Second.

10 CHAIRPERSON McDONALD: Moved by
11 Commissioner Aczon. Second by Commissioner Wong. We
12 will now enter into executive session. Oh, we have to
13 vote first. All those in favor say aye.

14 COMMISSIONERS: "Aye".

15 CHAIRPERSON McDONALD: Any opposed? (no
16 response) We're in executive session. Please clear
17 the room. (10:45)

18 CHAIRPERSON McDONALD: Just for the
19 record, the Commissioners have established a committee
20 to evaluate our executive officer as well as review
21 his current contract. Those committee members consist
22 of Commissioner Wong, Commissioner Mahi, Commissioner
23 Scheuer and Commissioner Aczon. So actually who's
24 going to take the lead on this?

25 COMMISSIONER WONG: I can.

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C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State
of Hawai'i, do hereby certify;

That I was acting as court reporter in the
foregoing LUC matters on the 9th day of June 2015;

That the proceedings were taken down in
computerized machine shorthand by me and were
thereafter reduced to print by me;

That the foregoing represents, to the best
of my ability, a true and correct transcript of the
proceedings had in the foregoing matters.

DATED: This _____ day of _____ 2015

HOLLY M. HACKETT, HI CSR #130, RPR #5910
Certified Shorthand Reporter