

LAND USE COMMISSION  
STATE OF HAWAII  
Hearing held on June 27, 2019  
Commencing at 9:47 a.m.

Kalanimoku Building  
1151 Punchbowl Street, Room 132  
Honolulu, Hawaii 96813  
and  
Department of Transportation-Highways  
650 Palapala Drive  
Kahului, Maui 96732  
and  
Hilo State Office Building  
75 Aupuni Street  
Hilo, Hawaii 96720

AGENDA

- I. Call to Order
- II. Adoption of Minutes
- III. Tentative Meeting Schedule
- IV. Adoption of Order with Maui as Main Meeting  
Locale  
A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI
  - \* Adoption of the Form of the Order for Motion  
for Extension of Time to Complete Project  
and Motion for Modification of Original  
Decision and Order dated March 7, 2008
- V. ADOPTION OF ORDER WITH MAUI AS MAIN MEETING  
LOCALE  
A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI  
(WAIKAPU DEVELOPMENT VENTURE, LLC) (WDV)
  - \* Adoption of the Form of the Order for
    - \* WDV Motion to Approve Sale of a Portion  
of the Petition Area
    - \* WDV Motion to Allow for Subdivision of  
Petition Area
    - \* WDV Motion for Modification to allow  
for use of portion of the Petition Area  
acquired for a workforce housing  
project recently approved by the County  
of Maui
    - \* WDV Motion to Bifurcate
- VI. Adjournment  
(Commission will convene the next  
meeting in Hilo, Hawaii)

BEFORE: Jean Marie McManus, CSR #156

AGENDA CONTINUED

I. Call to Order

II. ADOPTION OF ORDER

A06-770 THE SHOPOFF GROUP, L.P. (HAWAI'I)

\* Adoption of the Form of the Findings of  
Fact, Conclusions of Law and Decision and  
Order Reverting the Petition Area

III. ADJOURNMENT

APPEARANCES:

JONATHAN SCHEUER, Chair - Oahu  
NANCY CABRAL, Vice Chair - Hilo  
AARON MAHI, Vice Chair - Oahu  
DAWN N.S. CHANG - Oahu  
LEE OHIGASHI - Maui  
ARNOLD WONG - Oahu  
EDMUND ACZON - Oahu  
DAN GIOVANNI - Kaua'i

STAFF:

RANDALL S. NISHIYAMA, ESQ. - Oahu  
Deputy Attorney General

DANIEL ORODENKER, Executive Officer - Maui  
RILEY K. HAKODA, Planner/Chief Clerk - Hilo  
SCOTT A.K. DERRICKSON, AICP - Oahu  
ARIANA D. MASUOKA, Planner - Oahu  
RASMI AGRAHARI, Planner - Oahu

RODNEY FUNAKOSHI, Planning Programing Administrator  
MARY ALICE EVANS, Director  
LORRAINE MAKI, Planner  
For State Office of Planning - Oahu

MICHAEL HOPPER, ESQ., Deputy Corporation Counsel  
TARA FURUKAWA, Planner  
For Maui County Department of Planning - Maui

JENNIFER A. LIM, ESQ. - Oahu  
For Emmanuel Lutheran Church

PETER A. HOROVITZ, ESQ. - Maui  
For Waikapu Development Venture

RON KIM, ESQ.  
Deputy Corporation Counsel  
DUANE KANUHA, Deputy Planning Director  
Hawai'i County of Planning

NOHEALANI BAPTISTA - Hilo  
ROBERT LEE, JR.  
For The Shopoff Group  
(Kula Nei Partners, LLC)

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PUBLIC WITNESS

DWIGHT VICENTE

20

Direct Examination

1 CHAIRPERSON SCHEUER: Good morning.

2 This is the 9:00 a.m. portion of the  
3 June 27th, 2019 Land Use Commission Meeting starting  
4 at 9:47 a.m., due to technical difficulties, being  
5 held by interactive conference technology linking  
6 videoconferencing centers on Maui, Oahu and the  
7 Island of Hawai'i.

8 A participating Commissioner is in each  
9 designated site, with the Chair and Court Reporter on  
10 Oahu, the LUC Chief Clerk in Hilo, and the LUC  
11 Executive Officer on Maui.

12 Our first order of business is the adoption  
13 of the May 22nd, 2019 and June 6, 2019 site visit  
14 minutes. Are there any corrections or comments on  
15 them? I will start with Oahu, then check with Maui,  
16 then check with Hawai'i.

17 Oahu? Seeing none. Hawai'i, Nancy, any  
18 corrections to either of the minutes? Please speak.

19 VICE CHAIR CABRAL: I'm all good.

20 CHAIRPERSON SCHEUER: Lee?

21 COMMISSIONER OHIGASHI: No, no problem.

22 CHAIRPERSON SCHEUER: Is there a motion to  
23 adopt the minutes?

24 VICE CHAIR MAHI: I move.

25 CHAIRPERSON SCHEUER: It has been moved by

1 Aaron Mahi. Is there a second?

2 COMMISSIONER OKUDA: This is Gary Okuda. I  
3 second it.

4 CHAIRPERSON SCHEUER: Any discussion? All  
5 in favor say "aye". Okay, the motion passes. The  
6 minutes are adopted unanimously.

7 Next agenda item, tentative meeting  
8 schedule. Dan, can you make this shorter than usual,  
9 given our audio challenges?

10 EXECUTIVE OFFICER: I will only go over  
11 next the month or two.

12 On July 10th we will be on Kona for the  
13 Waikoloa Mauka matter.

14 And on July 11th, we will be on Oahu for  
15 the Poma'ikai Partners matter.

16 And on July 25th we will be on Kaua'i for  
17 Kealia adoption of EIS matter.

18 August 14th and 15th is Commissioner  
19 training on Oahu.

20 August 28th we will be on Oahu for the  
21 Waiawa matter.

22 August 29th we will be on Kaua'i for the  
23 Hokua matter.

24 CHAIRPERSON SCHEUER: Thank you.

25 EXECUTIVE OFFICER: I will end with that.

1 CHAIRPERSON SCHEUER: Thank you, Mr.  
2 Orodenker. Commissioners, any questions, Oahu?

3 COMMISSIONER CHANG: No.

4 CHAIRPERSON SCHEUER: Hawai'i, any  
5 questions for Dan?

6 VICE CHAIR CABRAL: No.

7 CHAIRPERSON SCHEUER: Lee?

8 COMMISSIONER OHIGASHI: No.

9 A07-773 EMMANUEL LUTHERAN CHURCH OF MAUI

10 CHAIRPERSON SCHEUER: Our next meeting item  
11 is to assign Commissioner Lee Ohigashi to serve as  
12 the Presiding Officer for the Maui  
13 videoconference-based portion of the proceedings.

14 Commissioner Ohigashi, do you agree to  
15 preside over this morning's meeting?

16 COMMISSIONER OHIGASHI: Reluctantly, yes.

17 CHAIRPERSON SCHEUER: Thank you. You may  
18 proceed.

19 PRESIDING OFFICER OHIGASHI: This is an  
20 action meeting on Docket No. A07-773 Emmanuel  
21 Lutheran to Approve the form of the order in this  
22 matter; and the main meeting locale, this meeting  
23 will be at the Maui videoconference site.

24 Let me update the record.

25 The Commission met in Kahului, Maui on

1 November 29th, 2018, and prior to voting, all  
2 Commissioners affirmed that they had reviewed the  
3 record and transcripts in this Docket.

4 The Commission then voted on Docket No.  
5 A07-773 Emmanuel Lutheran Church of Maui in two  
6 separate actions.

7 In the first action, the Commission  
8 considered and unanimously voted to grant A07-773  
9 Emmanuel Lutheran Church of Maui's Motion for  
10 Extension of Time to Complete Project and its Motion  
11 for Modification of Original Decision and Order dated  
12 March 7, 2008.

13 In the second action, the Commission  
14 considered and granted A07-773 Waikapu Development  
15 Venture, LLC's:

16 Motion to Approve the Sale of a Portion of  
17 the Petition Area.

18 Motion to Allow for Subdivision of the  
19 Petition Area.

20 Motion for Modification to allow for the  
21 use of a portion of the Petition Area acquired for a  
22 workforce housing project recently approved by the  
23 County of Maui.

24 And, finally, Waikapu Development Venture's  
25 Motion to Bifurcate.



1           The Land Use Commission staff was  
2 instructed to prepare a proposed Findings of Fact,  
3 Conclusions of Law, and Decision and Order consistent  
4 with its decision for consideration, deliberation,  
5 and adoption for each respective action.

6           On June 17, 2019, the Commission mailed an  
7 agenda notice to the Parties, the Statewide, Maui and  
8 Hawai'i mailing lists.

9           Will the Parties please identify themselves  
10 for the record.

11           MR. HOROVITZ: Peter Horovitz representing  
12 Waikapu Development Venture.

13           MR. HOPPER: Michael Hopper, Deputy  
14 Corporation Counsel representing --

15           CHAIRPERSON SCHEUER: Hold on.

16           Michael, can you please repeat slowly and  
17 closer to the microphone?

18           MR. HOPPER: Michael Hopper representing  
19 the Department of Planning, Maui County, and with me  
20 is Planner Tara Furukawa.

21           CHAIRPERSON SCHEUER: Thank you.

22           PRESIDING OFFICER OHIGASHI: Anybody in  
23 Oahu?

24           MS. LIM: Jennifer Lim representing the  
25 Petitioner Emmanuel Lutheran Church of Maui. I'm

1 here on Oahu, and Mr. Michael Reiley of Emmanuel  
2 Lutheran Church of Maui is there at the Maui location  
3 with me today.

4 MR. FUNAKOSHI: Rodney Funakoshi with the  
5 State Office of Planning. I'm here with Mary Alice  
6 Evans, Director, and Lorraine Maki also from Office  
7 of Planning.

8 CHAIRPERSON SCHEUER: Could you hear that  
9 Hilo?

10 VICE CHAIR CABRAL: Yes, I could hear that  
11 in Hilo.

12 CHAIRPERSON SCHEUER: Maui?

13 PRESIDING OFFICER OHIGASHI: Yes.

14 CHAIRPERSON SCHEUER: Please go ahead.

15 PRESIDING OFFICER OHIGASHI: Is there  
16 anyone in the audience that wishes to provide public  
17 testimony on this matter? Seeing a lot of shaking  
18 heads.

19 CHAIRPERSON SCHEUER: No one on Oahu.

20 PRESIDING OFFICER OHIGASHI: Anybody on  
21 Oahu desire --

22 CHAIRPERSON SCHEUER: No one on Oahu wishes  
23 to give testimony.

24 PRESIDING OFFICER OHIGASHI: How about  
25 anybody in Hilo?

1 VICE CHAIR CABRAL: No one.

2 PRESIDING OFFICER OHIGASHI: The next order  
3 of business is to confirm that Commissioners  
4 Chang has reviewed the materials and transcripts of  
5 the November 29, 2018 meetings, and is prepared to  
6 participate in these proceedings.

7 Commissioner Chang, are you prepared to  
8 participate?

9 COMMISSIONER CHANG: Yes. This is  
10 Commissioner Chang. Yes, I have reviewed the  
11 transcripts and files in this matter and I'm prepared  
12 to render a decision.

13 PRESIDING OFFICER OHIGASHI: As Presiding  
14 Officer I'm also prepared to participate.

15 I would also like to confirm the remaining  
16 Commissioners are also ready to participate in the  
17 proceedings.

18 Commission Aczon?

19 COMMISSIONER ACZON: Yes.

20 PRESIDING OFFICER OHIGASHI: Commissioner  
21 Cabral?

22 VICE CHAIR CABRAL: Yes.

23 PRESIDING OFFICER OHIGASHI: Commissioner  
24 Okuda?

25 COMMISSIONER OKUDA: This is Gary Okuda.

1 Yes.

2 PRESIDING OFFICER OHIGASHI: Commissioner  
3 Wong?

4 COMMISSIONER WONG: Yes.

5 PRESIDING OFFICER OHIGASHI: Chair Scheuer?

6 CHAIRPERSON SCHEUER: Yes. And  
7 Commissioner Mahi.

8 PRESIDING OFFICER OHIGASHI: Commissioner  
9 Mahi?

10 VICE CHAIR MAHI: Yes.

11 PRESIDING OFFICER OHIGASHI: Our new  
12 Commissioner Dan Giovanni from Kaua'i is excused.

13 And we ask forgiveness for all the  
14 technical difficulties.

15 The Commission will now consider the  
16 adoption of the order.

17 Commissioners before you for your  
18 consideration, deliberation and adoption are the  
19 proposed Findings of Fact, Conclusions and Law, and  
20 Decision and Order prepared by staff as instructed at  
21 the last meeting on this Docket.

22 Is there any discussion on the motion?

23 CHAIRPERSON SCHEUER: None on Oahu.

24 VICE CHAIR CABRAL: None on the Big Island.

25 COMMISSIONER OHIGASHI: Thank you.

1 I will entertain a Motion to approve the  
2 form of the Order for Docket No. A07-773 Emmanuel  
3 Lutheran Church of Maui's Motion for Extension of  
4 Time to Complete Project and its Motion for  
5 Modification of Original Decision and Order Dated  
6 March 7, 2008.

7 Commissioners, what is your pleasure?

8 COMMISSIONER OKUDA: This is Gary Okuda. I  
9 so move.

10 VICE CHAIR CABRAL: I will second that  
11 motion.

12 PRESIDING OFFICER OHIGASHI: Moved by  
13 Commissioner Okuda and seconded by Commissioner  
14 Cabral.

15 Mr. Orodanker -- is there any discussion on  
16 this motion? Seeing that no one has spoken up and  
17 asked for discussion, Mr. Orodanker, please take the  
18 roll.

19 EXECUTIVE OFFICER: Thank you, Presiding  
20 Officer Ohigashi.

21 The motion is to approve the form of the  
22 order.

23 Commissioner Okuda?

24 COMMISSIONER OKUDA: Yes.

25 EXECUTIVE OFFICER: Commissioner Cabral?

1 VICE CHAIR CABRAL: Yes.

2 EXECUTIVE OFFICER: Commissioner Mahi?

3 VICE CHAIR MAHI: Yes.

4 EXECUTIVE OFFICER: Commissioner Aczon?

5 COMMISSIONER ACZON: Yes.

6 EXECUTIVE OFFICER: Commissioner Wong?

7 COMMISSIONER WONG: Yes.

8 EXECUTIVE OFFICER: Commissioner Chang?

9 COMMISSIONER CHANG: Yes.

10 EXECUTIVE OFFICER: Commissioner Giovanni  
11 is excused.

12 Presiding Officer Ohigashi?

13 PRESIDING OFFICER OHIGASHI: Yes.

14 EXECUTIVE OFFICER: Chair Scheuer?

15 CHAIRPERSON SCHEUER: Yes.

16 EXECUTIVE OFFICER: Thank you, Mr. Chair,  
17 Presiding Officer Ohigashi, the motion passes  
18 unanimously.

19 A07-773 WAIKAPU DEVELOPMENT VENTURE, LLC

20 PRESIDING OFFICER OHIGASHI: We will next  
21 entertain a Motion to Adopt the Form of the Order for  
22 Docket A07-773 Waikapu Development Venture, LLC:

23 Motion to Approve the Sale of a Portion of  
24 the Petition Area.

25 Motion to Allow for Subdivision of the

1       Petition Area.

2               Motion for Modification to allow for use of  
3       portion of the Petition Area acquired for a workforce  
4       housing project recently approved by the County of  
5       Maui.

6               And their Motion to Bifurcate.

7               Commissioners, what is your pleasure?

8               COMMISSIONER OKUDA:   This is Gary Okuda.   I  
9       so move for the adoption of those matters and the  
10      form of the order.

11              VICE CHAIR MAHI:   This is Aaron Mahi.   I  
12      second that motion.

13              PRESIDING OFFICER OHIGASHI:   Moved by  
14      Commissioner Okuda and seconded by Commissioner Mahi  
15      to approve the form of the order.

16              Is there any discussion?

17              CHAIRPERSON SCHEUER:   None on Oahu.

18              VICE CHAIR CABRAL:   None on the Big Island.

19              PRESIDING OFFICER OHIGASHI:   Hearing none,  
20      Mr. Orodenker, please take the poll.

21              EXECUTIVE OFFICER:   Thank you, Mr. Chair  
22      and Presiding Officer.   The Motion is to adopt the  
23      order.

24              Commissioner Okuda?

25              COMMISSIONER OKUDA:   Yes.

1 EXECUTIVE OFFICER: Commissioner Mahi?

2 VICE CHAIR MAHI: Yes.

3 EXECUTIVE OFFICER: Commissioner Aczon?

4 COMMISSIONER ACZON: Yes.

5 EXECUTIVE OFFICER: Commissioner Cabral?

6 VICE CHAIR CABRAL: Yes.

7 EXECUTIVE OFFICER: Commissioner Wong?

8 COMMISSIONER WONG: Yes.

9 EXECUTIVE OFFICER: Commissioner Chang?

10 COMMISSIONER CHANG: Yes.

11 EXECUTIVE OFFICER: Commissioner Giovanni  
12 is excused.

13 Presiding Officer Ohigashi?

14 PRESIDING OFFICER OHIGASHI: Yes.

15 EXECUTIVE OFFICER: Chair Scheuer?

16 CHAIRPERSON SCHEUER: Aye.

17 EXECUTIVE OFFICER: Thank you. The motion  
18 passes unanimously.

19 PRESIDING OFFICER OHIGASHI: Is there any  
20 additional Maui business that needs to be attended  
21 to?

22 If there is none, I declare this Maui  
23 meeting adjourned and return all control to the  
24 Chair.

25 CHAIRPERSON SCHEUER: We are part of the



1 way there.

2 The Commission will convene the next  
3 meeting in Hilo, Hawai'i at 10:30. So we will be --  
4 we will try and reconstruct the audio and video links  
5 at 10:30 a.m.

6 (Recess taken.)

7 A06-770 THE SHOPOFF GROUP, L.P.

8 CHAIRPERSON SCHEUER: Good morning.

9 This is the 10:30 a.m. portion of the  
10 June 27, 2019 Land Use Commission meeting being held  
11 by interactive conference technology linking  
12 videoconferencing centers on Maui, Oahu and the  
13 Island of Hawai'i.

14 A participating Commissioner is in each  
15 designated site, with the Chair and Court Reporter on  
16 Oahu, the LUC Chief Clerk in Hilo, and the LUC  
17 Executive Officer on Maui.

18 The next meeting item is to assign  
19 Commissioner Nancy Cabral to serve as the Presiding  
20 Officer. Commissioner Cabral do you agree to preside  
21 over this morning's proceedings?

22 VICE CHAIR CABRAL: Yes, I do.

23 CHAIRPERSON SCHEUER: Thank you. Please  
24 proceed.

25 PRESIDING OFFICER CABRAL: This is the

1 Hilo, Hawai'i. Aloha, and welcome to the June 27,  
2 2019 Land Use Commission meeting being held by  
3 interactive conference technology linking Maui, Oahu,  
4 and Hawai'i Island. And we also have our new  
5 Commissioner on Kaua'i -- he disconnected. Aloha.

6 Right now our Chair and our Court Reporter  
7 are on Oahu, and our LUC Chief Clerk is in Hilo, and  
8 the Land Use Executive Officer is on Maui.

9 The first item on the Hilo, Hawai'i agenda  
10 is an action item on Docket A06-770 the Shopoff  
11 Group, which is Kula Nei Partners, LLC, to Approve of  
12 the Findings of Fact, Conclusions of Law, and  
13 Decision and Order reverting the Petition Area from  
14 Urban to Agriculture.

15 Please let the record reflect that the main  
16 meeting locale for this meeting is at the Hilo,  
17 Hawai'i videoconference site.

18 Let me update the record.

19 The Commission met in Kailua-Kona, Hawai'i  
20 on May 22, 2019, and prior to voting, all  
21 Commissioners affirmed that they had reviewed the  
22 record and transcripts in this Docket.

23 The Commission then considered Docket No.  
24 A06-770 and unanimously voted to revert the Petition  
25 Area from Urban designation back to Agriculture.

1           The LUC staff was instructed to prepare  
2 proposed Findings of Fact, Conclusions of Law, and  
3 Decision and Order consistent with the decision for  
4 consideration, deliberation, and adoption.

5           On June 17, 2019, the Commission mailed an  
6 agenda notice to all Parties, Statewide, Maui, and  
7 Hawaii's mailing lists.

8           Will the Parties please identify themselves  
9 for the record?

10          MR. KIM: Good morning, Acting Chairperson  
11 and Commissioners, Deputy Corporation Counsel Ron Kim  
12 here for the County of Hawai'i, along with Deputy  
13 Director of the Planning Department Duane Kanuha.

14          MS. BAPTISTA: Good morning, Chairwoman and  
15 Commission, Nohealani Baptista and Robert Lee on  
16 behalf of Kula Nei Partners.

17          PRESIDING OFFICER CABRAL: Thank you for  
18 your attendance.

19          CHAIRPERSON SCHEUER: Commissioner Cabral,  
20 sorry, we have an appearance on Oahu.

21          MR. FUNAKOSHI: This is Rodney Funakoshi  
22 with the State Office of Planning, with me is  
23 Lorraine Maki.

24          PRESIDING OFFICER CABRAL: Thank you.  
25 Anyone else on Oahu or Maui who should identify

1 themselves?

2 I understand we're here in Hilo, we have  
3 someone in our audience who would like to provide  
4 public testimony on this matter. We have Dwight  
5 Vicente.

6 I would like to swear you in at this time.

7 Do you swear and affirm that all the  
8 information you give us will be the truth?

9 MR. VICENTE: Yes.

10 PRESIDING OFFICER CABRAL: I would also  
11 like you to identify for the record your full name  
12 and your address.

13 MR. VICENTE: Dwight K. Vicente, 2608  
14 Ainaola Drive, Hilo, Hawaiian Kingdom.

15 PRESIDING OFFICER CABRAL: Thank you.  
16 Please go ahead and make your presentation. We're  
17 going to limit your timeframe to three minutes.

18 DWIGHT VICENTE  
19 Was called as a public witness, was sworn to tell the  
20 truth, was examined and testified as follows:

21 DIRECT EXAMINATION

22 MR. VICENTE: Good morning. My name is  
23 Dwight Vicente representing the Hawaiian Kingdom.

24 The lands we are dealing with was not ceded  
25 in 1898 by the Banana Republic of Hawai'i. The only

1 lands ceded was the 1 million, 750,000 acres which  
2 became the Territory of Hawai'i in 1900, and was  
3 rebranded -- the crown government land was rebranded  
4 as Hawaiian Home Lands in 1920; and in 1959 it became  
5 the State of Hawai'i/Hawaiian Homes by compact.

6 The Commission was designed, I think, I  
7 believe in 1955, that was to use their power over the  
8 land that was not ceded. It's over 2 million acres.  
9 Under King Kalakaua the leases was bumped up from  
10 three to five years to 25 years. That would bring it  
11 up to about 1915. That's why I did not include it as  
12 ceded lands.

13 So the lands properly belong under the  
14 jurisdiction of the Hawaiian Kingdom. The Commission  
15 cannot be created to use their powers beyond the  
16 limits of what was actually ceded by the Banana  
17 Republic of Hawai'i. Why they call it the Banana  
18 Republic, you got to remember, the United States, the  
19 reciprocity, the treaty between King Kalakaua and the  
20 U.S. president in 1875 was not signed by either King  
21 Kalakaua or the U.S. president. So the treaty was  
22 invalid. Instead, they had three U.S. citizens doing  
23 the treaty. So the U.S. became illegal in this  
24 Kingdom from 1875 to the present day.

25 So these lands cannot be under the control

1 of U.S. government, the State of Hawai'i, and even  
2 the County of Hawai'i, because these lands are not  
3 included in 1898, the so-called ceded lands. So the  
4 Commission cannot do either take it out of  
5 Agriculture, or put it back to Urban and put it back  
6 in into Agriculture because the Commission has no  
7 authority outside of the 1 million, 750,000 acres.

8 So these lands are still under the  
9 jurisdiction of the Hawaiian Kingdom, and it's a  
10 political question for the Hawaiian Kingdom what to  
11 do with these 2 million-plus acres.

12 With that, I'll reserve the rights of the  
13 Kingdom under the Queen's protest of January 17,  
14 1893. It has yet to make its way to the U.S. Supreme  
15 Court, Article 3, Section 2, Clause 2, original but  
16 limited jurisdiction.

17 And the other one is the 1898 joint  
18 resolution. The joint resolution is based on Article  
19 4, Section 3, Clause 2 of the U.S. Constitution,  
20 which they claim was the 1 million, 750,000 acres was  
21 incorporated under, no amendment, Mulberry versus  
22 Madison.

23 And the other one is the 1875 Reciprocity  
24 Treaty which King Kalakaua and the U.S. President did  
25 not sign. And you can go all the way back to 1820,

1 the U.S. President Monroe appointed John C. Jones as  
2 the agent for the U.S., and he was discharged of the  
3 missionary family and U.S. Navy, which was sent here  
4 to do what the colonial policy. Thank you.

5 PRESIDING OFFICER CABRAL: Anyone else like  
6 to provide public testimony? Any questions? Any  
7 questions of our speaker? Thank you.

8 Any other questions from Oahu or from Maui  
9 of our speaker?

10 CHAIRPERSON SCHEUER: None on Oahu.

11 COMMISSIONER OHIGASHI: No questions.

12 PRESIDING OFFICER CABRAL: Thank you very  
13 much for your information.

14 I would like to go ahead and continue with  
15 our business at this time.

16 At this point I would like to confirm that  
17 Commissioner Ohigashi has reviewed the materials and  
18 the transcript of the May 22, 2019 meeting; and is  
19 prepared to participate in these proceedings.  
20 Commissioner Ohigashi?

21 COMMISSIONER OHIGASHI: Yes, I have.

22 PRESIDING OFFICER CABRAL: Thank you very  
23 much.

24 The Chair would also like to confirm that  
25 all of the other attending Commissioners are prepared

1 to participate in these proceedings? Thank you.

2 Sorry technical details.

3 Commissioner Aczon?

4 COMMISSIONER ACZON: Yes.

5 PRESIDING OFFICER CABRAL: Commissioner  
6 Chang?

7 COMMISSIONER CHANG: Yes.

8 PRESIDING OFFICER CABRAL: Commissioner  
9 Mahi?

10 VICE CHAIR MAHI: Yes.

11 PRESIDING OFFICER CABRAL: Commissioner  
12 Okuda?

13 COMMISSIONER OKUDA: Yes.

14 PRESIDING OFFICER CABRAL: Commissioner  
15 Wong?

16 COMMISSIONER WONG: Yes.

17 PRESIDING OFFICER CABRAL: Chair Scheuer?

18 CHAIRPERSON SCHEUER: Yes.

19 PRESIDING OFFICER CABRAL: The Presiding  
20 Officer, myself, Nancy Cabral, is also prepared, and  
21 I understand our new Commissioner Dan Giovanni, from  
22 Kaua'i, is excused from this action.

23 The Commission will now consider the  
24 adoption of the order.

25 Commissioners, before you for your



1 consideration, deliberation, and adoption are the  
2 proposed Findings of Fact, Conclusions of Law, and  
3 Decision and Orders prepared by staff as instructed  
4 at the last meeting on this docket.

5 Is there any discussion at this time?  
6 Maui, any discussion?

7 COMMISSIONER OHIGASHI: No discussion.

8 PRESIDING OFFICER CABRAL: Thank you.  
9 Oahu, any discussion?

10 CHAIRPERSON SCHEUER: None here.

11 PRESIDING OFFICER CABRAL: Thank you.

12 Commissioners, what is your pleasure?

13 VICE CHAIR MAHI: I like to make a motion  
14 that the Commission adopt the form and Findings of  
15 Fact, Conclusions of Law and Decision and Order  
16 reverting the Petition Area.

17 COMMISSIONER OHIGASHI: Second.

18 PRESIDING OFFICER CABRAL: For our record,  
19 we need names.

20 VICE CHAIR MAHI: Aaron Mahi.

21 PRESIDING OFFICER CABRAL: Mahi, okay. And  
22 the second was by --

23 COMMISSIONER OHIGASHI: Lee Ohigashi.

24 PRESIDING OFFICER CABRAL: Thank you very  
25 much. Is there any discussion at this time? Maui

1 any discussion? Oahu any discussion?

2 COMMISSIONER OHIGASHI: No.

3 CHAIRPERSON SCHEUER: No discussion on  
4 Oahu.

5 VICE CHAIR CABRAL: Is there any additional  
6 Hawai'i Island --

7 CHAIRPERSON SCHEUER: No.

8 VICE CHAIR CABRAL: -- comments here from  
9 our Hawaiian Island?

10 CHAIRPERSON SCHEUER: Nancy, you've got to  
11 take the vote.

12 PRESIDING OFFICER CABRAL: I ask Mr.  
13 Orodanker to please poll the Commission.

14 EXECUTIVE OFFICER: Thank you, Presiding  
15 Officer Cabral. The motion is to adopt the order  
16 reverting the Petition Area.

17 Vice Chair Mahi?

18 VICE CHAIR MAHI: Aye.

19 EXECUTIVE OFFICER: Commissioner Ohigashi?

20 COMMISSIONER OHIGASHI: Aye.

21 EXECUTIVE OFFICER: Commissioner Chang?

22 COMMISSIONER CHANG: Yes.

23 EXECUTIVE OFFICER: Commissioner Wong?

24 COMMISSIONER WONG: Yes.

25 EXECUTIVE OFFICER: Commissioner Okuda?

1 COMMISSIONER OKUDA: Yes.

2 EXECUTIVE OFFICER: Commissioner Aczon?

3 COMMISSIONER ACZON: Yes.

4 EXECUTIVE OFFICER: Presiding Officer

5 Cabral?

6 PRESIDING OFFICER CABRAL: Yes.

7 EXECUTIVE OFFICER: Commissioner Giovanni

8 is excused.

9 Chair Scheuer?

10 CHAIRPERSON SCHEUER: Aye.

11 EXECUTIVE OFFICER: Thank you. Presiding  
12 Officer, the motion passes unanimously.

13 PRESIDING OFFICER CABRAL: Thank you. At  
14 this point I gladly return the meeting back over to  
15 our Chair Scheuer on Oahu.

16 CHAIRPERSON SCHEUER: Is there any further  
17 business to address in Hilo or on Maui; on Oahu?

18 If not, the next meeting will require that  
19 the Commission provide meals for a "working lunch" as  
20 an integral part of the meeting due to the remote  
21 locale of the meeting facility.

22 Mr. Orodenger, would the LUC staff make the  
23 necessary arrangements for the "working lunch",  
24 please?

25 EXECUTIVE OFFICER: Yes, Mr. Chair, we will

1       make arrangements.

2                   CHAIRPERSON SCHEUER:   Thank you very much.

3                   There being no further business, this

4       meeting is adjourned.

5                   (The proceedings adjourned at 10:50 a.m.)

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## CERTIFICATE

STATE OF HAWAII                    )  
  ) SS.  
COUNTY OF HONOLULU            )

I, JEAN MARIE McMANUS, do hereby certify:

That on June 27, 2019, at 9:47 a.m., the  
proceedings contained herein was taken down by me in  
machine shorthand and was thereafter reduced to  
typewriting under my supervision; that the foregoing  
represents, to the best of my ability, a true and  
correct copy of the proceedings had in the foregoing  
matter.

I further certify that I am not of counsel for  
any of the parties hereto, nor in any way interested  
in the outcome of the cause named in this caption.

Dated this 27th day of June, 2019, in Honolulu,  
Hawaii.

S/S Jean Marie McManus  
JEAN MARIE McMANUS, CSR #156