

LAND USE COMMISSION
STATE OF HAWAII

Hearing held on October 31, 2019 via audio
conference

Commencing at 10:28 a.m.

Kalanimoku Building
1151 Punchbowl Street, Rm 131
Honolulu, Hawaii 96813

Wailuku State Office Bldg
54 South High Street, Wailuku, HI 96793

Hilo State Office Bldg.
75 Aupuni Street, Hilo, HI 96720

Lihue State Office Bldg.
3060 Eiwa Street, Lihue, HI 96766

AGENDA

I. Call to Order

II. Adoption of Minutes

III. Tentative Meeting Schedule

IV. Adoption of Order

SP09-403 Department of Environmental Services
(Waimanalo Gulch Sanitary Landfill Remand)
Adoption of the Form of the Findings of Fact,
Conclusions of Law, and Decision and Order
Approving the Consolidated Applications of the
Department of Environmental Services, City and
County of Honolulu, for a New Special Use
Permit to Supersede Existing Special Use Permit
to Allow a 92.5-acre Expansion and Time
Extension for Waimanalo Gulch Sanitary Landfill
and to Modify Land Use Commission Order
Adopting the City and County of Honolulu
Planning Commission's Findings of Fact,
Conclusions of Law, and Decision and Order with
Modifications

V. Adoption of Order

DR19-67 Ku'ulei Higashi Kanahale and Ahiena
Kanahale

* Adoption of the Form of the Order

1 AGENDA CONTINUED:

2 VI. Adjournment

3
4 APPEARANCES:

5 JONATHAN SCHEUER, Chair (Oahu)
6 NANCY CABRAL, Vice Chair (Hilo)
7 DAWN N.S. CHANG (Oahu)
8 EDMUND ACZON (Oahu)
9 DAN GIOVANNI (Kaua'i)
10 GARY OKUDA (Oahu)
11 LEE OHIGASHI (Maui)
12 ARNOLD WONG (Oahu)

13 STAFF:

14 PATRICIA OHARA, ESQ. (Oahu)
15 Deputy Attorney General

16 DANIEL ORODENKER, Executive Officer (Oahu)
17 RILEY K. HAKODA, Planner/Chief Clerk (Hilo)
18 SCOTT DERRICKSON, AICP/Planner (Oahu)
19 BERT SARUWATARI, Planner (Oahu)
20 ARIANA MASUOKA, Planner (Oahu)

21 BRIAN YEE, Deputy Attorney General
22 For State Office of Planning

23 KAMILLA CHAN, ESQ.
24 City Corporation Counsel
25 For Department of Environmental Services

CHRISTOPHER GOODIN, ESQ
Cades Schutte LLP
For KOCA and Senator Maile Shimabukuro

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1 CHAIRPERSON SCHEUER: Good morning. It is
2 10:28 a.m. October 31st, 2019.

3 This is the Land Use Commission Meeting
4 being held by interactive conference technology from
5 conference centers on Kaua'i, Maui, Oahu and the
6 Island of Hawaii. A participating Commissioner is in
7 each designated site, with the Chair, the LUC
8 Executive Officer and Court Reporter on Oahu and the
9 LUC Chief Clerk is in Hilo.

10 Our first order of business on the agenda
11 is adoption of the October 24th and 25th,
12 2019 minutes. However, due to separate technology
13 problems that the State server crashed yesterday, the
14 Minutes of October 24th and 25th minutes are not
15 ready yet.

16 Our next agenda item is the tentative
17 meeting schedule. Mr. Orodener, any updates?

18 EXECUTIVE OFFICER: No, Mr. Chairman, the
19 meeting schedule remains the same as it was.

20 CHAIRPERSON SCHEUER: Are there any
21 questions from any of the Commissioners on our
22 tentative meeting schedule as covered at previous
23 meetings? Maui?

24 COMMISSIONER CABRAL: No.

25 COMMISSIONER OHIGASHI: No.

1 CHAIRPERSON SCHEUER: Dan?

2 COMMISSIONER GIOVANNI: No.

3 CHAIRPERSON SCHEUER: Thank you.

4 DR19-67

5 Our next agenda item is request from LUC
6 staff regarding agenda item on DR19-67 that it be
7 taken out of order and be placed on the agenda prior
8 to agenda item IV.

9 I am same informed that there was an
10 internet outage yesterday that disrupted the
11 processing of the Order for DR19-67. The order is
12 not ready for consideration.

13 So what we will do is I will entertain a
14 motion to take the item out of order. I will provide
15 an opportunity for any member of the public who
16 wishes to provide testimony on this matter to provide
17 testimony, then we will take a motion to defer.

18 So is there a motion to amend the agenda to
19 take agenda item number V out of order?

20 VICE CHAIR CABRAL: This is Nancy and I so
21 move.

22 CHAIRPERSON SCHEUER: Moved by Commissioner
23 Cabral in Hilo.

24 COMMISSIONER OKUDA: This is Gary Okuda. I
25 second the motion.

1 CHAIRPERSON SCHEUER: Seconded by
2 Commissioner Okuda. Any discussion on the motion to
3 take it out of order?

4 If not, because of the nature of this audio
5 link, I'm just going to actually ask for a vote by
6 name. Commissioner Giovanni?

7 COMMISSIONER GIOVANNI: Yes.

8 CHAIRPERSON SCHEUER: Commissioner Cabral?

9 VICE CHAIR CABRAL: Yes.

10 CHAIRPERSON SCHEUER: Commissioner Okuda?

11 COMMISSIONER OKUDA: Yes.

12 CHAIRPERSON SCHEUER: Commissioner

13 Ohigashi?

14 COMMISSIONER OHIGASHI: Yes.

15 CHAIRPERSON SCHEUER: Commissioner Aczon?

16 COMMISSIONER ACZON: Yes.

17 CHAIRPERSON SCHEUER: Commissioner Wong?

18 COMMISSIONER WONG: Yes.

19 CHAIRPERSON SCHEUER: Commissioner Chang?

20 COMMISSIONER CHANG: Yes.

21 CHAIRPERSON SCHEUER: And the Chair also
22 votes aye. Nobody is opposed. The motion is
23 adopted.

24 Now, as I stated and informed, due to our
25 noticing requirements, the earliest we can address

1 the Order in DR19-67 will be at the November 20, 2019
2 meeting on Oahu. Is there any member of the public
3 at any of these four locations who wishes to provide
4 public testimony on DR19-67 Kanahele, Ku'u lei Higashi
5 Kanahele and Ahiena Kanahele?

6 Anybody on Oahu who wishes to provide
7 testimony? Anybody on Kaua'i who wishes to provide
8 testimony?

9 COMMISSIONER GIOVANI: No there is not.

10 CHAIRPERSON SCHEUER: Anybody on Maui who
11 wishes to provide testimony?

12 COMMISSIONER OHIGASHI: There is nobody in
13 the room but me.

14 CHAIRPERSON SCHEUER: Anybody on Hawai'i
15 Island who wishes to provide testimony on this?

16 VICE CHAIR CABRAL: No, there is not.

17 CHAIRPERSON SCHEUER: Thank you. I will
18 entertain a motion to defer action on adoption of the
19 order DR19-67 to the Commission's November 20th, 2019
20 meeting which will be the earliest opportunity to
21 address this item. And as I stated earlier, will be
22 a meeting on Oahu. Is there a motion?

23 COMMISSIONER OKUDA: Chair.

24 CHAIRPERSON SCHEUER: Commissioner Okuda.

25 COMMISSIONER OKUDA: This is Gary Okuda,

1 Chair. I so move.

2 CHAIRPERSON SCHEUER: Is there a second?

3 COMMISSIONER GIOVANNI: Second.

4 CHAIRPERSON SCHEUER: Moved by Commissioner
5 Okuda and seconded by Commissioner Giovanni.

6 Any discussion on the motion?

7 Commissioner Okuda.

8 COMMISSIONER OKUDA: A question. Are you
9 intending to allow the parties to submit their
10 proposals as to the form of the order?

11 CHAIRPERSON SCHEUER: It was not Chair's
12 intention, but simply for us to adopt the form of the
13 order drafted by the Commission.

14 COMMISSIONER OKUDA: Thank you, Chair, that
15 answers my question.

16 CHAIRPERSON SCHEUER: Any further
17 discussion on the Motion to Defer Action on DR19-67
18 Kanahale. If not, Mr. Orodener. This wouldn't
19 normally require roll call vote, but because of the
20 nature of this meeting by audio conference, I'm
21 asking for it.

22 EXECUTIVE OFFICER: Thank you, Mr. Chair.

23 CHAIRPERSON SCHEUER: The motion was made
24 by Commissioner Okuda and seconded by Commissioner
25 Giovanni to defer action on DR19-67 to November 20,

1 2019 Land Use Commission meeting on Oahu.

2 EXECUTIVE OFFICER: Thank you, Mr. Chair.

3 Commissioner Okuda?

4 COMMISSIONER OKUDA: Yes.

5 EXECUTIVE OFFICER: Commissioner Giovanni?

6 COMMISSIONER GIOVANNI: Yes.

7 EXECUTIVE OFFICER: Commissioner Aczon?

8 COMMISSIONER ACZON: Yes.

9 EXECUTIVE OFFICER: Commissioner Ohigashi?

10 COMMISSIONER OHIGASHI: Yes.

11 EXECUTIVE OFFICER: Commissioner Cabral?

12 VICE CHAIR CABRAL: Yes.

13 EXECUTIVE OFFICER: Commissioner Chang?

14 COMMISSIONER CHANG: Yes.

15 EXECUTIVE OFFICER: Commissioner Wong?

16 COMMISSIONER WONG: Yes.

17 EXECUTIVE OFFICER: Chair Scheuer?

18 CHAIRPERSON SCHEUER: Aye.

19 EXECUTIVE OFFICER: Motion passes

20 unanimously.

21 CHAIRPERSON SCHEUER: I again apologize for
22 the multiple layers of inconvenience related to this
23 agenda, including the inconvenience regarding
24 DR19-67.

25 -o0o-

1 SP09-403

2 CHAIRPERSON SCHEUER: Our next agenda item
3 is Docket No. SP09-403 to approve the form of the
4 order in this matter, and the main meeting locale for
5 this meeting will be at the Oahu videoconference
6 site.

7 The Commission met in Honolulu, Hawai'i on
8 October 9th and 10th, and prior to voting, all the
9 Commissioners affirmed that they had reviewed the
10 record and transcripts in this Docket.

11 The Commission then voted on Docket No.
12 SP09-403.

13 LUC staff was instructed to prepare a
14 proposed Findings of Fact, Conclusions of Law, and
15 Decision and Order consistent with its decision for
16 consideration, deliberation, and adoption.

17 On October 22nd, the Commission mailed an
18 agenda notice to the Parties, the Statewide, Kaua'i,
19 Oahu, Maui and Hawai'i mailing lists.

20 Will the parties please identify themselves
21 for the record?

22 MR. GOODIN: Christopher Goodin for Ko
23 Olina Community Association and for Senator Maile
24 Shimabukura.

25 MS. CHAN: Kamilla Chan, Deputy Corporation

1 Counsel for the Applicant, the City and County of
2 Honolulu.

3 MR. YEE: Deputy Attorney General Brian Yee
4 on behalf of the Office of Planning.

5 CHAIRPERSON SCHEUER: Were our neighbor
6 island meeting locales able to hear those appearance?

7 VICE CHAIR CABRAL: Yes.

8 COMMISSIONER GIOVANNI: Yes.

9 COMMISSIONER OHIGASHI: Yes.

10 CHAIRPERSON SCHEUER: Is there anyone in
11 the audience in any of the four locations who wishes
12 to provide public testimony on this matter? Oahu --

13 COMMISSIONER GIOVANNI: Nobody in Kaua'i.

14 CHAIRPERSON SCHEUER: Anybody in the room
15 here on Oahu? Waimanalo Gulch.

16 We will have two on Oahu. Maui?

17 COMMISSIONER OHIGASHI: There is none.

18 CHAIRPERSON SCHEUER: And Hawai'i Island?

19 VICE CHAIR CABRAL: No, no one is here.

20 CHAIRPERSON SCHEUER: So we have two
21 individuals, very patient members of the public, who
22 are here to testify. I'm going to ask you to come up
23 one by one, starting with Ms. Kamada.

24 The procedure we will go through is that as
25 we do at the Land Use Commission, I will swear you

1 in, asking you to affirm that the testimony you're
2 about to give is the truth. You will respond to that
3 and state your name and address for the record and
4 then proceed with your testimony.

5 Because of this, we ask that you speak as
6 loud as possible so everybody can hear you.

7 THE WITNESS: What I have to say is the
8 truth.

9 CHAIRPERSON SCHEUER: Do you swear or
10 affirm the testimony you're about to give is the
11 truth?

12 THE WITNESS: Yes. My name is Katherine --

13 CHAIRPERSON SCHEUER: Yes, Commissioner
14 Ohigashi?

15 CHIEF CLERK: No, this is Riley Hakoda. We
16 need her to speak up. I can't make her out.

17 CHAIRPERSON SCHEUER: Okay. Please
18 proceed.

19 KATHERINE KAMADA
20 Was called as a witness by and on behalf of the
21 Public, was sworn to tell the truth, was examined and
22 testified as follows:

23 DIRECT EXAMINATION

24 THE WITNESS: My name is Katherine Kamada,
25 a life-long resident of Ma'ili in Waianae. Lily

1 Cabinatan, my friend, and I are here to listen, learn
2 and let the Commission know that we, as residents of
3 the Waianae Coast, we are against any landfill in our
4 community.

5 Waimanalo Gulch, Waianae dump next to
6 Pililaau Park and PVT on Lualualei Naval Ammunition
7 Depot Road are three landfills on our Coast, and as
8 residents, we are saying no more landfills on our
9 Coast.

10 Last week on PBS selected executives
11 throughout the State spoke on issues concerning
12 homelessness and affordable housing. At one point
13 statistics were shared on the disparity of life
14 expectancy from two districts.

15 The Waianae Coast average life expectancy
16 was 74, 75 whereas the life expectancy for East Oahu
17 was 87 years.

18 Although many factors contribute to the
19 disparity of life expectancies, why exacerbate the
20 factors that add to a shorter life expectancy by
21 putting a landfill in a community with health
22 challenges?

23 As a community member of Ma'ili, I strive
24 to create a healthy, safe and peaceful ambiance for
25 my neighborhood.

1 CHAIRPERSON SCHEUER: Thank you, Ms.
2 Kamada.

3 So now the way we work is now there's
4 opportunity for any of the parties to ask you
5 questions, and any of the Commissioners. So thank
6 you very much for your testimony.

7 MR. YEE: No questions from Office of
8 Planning.

9 MS. CHAN: No questions.

10 MR. GOODIN: No questions from KOCA.

11 CHAIRPERSON SCHEUER: Commissioners, are
12 there any questions for the witness?

13 COMMISSIONER GIOVANNI: No questions from
14 Kaua'i.

15 CHAIRPERSON SCHEUER: Maui?

16 VICE CHAIR CABRAL: No questions from the
17 Big Island.

18 CHAIRPERSON SCHEUER: Mr. Ohigashi?

19 COMMISSIONER OHIGASHI: No.

20 CHAIRPERSON SCHEUER: Commissioner Okuda?

21 COMMISSIONER OKUDA: This is Gary Okuda.
22 Thank you for your testimony.

23 Can I ask your background? Can you tell us
24 what occupation you have or had?

25 THE WITNESS: I'm a life-long resident, as

1 I said, of Ma'ili. I was born and raised there. I
2 taught at Nanakuli High School for 37 years, and Lily
3 also is an educator/administrator on the Waianae
4 Coast. Anything else?

5 COMMISSIONER OKUDA: No. Thank you very
6 much.

7 CHAIRPERSON SCHEUER: The form of the order
8 that we're adopting today sets a definitive deadline
9 on closure of the Waimanalo Gulch Landfill.

10 THE WITNESS: Thank you. Thank you for
11 sharing that.

12 CHAIRPERSON SCHEUER: Thank you very much
13 for your testimony.

14 Ms. Cabinatan, aloha.

15 THE WITNESS: Aloha.

16 CHAIRPERSON SCHEUER: Do you swear or
17 affirm the testimony you're about to give is the
18 truth?

19 THE WITNESS: Yes.

20 CHAIRPERSON SCHEUER: Please state your
21 name and address for the record and proceed with your
22 testimony.

23 LILY CABINATAN

24 Was called as a witness by and on behalf of the
25 Public, was sworn to tell the truth, was examined and

1 testified as follows:

2 DIRECT EXAMINATION

3 THE WITNESS: My name is Lily Cabinatan,
4 and I live in Ma'ili, 87-230 Kulaaupuni Street,
5 Ma'ili, Hawaii 96792.

6 I'm a retired teacher and administrator for
7 the Hawai'i Department of Education. And right now
8 I'm a farmer in Ma'ili. I've been farming for about
9 14 years now.

10 We've had lots of landfills. We've had a
11 lot of toxic things in our community. The landfills
12 are toxic, and it's damaging our health and our
13 well-being, and for many years. And we've carried
14 this burden for many years. We've carried the burden
15 for the whole State of Hawai'i for too long.

16 We do have a large Hawaiian community, and
17 like Kathy said, the Hawaiian community is not
18 healthy.

19 So you put a landfill in the community, and
20 that hurts us even more. So the people are dying
21 faster. It's also affecting my farming. It's
22 polluting the water. It's polluting the air.

23 We have the homeless population in our
24 community. We have the largest homeless population
25 in our community, because we're very big-hearted

1 people. So from all over the islands they send them
2 to Waianae, because we don't complain as much as
3 Hawai'i Kai and Kailua, and other places.

4 So they dump everything in our community,
5 and the reason we have the landfill in our community
6 is because we're so busy trying to make a living and
7 trying to make sure that the next person is not
8 stealing our stuff or on drugs and things like that,
9 that we don't pay attention to these things when
10 landfills are coming up.

11 And that's why Kathy and I are here today
12 to make sure that we're the watch dogs for our
13 communities, because not many people are educated
14 about doing this kind of stuff.

15 So that's why we're here, and we want this
16 landfill out of our community. We don't wish it on
17 anyone else, but we know the detriment of it. And so
18 we're just praying that it's done, and I don't know
19 where we're going to put it, but with technology
20 today, they've got to figure out some way to get rid
21 of it. Thank you.

22 CHAIRPERSON SCHEUER: Thank very much for
23 your testimony.

24 Parties, are there any questions for the
25 witness?

1 MR. YEE: No questions from the Office of
2 Planning.

3 MS. CHAN: No questions from the city.

4 MR. GOODIN: No questions from KOCA. Thank
5 you.

6 CHAIRPERSON SCHEUER: Commissioner Cabral,
7 any questions for the witness?

8 VICE CHAIR CABRAL: No, thank you.

9 CHAIRPERSON SCHEUER: Commissioner
10 Ohigashi?

11 COMMISSIONER OHIGASHI: No.

12 CHAIRPERSON SCHEUER: Commissioner
13 Giovanni?

14 COMMISSIONER GIOVANNI: No questions.

15 CHAIRPERSON SCHEUER: Any members from the
16 Commission here on Oahu?

17 Commissioner Okuda.

18 COMMISSIONER OKUDA: This is Gary Okuda.

19 As I mentioned before, I disclosed my firm
20 and myself have a lawsuit involving the Department of
21 Planning and Permitting. And I just want to make a
22 disclosure that Mrs. Cabinatan is also a party to
23 that action. I did not know she was going to testify
24 here today, but I do appreciate her testimony.

25 Nothing further, Mr. Chair.

1 CHAIRPERSON SCHEUER: Anything further?

2 Again, I thank you for your testimony. And
3 will just point out the form of the order that we're
4 considering today is for the definitive closure date.
5 Thank you.

6 Are there any other members of the public
7 wishing to testify on this matter?

8 Hearing none, our next order of business is
9 to confirm that all Commissioners and myself are
10 prepared to participate in these proceedings.

11 Commissioner Chang, are you prepared to
12 participate?

13 COMMISSIONER CHANG: Yes, I am.

14 CHAIRPERSON SCHEUER: Commissioner Aczon?

15 COMMISSIONER ACZON: Yes.

16 CHAIRPERSON SCHEUER: Commissioner Cabral?

17 VICE CHAIR CABRAL: Yes.

18 CHAIRPERSON SCHEUER: Commissioner Okuda?

19 COMMISSIONER OKUDA: Yes.

20 CHAIRPERSON SCHEUER: Commissioner Wong?

21 COMMISSIONER WONG: Yes.

22 CHAIRPERSON SCHEUER: Commissioner
23 Ohigashi?

24 COMMISSIONER OHIGASHI: Yes.

25 CHAIRPERSON SCHEUER: Commissioner

1 Giovanni?

2 COMMISSIONER GIOVANNI: Yes.

3 CHAIRPERSON SCHEUER: As the Chair, I am
4 also prepared to participate.

5 We will now consider the adoption of the
6 order.

7 Commissioners, for your consideration,
8 deliberation and adoption are the proposed Findings
9 of Facts, Conclusions of Law, and Decision and Order
10 prepared by the staff as instructed at the last
11 meeting on this docket.

12 Is there any discussion? Commissioner
13 Okuda.

14 COMMISSIONER OKUDA: Chair, I move that the
15 form of the order as circulated be adopted with one
16 modification. That modification would be to
17 paragraph 16. The paragraph 16 now reads that, and I
18 quote, and this is paragraph 16 on page 105.

19 It says: The Applicant shall have a public
20 hearing every three months to report on the status of
21 their efforts to either reduce or continue the use of
22 the WGSL.

23 My modification to that paragraph would be
24 that the public hearing shall be held in either
25 Waianae, Ma'ili, or Nanakuli. But with that

1 modification, I would move that the form of the order
2 be adopted with that modification.

3 CHAIRPERSON SCHEUER: Is there a second to
4 Commissioner Okuda's motion?

5 VICE CHAIR CABRAL: This is Nancy. I would
6 second.

7 CHAIRPERSON SCHEUER: A motion has been
8 made my Commissioner Okuda to adopt the form of the
9 order with one modification, specifying the location
10 of the required public meeting every three months as
11 stated, and it has been seconded by Commissioner
12 Cabral.

13 So there is now a motion before us to
14 approve the form of the order for Docket No.
15 SP09-403's Findings of Facts, Conclusions of Law, and
16 Decision and Order approving the consolidated
17 applications of the Department of Environmental
18 Services, City and County of Honolulu, for a new
19 Special Use Permit to supercede the existing Special
20 Use Permit to allow a 92.5-acre expansion and time
21 extension for the Waimanalo Gulch Sanitary Landfill
22 and to modify the Land Use Commission's order
23 adopting the City and County of Honolulu's Findings
24 of Fact, Conclusions of Law, and Decisions and Order
25 with modifications.

1 Commissioners, is there discussion on the
2 motion? Commissioner Okuda.

3 COMMISSIONER OKUDA: Chair, I would like to
4 speak in favor of the motion, and the adoption of the
5 form of the order with those modifications.

6 I believe we've gone through a very
7 extensive review of the record that was transmitted
8 to us by the City and County of Honolulu.

9 The City stated on the record that they
10 believe the record was complete for purposes of the
11 Land Use Commission taking action on this matter; and
12 the record clearly justifies all the findings and
13 conclusions that are stated in the proposed order,
14 especially the specific closing date for the
15 landfill.

16 And, you know, if this matter were to be
17 going up or challenged on appeal, I'm sure that
18 everybody is aware of the discretionary standard that
19 is given to the Land Use Commission in reviewing the
20 record.

21 I believe also, Chair, Commissioner
22 Ohigashi said or stated the rule pretty eloquently
23 that people are frankly stuck with the record that is
24 presented to them.

25 The record amply documents and evidences

1 and supports the reasons why this landfill requires a
2 definite closing date.

3 The reason for my requested modification to
4 have these public hearings held in the communities of
5 Waianae, Ma'ili or Nanakuli is simply the fact that
6 the record in this case shows that the burden of this
7 landfill has been placed on those communities.

8 And as I stated at the earlier hearing, I
9 believe there is something fundamentally wrong from a
10 public policy standpoint where what I've described as
11 negative public facilities seem to end up in the
12 neighborhoods of Waianae, Ma'ili or Nanakuli.

13 If we are going to have burdens in this
14 community, the burdens should be shared equally
15 across-the-board. No community, no specific group
16 where there is demographic economic, or otherwise,
17 should be bearing burdens which benefit everyone else
18 in the community.

19 There's something fundamentally unfair
20 about something like that. It does not help to build
21 community cohesiveness or togetherness.

22 And so if there are going to be reports
23 made about what is taking place regarding this
24 landfill -- and I think that's something we in
25 government owe the community, transparency and an

1 honest statement of what is going on -- then these
2 reports should be given in the communities who are
3 facing the burden, Waianae, Ma'ili, and Nanakuli.

4 And so for those reasons, Mr. Chair, and
5 other good reasons as shown in the record, I ask that
6 the motion be granted.

7 CHAIRPERSON SCHEUER: Thank you,
8 Commissioner Okuda.

9 Is there further discussion on the motion
10 from the Commissioners?

11 COMMISSIONER CHANG: I just would make one
12 statement.

13 CHAIRPERSON SCHEUER: Commissioner Chang.

14 COMMISSIONER CHANG: I greatly appreciate
15 Commissioner Okuda's modification. I too support
16 that these meetings should be held in the communities
17 that they're impacting.

18 And clearly we appreciate the public
19 testimony that both of you were able to attend and
20 many of your other community members are not.

21 So this is an opportunity to ensure that
22 your community is aware of what is going on. I
23 appreciate Commissioner Okuda's modification, and I
24 will support the motion as well.

25 CHAIRPERSON SCHEUER: Is there further

1 discussion on this motion?

2 I will just note for the record that I will
3 be voting for the adoption of the form of the order
4 because it is an accurate, with modifications,
5 representation and statement of the action that this
6 Commission took, but when we took the motion, I voted
7 against it, because I believe that the only proper
8 way for the City and County to have tried to continue
9 to use this landfill would have been going through
10 the District Boundary Amendment.

11 Is there anything further? Commissioner
12 Okuda.

13 COMMISSIONER OKUDA: Chair, first this is
14 Gary Okuda.

15 To complete my statement, I do share what
16 the Chairperson's concerns were about the way that
17 this process has gone through, so I don't want my
18 motion to take away from any of the Chair's
19 statements about the significant planning issues that
20 have been raised, which frankly also justifies the
21 Chair's vote.

22 So I want to make that clear that my motion
23 in no way takes away the observations and the
24 comments the Chair made at the hearing about what is
25 taking place in this matter.

1 CHAIRPERSON SCHEUER: Thank you.

2 Is there anything further? If not, there's
3 been a motion by Commissioner Okuda and seconded by
4 Commissioner Cabral to approve the form of the order
5 with one modification.

6 Mr. Orodenger, please poll the
7 Commissioners.

8 EXECUTIVE OFFICER: Thank you, Mr. Chair.
9 The motion is to adopt the form of the order in
10 SP09-403 with one modification, that modification
11 being to paragraph 16 on page 105 specifying the
12 location of the meeting every six months to be
13 held -- every three months, sorry -- to be held in
14 Waianae, Ma'ili and/or Nanakuli.

15 Commissioner Okuda?

16 COMMISSIONER OKUDA: Yes.

17 EXECUTIVE OFFICER: Commissioner Cabral?

18 VICE CHAIR CABRAL: Yes.

19 EXECUTIVE OFFICER: Commissioner Wong?

20 COMMISSIONER WONG: Yes.

21 EXECUTIVE OFFICER: Commissioner Chang?

22 COMMISSIONER CHANG: Yes.

23 EXECUTIVE OFFICER: Commissioner Giovanni?

24 COMMISSIONER GIOVANNI: Aye.

25 EXECUTIVE OFFICER: Commissioner Aczon?

1 COMMISSIONER ACZON: Yes

2 EXECUTIVE OFFICER: Commissioner Ohigashi?

3 COMMISSIONER OHIGASHI: Yes.

4 EXECUTIVE OFFICER: Chair Scheuer?

5 CHAIRPERSON SCHEUER: Aye.

6 EXECUTIVE OFFICER: The motion passes
7 unanimously.

8 CHAIRPERSON SCHEUER: Thank you very much.

9 Members, is there any further business to
10 discuss?

11 If not, then the November 20th and 21st LUC
12 meeting will require that the Commission provide
13 meals for a "working lunch" as an integral part of
14 the meeting due to the remote locale of the meeting
15 facilities.

16 Mr. Orodenker, would the LUC staff make the
17 necessary arrangements for the "working lunch"
18 please?

19 EXECUTIVE OFFICER: Yes, Mr. Chair.

20 CHAIRPERSON SCHEUER: Thank you very much
21 to the members of the public and parties for your
22 extreme patience as we overcame the logistical
23 hurdles for today's meeting. With that this meeting
24 is adjourned.

25 (The proceedings adjourned at 10:58 a.m.)

CERTIFICATE

STATE OF HAWAII)
) SS.
COUNTY OF HONOLULU)

I, JEAN MARIE McMANUS, do hereby certify:

That on October 31, 2019, at 10:28 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 31st day of October, 2019, in Honolulu, Hawaii.

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