

STATE OF HAWAII
LAND USE COMMISSION MEETING
HYBRID MEETING
AGENDA

DATE: January 7, 2026
TIME: 9:30 a.m.
VIRTUAL: <https://us02web.zoom.us/j/83889744110?pwd=ie1OwPB193X9xa7V2LX8MrXaEbMUxl.1>
LOCATION: Leiopapa A Kamehameha, State Office Tower, 235
S. Beretania Street, Room 405, Honolulu, HI
96813

1. Call to order
2. Overview on Land Use Commission Administrative Procedures

At the request of the Commission, this training is intended to provide training on Land Use Commission ("LUC") procedures related to annual reports, staff reports, site visits, agenda development, and website maintenance.
 - a. Overview of LUC Procedures for Processing Annual Reports
 - b. Overview of the Staff Report Development Process
 - c. Explanation on the LUC Site Visit Policy
 - d. Overview of the Development of Meeting Agendas
 - e. Overview of Processes for Maintaining Content on the LUC Website
3. Discussion on Chapter 92, Hawaii Revised Statutes ("HRS") Section 92-2.5 Permitted interactions of members; Permitted Interaction Group ("PIG")

Overview and discussion on the roles, limitations, and requirements of a Permitted Interaction Group under HRS Section 92-2.5.
4. Approval of Meeting Minutes for December 3, 2025

Meeting Minutes will be available at: BEFORE:
<https://luc.hawaii.gov/meetings/2020s>
5. Tentative Meeting Schedule
6. Adjournment

BEFORE:

PARTICIPANTS

LUC Commissioners:

Brian Lee, Chair

Ken Hayashida (via Zoom)

Mel Kahele

Kuike Kamakea-Ohelo (via Zoom)

Michael Yamane

Dan Giovanni

Bruce U'u

Myles Miyasato

Nancy Carr Smith (via Zoom)

LUC Staff:

Daniel Orodener, Executive Officer

Scott Derrickson, Chief Planner

Martina Segura, Staff Planner

Ariana Kwan, Chief Clerk

John Dubiel, Esquire, Deputy Attorney General

STATE OF HAWAII LAND USE COMMISSION

MEETING

HELD ON

WEDNESDAY, JANUARY 7, 2026

9:30 A.M.

CHAIR LEE: Good morning. Aloha kakou, everyone. This is the January 7, 2026 Land Use Commission meeting. This is a hybrid meeting which is being held at the Leiopapa A Kamehameha, State Office Tower, at 235 South Beretania Street, Room 406 (sic), Honolulu, Hawaii 96813. This meeting is open to the public

For all meeting participants, we'd like to stress the importance of speaking slowly, clearly, and directly into your microphone. Before speaking, please state your name and identify yourself for the record.

This is a hybrid meeting, so please be aware that all meeting participants are being recorded on the digital record of this Zoom meeting, which will be posted to YouTube and used for court reporting purposes. Your continued participation is your implied consent to be part of the public record of 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 question and answer
3 feature on Zoom will only be monitored for signing
4 up for public testimony, and all other
5 communications will not be addressed or part of the
6 meeting record. Communications can be emailed to
7 our office at dbedt.luc.web@hawaii.gov.

8 I will also share with all participants
9 that we are planning on taking breaks from time to
10 time, perhaps every 60 minutes. For the
11 Commissioners participating via Zoom, please
12 indicate where you are attending this meeting and if
13 there is anyone else over the age of 18 present with
14 you if you are calling in remotely.

15 All right. Let's see. Again, for
16 everyone, my name is Brian Lee, and I will be
17 serving as the LUC Chair today. We currently have
18 nine seated commissioners, and along with me today
19 are Commissioners Ken Hayashida from Oahu, attending
20 remotely.

21 Mr. Hayashida, are you there with anyone
22 else?

23 COMMISSIONER HAYASHIDA: No. I'm in my
24 office, and I'm here alone.

25 CHAIR LEE: Okay. Thank you, Commissioner

1 Hayashida.

2 Mel Kahele is here with me in the room.

3 COMMISSIONER KAHELE: Yes.

4 CHAIR LEE: Thank you very much.

5 And we have Kuikeokalani Kamakea-Ohelo
6 attending remotely via Zoom.

7 Commissioner Kamakea-Ohelo, are you by
8 yourself?

9 COMMISSIONER KAMAKEA-OHELO: Aloha, Chair
10 and Commissioners. Happy New Year. I'm here at
11 home, my home office, and I am attending alone by
12 myself.

13 CHAIR LEE: Thank you.

14 And then here in person is Michael Yamane,
15 Commissioner Yamane from Kauai and Commissioner Dan
16 Giovanni also from Kauai. Here as well is
17 Commissioner Bruce U'u from Maui, Commissioner Myles
18 Miyasato from Hawaii Island, although I guess it's
19 now Hawaii officially now. And also Nancy Carr
20 Smith is attending remotely from Hawaii Island via
21 Zoom.

22 Commissioner Carr Smith, who is also the
23 Vice Chair, are you confirming you are by yourself?

24 COMMISSIONER CARR SMITH: Yes, I am,
25 Chair. Good morning. Thank you.

1 CHAIR LEE: Good morning. Thank you very
2 much.

3 Okay, everyone. Also in attendance in
4 this room is the Land Use Commission Executive
5 Officer, Daniel Orodenker; LUC Chief Planner, Scott
6 Derrickson; LUC Staff Planner, Martina Segura; LUC
7 Chief Clerk, Ariana Kwan, and LUC Deputy Attorney
8 General, John Dubiel.

9 Again, court reporting transcriptions are
10 being done from this Zoom recording. All right.

11 Agenda item number 2 is the overview on
12 Land Use Commission Administrative Procedures. This
13 overview is intended to provide training on Land Use
14 Commission procedures related to annual reports,
15 staff reports, site visits, agenda development, and
16 website maintenance. We'll now recognize any
17 written public testimony submitted in this matter.

18 Ms. Kwan, has there been any written
19 testimony submitted for this matter?

20 MS. KWAN: No, Mr. Chair.

21 CHAIR LEE: Okay. Are there any members
22 of the public that wish to testify today on this
23 matter?

24 MS. KWAN: Seeing none using the Q and A
25 feature, Chair.

1 CHAIR LEE: Okay. Thank you. Seeing
2 none, then, let's go with the presentation.

3 MR. Orodenger, please proceed with your
4 presentation.

5 But before you proceed, I have been
6 notified that there is a requirement that all
7 questions from Commissioners be directed through the
8 Chair rather than addressed directly to staff, due
9 to an impending investigation. This directive
10 applies to all the Commissioners. Thank you very
11 much.

12 Okay. Mr. Orodenger.

13 MR. ORODENGHER: Thank you, Mr. Chair.

14 Before I begin, I would point out to the
15 Commissioners that -- excuse me -- a lot of the
16 information that I'm going to be providing is
17 contained on the training page, which is under the
18 pull-down for the Commissioners' Checkpoint. And
19 it's also discussed in detail in our July 23rd and
20 24th meeting in 2024, which the transcript is
21 available for anyone who wants to review that. And
22 there's a lot more information in there with regard
23 to other issues as well.

24 The first item that we were requested to
25 discuss was the annual review report process --

1 annual report review process. That process is
2 designed to ensure that petitioners are adhering to
3 the conditions contained in the relevant decisions
4 and orders. Assuming we receive an annual report,
5 as required, they are accepted, filestamped, and
6 posted to the website.

7 Staff reviews them in light of the
8 conditions contained in the decision and order to
9 see if there is an adherence to those conditions,
10 and there are three possible outcomes from the
11 review.

12 One is that everything is fine and we
13 simply file it and move on. The second one is that
14 the annual report does not contain enough
15 information for us to determine whether adherence
16 has occurred, and we ask for further clarification.

17 If this happens, we send out a letter to
18 our -- to the petitioner, with our concerns, and
19 give the petitioner the opportunity to correct the
20 annual report and provide us the additional
21 information that we notify them that was missing.
22 If they do provide the information requested and it
23 satisfies our concerns, then that is sort of the end
24 of the story. Once again, we file it, and we move
25 on.

1 If they do not respond in a manner that
2 resolves our concerns, then we have the option of
3 scheduling a status report hearing before the entire
4 Commission, so that the petitioner can be questioned
5 as to their adherence to the conditions.

6 The third potential outcome is that the
7 annual report on its face shows a potential
8 violation of conditions, and sometimes that's simply
9 a time constraint. They were supposed to have
10 started construction by a certain date, and the
11 annual report indicates that they didn't, or they've
12 changed infrastructure in such a manner --
13 infrastructure plans in such a manner that it no
14 longer conforms to the decision and order. In those
15 cases, we schedule a status hearing, and then the
16 Commissioners are free to ask questions with regard
17 to adherence or nonadherence and whether or not the
18 petitioner intends to meet those conditions.

19 It's not unusual, if that occurs, for
20 petitioners to say, oh, we're going to come in with
21 a motion to amend so that they can rectify the
22 problem that way, because circumstances have changed
23 and perhaps the roadway that they were going to
24 build is not feasible anymore, or they (audio
25 disruption) -- sounded like it went off -- or they

1 can make a connection to the sewer system in a
2 manner that they had suggested -- or originally
3 represented.

4 And that's pretty much the process. I
5 mean, I don't know if Martina has anything she wants
6 to add or wants to go into any more detail, but
7 that's pretty much what I have.

8 MS. SEGURA: Yeah. So when we receive the
9 annual reports, we'll get them via email or via
10 mail. If we receive them via mail, we contact the
11 petitioner to get them via email. It's a whole
12 process. We have to make sure they're ADA
13 compliant. And when we're not, there's constant
14 communication and flexibility with the petitioner to
15 make sure that they provide that file in an ADA-
16 accessible format, and then we'll stamp it. You see
17 the copy of the -- you see the E-stamp on all the
18 files that we get.

19 And we then will send back that filing to
20 the petitioner as kind of like an acknowledgement of
21 receipt, and then the review process starts from
22 there. So that's it. And then you guys get the
23 notifications monthly of the annual reports we
24 received for the month at the end of the month.

25 MR. ORODENKER: I'll entertain any

1 questions if the Commissioners -- at this point from
2 the Commissioners.

3 CHAIR LEE: Commissioners, any questions
4 for Executive Officer Orodenger?

5 COMMISSIONER CARR SMITH: Chair?

6 CHAIR LEE: Commissioner Carr Smith.

7 COMMISSIONER CARR SMITH: Chair, can you
8 please ask the Executive Officer: Once further
9 clarification has been requested and the petitioner
10 provides the information that was asked for, he said
11 then it's just done and they move on. What about do
12 you let the petitioner know that they are now in
13 good standing so there's no question about that?
14 And if not, why?

15 MR. ORODENER: Yes, we do.

16 CHAIR LEE: Do you have any further
17 questions, Commissioner Carr Smith?

18 MR. ORODENER: Well, I -- let me clarify
19 that. Okay. We notified the petitioner that we
20 received their additional information the same way
21 we do with the initial annual report. If we still
22 have problems, we send out another letter. But just
23 like an annual report that initially meets
24 qualifications, we don't usually send out a letter
25 that says, thank you, we have no more problems.

1 CHAIR LEE: But it's -- that's -- there's
2 no confirmation that there is no problem.

3 MR. ORODENKER: Yeah. I mean, it's kind
4 of understood that if we do have a problem, we'll
5 let them know. But if there is no problem, then
6 everything is fine.

7 CHAIR LEE: Is there a call for it? Is
8 there usually a problem or not a problem in your
9 estimate?

10 MR. ORODENKER: Ms. Segura, do you have a
11 percentage?

12 MS. SEGURA: I don't have a -- I don't
13 have an exact percentage, but it really depends on
14 the docket and how many conditions are associated
15 with the docket. There could be problems as simple
16 as like they -- like, there's a condition to
17 transfer land, so the -- say, like DOE, but there's
18 been no follow-through or like a record of that
19 transfer on our end. But usually if it's like a
20 record, sometimes we will -- we won't notify them of
21 minor problems. Sometimes -- it really depends on
22 the situation.

23 Like, if they're on -- if they're having
24 ongoing building, then we kind of hands-on unless
25 there's a specific like condition that's like a

1 condition of concern. So like the damselfly
2 condition is one of the petitions, and it really
3 kind of --

4 MR. ORODENKER: Well, but that didn't
5 arise from an annual report, but it's -- it's not a
6 big percentage. It's a small percentage because --
7 I mean, to be honest with you, a lot of the annual
8 reports, because they have to list all the
9 conditions in the annual report, just say, we intend
10 to comply with this condition. It's only if they
11 tell us they don't intend to comply or that they
12 have other plans that there's a problem. And that
13 doesn't happen very often.

14 Nine times out of ten, if a petitioner
15 doesn't intend to adhere to a condition, then they
16 will tell us that they're going to file a motion to
17 amend before the annual report is due.

18 CHAIR LEE: Okay. Thanks. That's very
19 helpful.

20 Any other questions for Executive Officer
21 Orodenker on the annual reports?

22 So it's sort of a judgment call sometimes,
23 as you're interacting with some of these
24 petitioners, how responsive they are and what your
25 expectations can be for them?

1 MR. ORODENKER: Yes. That is correct.
2 Most petitioners are fairly responsive with the
3 annual report, but once again, our goal is not to
4 cause petitioners additional expense or kill
5 projects. Our goal is to make sure that they don't
6 get hit with a lawsuit from the community because
7 they haven't adhered to a condition.

8 CHAIR LEE: Does staff or Arnold Wong get
9 involved in any of these annual report feedback or
10 discussions?

11 MR. ORODENKER: Staff does. I mean,
12 that's what we're here for. But Arnold's review of
13 annual reports is a little bit different. He
14 utilizes annual reports to determine whether there's
15 anything out there that he can help fix, you know.

16 For instance, if an annual report says,
17 you know, we haven't started construction on the
18 sewer line or the water line because DOT hasn't
19 granted us an easement across the road, and that's
20 something that keys in Arnold that he can get
21 involved.

22 CHAIR LEE: Thank you.

23 Anybody else have any other questions?
24 Okay. Seeing none, thank you. Please proceed.

25 MR. ORODENKER: The next item is the LUC

1 Site Visit Policy. Site visits are scheduled prior
2 to review of a new district boundary amendment or at
3 the request of the Commissioners via the Chair. But
4 we don't generally schedule site visits for motions
5 or special permits.

6 Site visits are Sunshine Law meetings,
7 meaning they're noticed and the public is aware that
8 they're going to occur. But they're designed for
9 Commissioner education. The public is not allowed
10 to ask questions, and there's no transcript of the
11 minutes.

12 And I usually explain that to the public
13 before we begin. And one of the reasons that I
14 caution the public that they're not allowed to ask
15 questions is because there is no transcript, and it
16 won't become part of the record. We haven't had a
17 new DBA in a long time, so we haven't scheduled many
18 site visits.

19 In juxtaposition to that is what we call
20 staff site investigations, where we get notification
21 from the community or from legislators sometimes
22 that there's a problem on a site, project site in
23 their district or in their community. And staff
24 will go out to investigate whether or not there
25 really is a violation, because if it's something

1 that can be rectified or really is not a violation,
2 we don't want to schedule a Sunshine Law hearing or
3 meeting for the Commissioners. These very, very
4 rarely end up coming before the Commission because
5 if we go out and we discover that there is a
6 problem, petitioners are usually quick to rectify
7 it.

8 Or -- and as in the case of Hawaii
9 Memorial Park, we had a recent complaint. We went
10 out there and -- oh, we actually got a complaint
11 from the community, so went out to investigate it.
12 And it turned out when we got out there, that the
13 community wasn't concerned about what was going on.
14 They were concerned about something else. And the
15 petitioner was able to work with the community to
16 resolve the issue. I don't know if anybody has any
17 questions with regard to site visit policy.

18 CHAIR LEE: Commissioners, any questions
19 about site visit policy?

20 COMMISSIONER MIYASATO: Chair?

21 CHAIR LEE: Yes, Commissioner Miyasato.

22 COMMISSIONER MIYASATO: Chair, did we skip
23 over item b?

24 MR. ORODENKER: Oh, I did. I'm sorry.
25 Sorry.

1 COMMISSIONER MIYASATO: No problem. Yeah.
2 Anyway, going back to item c, site visit policy. It
3 was mentioned that we haven't had a DBA for a while.
4 So are site visits limited to DBAs?

5 COMMISSIONER LEE: So for example, could
6 there be one for special use permit like the
7 landfill?

8 MR. ORODENKER: There could be. There
9 could be. But the general policy has always been
10 just we usually don't schedule site visits except
11 for DBAs. They are logistically difficult for us,
12 which is why we don't do them all the time, because
13 if, for instance, with a special permit, let's say
14 it's a rock quarry and it's way back in the woods,
15 and we need a four-wheel drive vehicle to get there,
16 we have to provide and arrange for a vehicle for the
17 public as well as the Commissioners. So
18 logistically, they're not simple things to do.

19 If the Commissioners feel that it's
20 necessary and the Chair directs us to do a site
21 visit on an SP, we will of course do that. But it's
22 not something we do generally, especially with SPs
23 which tend to be down dirt roads and in the woods
24 and difficult to get to.

25 CHAIR LEE: Maybe this is a question for

1 the Deputy AG, but is there an exception for exactly
2 those reasons, the difficulty of access?

3 MR. DUBIEL: If we're going to ask any
4 questions of me, we have to go into Exec, so yeah.

5 MR. ORODENKER: If I can, Chair. There is
6 not. I mean, there's Sunshine Law meetings, as far
7 as I know. I mean, I -- Deputy AG may tell me
8 different after this meeting and spank me, but as
9 far as I know, there is no exception. Since they
10 are Sunshine Law, the public has to have access to
11 the whole proceeding.

12 CHAIR LEE: Thank you. I appreciate that
13 clarification.

14 And then so that would be a permitted
15 interaction group which overflows into the next
16 agenda item b. One way for four board members, less
17 than a majority, to be part of an investigative
18 group to, let's say, go through this special use
19 permit site visit?

20 MR. ORODENKER: I -- I would defer to the
21 Deputy AG on that because I'm not an expert on PIGs

22 MR. DUBIEL: Let's talk about that when we
23 have our PIG discussion. Let's talk about that
24 later in the PIG discussion.

25 CHAIR LEE: Sure.

1 MR. ORODENKER: Any further questions on
2 that?

3 CHAIR LEE: Any other questions on the LUC
4 Site Visit Policy? Oh, let's have a recess for ten
5 minutes until 10:03.

6 (WHEREUPON, a recess was taken.)

7 CHAIR LEE: Okay. We're going to continue
8 with the Executive Officer's presentation.

9 MR. ORODENKER: Thank you, Mr. Chair.
10 And I apologize for skipping over item b.
11 I just flipped the pages on my notes and they were
12 stuck together. So I'll go back to item b, which is
13 a discussion of staff reports.

14 Again, I would refer you back to the
15 training schedule -- training session where this
16 stuff was gone into in extreme detail. But staff
17 reports are designed to be a synopsis of the
18 petition. They are not a substitute for
19 Commissioners reviewing the file. They are
20 intended, for lack of a better word, to be like
21 CliffsNotes, pointing out the more salient issues
22 that are presented by the petitioner.

23 They do contain recommendations designed
24 to point the Commissioners to key issues and
25 shortcomings, and they are intended to provide a

1 basis for further questioning of the parties and
2 discussion by the Commissioners. Recommendations
3 and conclusions are staff opinion based on our
4 professional experience and our understanding of the
5 petition that's presented to us.

6 Commissioners ultimately, of course, make
7 the final decision, and they are free to vote
8 however they choose and even to ignore the staff
9 recommendations if they do decide to do that. And
10 one of the reasons that this happens frequently is
11 because staff reports are based on the information
12 that we have a week out from the -- more than a week
13 out from the hearing, two weeks out from the hearing
14 because it takes a week to prepare them.

15 Very often, during the course of the
16 hearing and sometimes as a result of some of the
17 questions that we suggest Commissioners ask, things
18 change. So if, in the end, the Commission makes a
19 decision that doesn't track the staff report, that's
20 fine. You know, we're just trying to give the
21 Commissioners a leg up before they go into the
22 proceedings, so that they have some professional
23 opinion on the issues that are of concern to the
24 planners and to the legal staff.

25 And Scott may want to go into some more

1 detail on how -- on his -- on how he prepares them
2 and how they are prepared, but once again, they are
3 not the be-all and end-all, and staff is not upset
4 if the Commissioners don't adhere to their
5 recommendations. The Commission very often does get
6 information at the hearings that may even render the
7 staff reports moot or the recommendations in the
8 staff reports moot.

9 CHAIR LEE: Before staff tries to get rid
10 of all the blame, you know, it does carry some
11 weight, right, so --

12 MR. ORODENKER: Well, it does and --

13 CHAIR LEE: -- it's not going to --

14 MR. ORODENKER: Yeah, it does. But I
15 think that the one important point to make is that
16 they're really designed for the Commissioners' use
17 at the hearings to help them develop the record and
18 to obtain information that is relevant to the
19 decision and fill in the gaps.

20 MR. DERRICKSON: Aloha kakou. This is
21 Scott Derrickson, Land Use Commission Chief Planner.
22 I mean, I have a lot I could provide to you about
23 the staff reports. I guess I'll try and do it very
24 generally, and then I'll respond to any specific
25 questions you might have.

1 So staff prepares the staff reports prior
2 to the Commission's consideration of each docket.
3 While one staff might be assigned to do the staff
4 report, we do circulate it with the Executive
5 Officer and other staff planners to get their review
6 and input. Oftentimes, another planner may have
7 history with a docket and be able to provide some
8 context that the one assigned might not know or
9 might not have.

10 So the staff report attempts to summarize
11 both the procedural history, identifying legal,
12 technical, and substantive issues for the
13 Commission. Those summaries specifically site to
14 where in the record that information can be found.
15 If you take a look at our staff reports, we often
16 have a link that directs you. Where did we get that
17 information from? Where did that information come
18 from?

19 The staff, again, we don't make the final
20 decisions. The Commission is the decision-making
21 body. When it's appropriate, the staff can provide
22 and does provide recommendations, and we try to
23 highlight issues that we believe are unresolved by
24 the information that's been provided up to that
25 point or significant issues that we flag.

1 The staff report is supposed to be an
2 informational tool, as Dan said, to assist your
3 deliberations. And the Commissioners are expected
4 and required to review the full docket record, in
5 addition to the staff report, before you do your
6 decision-making.

7 What we try to do in the staff report is
8 make it a little bit easier for you to -- I mean,
9 you've all sat now through a number of hearings,
10 motions. Sometimes, especially if there's an EIS
11 involved, you're talking about thousands and
12 thousands of pages of documents, so we try to do our
13 best to summarize in a short, concise way, while
14 also pointing you back to the specific areas that
15 you might want to dig into deeper.

16 Also want to indicate that, you know,
17 staff reports, they're not opinions by laypersons.
18 They're representative of expert opinions by
19 recognized and credentialed subject matter experts.
20 That's what we are. That's what the LUC staff is.
21 We're subject matter experts, and we've often been
22 relied upon in court hearings and recognized as
23 experts.

24 If you look at the staff reports, the way
25 we try to set them up, we try to set the --

1 initially set the context for what's the legal
2 process that you're doing. Is it a declaratory
3 ruling, and what does that mean? And what are the
4 decision-making criteria that a DR process requires?
5 If it's a DBA, we do the same thing. Here are your
6 decision-making criteria that's laid out in Chapter
7 205, as well as in our rules.

8 We also do a procedural history.
9 Oftentimes, especially with motions, there's a --
10 there's quite a history behind it, so we try to give
11 you the context, the original docket, what some of
12 the issues were, what the conditions were set, and
13 now this motion, what's that procedural history.

14 We lay out the summary. We summarize the
15 parties -- the different parties' positions, as well
16 as any public testimony that has come in. The staff
17 report has analytical sections where we identify
18 areas of concern. We identify any consistencies
19 that we see.

20 And that may be that a petitioner provides
21 information about one thing, but we get something
22 from accounting or we get something from the Office
23 of Planning and Sustainable Development, or we might
24 get it from the public. And if it's inconsistent,
25 then we might raise that as an issue.

1 We also do -- especially with
2 environmental impact statement reports or
3 environmental assessments, we might talk about the
4 level of completeness or compliance to conditions,
5 because there is a difference with environmental
6 impact statements and assessments. That's a
7 disclosure document. When that gets translated into
8 your proceedings for decision-making, okay, there
9 may be a higher level of documentation that's going
10 to be required, and we have pointed that out in the
11 past when we do a staff report.

12 I think I'll -- I think I'll end there and
13 let you guys determine whether you've got more
14 questions.

15 CHAIR LEE: Thank you, Mr. Derrickson.

16 Any questions at this time for Mr.
17 Derrickson regarding the staff report process?
18 Okay. If not, I'm going to turn it back over to Mr.
19 Orodénker.

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

21 Once again, a lot of what Scott talked
22 about was talked about in detail at our prior
23 training session, and I would urge the
24 Commissioners, if they have any questions, to review
25 that.

1 Moving on to item d, which is development
2 of agendas.

3 CHAIR LEE: Go ahead, Commissioner
4 Miyasato.

5 COMMISSIONER MIYASATO: I thought we were
6 going to continue with more on that subject, and so
7 -- so far as the staff report, kind of what a
8 timeline, I guess, would be my question, I guess, a
9 little bit more insight. I would kind of want to
10 know the county does their opinion like two days
11 before the hearing and notice being posted. Same
12 with the state.

13 You know, is there, I guess, a way for the
14 Commissioners to get their opinion a little earlier
15 so we can review it and have some time to maybe not
16 research but, I guess, digest and maybe do a little
17 bit of background checking on the specifics. We
18 kind of cramming, yeah, right now, so just curious
19 if we could get a little bit more lead time.

20 CHAIR LEE: Dan, do you have an answer?

21 MR. ORODENKER: Yes. And I have to
22 empathize with Commissioner Miyasato. This is an
23 ongoing problem that we have with the counties and
24 with OP. I think OP is -- we've discussed it with
25 them, and they're going to get better. But we

1 usually require their opinions and position papers
2 to be filed long before the hearing, but they don't.
3 And then they show up at the end and two days
4 before, and what are we supposed to do with it? I
5 mean, theoretically, a late filing can be ignored by
6 the Commissioners. I mean, they can -- this came in
7 too late, we're not going to take it into
8 consideration. But has that ever happened? I've
9 never really seen that occur.

10 Usually, if something comes in at the
11 last minute, the Commissioners say, oh, well, you
12 know, okay, you know. But it is -- I understand. I
13 understand. And usually, we're requiring everything
14 to be in a month before the hearing, but they just
15 don't do it. They just don't do it. And we get
16 stuff at the last minute, and we throw up our hands
17 because there's nothing we can do about it.

18 We have to post our staff reports a week
19 -- is it a week prior? I think it's a week prior to
20 the hearing. Wait, no.

21 MS. KWAN: Sunshine Law is two days prior
22 to the meeting.

23 MR. ORODENKER: Oh, two -- oh, two or
24 three --

25 MS. SEGURA: Two to three days, whatever

1 the Sunshine Law.

2 MR. ORODENKER: Yeah. But we have to have
3 it in the can a week before the hearing because that
4 only gives us three days to sort out any problems
5 before we then have to post it, which is three days
6 before the hearing, and if something comes in at the
7 nth hour, we try and -- if we can, we try and put
8 that in the staff report, but very often we cannot.

9 But I really empathize with you, and it is
10 a frustration of staff. When we were doing district
11 boundary amendments, when we had a lot of district
12 boundary amendments some time ago, we would actually
13 cancel hearings because something would come in at
14 the nth hour and we didn't have time to analyze it,
15 so I empathize.

16 CHAIR LEE: Any other questions? Okay.
17 Thank you.

18 Please continue.

19 MR. ORODENKER: Okay. Oh, so are we clear
20 to move on to development of agendas? Okay.

21 Item d is development of agendas. Our
22 agendas are developed based on filings. We work
23 with the petitioners because, just like in the
24 regular court system, if the attorney is not going
25 to be around or witnesses are not going to be

1 around, we might have to adjust the hearing dates
2 and have agendas for different times, but they're
3 based on the filings.

4 The wording is developed in conjunction
5 with the Attorney Generals as to how a petition or
6 an agenda item needs to be phrased, so that it meets
7 Sunshine Law requirements. Any other items are
8 placed on the agenda per the chair. If the chair --
9 if a Commissioner has something they want to place
10 on the agenda, they can discuss it with the chair.
11 The chair then decides whether or not we place it on
12 the agenda. But that's pretty simply how the
13 agendas are developed.

14 CHAIR LEE: Okay. Any questions regarding
15 the agenda?

16 COMMISSIONER CARR SMITH: Chair?

17 CHAIR LEE: yes. Go ahead, Commissioner
18 Carr Smith.

19 COMMISSIONER CARR SMITH: Thank you.

20 Isn't it true that you, Chair, asked for
21 an agenda item to be posted today, a training which
22 would include protected classes and harassment, and
23 this was not put on the agenda? He just made it
24 sound like if you ask, then it's there. So I
25 thought that there had been a request for that, and

1 it didn't come to fruition, so if somebody could
2 explain, please. Thank you.

3 CHAIR LEE: I think in that situation, we
4 have to try to work with the Deputy Attorney
5 General's office, and I didn't hear back anything.
6 Had you --

7 MR. ORODENKER: Yeah. Staff is not
8 experts on that, and neither is our current -- our
9 Attorney General, who is present today. It would
10 take a special -- or a different division of the
11 Attorney General's office to handle that type of
12 information, or our Human Resources Department.

13 Our Human Resources Department at
14 Department of Business and Economic Development has
15 indicated they're uncomfortable with presenting that
16 to the Commissioners. There is all of us who work
17 for the state, and whether supervisors or
18 nonsupervisors, we go through several different
19 training sessions on Human Resources, harassment,
20 all of those things. And they didn't have a
21 presentation that they felt would be appropriate for
22 Commissioners or that they were comfortable giving,
23 but we have not heard anything back from the
24 Attorney General's office with regard to any further
25 training.

1 So I guess the answer to the question is
2 sometimes, even if it's requested, it's not
3 possible, you know. We do the best that we can. If
4 there are legal reasons or, for lack of a better
5 word, an inability to develop the right person to
6 come and talk to us on an agenda item, we can't
7 schedule it. And there are some agenda items that
8 are difficult for us to schedule because we can't
9 find a way to deal with them under the Sunshine Law.

10 CHAIR LEE: Okay. Thanks. Yeah, it's a
11 continuing thing we have to work with the Deputy
12 Attorney General's office on scheduling some of
13 these touchy agenda items.

14 Any other questions?

15 COMMISSIONER CARR SMITH: Chair.

16 CHAIR LEE: Yes, go ahead, Commissioner
17 Carr Smith.

18 COMMISSIONER CARR SMITH: It's not a very
19 satisfactory answer. If the state employees are
20 trained on a variety of things, as was just
21 mentioned, I would think that volunteers on boards
22 and commissions could be trained equally. And
23 especially if we're subject to complaints, we should
24 be able to be trained so that we are aware of the
25 things we shouldn't do. Thank you.

1 MR. DUBIEL: I kind of want to stop this
2 discussion at this point because I feel like we're
3 veering too close to specifics with that last
4 question, so let's please move on.

5 CHAIR LEE: Thank you. All right. Sorry
6 about that.

7 Okay. We're going to continue. Do we
8 have any more on the overview of processes for
9 maintaining content on the website?

10 MR. ORODENKER: Yes, Chair, if we're ready
11 to move on from agendas, then.

12 Okay. Item e is website maintenance. And
13 website maintenance, there's not much to really say
14 about it. Ariana and Martina and Scott, in
15 particular, helped to maintain the website, mainly
16 Ariana, and she does a lot of work on it.
17 Everything that we get in is put up on the website,
18 everything official.

19 Sometimes we do post other things on the
20 website that we think the Commissioners should know
21 about that they are out there, but they're not our
22 opinions. They're usually news articles or letters,
23 things like that, that we receive, and they're not
24 in any way intended to drive a decision. They're
25 just you should know that this has been said or that

1 this article is out there.

2 Website maintenance is -- to a certain
3 extent, is almost an administrative function. You
4 know, we just do it. Ariana spends a lot of time on
5 it trying to make sure that everything is properly
6 filed in the right location and under the right
7 headings, and that it's ADA compliant. That's one
8 of the issues we also have is trying to do ADA
9 compliance.

10 I don't know what kind of other questions
11 the Commissioners may have with regard to that or
12 whether Ariana wants to go into any more detail
13 before we move to questions.

14 MS. KWAN: I think you summarized it very
15 well. I would say all docket related filings are
16 automatically posted to the website for the
17 Commission to review. Everything docket related is
18 public record, so -- and they all have to be ADA
19 compliant as well.

20 CHAIR LEE: Okay. Thank you.

21 Any questions regarding the website
22 content process?

23 COMMISSIONER MIYASATO: Chair.

24 CHAIR LEE: Yes.

25 COMMISSIONER MIYASATO: This is in no way

1 a critique to staff. It's more of a statement. Can
2 you explain why this says, "unofficial"? It says,
3 "unofficial admin rules," and a comment was made
4 about everything that's official is posted, but why
5 does this say, "unofficial"? It's kind of
6 confusing.

7 MR. ORODENKER: Technically, the official
8 rules are held in the AG's office -- not the AG's
9 office, the Lieutenant Governor's office. And any
10 copy of that is an unofficial copy. So that's why
11 we have to post it that way.

12 COMMISSIONER MIYASATO: Okay. It just
13 seems irrelevant when this is unofficial. Like,
14 it's going to become official someday.

15 MR. ORODENKER: No. I understand, and I
16 balked at it a lot when I first started years ago.
17 Actually, I confronted Scott at one point, and I
18 said: Why does it say, "unofficial," and he gave me
19 the answer that I just gave you. So I can
20 understand the confusion.

21 COMMISSIONER MIYASATO: Okay. So --

22 MR. DUBIEL: If you guys have any other
23 like questions about rules and that kind of stuff,
24 we should go into Exec Session because the state
25 gets in trouble for unofficial -- like actually

1 unofficial -- what you're thinking of unofficial
2 rules a lot, so...

3 I recommend we go into Exec Session real
4 quick, just to answer his question.

5 COMMISSIONER MIYASATO: Okay.

6 CHAIR LEE: Okay. So we need two-thirds
7 to approve going into Executive Session. Does
8 anyone have a motion to enter into Executive Session
9 to discuss powers, duties, privileges, immunities,
10 and liabilities?

11 COMMISSIONER MIYASATO: I just had one
12 more question on that.

13 MR. DUBIEL: Does he want to just ask it
14 and then if you guys have -- if he wants more
15 explanation about this, then you guys can move. I
16 just want to stop where we're talking about that
17 question.

18 CHAIR LEE: Okay. Let's just chance it
19 and see what the -- what threshold we meet here.

20 COMMISSIONER MIYASATO: On the website it
21 has 2008 unofficial rules, 2018 unofficial rules.
22 Is 2008 moot?

23 MR. ORODENKER: I -- the -- you mean the
24 -- there's two sets of rules, yeah.

25 That -- the 2008 rules, those are the old

1 ones, right, Scott?

2 MR. DERRICKSON: Yes.

3 MR. ORODENKER: Yeah. They're just up
4 there for reference because there have been -- there
5 has been some discussion with some petitioners'
6 attorneys that, oh, no, we did this in 2005, so
7 those rules apply, not the new ones. All right. So
8 we post them up there just so that everybody can see
9 them.

10 There's not a lot of differences. Most of
11 the differences between the 2008 rules and our
12 current rules concerned the information that's
13 required to be contained in the filings. But
14 there's not -- procedurally, there aren't really any
15 changes in the procedural sections of the rules.

16 CHAIR LEE: Okay. All right. Any other
17 questions? Okay. Seeing none.

18 All right. Do we have anything more on
19 this issue?

20 MR. ORODENKER: No, Chair. That concludes
21 my presentation.

22 CHAIR LEE: Thank you.

23 We'll now have one last opportunity for
24 any members of the public who wish to proceed --
25 provide new or additional testimony in this matter.

1 Is there anyone that would like to let the Chief
2 Clerk know that they would like to provide
3 testimony?

4 MS. KWAN: Nobody has used the Q and A
5 feature to indicate they want to give testimony.

6 CHAIR LEE: Okay. Ms. Kwan, are there any
7 members of the public here who wish to provide any
8 new testimony on this matter?

9 MS. KWAN: Seeing none in the room.

10 CHAIR LEE: All right. Thank you.

11 The next agenda item is agenda item number
12 3, discussion on Chapter 92, Hawaii Revised Statutes
13 ("HRS") Section 92-2.5 permitted interaction of
14 members and permitted interaction group. Since the
15 Commission already learned about PIGs on January
16 22nd, 2025, this agenda item will serve as a
17 refresher for the Commission and help clarify any
18 questions that may still have been lingering
19 regarding permitted interaction groups.

20 All right. Now we'll recognize if there's
21 any written public testimony submitted for this
22 matter. Ms. Kwan?

23 MS. KWAN: No, Mr. Chair.

24 CHAIR LEE: Okay. There not being any
25 written testimony, is there any member of the public

1 who wishes to testify in person on this matter?

2 MS. KWAN: Seeing none using the Q and A
3 feature, Chair.

4 CHAIR LEE: Thank you.

5 All right. We're going to go now to the
6 Deputy Attorney General, Mr. Dubiel. Please
7 proceed.

8 MR. DUBIEL: Chair, last time this was
9 given it was given in Exec Session, so I'm going to
10 continue to follow that, so could you guys move into
11 Executive Session, please.

12 COMMISSIONER KAHELE: So move

13 CHAIR LEE: Okay. It's been moved by
14 Commissioner Kahele to enter into Exec Session for
15 discussion on this agenda item on permitted
16 interaction groups. Is there a second?

17 Seconded by Commissioner U'u.

18 Okay. Oh, okay. Can someone else make
19 the motion, then, if we're having a problem with
20 that -- with the microphone. Yeah, someone else.
21 Yeah.

22 COMMISSIONER MIYASATO: Second.

23 CHAIR LEE: Okay. It's been moved by
24 Commissioner Kahele, seconded by Commissioner
25 Miyasato to enter into Executive Session. Is there

1 any discussion? Any objections? Abstentions?

2 Okay.

3 Mr. Dubiel, do we call for a roll call
4 vote for this too?

5 MR. DUBIEL: You don't need to do that.

6 CHAIR LEE: Okay. Thank you. All right.
7 Let's go into Executive Session. Thank you.

8 (WHEREUPON, the LUC Commission enters into
9 Executive Session.)

10 CHAIR LEE: All right. We're back from
11 Executive Session where we discussed some of our
12 powers, duties, privileges, immunities, and
13 liabilities regarding permitted interaction groups
14 with our Deputy Attorney General.

15 Okay. We'll now give one last opportunity
16 if there are any members of the public who wish to
17 provide new or additional testimony on this matter.
18 If so, please let the Chief Clerk know.

19 Ms. Kwan, is there anyone?

20 MS. KWAN: Seeing none in the Q and A
21 feature, Chair.

22 CHAIR LEE: Okay. Is there anyone present
23 who would like to provide new testimony on this
24 matter?

25 MS. KWAN: Seeing none in the room, Chair.

CHAIR LEE: Okay. Thank you, Ms. Kwan.

The next agenda item is item number 4, the adoption of the minutes. The next agenda item is for the adoption of the December 3rd, 2025 minutes.

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

MS. KWAN: No, Mr. Chair.

CHAIR LEE: Are there any members of the public who signed up to testify on the adoption of the December 3rd minutes?

MS. KWAN: Seeing none in the Q and A feature.

CHAIR LEE: Thank you.

Commissioners, are there any corrections or comments on the minutes?

Yes, Commissioner Giovanni.

COMMISSIONER GIOVANNI: Thank you, Chair. I was not in attendance at the meeting, and I will recuse myself from this matter.

CHAIR LEE: Okay. Thank you, Commissioner Giovanni.

Any other discussion? Any objections?
One abstention from Commissioner Giovanni.
Otherwise, we have unanimous consent on the adoption of the minutes -- or should we do a roll call vote?

1 Yes, okay. Let's conduct the roll call vote,
2 Executive Officer Orodenger.

3 EXECUTIVE ORODENER: I need a motion,
4 Chair.

5 CHAIR LEE: Okay. Is there a motion to
6 adopt the minutes of December 3rd hearing?

7 COMMISSIONER U'U: I'll make a motion to
8 adopt the minutes for the December 3rd, 2025
9 meeting.

10 CHAIR LEE: Moved by Commissioner U'u. Is
11 there a second?

12 COMMISSIONER KAHELE: I'll second.

13 CHAIR LEE: Seconded by Commissioner
14 Kahele to adopt the December 3rd minutes. Okay.
15 There being no discussion, I think I'm going to ask
16 now for the roll call vote.

17 MR. ORODENER: Thank you, Mr. Chair.

18 The motion is to adopt the minutes.

19 Commissioner U'u?

20 COMMISSIONER U'U: Aye.

21 MR. ORODENER: Commissioner Kahele?

22 COMMISSIONER KAHELE: Aye.

23 MR. ORODENER: Commissioner Carr Smith?

24 COMMISSIONER CARR SMITH: Aye.

25 MR. ORODENER: Commissioner Miyasato?

COMMISSIONER MIYASATO: Aye.

MR. ORODENKER: Commissioner Hayashida?

COMMISSIONER HAYASHIDA: Aye.

MR. ORODENKER: Commissioner Kamakea-
Ohelo?

COMMISSIONER KAMAKEA-OHELO: Aye.

MR. ORODENKER: Did I hear an "aye"?

COMMISSIONER KAMAKEA-OHELO: Aye.

CHAIR LEE: Could you repeat -- yeah,
thank you.

MR. ORODENKER: Commissioner Giovanni
abstains. Commissioner Yamane?

COMMISSIONER YAMANE: Aye.

MR. ORODENKER: Chair Lee?

CHAIR LEE: Aye.

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

CHAIR LEE: Okay. Thank you.

The final item is the tentative meeting
schedule. This -- oh, can't check out yet.

Mr. Orodenker?

MR. ORODENKER: Thank you, Mr. Chair.

Our next meeting is scheduled in February.
Right now, we are tentatively discussing whether or
not we will be able to present to the Commission on

1 February 11th a presentation on a legislation, but
2 it depends on the final filing dates for most of the
3 legislation.

4 On February 12th, we are supposed to be in
5 Kona for Honoipu Hideaway, but we did receive a
6 request for an extension today, so that hearing may
7 move.

8 February 25th, we have scheduled to be on
9 Maui for the Pu'unene Quarry motion to amend. That
10 is probably going to move to March 11th. And then
11 we will be scheduling another hearing on March 25th,
12 if necessary, on that special permit.

13 In April -- April 8th, we'll be on Kauai
14 for the Grove Farm motion to amend, but that is
15 pending the motion filing. We have not received it
16 yet. And that takes us through our schedule so far.

17 CHAIR LEE: Okay. Commissioners, do you
18 have any questions for Mr. Orodener on the
19 tentative meeting schedule?

20 MR. ORODENER: Excuse me?

21 COMMISSIONER GIOVANNI: So the Grove Farm
22 motion to amend, what project is that?

23 MR. ORODENER: A89-636. I'm not -- I'm
24 not sure what -- we haven't received the motion yet,
25 so we're --

1 COMMISSIONER GIOVANNI: Okay. Fine.
2 Thanks.

3 MR. ORODENKER: -- not sure exactly what
4 they're talking about.

5 CHAIR LEE: Okay. Thank you.

6 The next Land Use Commission meeting is
7 scheduled for February 12th and will be held in
8 Kona. Due to the location of the meeting facilities
9 and the demanding schedule required to complete LUC
10 business, I would like to request that meals be
11 provided as a working lunch, as an integral part of
12 the meeting.

13 Mr. Orodenker, would the LUC staff please
14 make the necessary arrangements for the working
15 lunch.

16 MR. ORODENKER: We will, Chair. Thank
17 you. But I caution again that that -- we've already
18 got a request to move that meeting, so --

19 CHAIR LEE: Okay. Thank you.

20 All right. This next item is our
21 adjournment. This concludes our meeting. Is there
22 any further business to discuss? Okay. Seeing
23 none, this meeting is adjourned. Thanks.

24 (WHEREUPON, the HAWAII LUC MEETING
25 concluded at 10:15 a.m.)

CERTIFICATE

I, Jodi Dean do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

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



Jodi Dean