

STATE OF HAWAII
LAND USE COMMISSION MEETING
HYBRID MEETING
AGENDA

FINAL

DATE: December 3, 2025

TIME: 10:15 a.m.

LOCATION: Virtual and Courtyard by Marriott King
Kamehameha's Kona Beach Hotel

75-5660 Palani Road, Kailua-Kona, HI 96740

I. Call to order

II. A02-737 University of Nations, Kona Inc. (Hawai'i)

Decision whether to accept the Petitioner's 2020

Master Plan Update Second Final Environmental Impact

Statement ("FEIS") that was filed on November 17, 2025

pursuant to HAR § 11-200.1-28.

Files pertaining to this docket are available at:

<https://luc.hawaii.gov/a02-737>

Parcel information: Tax Map Key: (3) 7-5-010:85 and
(3) 7-5-017:006. Approximately 62 acres located in
Wai'aha, Kailua-Kona, Island of Hawai'i, State of
Hawai'i.

III. Approval of Meeting Minutes for November 19, 2025

Meeting Minutes will be available at:

<https://luc.hawaii.gov/meetings/2020s>

IV. Tentative Meeting Schedule

V. Adjournment

PARTICIPANTS

LUC COMMISSIONERS:

4 | Brian Lee, Chair

5 | Nancy Carr Smith, Vice Chair

6 | Ken Hayashida

7 | Mel Kahale

8 Micheal Yamane

9 Myles Miyasato

10

11 | LUC STAFF:

12 | Daniel Orodener, Executive Officer

13 | Scott Derrickson, Chief Planner (via Zoom)

14 | Martina Segura, Staff Planner

15 Ariana Kwan, Chief Clerk

16 | Miranda Steed, Esquire,

17 Deputy Attorney General (via Zoom)

18

19 OFFICE OF

20 ("OPSD"):

21 | Alison Kato, Esquire, Depu

22 | Mary Alice Evans, Director

23

25

PARTICIPANTS CONTINUED

COUNTY OF HAWAII PLANNING DEPARTMENT:

Jean Campbell, Corporation Counsel (via Zoom)

Michelle Ahn, Planning Department, Deputy Director

UNIVERSITY OF NATIONS, KONA INC.:

Derek Simon, Attorney for Petitioner

Katherine Garson, Esquire, Counsel

David Hamilton, President of UNK

Jeffery Overton, Planner with G7

Jeffery Overton, Planner with G70

Jeffery Overton, Planner with G70

DRAFT 5.0 - 11/2004

D. S. HALL, J. R. COOPER, AND J. J. COOPER

Leinolala Kokubunji, Fruan

Tanjore Palms Clean

Glossary

Glossary

1 HAWAII LUC COMMISSION MEETING

2 DECEMBER 3, 2025

3 10:15 A.M.

4

5 CHAIR LEE: Aloha kakou. Good morning,
6 everyone. Thank you for being here. This is the
7 December 3, 2025 Land Use Commission Meeting. This
8 is a hybrid meeting, which is being held at the
9 Courtroom by Marriott King Kamehameha's Kona Beach
10 Hotel at 75-5660 Palani Road, Kailua-Kona, Hawaii
11 96740.

12 This meeting is open to the public. For
13 all meeting participants, we would like to stress
14 the importance of speaking slowly, clearly, and
15 directly into your microphone. Before speaking,
16 please state your name and identify yourself for the
17 record.

18 Again this is a hybrid meeting, so please
19 be aware that all meeting participants are being
20 recorded on the digital record of the Zoom meeting,
21 which will be posted to YouTube and used for court
22 reporting purposes.

23 Your continued participation is your
24 implied consent to be part of the public record of
25 this event. If you do not wish to be part of the

1 public record you should exit this meeting now.

2 Please note that the Q&A feature on Zoom
3 will only be monitored for signing up for public
4 testimony, and all other communications will not be
5 addressed or part of the meeting record.

6 Communications can be emailed to our office at
7 dbedt.luc.web@hawaii.gov.

8 We will also share with all participants
9 that we will take breaks from time to time -- about
10 every 60 minutes. For the commissioners
11 participating via Zoom, please indicate where you
12 are attending this meeting and if there's anyone
13 else over the age of 18 present with you when I call
14 your name.

15 My name is Brian Lee from Oahu. And I
16 have the privilege of serving as the LUC Chair
17 today. We currently have nine seated commissioners.
18 And along with me today are Commissioners Ken
19 Hayashida and Mel Kahele from Oahu, Commissioner
20 Michael Yamane from Kauai, and Commissioners Myles
21 Miyasato from the Big Island and Commissioner Nancy
22 Carr Smith from the Big Island attending via Zoom.

23 Commissioner Carr Smith, are you there by
24 yourself?

25 VICE CHAIR CARR SMITH: Good morning.

1 Yes, I'm attending via Zoom from my home at 65-1174
2 Kahawai Street in Kamuela. And I am here alone.
3 Thank you.

4 CHAIR LEE: Thank you, Commissioner Carr
5 Smith.

6 Absent today are Commissioners Kuike
7 Kamakea Ohelo from Oahu, Commissioner Bruce U'u from
8 Maui, and Commissioner Dan Giovanni from Kauai. So
9 thank you all for being here today.

10 Also in attendance with us is the LUC
11 Executive Officer Daniel Orodener, the LUC Chief
12 Planner Scott Derrickson via Zoom, the LUC Staff
13 Planner Martina Segura, the LUC Chief Clerk Ariana
14 Kwan, and the LUC Deputy Attorney General Miranda
15 Steed via Zoom.

16 Once again, court reporting transcriptions
17 are being done from this Zoom recording. All right.
18 Agenda Item 2 is Docket No. A02-737, University of
19 the Nations, Kona Inc.

20 This is to decide whether to accept the
21 petitioner's "Master Plan Update Second Final
22 Environmental Impact Statement ('FEIS')" that was
23 filed on November 17, 2025. Will the parties please
24 make their appearance and identify themselves for
25 the record?

1 Petitioner?

2 MR. SIMON: Good morning, Chair,
3 Commissioners. My name's Derek Simon, appearing on
4 behalf of the petitioner. With me today is David
5 Hamilton, the president of the university, as well
6 as Jeff Overton of Group 70 International.

7 CHAIR LEE: Okay. Thank you, Mr. Simon.

8 County of Hawaii?

9 MS. CAMPBELL: Good morning. I'm Deputy
10 -- oh, sorry. I'm Deputy Corporation Counsel Jean
11 Campbell, appearing via Zoom from my office here in
12 Hilo. And there with you in person is Michelle Ahn,
13 Deputy Planning Director.

14 MS. AHN: Good morning.

15 CHAIR LEE: Thank you.

16 Office of Planning and Sustainable
17 Development?

18 MS. KATO: Good morning. Alison Kato,
19 Deputy Attorney General, for the Office of Planning
20 and Sustainable Development. Also here with me is
21 Mary Alice Evans, Director of OPSD, and Leo
22 Asuncion, Land Use Division Administrator for OPSD.
23 Thank you.

24 CHAIR LEE: Thank you, Ms. Kato.

25 And welcome, everyone.

1 Good to see you, Mr. Asuncion.
2 All right. Good morning, Mr. Simon,
3 again. Have you reviewed Hawaii Administrative Rule
4 Section 15-15-45.1 regarding the reimbursement of
5 hearing expenses?

6 MR. SIMON: Yes, Chair. I'm familiar with
7 the rule and the requirements.

8 CHAIR LEE: Thank you. So in accordance
9 with Hawaii Revised Statute Section 84-14,
10 commissioners are not allowed to take any official
11 action affecting a business in which they or a
12 member of their family has any financial interest.

13 They must therefore recuse themselves from
14 this matter if there's any benefit, monetary or
15 otherwise, to themselves or members of their family.

16 Also in accordance with legal ethical
17 standards, commissioners should disclose any
18 relationship -- business, social, or otherwise --
19 that they may have with the petitioner or its
20 representatives or any of the other parties to this
21 proceeding that may give rise to any allegation of
22 bias or impropriety.

23 Do any of the commissioners have any
24 conflicts of interest or disclosures to make? Okay.
25 Seeing none --

1 COMMISSIONER HAYASHIDA: Commissioner?

2 CHAIR LEE: Yes?

3 COMMISSIONER HAYASHIDA: Commissioner
4 Hayashida. I do know the -- Jeff Overton of Group
5 70, and our offices do work together, but I don't
6 have any conflict.

7 CHAIR LEE: Okay.

8 MS. KWAN: The Chief Clerk would like to
9 remind everyone to speak close to the microphone so
10 transcription can hear you.

11 CHAIR LEE: Thank you. Thank you,
12 Commissioner Hayashida.

13 Let me now briefly explain our procedures
14 for today. First, we will recognize the written
15 public testimony that has been submitted on this
16 matter. Second, we'll call for members of the
17 public who wish to provide oral testimony on this
18 matter.

19 Third, the staff planner, Ms. Segura, will
20 give a briefing on the staff report that has been
21 posted for this docket. Mr. Derrickson may also
22 participate in that. Fourth, the petitioner will
23 then be called upon to make their presentation.

24 Fifth, the Chair will then call on the
25 County Planning Department and then OPSD for their

1 presentation and/or comments. And sixth, the
2 commissioners will have opportunities to ask
3 questions of the parties at the conclusion of their
4 presentations.

5 Seventh, the parties will be given an
6 opportunity for closing arguments. Eighth, we'll
7 then reopen the floor to the public for any new and
8 additional oral testimony on this matter.

9 And finally, ninth, the Commission will
10 deliberate on the matter based on the testimony and
11 the evidence presented. We'd like to once again
12 remind all participants to speak slowly, clearly,
13 and directly into their microphones.

14 Before speaking, please state your name
15 and identify yourself for the record. This ensures
16 that our transcriber can produce an accurate
17 transcript of the proceedings. Are there any
18 questions now about our procedures for today? Okay.

19 As stated on today's agenda, please be
20 informed that the relevant records and documents
21 pertaining to this matter can be accessed for review
22 on the Land Use Commission website at
23 LUC.hawaii.gov/a02-737.

24 We will now recognize any written public
25 testimony submitted in this matter. Ms. Kwan, has

1 there been any written testimony submitted?

2 MS. KWAN: Yes, Mr. Chair. We received
3 one written testimony on November 28th, three
4 testimonies on December 1st, five on December 2nd,
5 and two on December -- this morning. And they are
6 all posted on our website.

7 CHAIR LEE: Thank you, Ms. Kwan.

8 Are there any members of the public that
9 wish to testify on this matter?

10 MS. KWAN: Yes, Chair. I have three in
11 the room that would like to give oral testimony.

12 And if anyone on the Zoom would like to
13 give testimony, please use the Q&A feature to let me
14 know. I will first call David de Carvalho up for
15 testimony.

16 CHAIR LEE: Mr. Carvalho, please state
17 your name and zip code for the record. And I will
18 swear you in for your testimony. Yes?

19 DAVID DE CARVALHO: My name is David de
20 Carvalho (indiscernible). My name is David de
21 Carvalho. I'm the senior pastor from Mokuaikaua
22 Church and also the president for the Kona Ministers
23 Fellowship.

24 CHAIR LEE: And what is your zip code,
25 please?

1 DAVID DE CARVALHO: 96740.

2 CHAIR LEE: Thank you very much. I know
3 you swear to a higher calling. But may I still
4 swear you in and affirm that the testimony that
5 you're about to give is the truth?

6 DAVID DE CARVALHO: Amen, yes.

7 CHAIR LEE: Okay. Thank you. You have
8 two minutes for your testimony.

9 DAVID DE CARVALHO: Yes. Well, I'd like
10 to just express our appreciation for the University
11 of the Nations and their role here in Kailua-Kona.
12 We are their -- one of the oldest neighbors here in
13 the area. We just turned 205 years old.

14 But through the years that I've been with
15 the church and observing the University of the
16 Nations we have seen their service to the community,
17 their willingness to participate in helping
18 different churches with -- just in different ways --
19 serving with our children, serving with our
20 families.

21 And it's -- we are very grateful for all
22 that they have been doing. We also saw throughout
23 the years many different businesses that supports
24 our community being -- that came from their students
25 -- people opening their businesses and serving us

1 faithfully. And we are extremely thankful for their
2 support to our community here.

3 CHAIR LEE: Thank you, Pastor Carvalho.

4 Members, are there any questions for the
5 testifier? Okay. Thank you very much.

6 Next testifier?

7 MS. KWAN: Next I have Leina'ala
8 Kekuhaupi'o. I apologize.

9 CHAIR LEE: Okay. Please state your name
10 and zip code.

11 LEINA'ALA KEKUHAUPI'O: Leina'ala
12 Kekuhaupi'o, 96740. Anoi me ke aloha kakou apau mai
13 ka Mauna.

14 CHAIR LEE: Oh, please let me swear you in
15 first. I'm sorry.

16 LEINA'ALA KEKUHAUPI'O: Okay.

17 CHAIR LEE: Do you swear or affirm that
18 the testimony you're about to give is the truth?

19 LEINA'ALA KEKUHAUPI'O: Yes.

20 CHAIR LEE: You have two minutes.

21 LEINA'ALA KEKUHAUPI'O: Mahalo. I am
22 Hawaiian Podagee so I will try fast.

23 CHAIR LEE: Okay. Thank you.

24 LEINA'ALA KEKUHAUPI'O: Anoi me ke aloha
25 kakou apau mai ka Mauna kiakia o Hualalai a hiki loa

1 i ke kaimalino 'oki'oki o Kona mai Kaimalino 'o'ia
2 ho'i ka home 'ia'u.

3 Just want to welcome everyone and honor
4 this place and this Land Division that we are in.
5 And mahalo, everyone here, for your time and taking
6 this moment.

7 I am a lineal descendent as well as go
8 back generations. My tutu is Manuel Gomez, who is
9 my great great great grandfather, who was the one
10 who actually gave the sale to University of the
11 Nations to the late Loren Cunningham.

12 And in looking at all the land and all the
13 needs, one of things that I want to testify today
14 here is that wai'aha -- the word "wai'aha" means
15 "where the water gathers."

16 And we know one of the biggest pilikia
17 with the Land Use Commission is the water. We have
18 big pilikia with the water and not enough water.
19 But it's amazing that this name that our tutu years
20 ago before this pilikia came up said, "This is the
21 ahupua'a. And its inoa is wai'aha, where water
22 gathers."

23 And so not just as a Hawaiian descendent,
24 but as a practitioner that sees this is kuleana ko
25 pa'a ko makou, ko kakou kuleana to see how does this

1 water issue become fixed.

2 Because the inoa of this 'aina, the inoa
3 of this ahupua'a already said "The water will gather
4 there." And so my testimony today is also to aloha
5 aku because I also sit on the Wai'aha Council.

6 My 'ohana has been here for many
7 generations already and family of that lineal
8 descendent as well as the Gomez cowboys that
9 actually sat on the wai'aha land.

10 And I am here to say that even our tutu
11 with University of the Nations of Kona knew that
12 they were the one to malama this segment of land
13 because they would aloha i kekahi i kekahi, love one
14 another.

15 And one of our tutu's said there's three
16 things we got to remember. And many of us Kanaka
17 Hawai'i -- and whether you are not a Hawaiian
18 descendent, know that there's three things -- 'ekolu
19 mea nui, ke aloha, mana'o 'oi'a'i'o or manaolana.
20 Faith, hope and love.

21 University of the Nation wai'aha Kona
22 carries that 'ano, carries that aloha -- to have
23 faith to see something huge to take place. What you
24 see up on that land and the 100 acres has been
25 nothing but faith. It has been hope even during its

1 hardest time.

2 And aloha -- I have seen so much other
3 aloha come from not just kanaka ma'oli but from the
4 malihini, from many of the haumana that comes to
5 this location. They are the ones that's cleaning
6 the homeless land where plenty people don't want to
7 clean.

8 They're the ones that's picking up the
9 rubbish with kanaka that come help. But they bring
10 a bulk of the kokua -- the aloha for this land. And
11 they don't get paid one dime. They kokua the County
12 of Hawai'i over and over in many aspects.

13 And I'm here to first and foremost say
14 that 'aina that is wai'aha -- it has a call. We
15 need to see the waters returned. And however the
16 Land Use Commission can kokua, can guide us to see
17 how the aquifer -- how these waters -- because it is
18 a big, big issue.

19 But apparently, our kupuna's knew the
20 waters will return. We got to be prepared for that
21 return. So mahalo, because I am here to say that
22 we're not done. We have much to do.

23 But we are going to do it with aloha.
24 We're going to do it with hope and faith. So mahalo
25 for the Land Use Commission, every one of you who

1 take time to come out and to be here. Mahalo nui
2 'ia 'oukou pa ka'i apau na'u ka hau'oli, mahalo.

3 CHAIR LEE: Thank you very much.

4 Members, any questions for the testifier?

5 COMMISSIONER KAHELE: I have a question.

6 I'm sorry.

7 CHAIR LEE: Commissioner Kahele.

8 COMMISSIONER KAHELE: Thank you. Thank
9 you, Brian. Are you in support of the project?

10 LEINA'ALA KEKUHAUPI'O: For the -- yes.

11 COMMISSIONER KAHELE: Okay. Thank you.

12 LEINA'ALA KEKUHAUPI'O: All right.

13 COMMISSIONER KAHELE: All right. Thanks.

14 CHAIR LEE: Thank you. Any other
15 questions for the testifier? Okay. Seeing none,
16 thank you very much for your testimony.

17 LEINA'ALA KEKUHAUPI'O: 'Ae, Mahalo.

18 CHAIR LEE: Ms. Kwan?

19 MS. KWAN: I have Janice Palma Glenn for
20 the next testifier. And then we have three more
21 online after this.

22 CHAIR LEE: Thank you.

23 All right. Ms. Palmer, please state your
24 name and your zip code. And then I will swear you
25 in.

1 JANICE PALMA GLENN: My name is Janice
2 Palma Glenn. My zip code is 96740.

3 CHAIR LEE: Thank you. Do you swear or
4 affirm that the testimony you're about to give is
5 the truth?

6 JANICE PALMA GLENN: Yes, I do.

7 CHAIR LEE: Please proceed. You have two
8 minutes.

9 JANICE PALMA GLENN: Mahalo for hearing my
10 testimony today. I'm reading from my phone, which
11 I've never done before, so I hope it works. I
12 testified long ago about the University of Nation's
13 plan to develop another large parcel of land in
14 Kailua-Kona.

15 I was opposed to the development then, and
16 I'm even more opposed to it now as our region has
17 continued to outgrow our roadways and other
18 infrastructure.

19 The U of N is primarily a profit-focused
20 entity that interestingly does not provide bonafide
21 university level diplomas. Just something that I
22 thought was interesting.

23 Meanwhile it seems willing to use our
24 community and resources, including water, with
25 little regard for the significant impacts it has on

1 our land, community, and uniqueness of our island
2 society.

3 The LUC is one of the main entities
4 entrusted with and a firewall for protecting the
5 public's natural and cultural resources. This
6 proposal requires your intervention for the public's
7 good.

8 The U of N's current request completely
9 reverses its promises to include native Hawaiian
10 culture as a strong project focus.

11 And from a Land Use perspective it is
12 untimely, environmentally dangerous, and culturally
13 insensitive to consider building a massive project
14 in an area already experiencing a severe and even
15 illegal lack of public infrastructure, including and
16 not only sewer, wastewater treatment, and roadways
17 to name a few.

18 As a past and longtime member of the Kona
19 Community Development Plan Action Committee and an
20 advocate for community -- not developer-driven land
21 use planning -- I feel it's crucial that every
22 commissioner be fully aware of the extent of our
23 region's infrastructural deficit.

24 Kona's lack of and illegal public
25 infrastructure will not be up to civilized and legal

1 standards until or if the County and State meet
2 their obligations to provide Kona Community
3 Development Plan-compliant infrastructure, which is
4 barely in the planning stages, no less funding
5 stages.

6 Meanwhile, U of N's -- let me say -- slap
7 in the face to the Hawaiian community is
8 breathtaking. And I'm sorry. I apologize. But
9 that's how it seems to other kanaka that I've spoken
10 to.

11 It is breathtaking despite how odd their
12 plan to include or celebrate Hawaiian culture
13 originally was. Their agreement did include many
14 things related to Hawaiian culture that it does not.

15 In closing, Applicant has failed to
16 fulfill promises that got its permitting to this
17 point while concurrent, supportive infrastructure
18 doesn't exist nor will it in the foreseeable future.

19 I ask Commissioners to do their duty and
20 use their integrity to deny acceptance of the FEIS
21 and this project at this time. Mahalo again for
22 your time and your thought -- deep thought on this
23 project.

24 CHAIR LEE: Thank you. Hold on for a
25 second.

1 Commissioners, any questions for Ms.
2 Glenn? Okay. Seeing none, thank you for your
3 testimony.

4 JANICE PALMA GLENN: Mahalo.

5 CHAIR LEE: Ms. Kwan, we have testifiers
6 online?

7 MS. KWAN: Yes. I'm promoting Charles
8 Flaherty now.

9 Mr. Flaherty, can you turn on your camera
10 and give us a mic check?

11 CHARLES FLAHERTY: Testing.

12 MS. KWAN: Thank you.

13 CHAIR LEE: Thank you, Ms. Kwan.

14 Mr. Flaherty, please state your name and
15 zip code. And then I will swear you in.

16 CHARLES FLAHERTY: Charles Flaherty,
17 96704.

18 CHAIR LEE: Thank you, Mr. Flaherty. Do
19 you affirm or swear that the testimony that you're
20 about to give is the truth?

21 CHARLES FLAHERTY: Yes, sir, I do.

22 CHAIR LEE: Thank you. You have two
23 minutes. Please proceed.

24 CHARLES FLAHERTY: Thank you. Aloha, Mr.
25 Chair and members of the Commission. I'm speaking

1 on behalf of the CR Club of Hawaii, the Hawaii
2 Island Group, which is strongly opposed to the
3 Commission accepting the petitioner's "2020 Master
4 Plan Update Second Final Environmental Impact
5 Statement" for the following reasons.

6 The first is that it explicitly violates
7 the existing decision and order, which represented a
8 commitment to the Kanaka Maoli elders in their
9 community to create and operate a cultural center
10 that honors and perpetuates Kanaka Maoli -- a
11 traditional and customary practice -- practices and
12 religious beliefs and their relationship with the
13 Christian missionaries who colonized this area and
14 how that relationship and religious beliefs have
15 evolved to this day.

16 Secondly, it erases all elements of the
17 Commission's August 8, 2003 findings of fact,
18 conclusions of law, and decision and order for state
19 land use boundary amendment as they relate to the
20 reservation and/or perpetuation of Kanaka Maoli
21 constitutional rights and culture.

22 And the FEIS is effectively a repetition
23 of the Jim Crow era of ethnic cleansing in which
24 barriers were put into place to prevent Kanaka Maoli
25 from engaging in traditional and customary

1 practices.

2 It is a de facto violation of Article 12,
3 Section 7 of the State Constitution, Hawaii Revised
4 Statutes, including Chapter 343, and Hawaii
5 Administrative Rules and ignores the fact that the
6 Kona area contains several royal centers, is one of
7 the most significant cultural landscapes in the
8 state of Hawaii, and the proposed master plan causes
9 further irreparable harm to this cultural landscape.

10 The cultural center was to be a first-
11 class visitor destination intended to present the
12 authentic story of native Hawaiian culture and its
13 historical relationship with the introduction of
14 Christianity, its impact upon the monarchy, the
15 people of Hawaii in the region of Kona, with
16 references to traditional cultures from Pacific
17 regions that have combined to produce Hawaii's
18 unique cultural -- multicultural mosaic.

19 Socially the primary programmatic goals of
20 the cultural center were to introduce and educate
21 visitors and local family to the authentic story of
22 native Hawaiian culture.

23 It would do this through a set of
24 experiences that were fun, intellectually, and
25 creatively stimulating and appealing to families

1 across generations, all in the context of a
2 beautifully-landscaped park that was to take
3 advantage of the settings and view plains as well.

4 It's stated that the petitioner would
5 develop the cultural center with sensitivity to the
6 host state of Hawaiian culture and provide for
7 outreach and educational opportunities for the
8 children of Hawaii and that it would consult with
9 KWC and Ka Haka 'Ula o Ke'elikolani College of
10 Hawaiian Languages at University of Hawaii Hilo to
11 promote cultural sensitivity and the development of
12 programs for the cultural center.

13 The petitioner was to cooperate with the
14 College of Language at University of Hawaii Hilo in
15 promoting the perpetuation of Hawaii language by
16 providing distance learning opportunities for
17 teaching native Hawaiian languages as well as
18 cooperating with activities that promoted the
19 cultural authenticity.

20 The FEIS completely ignores the
21 Commission's prior D&O containing extensive and
22 substantial conditions essential to the preservation
23 and perpetuation of Kanaka Maoli constitutional
24 rights and traditional and customary practices.

25 To many it appears to be a shocking repeat

1 of the history to what many have now described as a
2 genocide of Kanaka Maoli and their culture.

3 The Hawaii Island Group urges the
4 Commission to reject the FEIS for these reasons --
5 that it violates the Hawaii Constitution, prior
6 Hawaii court precedent required by statutes, and
7 Hawaii Administrative Rules.

8 Mahalo for this opportunity to testify.
9 We urge you to keep the existing D&O in place or to
10 amend it to require that the protections and
11 perpetuations for native Hawaiian traditional and
12 customary practices, especially for this area, be
13 maintained. Thank you very much.

14 CHAIR LEE: Thank you, Mr. Flaherty.

15 Commissioners, are there any questions for
16 the testifier? Okay.

17 Seeing none, thank you very much, Mr.
18 Flaherty.

19 Ms. Kwan?

20 MS. KWAN: Okay. I'm promoting Cindy
21 Freitas now.

22 Can you give me a mic check, please?

23 CINDY FREITAS: Yes.

24 MS. KWAN: Thank you.

25 CHAIR LEE: Ms. Freitas, please state your

1 name and your zip code. And I will swear you in.

2 CINDY FREITAS: Aloha, I am Cindy Freitas.

3 I'm at 96740.

4 CHAIR LEE: Thank you. Do you swear or
5 affirm that the testimony that you're about to give
6 is the truth?

7 CINDY FREITAS: Eo, mahalo.

8 CHAIR LEE: Please proceed. You have two
9 minutes.

10 CINDY FREITAS: Okay. He mele komo ahe
11 mele aloha. Na kupuna i ka au i hala, aloha mai
12 kakou. Aloha, my name is Cindy Freitas, and I'm a
13 native Hawaiian descendent of the native inhabitants
14 prior to 1778.

15 I was born and raised in Hawaii. And I
16 was taught by my grandmother in our cultural
17 protection, our cultural practices.

18 I want to address three points on this
19 issue. One is the EIS is deficient. The first EIS
20 was withdrawn and significantly new material,
21 including groundwater management and expanding
22 cultural resources, was added after the public
23 review period.

24 Under HAR 11-200.1, the public must review
25 the actual document proposed for acceptance. That

1 never occurred. This alone prohibits acceptance.

2 Number two, Ka Pa'akai requirements were
3 not met. The EIS fails to fully identify
4 traditional and customary native Hawaiian practices
5 defined in their scope and location and the proposed
6 enforceable protection.

7 These cultural requirements cannot be
8 afterthought or inserted at the last minute. They
9 must be fundamental -- or foundational rather.

10 Number three, reliance on the 2003 finding
11 is unlawful. The 2003 Land Use Commission finding
12 addressed a different smaller project. The current
13 proposal is a major campus expansion with new
14 facilities and impact.

15 Hawaii case law, including Price vs.
16 Obayashi, makes it clear that old findings cannot be
17 used for a fundamental difference project 22 years
18 later. New findings are legally required.

19 In conclusion, accepting of the EIS would
20 violate HRS Chapter 343. And the Commission
21 constitutional duty is to protect native Hawaiian
22 cultural practices and environmental resources. I
23 respectfully request you to reject the second final
24 EIS and require a lawful complete review that honors
25 the people and the Island of Hawaii.

1 I'm also requesting a contested case
2 hearing orally before the public hearing ends if the
3 Commissioner votes in favor of the applicant.

4 And it also violates Rule -- Act 50,
5 legislation of the State of Hawaii 2000 with House
6 Bill 2895 relating to environmental impact statement
7 proposed that there is a need to clarify that the
8 preparation of an environmental assessment or
9 environmental impact statement should identify and
10 address effects on Hawaii culture and traditional
11 and customary practices.

12 Act 16, legislation of Hawaii, 2020, with
13 SB No. 2060, Section 3(2), historic resources --
14 protect; preserve; and, where desirable, restore
15 those natural and manmade historical/prehistoric
16 resources in the coastal zone management area that
17 are significant in Hawaiian and American history and
18 culture. Also HIS 711-1107, desecration of place of
19 worship or burial. Mahalo for your time.

20 CHAIR LEE: Thank you, Ms. Freitas.

21 Commissioners, are there any questions --

22 MS. STEED: Chair -- sorry, Chair. Before
23 you proceed could you please confirm with the
24 testifier that she is okay with the public testimony
25 continuing and decision-making occurring and that

1 she's only requesting that you decide her request
2 for a contested case if there's an affirmative vote
3 on the agenda item?

4 CHAIR LEE: Could you please repeat that?
5 I'm sorry, Madam Deputy.

6 MS. STEED: No problem, Chair. Before you
7 continue, could you please confirm with the
8 testifier that she is okay with testimony continuing
9 and discussion and deliberation continuing on this
10 agenda item.

11 She has indicated she's going to request a
12 contested case hearing. I just need you to make
13 sure that she's not making her request right now and
14 that you don't need to decide it -- that she only
15 wants you to take up her request if you vote "yes"
16 on this agenda item.

17 CHAIR LEE: Thank you.

18 Ms. Freitas, what is your response?

19 CINDY FREITAS: If there should be in
20 favor of the applicant then I would request and put
21 it in writing ten days after the decision is made
22 for a contested case -- which I am a culture
23 practitioner. And I have -- that is my duty.

24 CHAIR LEE: Okay. So Madam Deputy, we can
25 continue for today; is that correct?

1 MS. STEED: You can continue. Thank you,
2 Chair.

3 CHAIR LEE: Thank you.

4 Commissioners, any questions for Ms.
5 Freitas?

6 Commissioner Kahele?

7 COMMISSIONER KAHELE: Thank you, Chair.

8 Thank you for testifying, Ms. Freitas. I
9 have a question. Are you aware and familiar with
10 the Ka Pa'akai analysis and what's required?

11 CINDY FREITAS: Yes.

12 COMMISSIONER KAHELE: And your testimony
13 is that they've never done a Ka Pa'akai analysis?

14 CINDY FREITAS: What I'm saying -- it's
15 not fully done.

16 COMMISSIONER KAHELE: Oh, okay. Yeah, I
17 wasn't sure whether the analysis was done or it was
18 not completed.

19 CINDY FREITAS: Yeah, it's not fully done.
20 You guys only inserted it later without putting it
21 up to the public for us to see. You guys just
22 inserted it.

23 COMMISSIONER KAHELE: All right. Thank
24 you. Thank you, Ms. Freitas. Appreciate it.

25 CHAIR LEE: Thank you, Commissioner

1 Kahele.

2 Commissioners, any other questions for Ms.
3 Freitas? Okay.

4 Seeing none, thank you for your testimony,
5 Ms. Freitas.

6 CINDY FREITAS: Thank you.

7 MS. KWAN: I have one last testifier --
8 Clare Loprinzi.

9 If you could turn on your camera and
10 microphone, please.

11 CLARE LOPRINZI: Do you hear me? Oh.

12 CHAIR LEE: Yes. Are you able to turn on
13 your camera?

14 CLARE LOPRINZI: Start my video.

15 CHAIR LEE: Okay. Thank you. I'm going
16 to ask you to --

17 CLARE LOPRINZI: Okay. There we go.

18 CHAIR LEE: -- state your -- aloha.

19 CLARE LOPRINZI: Okay.

20 CHAIR LEE: I'm going to ask you to state
21 your name and your zip code. And then I will swear
22 you in, Ms. Loprinzi.

23 CLARE LOPRINZI: 'O Clare kou inoa. I
24 live at 96725, 74-4927B Mamalahoa. I do swear to,
25 you know -- they said the church, but even the

1 higher power beyond them. So yes, I'd like to
2 testify.

3 CHAIR LEE: So you do swear and affirm
4 that the testimony you're about to give is the
5 truth; is that correct?

6 CLARE LOPRINZI: Got to be the truth.

7 CHAIR LEE: Okay. And what was your name
8 again? Could you please state -- your name on the
9 screen seems different from what you said.

10 CLARE LOPRINZI: Clare, C-L-A-R-E;
11 Loprinzi, L O P-R-I-N-Z-I.

12 CHAIR LEE: Okay. Thank you. Sorry for
13 my confusion.

14 CLARE LOPRINZI: No, no, no, no.

15 CHAIR LEE: All right. Please proceed.

16 You have two minutes to testify.

17 CLARE LOPRINZI: Okay. I am an indigenous
18 practitioner. I have dual citizenship from
19 (indiscernible). I have got eight generations.
20 Never compromised on -- I mostly work with helping
21 the babies be born into the world -- 1,500 by now.
22 Been doing it for 52 years.

23 So Ka Pa'akai analysis is my life. And
24 I've been to the YM. I've been up there. I worked
25 at E Ho'onui kaimalino for 13 years and went up

1 there.

2 And I was surprised when I went up there
3 that day because there was just all kinds of
4 different peoples of different cultures, which was
5 -- is always fine. But nobody spoke any English.
6 And I was like, you know, who are these people
7 working for and what are they working for? And so I
8 had that like question.

9 I also know that -- and everybody has
10 their right to their religion and all of that. I
11 respect all that. But that is really a lot of money
12 and a lot of push towards -- on a religious level.

13 I had gone up there to check out the
14 aquaponics up there. I've also worked a lot on, of
15 course, and appreciate, you know, the, you know, the
16 titles of wai and kai.

17 And I get it. You know, but right now to
18 expand, I mean, the sewage, the water -- the
19 desecration already going on in that area is
20 appalling.

21 And to build more -- I was, you know,
22 recently at a place where they were copying a lot of
23 stuff and it was like a huge poster, like, you know,
24 been like ten feet like, you know, going into
25 Africa, into South Africa.

1 Now I also work in Soweto in South Africa
2 because I help birth practices come back because
3 there's very few of us that have never used the
4 drugs and the machines.

5 And when I saw their name on that I'm like
6 how much money are they going to do and how much are
7 they going to take from Soweto? Because if you
8 haven't been to Soweto it wasn't necessarily Nelson
9 Mandela. It was Winnie Madikizela who fought and
10 fought.

11 And I've gone there, seen -- you know,
12 worked with them, stayed with them, lived with them,
13 and, you know, the shootings of the kids and go all
14 past all these places.

15 And I'm going you're now going to be
16 pushing something and going and trying to convert
17 more into their own religions. And, you know, the
18 people are strong down there. They've survived all
19 these years.

20 So I just have this -- I mean, I don't
21 need to do what Cindy and Chuck and all, you know,
22 everybody that brings up all the HRS rules.

23 But you know, Article 12, Section 7 -- but
24 just even at -- even what's going on down there at
25 Papa'i ali'i, the Menehune Wall -- all of that

1 stuff, you know, just -- it's just getting more and
2 more desecrated.

3 So I too, like Cindy said, would do a
4 contested case. And of course, you know, we hope
5 that, you know, we don't have to do it. We already
6 do enough. But that you understand that there is a
7 separation of church and state.

8 And it surely seemed very religious --
9 almost cult. I've watched those all my life. And
10 I'm not saying that they're a cult. They have their
11 thing.

12 But just to see all these people that
13 didn't even know how to speak the language, didn't
14 even know what they were doing, and just happening
15 to be up there all the day -- and then all the money
16 going into it is just -- you know, we need the
17 infrastructure.

18 You know, put the money into the system
19 already that's flawed and protect. So mahalo. And
20 if you have a question for me, ask. If not, then
21 I'll go about my day. And mahalo for all you guys
22 do.

23 CHAIR LEE: Thank you, Ms. Loprinzi.

24 Commissioners, are there any questions for
25 the testifier? Okay.

1 If not, thank you very much for your
2 testimony --

3 MS. STEED: Oh, sorry --

4 CHAIR LEE: -- Ms. Loprinzi.

5 MS. STEED: -- Chair. Sorry, Chair. Just
6 same thing. Can you just confirm testifier is okay
7 with the agenda continuing and being heard and
8 decision-making -- and that she's only requesting if
9 there's an affirmative vote.

10 CLARE LOPRINZI: That's right. Correct.

11 MS. STEED: Okay. Thank you.

12 CLARE LOPRINZI: Thank you, guys.

13 Lokomaika'i a and lonomakahiki.

14 CHAIR LEE: Thank you, Ms. Loprinzi.

15 And thank you, Madam Deputy.

16 MS. KWAN: Chair, we have one more in the
17 room that would like to provide testimony. Can I
18 call up Sammy McMichael?

19 And I would like to give one last chance
20 to anyone on the Zoom. Please use the Q&A feature
21 and let me know if you'd like to give testimony on
22 this item.

23 CHAIR LEE: Okay, Ms. McMichael. Please
24 state your name and your zip code. And I will swear
25 you in.

1 SAMMY MCMICHAEL: Sammy McMichael, 96740.

2 CHAIR LEE: Thank you, Ms. McMichael. Do
3 you swear or affirm the testimony you're about to
4 give is the truth?

5 SAMMY MCMICHAEL: Yes.

6 CHAIR LEE: Please proceed. You have two
7 minutes.

8 SAMMY MCMICHAEL: All right. Aloha,
9 Commissioners. Thank you for allowing me to speak.
10 I wasn't prepared, but after sitting here I need to
11 speak.

12 Please don't go ahead with this project.
13 There's so much desecration going on right now with
14 all this construction and permits. And it kills me
15 that every time we speak about it, it doesn't really
16 matter sometimes what we say. We put written
17 testimony and it goes the other direction.

18 But I'm close to the land. My ancestors
19 were with the sugarcane plantation. And they
20 married into this aina. And a lot of them are
21 buried here. I have a business here. It's the
22 first surf shop ever in Kona. And it's always been
23 on Ali'i Drive.

24 So I've been well connected, communicated
25 with these YWAM students. And I always try to give

1 them a deal. They've helped me with West Hawaii
2 Surfing Association, with Water Patrol for Ironman.

3 They're really sweet people. And they're
4 on a mission. And they want to spread the word of
5 God Jesus Christ to everyone. And they have good
6 hearts. They're good kids. I love working with
7 them.

8 But when I saw this only a few days ago,
9 they were saying that this is a nonprofit
10 organization. But within speaking to the kids, they
11 addressed that they were paying \$10,000.

12 And I was kind of shocked. \$10,000? Yes.
13 And I said, "What do you do?" And they said, "Well,
14 we go to these lectures." And they pay for the
15 three months that they're here. And then three
16 months later they're sent out to these foreign
17 places.

18 These foreign places, they say, is a
19 learning experience they'll never forget. And I'm
20 saying that the church is good. But it's deceiving
21 to think that it's nonprofit when they're making a
22 profit. These kids are paying 10 to \$12,000. I
23 googled it. I couldn't believe what was going on.

24 And it was kind of ho'ailona because just
25 yesterday a really sweet girl came in just

1 yesterday. She was trying to buy a dress from me.
2 And so I started to ask her, "Are you living here?"
3 She just finished the whole course.

4 She was sent to New Guinea. She was here
5 for three months and then she went to New Guinea.
6 And I said, "Well, how was that?" And she said,
7 "Well, it was awakening." She's just out of high
8 school.

9 She went there. She said, "It's very
10 primitive. But the people are very sweet." I said,
11 "Well, did you have shower and bed?" She goes,
12 "Well, there was nine of us and two leaders. And
13 they're makeshift huts."

14 And she said they -- she started to
15 explain more but I only have three minutes here.
16 But she had a parasite in her tummy. I go, "Oh,
17 what does that mean?" And she says she was very
18 ill.

19 And so what I'm saying -- that I don't --
20 and then it said somewhere that they were going to
21 bring this cruise ship. The cruise ships are here
22 now. They're wonderful people too.

23 But you're going to bus them to your
24 organization or cultural central. And it kind of
25 bothered me because it was how the Christians -- I

1 guess, you know, the Hawaiians brought in.

2 But I don't think that this is proper. If
3 you're Kanaka Maoli and you're even using us as a
4 site to bring in millions of dollars to display
5 this, I think it's -- this should be private. It
6 shouldn't be a public moneymaker.

7 And I'm very concerned about the Great
8 Wall of Kuakini because in the past they have been
9 destroyed. And I pulled up the 2003 -- the final
10 preservation. It's all -- there's a drawing on it.
11 It's all intact.

12 When I looked at the plan, it's cut up and
13 it has a diagram. Your LUC area shows a great wall.
14 But then it just doesn't say that this is
15 archaeology. It is. It's the Great Wall of
16 Kuakini. And it's now a monument. It's 6302. You
17 can't destroy it.

18 And that wall in the past -- I know for a
19 fact -- I've been speaking with the archaeologist.
20 They're burials. You know, when they buried all the
21 thousands of people that died here after Captain
22 Cook, a lot of them were secretly buried.

23 And they also said that the burials,
24 especially of the children, were in the Great Wall
25 of Kuakini. So I get really emotional about it.

1 And you need to restore it. It is a historic site.
2 And it should be in the National Historic Registry
3 -- not only state but federal.

4 So please say no. Just say no. It's not
5 a nonprofit. And these kids should not be paying 10
6 to \$12,000 to do so.

7 CHAIR LEE: Thank you for your testimony,
8 Ms. McMichael.

9 Commissioners, any questions for the
10 testifier? Okay.

11 Seeing none, thank you for your testimony
12 today.

13 SAMMY MCMICHAEL: Thank you.

14 CHAIR LEE: Ms. Kwan, are there any other
15 testifiers?

16 MS. KWAN: Seeing none, Chair.

17 CHAIR LEE: Thank you very much. We will
18 now call on Staff Planner Ms. Segura to please
19 summarize the staff report for us and any of the
20 staff's concerns. And I understand that you will be
21 also directing to your colleague Mr. Derrickson.

22 MS. SEGURA: Yes. This is Martina for the
23 record. The Land Use Commission staff report was
24 posted to the Land Use Commission website on
25 November 21st for public access and view as long as

1 -- as well as the Commission's review.

2 And Scott and I are going to be splitting
3 the staff report presentation. He's going to cover
4 the procedural and legal requirements. And I'm kind
5 of just going to summarize the staff report.

6 So Scott can go ahead and start with that.

7 CHAIR LEE: Mr. Derrickson, please
8 proceed.

9 MR. DERRICKSON: Aloha kakou. This is
10 Scott Derrickson, Land Use Commission Chief Planner.
11 Some of you are probably wondering why the LUC is
12 now being asked to accept a final EIS in 2025 for a
13 district boundary amendment that was approved in
14 2003.

15 And I'll try and answer that by providing
16 some context. The 2003 Land Use Commission order
17 contemplated a different project. It was a
18 residential condominium development, a cultural
19 center, and a small educational facility.

20 It was planned to be completed within ten
21 years. Therefore at that time the LUC was asked to
22 approve the entire project rather than approving a
23 project in increments.

24 The subject property is currently in the
25 state urban district and is subject to the

1 conditions in the 2003 decision and order.

2 In 2025 the University of the Nations is
3 seeking a major campus expansion, including student
4 housing, academic buildings, athletic facilities,
5 and roadway improvements.

6 This is a fundamentally different purpose,
7 scale, and set of impacts. And the proposed changes
8 meet one or more of the triggers in Hawaii Revised
9 Statutes Chapter 343 and the Hawaii Administrative
10 Rules, Section 11, or Chapter 11-200.1, which
11 require environmental review.

12 A consideration of the final
13 environmental impact statement is a necessary step
14 before the petitioner can then request a motion to
15 amend the 2003 decision and order before the Land
16 Use Commission.

17 The Land Use Commission will then be
18 required to make new project-specific findings and
19 conclusions of law based on an updated master plan
20 and on the representations made in the final EIS.
21 I'm going to hand it back to Martina. And I'll be
22 available for any questions.

23 MS. SEGURA: Yes, so the timetable -- or
24 the timeline of the petitioner's request to the LUC
25 started in 2003 and then kind of went through a few

1 other phases of requests.

2 But in 2020 they requested a motion to
3 amend the 2003 order. And then that triggered this
4 process. And in 2021 the petitioner requested the
5 LUC to be the accepting authority of an EIS.

6 And in 2024 they filed their draft EIS
7 with the Commission. And in June 2025 the
8 petitioner filed their final EIS -- the first
9 version. And then they withdrew it due to a
10 procedural error. And then we got the second final
11 EIS, which we're currently under decision-making
12 today.

13 So the differences between the FEIS and
14 the second final EIS were relatively minor. And
15 that included document title changes and date
16 changes. They also added discussions and
17 disclosures regarding traditional and customary
18 practices and water use in the development plan.

19 They also included an inadvertently-
20 omitted comment from the Department of National Park
21 Service. And the specific sections and pages with
22 those differences can be found in the petitioner's
23 cover letter on the Land Use Commission website.

24 As I stated, the Land Use Commission staff
25 report was posted available -- publicly available on

1 November 21st. And it includes an attachment of the
2 HRS 343 applicant checklist from the Environmental
3 Review Program website.

4 We'd like to note that that checklist was
5 outdated. It was from 2012. So it doesn't include
6 the 2019 rule change. But Scott and I edited the
7 checklist to the best of our abilities to kind of
8 reflect that. But it's not perfect.

9 So the purpose of that checklist was for
10 us to kind of identify where specific information
11 was for staff review and Commission review to kind
12 of indicate like here's where you can find the
13 traditional and customary practice information. So
14 that's kind of the purpose of that checklist and why
15 we used it that way.

16 Ultimately staff believes the petitioner
17 fulfilled the minimum content requirements and the
18 acceptability requirement for the final EIS pursuant
19 to Chapter 343 and HR Chapter 11.

20 However when the 2020 motion to amend
21 comes back, some information important to Land Use
22 Commission decision making procedure might need some
23 further clarification when that process comes back.
24 But ultimately we believe that they've met the
25 requirements of 343. Any questions?

1 CHAIR LEE: Commissioners, any questions
2 for Ms. Segura?

3 COMMISSIONER YAMANE: Mr. Chair, I have a
4 question for Mr. Derrickson.

5 So Scott, just to clarify, we had a
6 district boundary amendment back in 2003. And then
7 we approved it. We had a decision and order. And
8 then the project changed. So instead of redoing a
9 DBA it's already urban-approved.

10 We're kind of treating this acceptance of
11 the second final EIS kind of like a boundary
12 amendment and which will also amend the original
13 decision and order. Is that what I heard from you?

14 MR. DERRICKSON: Yes, that's essentially
15 correct. The Commission approved the prior project
16 from 2003 by awarding a district boundary amendment.

17 There's been a number of things -- and
18 it's noted in the staff report that at one point
19 there was consideration -- order to show cause to
20 revert the property. That was withdrawn. Now in
21 2020 there was a motion to amend that was also
22 withdrawn.

23 So the petitioner, after satisfying the
24 requirements of Chapter 343, will have to come in to
25 the Commission with a motion to amend.

1 And although you're not making a
2 determination of whether to give an urban land use
3 district boundary, which is already in place, you
4 will basically be revisiting the 2003 decision and
5 order and being asked to make pretty top to-bottom
6 changes and findings and conclusions as well as
7 conditions that would be appropriate to the new
8 proposal by the petitioner.

9 COMMISSIONER YAMANE: Okay. Yeah, so I
10 think that's what I understood there. It's almost
11 like the new decision and order is like -- almost
12 like we're reviewing a brand new boundary amendment
13 it seems like based on the work that we need to do
14 looking at the second final EIS.

15 Because if we come up with a new set of
16 conditions that were -- are going to be reflected in
17 what's proposed in this second final EIS, that's the
18 next step if we were to just -- today we're looking
19 at accepting.

20 And then there's another step after this
21 that says we now need to impose conditions similar
22 to like we're approving a new boundary amendment.
23 Am I saying that right?

24 MR. DERRICKSON: I believe you are.
25 You're not approving a new boundary amendment. The

1 area is already in the urban district. But you will
2 be asked to do a -- pretty much a complete overhaul
3 of the existing approval in the 2003 decision and
4 order with a new decision and order that would
5 reflect this very different project.

6 COMMISSIONER YAMANE: Got it. And just
7 refresh my memory -- if we're -- on a normal
8 boundary amendment proceeding is that a contested
9 case?

10 MR. DERRICKSON: Yes.

11 COMMISSIONER YAMANE: Okay. Thank you,
12 Scott.

13 CHAIR LEE: Thank you, Commissioner
14 Yamane.

15 Any other questions for the staff
16 planners?

17 Okay. I have a question. What would be
18 the timeline after this -- if this EIS is approved
19 for the hearing for the amendments and possible
20 change in conditions? What would be the timeline
21 for that to occur?

22 MS. SEGURA: We would have to issue our
23 decision order. And then the -- there's no really
24 like date on the timeline. It also depends on the
25 petitioner and when they file their motion. So it's

1 kind of open-ended based on that.

2 CHAIR LEE: So if the petitioner -- they
3 must have a time limit, right, after the FEIS for
4 them to come back?

5 MS. SEGURA: I don't believe --

6 MR. DERRICKSON: It's just --

7 MS. SEGURA: -- it's --

8 MR. DERRICKSON: This is Scott. The
9 Commission has a 30-day deadline to make a
10 determination on this FEIS and submit that
11 determination to the Environmental Review Program.

12 After that point the petitioner itself --
13 it's completely up to them how long it will be
14 before they put together a motion to amend with the
15 appropriate supporting information and submit it to
16 the Land Use Commission.

17 CHAIR LEE: Okay. Thank you, Mr.
18 Derrickson. So just to clarify a little bit further
19 from what Commissioner Yamane discussed, the
20 boundary amendment to urban has not changed. It's
21 just that they can't proceed until we deal with the
22 changes that they will be proposing; is that
23 correct?

24 MR. DERRICKSON: So right now the document
25 before you is a disclosure document. Because their

1 project has changed in significant material ways
2 they've had to do this new environmental disclosure
3 document.

4 If it moves beyond the Commission, the
5 next time you'll see a request it'll be a request
6 for a motion to amend. And they will be required to
7 again provide you with good cause and sufficient
8 evidence to make the changes that they're
9 requesting.

10 So that will be new findings of fact, new
11 conclusions of law, and new conditions that are
12 appropriate to this new and different project from
13 what was approved in 2003.

14 CHAIR LEE: Okay. I think I understand.

15 But Commissioner Kahele, do you want more
16 further clarification?

17 COMMISSIONER KAHELE: (Indiscernible).
18 Now Scott, can you help find what's currently on the
19 agenda for today's hearing and kind of repeat what
20 you just said? Because I am lost.

21 MR. ORODENKER: If I may, Commissioner --

22 COMMISSIONER KAHELE: Yes.

23 MR. ORODENKER: -- Dan Orodener. What's
24 on the agenda today is a request for approval of the
25 final environmental impact statement. That

1 statement is required because the changes that they
2 are proposing to the project create different
3 impacts.

4 But at this stage all we're -- we're not
5 approving the project. We're approving the final
6 environmental impact statement. And this is --
7 approval or denial of that document hinges on
8 whether or not we feel they've adequately identified
9 all of the potential impacts from the project.

10 Once we approve -- if we approve -- not
11 once -- if we approve the final environmental impact
12 statement then there will be a period of time where
13 we'll have to publish it and file notices with the
14 Environmental Planning Division.

15 And subsequent to that the petitioner can
16 file a motion to amend the project. As Scott
17 mentioned, we're not changing the boundaries of the
18 urbanized area. What we are looking at is a change
19 in use and what's proposing to be built.

20 Once they file that petition we will then
21 schedule a hearing on whether or not to grant that
22 motion. At that time the petitioner will bring in
23 evidence or will be required to bring in evidence to
24 support their position that they should -- the
25 motion should be granted.

1 And they will have to explain what it is
2 that they're -- in detail what it is they're
3 proposing to build. And at that time the Commission
4 will also have the opportunity to apply new or
5 additional conditions to the project to deal with
6 those -- with the new impacts and the new project
7 that's being proposed. Does that help?

8 COMMISSIONER KAHELE: You know, I'm
9 looking -- well, actually thanks, Dan, with the --
10 no, I'm looking at the staff report. And, you know,
11 it fulfilled a minimum content requirement.

12 So you actually -- your report basically
13 is telling me that they have not fulfilled the
14 complete requirement to actually have this thing
15 voted on today. Is that what you're saying in your
16 report?

17 MR. ORODENKER: Actually the staff report
18 is a little more nuanced than that. I believe that
19 what the staff report is actually saying is that
20 they have met the minimum requirements -- let me
21 just reel that back.

22 They have checked all the boxes required
23 for the publishing of a final environmental impact
24 statement. There are some concerns with regard to
25 the depth at which they discuss those impacts.

1 But it is up to this Commission to decide
2 whether or not they went into enough detail such
3 that the environmental impact statement -- the final
4 environmental impact statement meets the criteria
5 for acceptance.

6 COMMISSIONER KAHELE: So they met the
7 minimum requirement. This issue regarding the Ka
8 Pa'akai analysis that most of the testifiers are
9 testifying -- is complaining about -- is that a
10 complete analysis under the Supreme Court ruling
11 decision?

12 That's a requirement that all -- and I
13 believe everyone that's in this situation that we
14 currently are in now with this developer -- aren't
15 they required to complete a complete analysis or Ka
16 Pa'akai analysis?

17 MR. ORODENKER: Yes. Well, actually that
18 one's getting -- that question requires a nuanced
19 response. They need to provide enough information
20 to -- for us to determine whether or not the Ka
21 Pa'akai analysis has been -- can be met. Okay? We
22 actually do the Ka Pa'akai analysis.

23 COMMISSIONER KAHELE: Right.

24 MR. ORODENKER: But they have to provide
25 us with enough information so that we can do it.

1 And that is our obligation. And we need to act as
2 the Supreme Court would require us to make a
3 determination that all of those conditions have been
4 met.

5 Now at this stage -- and Miranda, you
6 please feel free to chime in if I'm getting this
7 somewhat wrong. At this stage we're not doing a Ka
8 Pa'akai analysis on the project itself because the
9 project itself is not in front of us.

10 The question is whether there's enough
11 information in the FEIS under the -- under that area
12 Ka Pa'akai analysis for us to determine that it's --
13 the FEIS is sufficient. If the Commission does not
14 feel that there's not enough information to satisfy
15 Ka Pa'akai in the FEIS then it has no choice but to
16 reject it.

17 CHAIR LEE: Madam Deputy, can you confirm
18 the statement by the executive officer?

19 MS. STEED: To maintain attorney-client
20 privilege, happy to discuss that. But I'm going to
21 recommend that you move for executive session if you
22 have questions.

23 CHAIR LEE: Okay. Is that the wish of
24 this Commission at this time? If so, someone will
25 have to make a motion.

1 MS. STEED: Chair, I can also (crosstalk)
2 suggest that if there's going to be more questions
3 than just the Ka Pa'akai question you could also
4 continue your discussion and just go for executive
5 session at the end. And we can do all questions at
6 once as well.

7 CHAIR LEE: Okay. That's fair. All
8 right.

9 VICE CHAIR CARR SMITH: Chair?

10 CHAIR LEE: We're going to -- yes,
11 Commissioner Carr Smith?

12 VICE CHAIR CARR SMITH: I just wanted to
13 encourage us to move forward with the presentation
14 from the petitioner and the State and the County
15 before we -- we haven't had any of that information
16 given to us yet.

17 So I think it might be helpful. And as
18 Miranda just suggested, maybe we go into executive
19 session after we have that information. Just a
20 suggestion.

21 CHAIR LEE: That's a very good suggestion.
22 All right. So we will reserve any executive session
23 time until after the petitioner's presentation,
24 which may answer some of our questions. Okay. Are
25 there any questions remaining for the staff

1 planners?

2 Commissioner Yamane?

3 COMMISSIONER YAMANE: Mr. Chair, thank
4 you.

5 For Mr. Derrickson, from a planner's
6 perspective -- your perspective -- how will the
7 original motion for the DBA be different from the
8 amended motion? Similar? Are you going to go off
9 of what was said, wholly different, you got to look
10 at a brand new set of eyes?

11 If you can give me a gauge of how -- what
12 information is presented that will be different from
13 the original motion to approve the DBA versus the
14 motion to amend.

15 MR. DERRICKSON: This is Scott Derrickson.
16 Part of that is going to be completely up to the
17 petitioner on what they'll be asking in their motion
18 to amend.

19 But as I said the -- their updated master
20 plan, which is the -- driving the final EIS that's
21 before you -- is markedly different from what was
22 approved by the Commission in 2003. So I would
23 expect that there will be -- a majority of what the
24 motion requests is going to be new and different.

25 COMMISSIONER YAMANE: Okay. Thank you.

1 CHAIR LEE: Okay. Thank you. Any final
2 questions for the staff planners?

3 Okay, seeing none, thank you very much,
4 Ms. Segura, Mr. Derrickson.

5 Okay. Petitioner, will you please provide
6 an estimated length of time for your presentation?

7 MR. SIMON: Thank you, Chair. We have two
8 people that will be speaking -- Mr. Hamilton to my
9 right, who is the president of the University; as
10 well as Jeff Overton from G70. I expect our
11 presentation to go 20, 25 minutes maybe without
12 questions.

13 CHAIR LEE: Okay.

14 MR. SIMON: Don't hold me to it. But I'll
15 do my best to try to keep to that time.

16 CHAIR LEE: Thank you, Counselor. Will
17 you please proceed?

18 MR. SIMON: Yes. Thank you, Chair.

19 Thank you, Commissioners.

20 Again my name is Derek Simon, representing
21 the University of the Nations, Kona Inc. I want to
22 thank -- sorry, is that better? I want to thank the
23 Commission and its staff for having us here today.

24 It's a heavy lift. It's a lot of work to
25 get this coordinated and to get this set up, you

1 know, away from the office on Oahu. So we're very
2 appreciative of that.

3 CHAIR LEE: You know what? Let's take a
4 break since it's been a little bit more than an
5 hour. And then we will proceed with your
6 presentation.

7 MR. SIMON: Understood. Thank you.

8 CHAIR LEE: Okay. Ten-minute break.

9 We'll be back at 11:37.

10 (WHEREUPON, a recess was taken.)

11 CHAIR LEE: All right. We're back. All
12 right. Mr. Simon, please proceed.

13 MR. SIMON: Thank you, Chair.

14 Thank you again, Commissioners.

15 Again my name's Derek Simon, appearing on
16 behalf of the University of the Nations, Kona Inc.
17 As staff noted, we're here today to talk about the
18 acceptance of a final EIS. That's a disclosure
19 document. That's not approval of this project.

20 There are subsequent steps that need to be
21 taken and findings and conclusions that the
22 Commission would have to make, including the
23 position of conditions, before any project moves
24 forward. So I just want to make sure we're clear on
25 that. Whoops.

1 We're going to have two people up here
2 presenting with -- along with me. The first one is
3 Mr. Hamilton, who's sitting to my right at the
4 moment. He's going to provide some context and
5 background on the university, what they do, and why
6 they're seeking to expand their campus.

7 I think, as you noticed from some of the
8 public comments, I think there's some misconceptions
9 about what they do, who they are. And so I think
10 that context is important for the Commission to
11 understand and clarify.

12 After Mr. Hamilton's done, Mr. Overton
13 will join me and will give you a presentation on the
14 final EIS. And then of course we're open and
15 welcome any questions the Commission may have.

16 Before we jump in and I hand it over to
17 Mr. Hamilton, I just wanted to give the Commission a
18 little idea of where the petition area is. It's a
19 little hard to see with the glare.

20 But the yellow or the red arrow in the
21 bottom left points to the King Kam Hotel that we're
22 at today. And the on the right side of the screen
23 you can see the petition area. It's actually made
24 up of two tax map parcels outlined in yellow.

25 And then immediately to the left of that

1 -- it's really kind of north -- is the existing
2 campus for the University of the Nations. And again
3 the overall project being discussed and disclosed in
4 the final EIS is expansion of that existing campus
5 onto the petition area.

6 I'm going to hand it over to Mr. Hamilton.
7 I may be asking him some questions as we go. But
8 he'd like to offer some words.

9 DAVID HAMILTON: First of all, mahalo for
10 all of your time as commissioners and staff for the
11 Land Use Commission. We greatly appreciate this
12 opportunity to bring this petition before you. My
13 name is David Hamilton.

14 CHAIR LEE: I'm sorry, I need to swear you
15 in first. All right. Mr. Hamilton, do you swear or
16 affirm that the testimony you're about to give is
17 the truth?

18 DAVID HAMILTON: I do.

19 CHAIR LEE: Thank you. Please proceed.

20 DAVID HAMILTON: Thank you again for this
21 opportunity. Just a little bit about myself -- I
22 have a bachelor of arts degree in political science
23 from the Cornell College. And I have a master's in
24 biblical studies from the University of the Nations.

25 I've served in Youth With a Mission

1 University of Nations for the last 48 years so --
2 not always here in Kona. With my family we have
3 served and lived on every continent of the world and
4 have been here in Kona, Hawaii for the last 24
5 years.

6 My current role at the University of the
7 Nations campus in Kona, Hawaii is I serve as the
8 President of the Board of Trustees and part of the
9 leadership team -- a great team of people who work
10 with me and on the campus.

11 So in that role I carry a primary function
12 just to make sure there is financial and legal
13 integrity and the development of the future of the
14 campus.

15 So that's my role with the master plan
16 update is to really help guide the process through
17 with a very capable team both within our staff as
18 well as with the outside help from legal and
19 architectural that we've had during this time.

20 So just a little bit so you have just a
21 little bit more about YWAM -- Youth With a Mission
22 -- that's the parent organization. We have three
23 goals as an organization to -- we say share, care,
24 and train.

25 So we have ministry around the world.

1 It's not an organization. It's a movement that was
2 founded 65 years ago and continues to expand. Over
3 six million people have participated in the Youth
4 With a Mission movement, have served short or mid or
5 longer-term across the world.

6 And the University of the Nations is the
7 training component within Youth With a Mission and
8 is the network of these mission-based educational
9 tertiary-level education and granting degrees at
10 associates, bachelors, and masters levels with
11 accreditation from the Global Accreditation
12 Association based in Lausanne, Switzerland.

13 We currently have around the world over
14 750 campuses. So we began a process of modular
15 education in the early 70s -- late 70s and when that
16 was not customary. But it set us really in a
17 wonderful place in the digital generation that we
18 now live.

19 So we are doing global training as many
20 universities are trying to do. But we have the
21 privilege of having not just a digital reach but
22 also brick and mortar locations -- or many places
23 it's thatch and adobe locations -- around the world.

24 So some very small places to larger
25 campuses. The campus here in Kona, Hawaii is the

1 largest of our campuses. So our campuses are in 163
2 countries. That's over 75 percent of the nations on
3 earth have one or multiple expressions of the
4 University of the Nations.

5 The countries that don't are the smaller
6 nations of -- that have a population -- well, 40
7 percent of the nations on earth have a population
8 under three million people. So we don't have bases
9 in all of those.

10 But we are situated in -- across the board
11 in some of the most challenging parts of the world
12 -- so places -- conflictual places in the Middle
13 East or the poorest parts of Africa. Just we're
14 there and have presence.

15 Currently we have about 30,000 students
16 that are involved in our programs around the world
17 every year. So it is a large operation globally.
18 The University of the Nations Kona campus is where
19 that movement -- educational movement began here in
20 1978.

21 And currently from '78 until now we've had
22 55,000 students go through our program here. And
23 again some come for just one course or two courses
24 and go -- then transfer out into other training.
25 Others complete an associate's, bachelor's, or

1 master's degree.

2 MR. SIMON: David, if I could interrupt
3 real quick. At least one of the testifiers
4 suggested that there's a profit component to the
5 University of the Nations Kona.

6 Can you share a little bit, you know, kind
7 of address those comments and also, you know,
8 acknowledge the fact that tuitions payment -- maybe
9 describe what the tuition goes toward for these
10 students?

11 DAVID HAMILTON: Oh, absolutely. All of
12 our staff and, yeah, all of the professors --
13 everyone who's part of our faculty are
14 professionally skilled in their areas of expertise
15 but donate their time.

16 And so we are able to keep our costs at a
17 very -- very low. But what we charge for board,
18 room, and tuition is a fraction of what would be
19 comparable in state universities of -- across the
20 United States because we -- people donate their time
21 as in their profession.

22 So we have a core of professors on the
23 campus. And then what we have is people who often
24 are teaching or training in other universities will
25 take two or three weeks to come and do an intensive

1 course in our midst as a gift to us.

2 So we're able to cover the costs at a very
3 reasonable rate for our students. So a three-month
4 course, board, room, and tuition here in Kona, which
5 is one of our more expensive places because of the
6 cost of living, would be around 34 to \$3,900
7 depending on the course and the equipment that is
8 necessary for that.

9 But of course that's tuition, board, and
10 room. And because we are a global university we
11 attach practical implementation of concepts or
12 principles learned on-field. So at any given moment
13 we have 50-some teams of students supervised in
14 other parts of the world -- probably in 35 different
15 nations as we speak right now -- learning and
16 applying what they're -- they learned there.

17 Obviously those costs are -- in the
18 package seem higher because there are airplane
19 travel and all of that. And as we go to places we
20 go to serve among the people.

21 And so our accommodation in a place like
22 Papua, New Guinea is different than our
23 accommodation when we send a team to France because
24 it's contextually appropriate as we come alongside
25 the local people -- wherever they are -- to serve

1 them in the areas of expertise of the different
2 areas of training that we have in our 15 different
3 colleges that we equip people in.

4 MR. SIMON: Thank you, David. And just to
5 clarify, you know, as part of the University's goal
6 of educating through volunteers and stuff -- is it
7 correct to say the University is truly a nonprofit
8 organization?

9 DAVID HAMILTON: Absolutely. What we
10 charge students gets consumed by the students in the
11 actual expenses that they incur in the services we
12 provide them. And there is no profit-making beyond
13 that.

14 So the buildings that you see that we have
15 built and that we would look to build in the future
16 -- we've raised those monies aside -- apart from
17 that -- from the tuition and donors and benefactors
18 who believe in the mission of what we're seeking to
19 accomplish to serve people in need around the world.

20 MR. SIMON: Thank you, David. Let's push
21 forward. So we've got a couple slides here. Maybe
22 you can just kind of highlight a few of these for
23 the Commissioners. But these are campuses elsewhere
24 -- both in the United States and around the world.
25 But I don't know if there's anything you want to add

1 to any of these slides.

2 DAVID HAMILTON: Yeah, I could just say as
3 we could scroll through them, just to give you an
4 idea -- I'm not going to show you all 750 locations,
5 but see some of the larger ones.

6 This is our campus in Montana of the US.
7 And this is our campus in Tijuana, Mexico -- just
8 south of Tijuana. This is in Harpenden, England.
9 It's the northern part of London. And these are
10 campuses we own and are training in.

11 This is a campus in East Germany. This is
12 a -- for some of you who wouldn't have history
13 awareness, this is where the Moravian movement
14 began. And this was a historic building in the
15 Moravian movement way back when.

16 It is now part of our training facility.
17 You can see this is the size of that community --
18 staff and students -- there. So it's a medium sized
19 location.

20 This is the living quarters -- the dorms
21 and apartments for staff and students in our campus
22 in Battambang, Cambodia. This is the third-largest
23 city in Cambodia. We built this in what was a rice
24 field a few years before that.

25 This is the entranceway to our campus in

1 Port Harcourt, Nigeria. And this is our -- one of
2 our larger facilities around the world. And
3 training is in the southeast portion of Nigeria.

4 MR. SIMON: Earlier we heard a testifier
5 make a suggestion about a cruise ship or that you
6 guys are, you know, bussing in cruise ship
7 passengers. I think this photo might help clarify
8 some of those comments. But if you could speak to
9 this briefly, David?

10 DAVID HAMILTON: Yeah. So this is one of
11 several ships that we have. These are floating
12 bases. So along with the land bases where we do
13 training, these are our ships. And our ships are
14 again about sharing, caring, and training. So we
15 run training programs across the ships.

16 This ship is called the YWAM -- the MVPNG.
17 And it services in Papua, New Guinea. And we have
18 two ships there. Many of the communities of Guinea
19 -- one of -- we're in the northeast quadrant of
20 Pacifica.

21 And PNG is in the southwest part of
22 Pacifica. And so it's the opposite end of our
23 liquid continent. But this is one of our -- the
24 needy nations. And this offers a full medical
25 facility aboard ship.

1 So they do eye surgeries, cataract
2 surgeries, and dental work and other work. The
3 nation of Papua, New Guinea has -- many parts of the
4 nation are very limited. Medical resources are
5 nonexistent.

6 So this ship is seen here going up a river
7 in the southeastern -- in the southwestern part of
8 PNG. The river is so wide that if you're in the
9 middle of this river you can't see either coast.
10 It's just hugely wide. And it's a few hundred miles
11 long.

12 And there are communities out there where
13 we go and they've not had medical or dental care for
14 12 or 15 years and we -- again we have our crew that
15 are trained in medical areas.

16 But we have doctors who come for two weeks
17 at a time or dentists who come and join us. And
18 then they provide services -- all free of charge --
19 to the benefit of the local community.

20 This is our current campus of 45 acres on
21 the -- in Kona. It's to the -- what would be to the
22 right of this from this vantage point is the
23 petition area for the additional 62 acres.

24 These are several pictures of what our
25 current campus looks like. This is the Plaza of

1 Nations. And the flags represent the countries
2 where our students come from. We normally have
3 between 40 and 50 different nationalities on our
4 campus at any given moment.

5 MR. SIMON: And so, David, the
6 Commission's heard a lot about the University's --
7 UNK's outreach, you know, globally. But here we
8 have some examples of some of the services that the
9 University provides to the local community.

10 We aren't going to go through all these.
11 But are there a couple you'd like to highlight for
12 the Commissioners real quick?

13 DAVID HAMILTON: Yes. We have been a part
14 of this community since the mid-70s and make this
15 our home and do all that we can to serve and invest
16 into this. We service the Kama'aina Hale Affordable
17 Housing project that we picked up to help care for
18 people who would otherwise not have care.

19 We have -- do projects regularly to
20 support food distribution for the homeless -- the
21 many women and children at risk. And we provide a
22 wraparound care for them to help them just make ends
23 meet -- medical care and events where we invite the
24 homeless to gather and give them an opportunity to
25 get haircuts and showers.

1 And we have -- we take like a Salvation
2 Army or Goodwill where we would have clothing that
3 would give them opportunities to get some fresh
4 clothes and just caring for their health and their
5 hygiene and trying to give them the respect and
6 dignity they have as human beings in our midst.

7 We have different things that we work
8 closely with our various high schools in town
9 helping with tutoring and students who are having
10 challenges or working with their athletic
11 departments doing sports activities, inviting the
12 teams to come and do events on our campus and on our
13 sport fields on our campus as well.

14 There's some other things on this next
15 slide that show we are very engaged with some of the
16 needier -- financially needier communities -- the
17 Marshallese and those from Puushai up along the west
18 Hawaii coast.

19 You see this Haleo Hawaiian language
20 course. There was a question about our commitment
21 to the language -- a lot of tongue speakers of
22 Hawaiian -- native speakers of Hawaiian every week
23 for many, many years have run courses that are open
24 to the public for our students and others to teach
25 Hawaiian.

1 And so these are just some of the things
2 -- you'll see at the last one when the Iron Man was
3 -- first began decades ago before it became the well
4 known grandaddy of all the triathlons we began
5 serving as volunteers.

6 And we put all of our students and staff
7 -- every year we're the largest group that supports
8 that event. That is such a major calling card for
9 our Kailua-Kona community. So we continue to try to
10 serve those and through the churches in many
11 different ways.

12 MR. SIMON: I want to wrap up your
13 discussion -- just explain to the Commission -- we
14 talked about the University as an existing campus.
15 But the proposal, you know, the project described
16 and disclosed in the EIS is an expansion of that
17 campus.

18 So can you just describe briefly for the
19 Commissioners why the University has made the
20 decision to move forward with seeking to expand its
21 campus?

22 DAVID HAMILTON: Yes, we find ourselves in
23 the reality where there is more demand for our
24 training and our services than what we are currently
25 able to provide.

1 As I speak we have 90 of our trainers
2 being trained in Norway because there's no room for
3 them this quarter basically (indiscernible) so they
4 went to Norway where we have a sister campus for the
5 University of Nations and because we don't have
6 enough housing on our campus. And we do not want to
7 flood the local housing in a way that would be
8 unhelpful for the rest of the community.

9 Just last year we had to send a group
10 (indiscernible) to South Africa to do this. And so
11 there's just great need. If we could add another
12 building with a hundred more beds right now it'd be
13 filled next week. There's so much desire to come
14 and be a part of that.

15 So we want to continue expanding our
16 capacity to train and equip students in all these
17 different spheres in areas of healthcare, areas of
18 counseling, educators, people who are committed to
19 aspects of community development, who would be
20 equipped and trained here, gain some practice here,
21 and go and serve in different parts of the nations
22 around the world.

23 And part of what we want to do of course
24 is to expand, have more recreational facilities.
25 Already our soccer field is used by many in the

1 community. We love that.

2 We want to have more athletic things that
3 can serve the community and some facilities that
4 will have performing arts and cultural expressions
5 that can be used both by the campus and the
6 community. So those are the things we're looking
7 forward to do.

8 MR. SIMON: Thank you, David.

9 And Chair, just a clarification. I mean,
10 David -- Mr. Hamilton's available for questions.
11 Would you like to take those now or after Mr.
12 Overton, you know, kind of completes the bulk of our
13 presentation?

14 CHAIR LEE: Let's take Mr. Overton's
15 presentation and then we will have questions after
16 that.

17 DAVID HAMILTON: Thank you.

18 MR. SIMON: Thank you, Chair.

19 CHAIR LEE: Mr. Overton, will you please
20 state your name and I'll swear you in?

21 JEFF OVERTON: Good morning, Jeff Overton.
22 I'm principal planner with G70.

23 CHAIR LEE: Okay. Thank you, Mr. Overton.
24 Do you swear or affirm that the testimony you're
25 about to give is the truth?

1 JEFF OVERTON: Yes.

2 CHAIR LEE: Thank you. Please proceed.

3 JEFF OVERTON: Thank you, Chair and
4 Commissioners, for an opportunity here to provide
5 information regarding the EIS for the University of
6 Nations Kona.

7 Just an overview of what I'm going to
8 cover here is some background on the land planning
9 components for the petitioned area and what we've
10 gone through on the Chapter 343 process, the current
11 master plan update, technical studies that were
12 prepared in support of the EIS that's before you,
13 and the findings of the final EIS and then how we
14 meet the content requirements and determination.

15 Just touching again on location -- we're
16 really central to the greater Kona area here with
17 the campus and the petitioned area as referenced
18 here in the slide -- the existing campus
19 (indiscernible).

20 You've heard before we are in the state
21 land use urban district. The petition area is urban
22 district currently. It also on the county level
23 general plan meets the medium-density urban
24 classification under the LUPAG.

25 And on the community development -- Kona

1 community development plan it is within the Kona
2 urban area and also designation for the neighborhood
3 transit oriented development TOD area.

4 Here's a map that shows the red area --
5 that's red to you -- the urban district and the
6 petition area outlined in black.

7 The County's general plan area -- we are
8 within that medium-density urban classification --
9 surrounded by it. And the Kona community
10 development plan -- a little hard to see where the
11 parcel is there in the blue overlay of the
12 neighborhood TOD designation.

13 I'm not presenting in Italian. But
14 agriculture potential here. This site is -- really
15 has poor soils for agriculture. Unclassified by the
16 state. We're in a very low rainfall area. And it's
17 topography that's not well suited for it. We're
18 also adjacent to many different urban uses here.

19 So some background just quickly on the
20 master plan series here going back to 2003. The
21 project was much different. It had a condominium
22 residential component to it and a visitor's center
23 that was focused -- cultural visitor's center that
24 was focused down along Kuakini Highway.

25 The master plan migrated to a much more

1 academic focused master plan meeting the needs as
2 David had presented earlier. So you can see none of
3 the real housing components are there. It's a shift
4 towards support for dormitories on the campus and
5 other facilities, including a school complex in
6 support.

7 MR. SIMON: And Jeff, just a point of
8 clarification -- the master plan -- 2003 master plan
9 on the left -- that's the plan that was initially
10 approved by the Land Use Commission back in 2003;
11 correct?

12 JEFF OVERTON: That's correct. Thank you
13 for that clarification.

14 So the current master plan -- the update
15 to the master plan reflects site adjustments and
16 relocation of facilities really for better access
17 for the community here. It's also a lighter touch
18 on this property. We're minimizing the potential
19 for impacts and harmonizing of the city -- so you
20 compare -- harmonizing with the setting.

21 So you compare this to the prior master
22 plan, particularly the original one from 2003, it's
23 a much lighter touch on the land. But we do have
24 additional dormitories here.

25 And it's focused for long-term staff here

1 in response to the comments from the Commission at
2 the prior status report hearing. And we're also
3 maintaining a commitment to work with the existing
4 topography and minimize grading on this. So these
5 were goals of the updated master plan.

6 This is a perspective view of the central
7 area of the expansion of the master plan. And so
8 you can see some working with the land here where we
9 terrace it for open, amphitheater-type presentation,
10 dormitory areas that's clustered around other
11 gathering places.

12 You can also see archaeological preserve
13 areas towards the left side with appropriate
14 preservation setbacks in here. So that's integrated
15 with the master plan throughout.

16 Briefly, a timeline of what we've been
17 through going back to February of 2021 where the LUC
18 determined that an EIS would be required for the
19 update to the master plan and took the role as the
20 accepting authority.

21 We filed a prep notice and conducted
22 public scoping. And in March of 2021 we got to a
23 preliminary draft of the EIS and submitted it to the
24 Land Use Commission. In late 2023, publication of
25 the draft EIS and the comment period in February of

1 2024.

2 And a prefinal EIS submitted to the Land
3 Use Commission earlier this year -- April of 2025.
4 Publication of the final in June. You heard of the
5 reasoning why we had to withdraw in July for that.
6 And now publication in November of the second final
7 EIS. And it's before you today for acceptance.

8 The technical studies that we completed
9 over the years in support of the EIS and master plan
10 are numerous. The righthand series of studies there
11 -- the seven bullets there -- are all cultural and
12 archaeological studies that have been completed and
13 included in the documents that have been before the
14 agencies, the communities, and before you today as
15 the final EIS up for acceptance.

16 We've got a series of the more typical
17 environmental planning reports and infrastructure,
18 traffic studies, natural resource surveys, water
19 supply, noise study -- all of those on the lefthand
20 side. But very comprehensive from a technical
21 basis.

22 And just briefly some of the findings in
23 the EIS in terms of the geology, topography, and
24 soils. We're implementing best-management practices
25 during a phase buildout. And again low agricultural

1 potential.

2 In terms of natural hazards and of course
3 minimizing wildfire risk is going to be a big
4 priority through this. But there's also the
5 opportunity of having emergency shelter here at the
6 petition area as it comes online.

7 Our biological resource surveys looked --
8 we have very kind of poor, invasive species that
9 exist throughout the property. It's quite
10 overgrown.

11 So we're paying attention to transitioning
12 that in the new plan but also paying attention to
13 what is the sensitivities with nesting and fledging
14 birds, especially sea birds, during this phase
15 buildout. So I'll be shielding the outdoor
16 lighting.

17 Findings on the natural environment
18 include the series of archaeological and cultural
19 resources. Preservation is a key component of the
20 plans that have been completed for this property
21 over the years, including all the identified
22 archaeological resources, State Historic
23 Preservation Division approval of those plans, and
24 then continuation of access to the important
25 cultural sites on the property.

1 In terms of water -- in terms of surface
2 water and groundwater, we'll be integrating low-
3 impact development as part of the overall
4 maintenance of the open space and the project and
5 most -- more recently integrating the findings from
6 the Keauhou adaptive management plan in the future
7 for water development.

8 And on the human environment side,
9 infrastructure, of course we'll be looking at
10 alternative sources for non-potable irrigation water
11 needs, participating in new water well development
12 to support the greater Kailua-Kona area, and
13 continuing our consultations with the County on the
14 infrastructure items.

15 Traffic is an important part of this EIS
16 study. And a second point of access along Kuakini
17 Highway is integrated in the master plan. And key
18 point here is increasing our onsite "dorming." So
19 that will actually reduce commuter traffic in the
20 region associated with the campus.

21 We did do a noise study. And we looked at
22 issues related to construction of walls on the
23 property and being respectful of the adjacent
24 neighbors.

25 And then on the human environment side

1 we'll be working to protect you, as again you saw in
2 the master plan how we lightened up on the footprint
3 overall. But protecting our mauka and makai views.

4 We went through and did air quality and a
5 GHD -- greenhouse gas analysis as part of that.

6 Importantly we'll be integrating green
7 infrastructure in a sustainability plan for the
8 campus.

9 Economic, of course, we will have some job
10 growth and construction spending that's associated
11 with the phases of the project and conforming with
12 urban growth plans by the County.

13 There are additional recreational
14 facilities that'll be accessible for the community
15 as well as additional educational facilities -- not
16 just at the college level but K through 12.

17 I'm going at a rapid pace so I'm sorry.
18 Plans and policies. We have to meet federal
19 policies for CZMA -- the coastal zone management --
20 as well as ADA at the state level.

21 We address all the different state plans
22 that are applicable here, including sustainability
23 plan. And at the county level -- again consistent
24 with your general plan, Kona community development
25 plan, and other aspects of county plans.

1 We did have comments and had to address
2 those as part of the EIS process. We had nine
3 agencies and an individual who provided comments
4 during scoping on the prep notice. Another ten
5 agencies provided comments on the draft EIS. And
6 all these comments were addressed in the process
7 that is before you in the final EIS.

8 So the determination that's coming -- you
9 know, this master plan is carefully designed to
10 expand the campus while minimizing adverse effects.
11 That's what the EIS is pointing out.

12 There's been a careful evaluation of the
13 measures to minimize potential effects during the
14 buildout as well as long-term that this update is
15 consistent with the various federal, state, and
16 county plans and policies.

17 And we'll be expanding urban opportunities
18 as identified in the County's general plan,
19 providing new and improved facilities for students
20 in the Kailua-Kona community.

21 We did address in this process the
22 procedural requirements of publication of the prep
23 notice, holding the public scoping meeting,
24 publishing the draft EIS, responding to the EIS
25 scoping comments, issuing a final EIS with responses

1 to the draft EIS comments.

2 And I will not read every word on this
3 slide. But the administrative rules for the draft
4 EIS require us to address alternatives and
5 description of the action, analyzing our
6 environmental setting, potential impacts and
7 mitigation measures, cumulative effects, and
8 relationship to plans and policies and controls.

9 Other unresolved issues had to be
10 addressed as part of the EIS. We summarized oral
11 comments. And we reproduced and responded to all
12 the written scoping comments in here. So we're
13 meeting the draft EIS content requirements for the
14 final EIS as identified in the administrative rules.

15 The draft EIS requirements and substantive
16 comments provided on the EIS -- we identified
17 individuals and agencies that were consulted and
18 commented on the draft EIS. And we produced it in a
19 format that's easily to distinguish changes from the
20 draft EIS, although it's two hefty volumes. And
21 it's quite a bit to run through.

22 With that, before you is now this
23 determination on acceptability and that we've met
24 the requirements of Chapter 343 and the
25 administrative rules for the procedures for

1 assessment consultation process.

2 The EIS content requirements have been
3 satisfied through this in that the comments
4 submitted have been responded to satisfactorily to
5 the accepting authority. And with that, thank you
6 for hanging in there through this presentation. Be
7 glad to respond to questions at this time.

8 CHAIR LEE: Okay. Thank you, Mr. Overton.

9 All right. I'm going to propose in the
10 interest of saving time if we could -- and then I'll
11 ask for the Commissioners thoughts on this.

12 If we could have our executive session, if
13 you so desire, and have lunch at the same time --
14 that way, you know, we can excuse everyone else.

15 And the lunch time will be 30 minutes.
16 And so hopefully the executive session will not last
17 longer than that. And we can hold that
18 concurrently. Is there any concerns about doing it
19 that way? Okay. If not then will someone make a
20 motion for executive session if you so desire?

21 COMMISSIONER YAMANE: Mr. Chair, do we
22 have time for Q&A or we're going to do it after the
23 executive session?

24 CHAIR LEE: I guess if we don't have too
25 many -- well, let's start and then we'll see how it

1 goes. But at a certain point I'm going to cut it
2 off so that we can break for our lunch/executive
3 session. So let's please ask any questions of the
4 petitioner. And we'll start.

5 Do you have a question, Commissioner
6 Yamane?

7 COMMISSIONER YAMANE: Yes, thank you, Mr.
8 Chair.

9 Thank you for the overview. Couple
10 questions. On the 2003 master plan how many units
11 were originally proposed?

12 MR. SIMON: That is a question we can
13 easily answer. We're going to have to just
14 doublecheck the figures.

15 COMMISSIONER YAMANE: Okay. And I'm
16 assuming on the new proposed plan there's zero units
17 for housing; correct?

18 MR. SIMON: There are dormitories for
19 students of the university. But there are no
20 affordable housing units that would be offered to
21 the general public, you know, for qualifying
22 individuals.

23 COMMISSIONER YAMANE: Okay. My other
24 question is out of the community that we heard today
25 how much of those were like -- did you seek input in

1 this second draft for community input from what we
2 heard today from the testifiers?

3 MR. SIMON: Yeah, so I think it's Chapter
4 8 has a long table of all the -- and you don't need
5 to turn to it right now.

6 But there's a long table with everything
7 from state agencies, county agencies, legislators,
8 organizations, neighbors, neighbor groups that were
9 all consulted. I believe all were provided with
10 notice of the EISPN prep notice, the draft EIS, as
11 well as the final EIS.

12 COMMISSIONER YAMANE: What about the
13 people that testified today in opposition to that?
14 Were they --

15 MR. SIMON: Yeah --

16 COMMISSIONER YAMANE: (Indiscernible).

17 MR. SIMON: Oh, sorry. My apologies.
18 None of those individuals commented on the draft EIS
19 or the EISPN scoping notice.

20 COMMISSIONER YAMANE: Thank you, Mr.
21 Chair.

22 CHAIR LEE: Thank you.

23 Commissioner Kahele?

24 COMMISSIONER KAHELE: Chair, I've got a
25 question, maybe two.

1 There were four identified various sites
2 on the project. Is there a plan in place?

3 MR. SIMON: Commissioner Kahele, I believe
4 there's three identified burials --

5 COMMISSIONER KAHELE: Three of them?

6 MR. SIMON: Yes. And there's an SHPD-
7 approved burial treatment plan for those burials.
8 Outreach was done as a part of that burial treatment
9 plan to try to locate lineal or cultural
10 descendants. It's in appendices to the final EIS.

11 COMMISSIONER KAHELE: Included in the --

12 MR. SIMON: The --

13 COMMISSIONER KAHELE: -- current EIS?

14 MR. SIMON: My apologies. The burial
15 treatment plan that SHPD approved is in appendices
16 to the EIS. And it's discussed in the EIS.

17 COMMISSIONER KAHELE: And most of the
18 testimony that came in today was basically, you
19 know, about the Ka Pa'akai analysis and the burial
20 sites. And, you know, I was looking at these three
21 locations that was found on the project.

22 And there may be a concern, right, because
23 out of all the people that testified there was only
24 one person that testified in support. The rest of
25 the testifiers was basically in opposition.

1 So you know, I guess my concern looking at
2 the report that I read -- most of the employees
3 that's going to be brought in are volunteers -- are
4 going to be from the mainland to help build this?

5 MR. SIMON: No, that's not correct. And I
6 think it's -- I think we poorly explained the role
7 of volunteer builders in the past. And we tried to
8 correct it. And I can answer any questions about
9 that.

10 There are people that come from other
11 places to stay, you know, to stay at the University
12 either on campus or in housing owned by the
13 University. And they help out with the campus.

14 But that's different from what the
15 University is proposing to use when it builds out
16 the master plan update that you're considering.

17 COMMISSIONER KAHELE: Okay. I may have
18 misread the --

19 MR. SIMON: Yeah, they referred to
20 volunteer mission builders. But again we can have
21 -- I can answer any questions on this you want or
22 you can hear from Mr. Hamilton. But those aren't
23 the individuals anticipated to actually do the
24 buildout.

25 The University does have friends -- there

1 are people that are friends of the University that
2 -- you know, for example, they have a general
3 contractor. Right? And so he volunteers his
4 services and helps out the University by not
5 charging mark-ups and stuff like that.

6 But, you know, ultimately when this thing
7 gets built it will go out to bid, you know, to the
8 local labor market or labor pool. I think I know
9 the reference you're looking at in the staff report

10 --

11 COMMISSIONER KAHELE: Yeah.

12 MR. SIMON: -- and again I think --

13 COMMISSIONER KAHELE: You know, I'm
14 looking at it, right, and it says you're going to be
15 using volunteer workers.

16 MR. SIMON: And I think that's --

17 COMMISSIONER KAHELE: And you going to be
18 bringing them in from the mainland. Right?

19 MR. SIMON: Not for the purposes of
20 building out the master plan update. That's what's
21 described in the EIS. And again I think this stems
22 from a poor explanation I gave a couple years back.

23 So --

24 COMMISSIONER KAHELE: Oh, I see.

25 MR. SIMON: -- I'm still trying to, you

1 know, atone for that. But yeah, so I think it's a
2 little different than what's stated in the staff
3 report.

4 CHAIR LEE: Maybe I could clarify. Mr.
5 Simon, I think I was at that hearing two years ago.
6 And there was a person you had brought in. But I
7 think at the time you clarified you'd be using
8 licensed contractors and you would be putting it out
9 to bid.

10 And it would probably -- this is a huge
11 project. So I'm guessing you would need someone who
12 has a lot of experience doing this locally; is that
13 correct?

14 MR. SIMON: Yeah, locally with the
15 capacity. It would be put out to bid.

16 CHAIR LEE: He may or may not be a Union
17 contractor. Right?

18 MR. SIMON: Again it goes out to bid. So,
19 you know, I don't think any of us can look in the
20 future and say, you know, who will be used. But
21 they'll certainly, you know, take bids from Unions.

22 COMMISSIONER KAHELE: Thanks, Chair, for
23 reminiscing back two years ago. I wasn't there.

24 But my concern is with the issues that was
25 raised by the testifiers regarding iwis or possibly

1 iwis sites already located -- if these people are
2 going to be brought in from the mainland and if they
3 identify bones that may be on burial site -- I guess
4 I would share the same concern if we were natives of
5 Hawaii, the Kanaka Maoli. Yeah? Kanaka, Hawaiians,
6 aina --

7 MR. SIMON: Completely understand. And
8 again I think --

9 COMMISSIONER KAHELE: So are they going to
10 be able to identify in the event there's a site or
11 there's bones or there's iwis if you're going to be
12 using these people from the mainland -- if you're
13 going to be using a general contractor? With the
14 Union, I would hope so. If not, you know -- but,
15 you know, I sit here as a native Hawaiian not saying
16 that I'm against the project. I'm looking at what
17 happens if we bring in people from the mainland that
18 cannot identify what they see gets buried here and
19 not able to identify it?

20 MR. SIMON: Yeah.

21 COMMISSIONER KAHELE: And I can share the
22 concerns of the testifiers. But anyway, just wanted
23 to share that. Thank you.

24 MR. SIMON: Yeah, completely understand.
25 I think maybe if I back up too just for a little

1 context -- what comes out of these archaeological
2 reports we have is that the three identified burials
3 are going to be preserved in place.

4 There will be a rock wall built around
5 each burial site that's a 20-foot buffer around the
6 site. There will be an additional ten-foot, no
7 construction, no landscaping buffer. These are
8 permanent buffers.

9 During actual construction those buffers
10 will be 50 feet. All the construction plans for the
11 project will have all of these resources -- the
12 resources being preserved -- plotted out on those
13 construction plans for the workers to see.

14 There will be an archaeological monitoring
15 plan in place for construction. And there will be
16 an archaeological monitor present on the petitioned
17 area during construction.

18 COMMISSIONER KAHELE: Very good. Thank
19 you.

20 CHAIR LEE: And I'm going to ask the
21 executive officer -- if those are concerns that
22 Commissioners have those can be conditions that are
23 placed in the future; is that correct?

24 MR. ORODENKER: Yes, it is, Chair.

25 CHAIR LEE: Okay. Thank you.

1 Commissioners, any other questions for now
2 for -- you'll have other -- you'll have more
3 opportunities to ask questions. But for now before
4 we go into lunch and executive session is there any
5 questions for the petitioner?

6 Okay. Commissioner Miyasato and then
7 Commissioner Hayashida.

8 COMMISSIONER MIYASATO: I just have one
9 for now. I'll save the rest for after lunch. But
10 in this document it's referenced several times as
11 university-level classroom space.

12 And there was some testimony earlier I
13 guess kind of saying that there is not university-
14 level academics being taught at this facility. So
15 what is the university level classroom space? Is it
16 an auditorium style classroom or what is that?

17 MR. SIMON: Thank you, Commissioner
18 Miyasato. Let me have Mr. Hamilton speak to that.
19 He's the best one for you to hear from.

20 DAVID HAMILTON: So we are training people
21 at associate's, bachelor's, and master's level. And
22 the classroom spaces that are needed are various.
23 So sometimes they are small or medium-sized or large
24 classrooms, auditorium size.

25 Sometimes they are things other than just

1 classrooms. So we're training people in filmmaking
2 and audiovisual arts. And so you have studios and
3 small theaters and various areas that are
4 appropriate for that area.

5 We have other areas where people are being
6 trained in other kinds of particular studies. So
7 you have to have a language lab, which is a
8 different kind of construction.

9 So in the 15 different colleges that we
10 have there's a variety of different things. So we
11 have training -- people training at university level
12 in healthcare. That requires a certain kind of
13 facility for primary healthcare issues or for
14 athletic care or physio.

15 All those facilities -- it's not just one
16 kind of building but a range of buildings. Some of
17 those already exist on the 45 acres where we're
18 running classrooms currently.

19 And as we look to expand on the 62 acres
20 in the petition area that would be those variety of
21 courses and facilities that are needed to serve the
22 training that is needful for that particular
23 discipline or vocation.

24 COMMISSIONER MIYASATO: Okay. Thank you.

25 COMMISSIONER KAHELE: I have a question,

1 Chair --

2 CHAIR LEE: Oh, wait. Commissioner
3 Hayashida and then Commissioner Kahele.

4 COMMISSIONER HAYASHIDA: Commissioner
5 Hayashida. Your testifiers in opposition -- could I
6 get your comments on what your feelings are about
7 your obligation culturally?

8 MR. SIMON: It's not my -- pardon me.
9 Myself or Mr. Hamilton?

10 COMMISSIONER HAYASHIDA: Doesn't matter.

11 MR. SIMON: You know, first I'd point out
12 that, you know, this is a public process. Right?
13 It's supposed to have comments and feedback and
14 responsiveness.

15 It's unfortunate when you get comments
16 like these outside of the draft EIS or even scoping
17 phase because we have no way to respond. A lot of
18 the comments are hard to really address because they
19 provide no specifics.

20 I think some of them are based on a
21 misguided understanding of what the Commission is
22 deciding today -- that's the acceptance of the EIS,
23 not the approval of the project. I think some of
24 the comments were based on misconceptions about the
25 University, its students, whether it makes profits.

1 So again I think if time is taken to read
2 the document and provide comments it's a much more
3 constructive situation where we can really respond.
4 But if there's anything particularly said that you'd
5 like us to respond to please let me know.

6 COMMISSIONER HAYASHIDA: Well, culturally
7 how you're -- I think they talked about the impact
8 of the Hawaiian language or the Hawaiian practices
9 -- the cultural center was kind of supposed to
10 address some of those issues.

11 But how in this next phase are you
12 identifying these cultural issues that were supposed
13 to be previously taken care of?

14 MR. SIMON: You want to take this one?

15 DAVID HAMILTON: So you heard in the early
16 testimonies from Ms. Leina'ala, who is familiar with
17 the campus, for accommodation of the cultural
18 practices that we intentionally tried to do.

19 We bring people in -- students come from
20 many parts of the world. And we're equipping them
21 to be -- serve in other cultures. And one of the
22 things that they -- we focused on is teaching them
23 how to become sensitive to the cultural context
24 where they're going to be going. And so as they
25 come here we do that process.

1 And every quarter that we would have we
2 have -- we start each school year doing a Hawaiian
3 protocol and training people in places that go above
4 and beyond most of the educational institutions that
5 practice here in Hawaii so that we are really trying
6 to help people understand who come from afar to
7 really treasure and appreciate and learn from the
8 Hawaiian practices here.

9 And so this is our commitment. And this
10 is why we want Hawaiian language courses and various
11 other activities -- to honor and celebrate the
12 Hawaiian culture.

13 MR. SIMON: Yeah, and one more comment.
14 One of the testifiers mentioned a condition of the
15 2003 decision order that related to the
16 establishment of a native Hawaiian distance learning
17 program with UH Hilo.

18 And so we've explained in our annual
19 reports filed with the Commission that, you know,
20 following that 2003 decision, efforts were made to
21 engage with UH Hilo to establish a program. And
22 ultimately it really didn't come to fruition. It
23 didn't seem like there was the appetite or interest
24 on the part of the University.

25 But as Ms. Fruean, you know, spoke about

1 earlier, they offer -- they have a native Hawaiian
2 language program on campus that's offered to anybody
3 in the community.

4 And I believe it's free of charge, David?

5 DAVID HAMILTON: Yes.

6 MR. SIMON: And it's free of charge. And
7 that's ongoing and active today.

8 CHAIR LEE: Okay. Thank you. You know,
9 I'm going to ask two quick questions and then I'm
10 going to cut it off for now so that we can do our
11 possible executive session. Then we'll have more
12 opportunity to ask questions after lunch/executive
13 session.

14 All right. So what section of the tax
15 code is your nonprofit? Is it a 501(c)?

16 MR. SIMON: 501(c)(3).

17 CHAIR LEE: Okay. And then the second
18 question is -- you mentioned there was a Swiss
19 accrediting organization for your degrees. Are
20 those credits transferrable or what -- could you
21 elaborate a little bit more on that?

22 DAVID HAMILTON: Thank you. Yes. So
23 there's an organization called the Global
24 Accrediting Association. There are only two or
25 three accrediting associations that are

1 transnational. And all the normal accrediting
2 associations in the US only serve our students here.

3 Because our university is designed
4 modularly, they may take two or three courses here,
5 then go on and do a course or two in Singapore, and
6 then continue on to a course in Delhi, India and
7 complete their studies there.

8 So it is -- the American accreditation
9 associations do not have the main of authority or
10 the capacity to accredit a course that is -- a
11 degree program that is developed in a truly global
12 world. So we began this long before all of the
13 current globalization through digital means.

14 And so this is a really unique opportunity
15 for people not to just study in their own culture
16 and learn theoretically about other cultures but we
17 actually require for a BA degree that you cannot do
18 it all in one culture -- that you have to study at
19 least about 25 percent in another culture. Most
20 people do the majority in multiple places.

21 So this is why this unique accrediting
22 association that's based in Switzerland, which of
23 course has international reputation for its neutral
24 status, has been a blessing for us to work with.

25 CHAIR LEE: Thank you for explaining that.

1 I know it is a different thing as you explained.
2 But if I got a BA from your school could I use that
3 and go to the University of Kentucky and study for
4 my master's?

5 DAVID HAMILTON: I can tell you obviously
6 the answer is yes. And we have -- many of our
7 credits have transferred into every Ivy League
8 school in the US and most schools of reputation
9 across Europe and other continents.

10 As with any college or university, there's
11 not a carte blanche. You always evaluate the
12 particular student's coursework and is it pertinent
13 to that college.

14 But I can assure you that there are over
15 450 recognized universities of great repute that
16 have taken our students either as transfer students
17 or from bachelor's into master's programs.

18 Often in some of these institutions they
19 get advanced placement in the bachelor's program
20 because of the caliber of their cross-cultural
21 educational experiences.

22 CHAIR LEE: Thank you. Appreciate that
23 answer.

24 Okay. So now I'm going to entertain a
25 motion to go into executive session.

1 COMMISSIONER MIYASATO: Chair, I make a
2 motion that we move into executive session to
3 consult with our legal counsel on questions or
4 issues pertaining to the Board's powers, duties,
5 privileges, and liabilities.

6 CHAIR LEE: Thank you, Commissioner
7 Miyasato.

8 Is there a second?

9 COMMISSIONER HAYASHIDA: Commissioner
10 Hayashida, second.

11 CHAIR LEE: It's been seconded by
12 Commissioner Hayashida.

13 Executive Officer, will you conduct the
14 roll call vote?

15 MR. ORODENKER: Thank you, Mr. Chair.

16 The motion is to go into executive
17 session.

18 Commissioner Miyasato?

19 COMMISSIONER MIYASATO: Aye.

20 MR. ORODENKER: Commissioner Hayashida?

21 COMMISSIONER HAYASHIDA: Aye.

22 MR. ORODENKER: Commissioner Carr Smith?

23 VICE CHAIR CARR SMITH: Aye.

24 MR. ORODENKER: Commissioner Kahele?

25 COMMISSIONER KAHELE: Aye.

1 MR. ORODENKER: Commissioner Yamane?

2 COMMISSIONER YAMANE: Aye.

3 MR. ORODENKER: Chair Lee?

4 CHAIR LEE: Aye.

5 MR. ORODENKER: Thank you, Mr. Chair. The
6 motion carries unanimous.

7 CHAIR LEE: Okay. We're going to go into
8 executive session. And also that will be our lunch
9 period of no less than 30 minutes. So we're going
10 to start at 12:40.

11 And we will come back no earlier than 1:10
12 p.m. And hopefully our executive session will also
13 be concluded at that time so that we can restart.

14 All right. Thank you.

15 (WHEREUPON, a recess was taken.)

16 CHAIR LEE: All right. Thank you,
17 everybody. We're back from our working lunch and
18 executive session, including staff, that was held to
19 cover the legal requirements for accepting an
20 environmental impact statement with our legal
21 counsel.

22 Okay. So now we are going to ask the
23 County of Hawaii to present your comments. And I'm
24 going to ask Deputy Director Michelle Ahn if you
25 have any comments?

1 MS. AHN: Good afternoon. Thank you,
2 Commissioner.

3 We have our Deputy Corporation Counsel
4 Jean Campbell with us representing the County of
5 Hawaii Planning Department today.

6 But since you addressed the question to me
7 I'll just let you know that as the Land Use
8 Commission considers whether or not to accept the
9 second final EIS and allow Petitioner to continue on
10 with this process, as far as the County of Hawaii
11 goes the land in question is in our land use pattern
12 allocation guide map designated as medium density
13 urban.

14 And in our Kona community development plan
15 this area is in the Kona urban area. So the
16 proposal is consistent with our general plan and our
17 community development plan.

18 And it's in an area that the County of
19 Hawaii has determined is appropriate for further
20 development. So if you have any questions I'd be
21 happy to answer them.

22 CHAIR LEE: Okay. Any questions for
23 Deputy Director Ahn?

24 COMMISSIONER HAYASHIDA: Commissioner
25 Hayashida. Any County concern about the

1 infrastructure as mentioned by some of the other
2 testifiers?

3 MS. AHN: We're aware of the issues with
4 the water and the need to connect to the County
5 sewer. I think that based on where we are at this
6 current stage of the process those are things that
7 will be worked out at a later stage.

8 So the petitioner will still need to come
9 back before the Land Use Commission. If this second
10 final EIS is accepted they'll need to come back and
11 there will need to be more discussion and new
12 conditions added. So I think that that will be
13 addressed and worked out in the future.

14 CHAIR LEE: Yes, Commissioner Miyasato?
15 Thank you.

16 COMMISSIONER MIYASATO: You know, in the
17 second draft -- second final EIS there is quite a
18 few references to staff dormitories.

19 And a question was asked earlier about
20 affordable housing -- the affordable housing
21 component. I guess that was in the earlier planning
22 of the project -- the 2003 submittal.

23 So what does the County consider
24 dormitories? I mean, if they're all faculty, staff
25 -- for staff -- three bedrooms -- is that

1 dormitories?

2 MS. AHN: So our affordable housing
3 requirements are usually based on units. And the
4 dormitories aren't considered -- each room in a
5 dormitory isn't considered a separate dwelling unit.

6 So as far as triggering our affordable --
7 is that what you're asking is whether they need to
8 provide affordable housing because people are going
9 to be living here?

10 COMMISSIONER MIYASATO: Yeah. I guess
11 because it's called dormitories does that exempt it
12 or is it because of the number of buildings it
13 doesn't trigger?

14 I guess, you know, in an earlier report
15 one of the directors had referenced that the use
16 does not trigger -- I believe it was Mr. Wasaka --
17 that it does not trigger an affordable housing
18 component.

19 MS. AHN: Well, I don't believe that the
20 petitioner has actually come to us with a plan for
21 what they're proposing going forward. So I know
22 that there's the new master plan that was included
23 in the second final EIS that shows what my current
24 understanding is they intend to do.

25 But they haven't actually come to the

1 Planning Department and said "Here's what we're
2 really doing." So I guess anything I say at this
3 point would be speculative because we'd have to see
4 their --

5 COMMISSIONER MIYASATO: Okay. I was just
6 -- because the comment was made earlier with a
7 question on affordable housing I was just following
8 up. So thank you.

9 CHAIR LEE: Okay. Thank you.

10 Any other questions for Ms. Ahn? And if
11 not I wanted to also ask Madam Deputy Corporation
12 Counsel Campbell if she has any comments.

13 MS. CAMPBELL: Thank you for the
14 opportunity. I don't have any comments in addition
15 to what Deputy Director Ahn has already provided.

16 CHAIR LEE: Okay. Thank you.

17 Any final questions for County of Hawaii?
18 Okay. Seeing none, we're going to go to the Office
19 of Planning and Sustainable Development to present
20 your comments.

21 But before I do, let's swear in Director
22 Mary Alice Evans. Please state your name.

23 MARY EVANS: Mary Alice Evans, Director --
24 whoops. Is that not close enough? Mary Alice
25 Evans, Director of the State Office of Planning and

1 Sustainable Development.

2 CHAIR LEE: Do you swear or affirm that
3 the testimony you're about to give is the truth?

4 MARY EVANS: I do. And I will be
5 deferring to our Deputy AG Alison Kato to provide
6 our comments.

7 CHAIR LEE: Will Mr. Asuncion also be
8 providing comments? Okay. Thank you.

9 All right. Please proceed.

10 MS. KATO: Thank you, Chair. Alison Kato,
11 Deputy Attorney General for the Office of Planning
12 and Sustainable Development. As stated by others
13 earlier, the matter before the LUC today is whether
14 Petitioner's FEIS meets the requirements for
15 acceptance under HRS Chapter 343.

16 OPSD is satisfied that the FEIS discloses
17 the identifiable environmental effects of the
18 proposed action and the necessary information and
19 that it also responds to the comments received
20 during the environmental review process.

21 As mentioned in our written comments, OPSD
22 and other state agencies provided comments on the
23 DEIS, which are responded to and addressed in the
24 FEIS. The FEIS also provides updated discussion
25 related to the ongoing issues, including the water

1 availability solutions being sought.

2 And again the ongoing issues are ongoing
3 issues that don't necessarily mean that the FEIS
4 isn't acceptable. We note that the LUC's approval
5 today is just on sufficiency of Petitioner's
6 environmental review disclosure document.

7 This is not acceptance of the project or
8 the amendment to the 2003 decision. It's not
9 approval of Petitioner's master plan update.

10 The LUC will be looking at Petitioner's
11 master plan and update and a position of
12 appropriating mitigating conditions at a later time
13 through a motion to amend. So OPSD recommends
14 acceptance of the FEIS today. Thank you.

15 CHAIR LEE: Thank you, Ms. Kato.

16 Are there any questions for the Office of
17 Planning and Sustainable Development? Okay.

18 Seeing none, thank you very much, Ms.
19 Kato.

20 Petitioner, do you have any final comments
21 you would like to make at this time?

22 MR. SIMON: Yes, please, Chair. And I'll
23 try to be brief.

24 You know, the Commission has heard it over
25 and over. But today is about -- yeah. So not to

1 keep repeating a constant theme here, but the
2 question before the Commission today is the
3 acceptability of the final EIS.

4 There are other related questions that are
5 top of mind for the Commissioners, the parties,
6 testifiers. But many of those frankly don't go to
7 the sufficiency of the four quarters of the EIS.
8 That's what is before the Commission.

9 You know, the Hawaii Supreme Court tells
10 us that the test for the sufficiency of an EIS is
11 called the rule of reason. Was it prepared in good
12 faith and does it disclose sufficient information
13 for this Commission to make an informed decision?

14 And we believe it more than satisfies that
15 standard. We think we've met the three major
16 requirements for acceptance of final EIS. We
17 followed the appropriate process. We had all the
18 required content.

19 And we responded to all comments submitted
20 both on the -- submitted on the draft EIS. And
21 those are all presented for the Commission's
22 consideration today. Thank you.

23 CHAIR LEE: Okay. Thank you, Mr. Simon.

24 County, do you have any closing statements
25 that you would like to make?

1 MS. AHN: Thank you, no.

2 CHAIR LEE: Thank you.

3 OPSD, do you have any closing argument
4 that you would like to make?

5 MS. KATO: Alison Kato. No. Thank you.

6 CHAIR LEE: Thank you.

7 And now, Commissioners, do you have any
8 final questions or comments for the parties before
9 we enter into deliberations?

10 COMMISSIONER KAHELE: Chair, I got one
11 more question.

12 CHAIR LEE: Go ahead, Commissioner Kahele.

13 COMMISSIONER KAHELE: Out of all of the
14 dorms that's going to be built how many of them are
15 actually -- are going to be used? And is it just
16 college level students or there's going to be a
17 number of dorms that's being provided to staff and
18 volunteers? What's the percentage?

19 MR. SIMON: The percentage -- my
20 understanding is -- it's tough the way it's broken
21 down in the EIS to some extent. It's about a two-
22 thirds percentage will be students and families
23 because some of these college-level students have --
24 they're married or they have children. And so that
25 is about two-thirds of the population that's on the

1 campus.

2 But the intent of the master plan is so
3 the University can continue as it is doing now to
4 house 100 percent of its students on campus and not
5 have to send students to, you know, other places
6 like we heard earlier about Norway or send them out
7 in the community where they might take up affordable
8 housing opportunities from other people and also to
9 bring -- make sure we continue to provide housing
10 and increase the level of housing we're able to
11 provide for staff.

12 COMMISSIONER KAHELE: Oh, so students who
13 are married with children or with families are able
14 to stay at the dorms?

15 MR. SIMON: My current understanding --

16 COMMISSIONER KAHELE: Live at the dorms --

17 MR. SIMON: -- is that their family lives
18 in the dorms --

19 COMMISSIONER KAHELE: I'm sorry.

20 MR. SIMON: -- and some of the dorms are
21 proposed -- are set up to be accessible -- an
22 appropriate accommodation for a young family or a
23 family of any age really.

24 COMMISSIONER KAHELE: Oh, okay. Thank
25 you.

1 CHAIR LEE: Okay. Thank you.

2 Any other questions from Commissioners?

3 Commissioner Carr Smith, did you have a
4 question?

5 VICE CHAIR CARR SMITH: No, I have several
6 comments. But I think we really need to stay in our
7 lane and kind of stay out of the weeds. It feels
8 like we're getting super sidetracked with a lot of
9 other things that are not the EIS.

10 And I think it's been made clear that the
11 project's going to come back to us and we're going
12 to have an opportunity to review it in much more
13 detail at that time.

14 And I feel like this is just a step in
15 their process and that they have done everything
16 that they need to do, including, you know,
17 identifying the things that they don't know yet. So
18 yeah, I'm prepared to make a motion whenever you
19 call for it, Chair.

20 THE CHAIR: Okay. Thank you. We're going
21 to ask now for one last opportunity for any members
22 of the public who wish to provide new or additional
23 testimony on this matter.

24 Ms. Chief Clerk?

25 MS. KWAN: I'm going to give a moment for

1 anyone on the Zoom to indicate if they would like to
2 give testimony using the Q&A feature.

3 And I'm seeing one in the room, Chair. So
4 we'll start with the live testimony first --

5 CHAIR LEE: Okay.

6 MS. KWAN: -- and then that will give
7 everyone time on the Zoom if they would like to
8 testify.

9 Please use the Q&A feature and let me
10 know.

11 THE CHAIR: All right. Thank you.

12 Testifier, please state your name and
13 remember you're still under oath.

14 LEINA'ALA FRUEAN: Leina'ala Kekuhaupi'o
15 Fruean.

16 CHAIR LEE: Please proceed. You have two
17 more minutes.

18 LEINA'ALA FRUEAN: All right. I would
19 just like to share and testify today that with some
20 of the findings that came about about the Ka
21 Pa'akai, perhaps that needs to be looked at by those
22 who haven't looked at it clearly because that was
23 really looked at with a fine-tooth comb.

24 And that to share that there is a Wai'aha
25 Hawaiian Council with kupuna, Native Hawaiian

1 kupuna, who -- kumu hula practitioners as well as
2 those that sit to make sure that all the 'iwi, the
3 'aina is really being looked at first and foremost
4 -- that nothing is being touched.

5 There has always been an open door for
6 many to come and learn. I would like to also
7 testify that many of us Kanaka Maoli, when we have
8 to go back and learn our Hawaiian language we have
9 to go back to school and learn and pay.

10 And years ago in 2003 -- I think it's very
11 important to testify today that kupuna Josephine
12 Nahale and the 'ohana of the Nahale as well and Mary
13 Kamahele Boyd, who said that this University --
14 knowing that it is a mission University and ties
15 into the story of what took place with the
16 missionary and our overthrow and our mo'olelo --
17 that this missionary to make right the hemahema,
18 make right the hewa that has taken place when the
19 language was taken away, when so much was taken away
20 from us as Kanaka Maoli -- and just us as a people,
21 not, you know, priced out of paradise.

22 And this University and the leadership of
23 this University made it a mandate and a proclamation
24 that anyone who comes to this University, wants to
25 learn the Hawaiian language, will learn it for free.

1 We have been operating there since 2012.
2 Out of that very university we have seen a dozen of
3 Hawaiian language teachers who actually came and
4 learned through the Native way from manaleo kupuna
5 who spoke only Hawaiian.

6 And we have seen kumu hula who have taught
7 other haumana what is the essence of a kumu hula
8 practitioner's actually practice, live it, breathe
9 it.

10 And with that being said, we are happy to
11 say that since 2012 we have seen kumu's today who
12 went back to kaha ke kula Ke'elikolani to go back in
13 learning Hawaiian to get their final degree because
14 part of their learning track required that with the
15 professors at University of Hilo saying who was --
16 where did you learn?

17 Who are the kupuna that taught you? And
18 how do you know so much of this mo'olelo? Because
19 the 'ike and the way it was taught in its natural
20 environment. It wasn't in the four walls. It
21 wasn't in the kula, school setting. It was how we
22 should all be learning.

23 And out of that they recognize that this
24 -- what we have put on and the University taking
25 that as a forerunner saying you know what we're

1 going to do.

2 And we are happy to say that many
3 Hawaiians have already come up there. Dozens go up
4 to the 'ehunui kaimalino school, emergent school,
5 and become teachers out of a program that they came
6 for free.

7 And so I want to testify that so much of
8 what we maybe heard today that there's more to the
9 story. And we invite people -- we have invited many
10 of those who want to come back, see the 'iwi, and
11 doublecheck that everything has been in place, that
12 lineal descendants who know that is their kupuna
13 'iwi has come back.

14 So access, you know, and coming up has
15 been an important place. But I have to say as a --
16 not just as a Kanaka Maoli born and raised here, my
17 family goes back to Wai'ohinu. We're descendants of
18 this place.

19 I have not been to any university that you
20 can go learn language for free. We pay big dollars.
21 And I have to say that this organization is true to
22 that. And they have also sponsored other kumu that
23 went out to get sponsorship to pursue their
24 education. I am one of those.

25 So I am not just a kumu ho'ona'au'au. And

1 I am a kumu that practices in my own backyard here
2 because I see the need and aloha. And there's a lot
3 of valid points that's been brought up here.

4 But we also know that they are doing their
5 part to kapo'o the lahui. And if the part is like
6 our Hawaiian proverbs that says he ali'i ka'aina, he
7 kanaka ke kaua -- the land is the chief. The people
8 serve it.

9 I have learned more acts of service in
10 this organization. And everyone who has been a part
11 of this have learned more on how to serve our
12 community in a better space.

13 I'm also a promoter of Native Hawaiian
14 culture as well as Hawaiian Island Pacific and age
15 of culture celebration with the University of
16 Nation's whole school free -- huge groups from
17 Tahiti, Marquesas Islands, Fiji, Samoa, New Zealand.

18 And guess what? Their facilities host
19 them. And guess what they say? You don't have to
20 pay this big hotel pricing. We no can afford that.
21 We all know that. Many people in the Pacific cannot
22 afford that.

23 The University feed them, house them, find
24 transportation, pick them up at the airport let
25 alone. That has been a blessing. Today we run

1 successfully right here at this hotel, Hawaii
2 island, Pacific Asia cultural celebration to create
3 a space to empower our people.

4 And not just Hawaiian, but all that have
5 married into Hawaii Island because we got to raise
6 up as a Lahui. So I am here to testify that they
7 are always welcome. We are grateful.

8 And we got to get started on the native
9 practices and the stuffs we got to do to place the
10 halau -- expression and our people. So mahalo nui
11 'ia 'oukou pa ka'i apau, aloha.

12 CHAIR LEE: Thank you. Any questions for
13 Ms. Fruean? Seeing none, thank you very much for
14 your testimony.

15 LEINA'ALA FRUEAN: Mahalo.

16 CHAIR LEE: Ms. Kwan, is there anyone else
17 online?

18 MS. KWAN: I have Charles Flaherty, who
19 would like to give additional testimony.

20 CHAIR LEE: Okay.

21 MS. KWAN: He's being promoted now.

22 CHAIR LEE: Okay, Mr. Flaherty. Please
23 state your name. And you're still under oath.

24 CHARLES FLAHERTY: Yes, my name is Charles
25 Flaherty, 96704. I will be telling the truth. I'm

1 testifying now as an individual, not on behalf of
2 the Sierra Club of Hawaii.

3 First of all, I want to acknowledge all
4 that the previous testifier said. I very much
5 appreciate it. And it is a reflection of what
6 should be in this final environmental impact
7 statement but is not.

8 Rather the entire cultural center and
9 aspects of teaching have been removed and references
10 to the cultural center have been removed.

11 The fact that we now know from this prior
12 testimony that these activities are occurring that
13 perpetuate traditional and customary practices and
14 the fact that they are not contained within this
15 final environmental impact statement makes it clear
16 that this final environmental impact statement is
17 not sufficient -- does not sufficiently address the
18 cultural impacts.

19 Nor does it reflect the commitments that
20 were made to the kupuna. Because I was
21 participating with Ruby McDonald and other kupuna
22 who had required -- this was part of the original
23 decision and order was because of the testimony of
24 the kupuna, of the community.

25 That was one of the reasons why they

1 supported what was the eventual decision and order
2 that is currently existing by this Commission.

3 So I think it's very important to realize
4 that there really is no explanation for the removal
5 of the cultural center, which represented a
6 commitment to this community and Kanaka Maoli, to
7 the Lahui, and Lahui Oiwi as well.

8 So I would really urge the Commission to
9 have the petitioner to revisit the environmental
10 assessment and to include the cultural center or
11 some aspect of it if only to acknowledge what was
12 previously testified to, which is not contained
13 within this environmental impact statement. Thank
14 you very much.

15 CHAIR LEE: Thank you.

16 Any questions for the testifier? Okay.

17 If not, thank you for your testimony.

18 Ms. Kwan, there's one more? Okay.

19 MS. KWAN: We have Cindy Freitas that I'll
20 promote now.

21 CHAIR LEE: Okay, Ms. Freitas. You are
22 still under oath. So please state your name and
23 proceed with your two minutes of testimony.

24 CINDY FREITAS: Aloha, I'm Cindy Freitas.
25 Okay. I'm going to highlight more on the Ka Pa'akai

1 O Ka 'Aina and Land Use Commission requirements that
2 came out of the Supreme Court.

3 The identification of native Hawaiian
4 traditional and customary practices, the
5 determination of their scope and location, and
6 feasible protection measure -- those requirements
7 were not fully developed in prior version of the
8 EIS.

9 The record shows that the new cultural
10 research contest -- contents was added only in
11 November 2025 in your volume EIS -- volume one --
12 confirming that Ka Pa'akai analysis was incomplete
13 for years. An agency cannot provide first and study
14 impacts later. They need to put it in before this
15 EIS is granted.

16 And the 2023 findings cannot support this
17 project because the Land Use order contemplate -- I
18 mean, the order -- a different project, the
19 residents, condominium development, a culture
20 center, and a small educational facility which is in
21 your volume two. That is not what was proposed
22 today.

23 In 2025 the University seeks a major
24 campus extension, including students' houses,
25 academic building, athletic facility, and a roadway

1 improvement, which is in your volume one.

2 This is fundamental differences proposed
3 scale and impact. So this needs to be addressed.
4 This needs to be rejected because they don't fully
5 meet the requirements according to the Supreme Court
6 when the Land Use Commission had passed the other
7 stuff in the Ka Pa'akai O Ka 'Aina. Mahalo.

8 CHAIR LEE: Thank you, Ms. Freitas.

9 Any questions for Ms. Freitas? Okay.

10 If not, thank you for your testimony.

11 CINDY FREITAS: Thank you.

12 CHAIR LEE: Ms. Kwan, any further
13 testifiers?

14 MS. KWAN: No, Mr. Chair.

15 CHAIR LEE: Okay. Thank you.

16 All right. The Commission will now
17 conduct formal deliberations whether to accept or
18 reject the final environmental impact statement
19 presented today.

20 We'll note for the parties and the public
21 that during the Commission's deliberations we will
22 not entertain additional input from the parties or
23 the public unless those individuals or entities are
24 specifically requested to do so by the Chair. If
25 called upon, I would ask that any comments be

1 limited to the question at hand.

2 Commissioners, let me now confirm that
3 each of you have reviewed the record and is prepared
4 to deliberate on this matter. After I call your
5 name will you please signify with either an "aye" or
6 a "nay" that you are prepared to deliberate on this
7 matter.

8 Commissioner Hayashida?

9 COMMISSIONER HAYASHIDA: Aye.

10 CHAIR LEE: Commissioner Kahele?

11 COMMISSIONER KAHELE: Aye.

12 CHAIR LEE: Commissioner Yamane?

13 COMMISSIONER YAMANE: Aye.

14 CHAIR LEE: Commissioner Carr Smith?

15 VICE CHAIR CARR SMITH: Aye.

16 CHAIR LEE: Commissioner Miyasato?

17 COMMISSIONER MIYASATO: Aye.

18 CHAIR LEE: And I, Brian Lee, am also
19 prepared to deliberate on this matter.

20 All right. Commissioners, we're going to
21 follow Robert's Rules. So we will entertain a
22 motion that the Land Use Commission accepts or
23 rejects the petitioner's final environmental impact
24 statement and master plan update. And then we will
25 enter into discussion if there is a motion and a

1 second. Is there a motion now?

2 VICE CHAIR CARR SMITH: Chair?

3 CHAIR LEE: Commissioner -- Vice Chair
4 Carr Smith?

5 VICE CHAIR CARR SMITH: Thank you, Chair.

6 Based on testimony and presentations and
7 comments from the petitioner, the State of Hawaii,
8 and the County of Hawaii as well as the actual
9 testifiers, I move that we accept the petitioner's
10 second final environmental impact statement that was
11 filed on November 17, 2025, pursuant to HAR 11-
12 200.1-28.

13 CHAIR LEE: Do you also include accepting
14 their master plan update as part of your motion?

15 VICE CHAIR CARR SMITH: Yes, I do. The
16 master plan update, the second final environmental
17 impact statement. Yes.

18 CHAIR LEE: Okay. Thank you.

19 There's been a motion by Commissioner Carr
20 Smith. Is there a second?

21 COMMISSIONER MIYASATO: I'll second.

22 CHAIR LEE: There's a second by
23 Commissioner Miyasato. Hold on a second. We are
24 going to take a brief recess of one minute.

25 (WHEREUPON, a recess was taken.)

1 CHAIR LEE: I think that we need to
2 restate the motion in order to comply with the
3 requirements. The motion, if you wish to remake it,
4 Commissioner Carr Smith, is to accept the
5 petitioner's 2020 master plan update, second final
6 environmental impact statement filed on November 17,
7 2025, pursuant to HAR 11-200.1-28. Is that the
8 motion you wish to make?

9 VICE CHAIR CARR SMITH: Yes, Chair.

10 CHAIR LEE: Is there a second?

11 COMMISSIONER MIYASATO: I'll second.

12 CHAIR LEE: Okay. It's been moved by
13 Commissioner Carr Smith and seconded by Commissioner
14 Miyasato. Is there any discussion? I encourage you
15 to discuss.

16 COMMISSIONER KAHELE: You know, Brian, I
17 just wanted to make a statement. You know, and I
18 know this is a good project. With all of the
19 testifiers that's in opposition, there's still the
20 concern regarding the Ka Pa'akai analysis and the
21 ancestral rights.

22 Is there any way -- and I'm not sure this
23 is the time to bring it up -- in the petitioner
24 including in their petition to allow -- when the
25 project moves forward if they would allow someone to

1 oversee the project just to make sure that in the
2 event somebody finds some bones or iwis that they
3 would be able to identify and see what they can do
4 to try to rectify the problem and address the issues
5 that was raised by several of the testifiers?

6 And I don't know if we need legal advice
7 on that. But I would think that I want to suggest
8 that.

9 CHAIR LEE: Well, thank you, Commissioner
10 Kahele. Our Deputy Attorney General recommended
11 that that's something we could advise in a future
12 hearing if -- when you come back with any amended
13 plans. But I'm going to ask you now as the
14 petitioner, is that something that you'd be
15 agreeable to?

16 MR. SIMON: Thank you, Chair. Yeah, I
17 mean, the petitioner is very mindful that any future
18 approval it gets from the Commission will be
19 conditioned and the importance of these resources.

20 And some of these mitigation measures are
21 already included in the archaeological reports as
22 far as monitoring during construction, protocol if
23 discoveries are made, who's contacted, including
24 SHPD and consultation and so forth.

25 CHAIR LEE: Thank you. So Commissioner

1 Kahele can be -- rest easy that that will be a
2 condition that you will comply with in the future.

3 MR. SIMON: I think he can sleep well
4 tonight, yes.

5 CHAIR LEE: Thank you.

6 COMMISSIONER KAHELE: Thank you, sir.

7 MR. SIMON: Thank you.

8 CHAIR LEE: Any further discussion?

9 COMMISSIONER MIYASATO: Chair?

10 CHAIR LEE: Yes, Commissioner Miyasato?

11 COMMISSIONER KAHELE: Thank you, Chair.

12 COMMISSIONER MIYASATO: Yeah, my question
13 is based on the environmental impact statement --
14 the second draft, yeah, and the acceptance of that
15 and that only. I think that the petitioner has
16 heard a lot of -- well, I guess concerns that will
17 need to be addressed when you come forward with an
18 amendment request.

19 So, you know, yeah, we went a little off-
20 base. But I think, you know, that was because of
21 testimony and concerns that we all wanted to share
22 should this be approved and to make note of all
23 those concerns and address it.

24 CHAIR LEE: Thank you, Commissioner
25 Miyasato.

1 Commissioner Carr Smith, you made the
2 motion. And I know you already elaborated a little
3 bit on why you made the motion and what you thought.
4 But do you have any further comments in support of
5 your motion?

6 VICE CHAIR CARR SMITH: I do. I mean, I
7 learned more from the petitioner today about their
8 community efforts. And that went a long way for me.
9 And their organization as a whole -- it's pretty
10 impressive.

11 And I think that OPSD did an excellent job
12 in their write-up and comments. And I thank you
13 guys for that -- being clear about the required,
14 unresolved issues.

15 Went a long way for me in detailing those
16 out and helping me understand that these are issues
17 that are not meant to be resolved right now. They
18 are unresolved issues. And that was their
19 requirement -- to identify those. And they did.

20 And that they've made -- they've
21 acknowledged that their intention to comply with
22 conditions and obligations is there. And again
23 we're going to have opportunity to go more into
24 detail with that at a later date.

25 And they've done what they were required

1 to do. You know, the procedures and the content
2 requirements and the comments -- they've checked all
3 those boxes. So I wouldn't be comfortable not
4 accepting this. Thank you.

5 CHAIR LEE: Thank you, Vice Chair.

6 Commissioners, any further final
7 discussion?

8 Commissioner Yamane?

9 COMMISSIONER YAMANE: Mr. Chair? Thank
10 you, Mr. Chair.

11 I will be supporting this motion. But
12 just a couple comments to the petitioner. I know we
13 had testifiers in opposition. And while we were --
14 you meet the minimums for the acceptance of the
15 final EIS, you will have to come back to this body
16 to get a motion for amendments.

17 So I would heed that you talk to these
18 people that are opposing so when you're here again
19 they're not here opposing your project.

20 Thank you, Mr. Chair.

21 CHAIR LEE: Thank you, Commissioner
22 Yamane.

23 Any further final discussion? Okay. If
24 not, I'll just say that I will support this motion.
25 But we have heard some of the comments from the

1 public. And I think the petitioner has also.

2 And they are aware I believe that a lot
3 will be expected when you come back for your final
4 plans and that the community's voice matters to us.
5 But you have met the requirements in my opinion with
6 the State as well as the County for this EIS.

7 So with that, I'm going to ask Executive
8 Officer Orodenker to conduct the roll call vote.

9 MR. ORODENKER: Thank you, Mr. Chair.

10 The motion is to accept the petitioner's
11 second FEIS filed on November 17, 2025.

12 Commissioner Carr Smith?

13 VICE CHAIR CARR SMITH: Aye.

14 MR. ORODENKER: Commissioner Miyasato?

15 COMMISSIONER MIYASATO: Aye.

16 MR. ORODENKER: Commissioner Hayashida?

17 COMMISSIONER HAYASHIDA: Aye.

18 MR. ORODENKER: Commissioner Kahele?

19 COMMISSIONER KAHELE: Aye.

20 MR. ORODENKER: Commissioners Kamakea-
21 Ohelo, U'u, and Giovanni are absent.

22 Commissioner Yamane?

23 COMMISSIONER YAMANE: Aye.

24 MR. ORODENKER: Chair Lee?

25 CHAIR LEE: Aye.

1 MR. ORODENKER: Thank you, Mr. Chair. The
2 motion passes with six affirmative votes.

3 CHAIR LEE: Okay. Thank you. Thank you
4 to all the parties for your presentations. Are the
5 public testifiers who requested a contested case
6 hearing still here? I don't see them. Well -- yes?

7 CINDY FREITAS: Yeah.

8 CHAIR LEE: Ms. Freitas, are you there?

9 CINDY FREITAS: Yeah.

10 CHAIR LEE: Yes. Can you explain to us
11 why you are requesting a contested case hearing?

12 CINDY FREITAS: Because I'm not at ease at
13 this EIS. There's a lot of factors missing in here.
14 And I came a long way as a culture practitioner.
15 And we can see -- we know about this land,
16 especially in the Ahupua'a tenant area.

17 We studied this land with Henry K.
18 Kahuna's maps and other maps that was available to
19 us as well as kipuka and the mo'olelo on this with
20 pono associates. So we know what's on this land.

21 The question is when you get people coming
22 in some of them don't know how to identify our
23 culture aspects. And that is a concern to me
24 because I get one feeling -- it's going to get run
25 over, disappear, and our identity will be taken

1 away. And that's why I strongly urge this EIS --
2 I'm not comfortable with it.

3 CHAIR LEE: Okay. Thank you. Can you
4 identify any specific flaw in the process?

5 CINDY FREITAS: You mean the EIS? Well,
6 the Ka Pa'akai is not -- it's not done. It's
7 incomplete.

8 CHAIR LEE: Okay. Thank you.

9 Any questions for Ms. Freitas? Okay.

10 If not, thank you for your testimony.

11 Now on the basis that there has not been a
12 property interest that's been asserted in the
13 acceptance of the environmental impact statement, is
14 there a motion to deny the request?

15 COMMISSIONER MIYASATO: I'll motion.

16 CHAIR LEE: It's been moved by
17 Commissioner Miyasato to deny the request. Is there
18 a second?

19 COMMISSIONER HAYASHIDA: Commissioner
20 Hayashida, second.

21 CHAIR LEE: It's been moved and seconded
22 by Commissioner Hayashida. Is there any discussion
23 on the motions? Okay. Hearing none, I'm going to
24 ask for another roll call vote just to be safe.

25 MR. ORODENKER: Thank you, Mr. Chair.

1 The motion is to deny the request for a
2 contested case hearing on the basis that there is
3 not a property interest asserted in the acceptance
4 of an environmental impact statement.

5 Commissioner Miyasato?

6 COMMISSIONER MIYASATO: Aye.

7 MR. ORODENKER: Commissioner Hayashida?

8 COMMISSIONER HAYASHIDA: Aye.

9 MR. ORODENKER: Commissioner Carr Smith?

10 VICE CHAIR CARR SMITH: Aye.

11 MR. ORODENKER: Let me see. Commissioner
12 Kahele? Commissioner Yamane?

13 COMMISSIONER YAMANE: Aye.

14 MR. ORODENKER: And Chair Lee?

15 CHAIR LEE: Aye.

16 MR. ORODENKER: Thank you, Mr. Chair. The
17 motion carries with six affirmative votes.

18 CHAIR LEE: Okay. Thank you, everyone.
19 Thank you to the parties for your presentations. We
20 are now going to go to the next agenda item, which
21 is the adoption of the November 19, 2025 minutes.

22 Ms. Kwan, has there been any written
23 testimony submitted on the minutes?

24 MS. KWAN: No, Mr. Chair.

25 CHAIR LEE: Are there any members of the

1 public who signed up to testify on the adoption of
2 the November 19 minutes?

3 MS. KWAN: Seeing none, Chair.

4 CHAIR LEE: Commissioners, are there any
5 corrections or comments on the minutes?

6 COMMISSIONER KAHELE: Chair, for the
7 record I'm going to abstain from my vote. I wasn't
8 current at that meeting.

9 CHAIR LEE: Thank you, Commissioner
10 Kahele.

11 If there are no corrections or comments on
12 the minutes, is there a motion to adopt the minutes?

13 COMMISSIONER HAYASHIDA: Commissioner
14 Hayashida, adopt -- motion to adopt.

15 CHAIR LEE: Okay. It's been moved by
16 Commissioner Hayashida. Is there a second?

17 COMMISSIONER MIYASATO: Second.

18 CHAIR LEE: Seconded by Commissioner
19 Miyasato. Any objections, reservations,
20 abstentions? If not, then the minutes are moved by
21 acclimation. All right. The last item is Agenda
22 Item No. 4 -- tentative meeting schedule.

23 Mr. Orodener?

24 MR. ORODENKER: Thank you, Mr. Chair.

25 Our next meeting is tentatively scheduled

1 for January 7th. And that will be commissioner
2 training if so desired. February 12th will be in
3 Kona for the Honoipu Hideaway remand matter. And
4 that is all we have on the calendar right now.

5 CHAIR LEE: Okay. Thank you very much.

6 Commissioners, do you have any questions?
7 If not, thank you, everyone. This now concludes our
8 meeting.

9 Is there any further business to discuss?

10 Okay. If not, this meeting is adjourned.

11 Everyone have a safe and happy holiday
12 season. And we'll see you again in 2026.

13 (WHEREUPON, the Hawaii Land Use Commission
14 Meeting adjourned at 2:17 p.m.)

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1 CERTIFICATE
2

3 I, LeAnn Trumble, do hereby certify that the
4 proceeding named herein was professionally
5 transcribed on the date set forth in the certificate
6 herein; that I transcribed all testimony adduced and
7 other oral proceedings had in the foregoing matter;
8 and that the foregoing transcript pages constitute a
9 full, true, and correct record of such testimony
10 adduced and oral proceeding had and of the whole
11 thereof.

12

13 IN WITNESS HEREOF, I have hereunto set my hand
14 this 13th day of January, 2026.

15

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20 LeAnn Trumble
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