

LAND USE COMMISSION  
MEETING MINUTES

July 25, 2019, 9:30 a.m.

County of Kaua`i, Moikeha Building, Conference Room 2A/2B  
4444 Rice Street, Lihu`e, Kaua`i, Hawai`i, 96766

COMMISSIONERS PRESENT: Dan Giovanni  
Nancy Cabral  
Dawn Chang  
Lee Ohigashi  
Arnold Wong  
Edmund Aczon  
Gary Okuda

COMMISSIONERS EXCUSED: Jonathan Scheuer  
Aaron Mahi

LUC STAFF PRESENT: Daniel Orodenker, Executive Officer  
Randall Nishiyama, Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Jean McManus

**CALL TO ORDER**

Vice Chair Cabral called the meeting to order at 9:44 a.m. (Delay due to intake of written public testimony)

**APPROVAL OF MINUTES**

Vice Chair Cabral asked if there were any corrections or additions to the July 10-11, 2019 meeting and site visit minutes. There were no corrections or comments. Commissioner Aczon moved to approve the minutes. Commissioner Ohigashi seconded the motion. The minutes were unanimously approved by voice vote (7-0-2 excused).

**TENTATIVE MEETING SCHEDULE**

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners for the following dates and docket numbers.

- AUG 14-15- Oahu Commission Training
- AUG 28-HNL-DR19-66 Pōmaika`i Partners, LLC (Oahu)
- AUG 29- Video Conference for A18-804 Barry Trust (Hawai`i)
- HCPO- will be on Maui SEP 11-13- with no LUC meeting on the 13<sup>th</sup>  
SEP 25-26- A19-809 Lanai Resorts and A04-751 Pulelehua (Maui  
overnight) & staff reports for A97-721 Makena ATC and A89-642 C.  
Brewer
- OCT 9-10- SP09-403 Waimanalo Gulch Sanitary Landfill
- OCT23-24- A17-804 Hawaiian Memorial Park
- NOV 4-5 overnight A11-791 Hokua Place (Kauai)
- NOV 20-A87-610 (Oahu)
- NOV 21- A02-737 U of N Bencorp (Hawai`i) at NELHA

Any questions or conflicts, please contact LUC staff.

Vice Chair Cabral moved on next agenda item.

#### **HEARING AND ACTION**

##### **A17-803 KEALIA PROPERTIES, LLC- (Kaua`i)**

To Consider Petitioner's Motion to Accept its Final Environmental Impact Statement.

Vice Chair Cabral called for the Parties identify themselves.

#### **APPEARANCES**

Curtis Tabata, Esq. and Benjamin Matsubara, Esq., Counsel for Kealia Properties, LLC ("KP")

Nicholas Courson, Esq., First Deputy County Attorney, County of Kaua`i, Planning Department ("County")

Ka`aina Hull, Director, (County)

Dawn Takeuchi Apuna, Esq., Deputy Attorney General, for State Office of Planning ("OP")

Aaron Setogawa, OP

Vice Chair Cabral updated the record, described the procedures for the hearing, and asked if Petitioner had been made aware of and was agreeable to the LUC's hearing expenses reimbursement policy. Mr. Matsubara acknowledged that Petitioner was

aware of and would comply with the reimbursement policy. There were no questions or comments on the procedures

Vice Chair Cabral called for Public Witnesses and swore each witness in before hearing their testimony.

*Due to the large amount of public witnesses, the minutes will provide a list of the witnesses in the order they testified. ("Accept" notation indicates that testimony was in favor of the LUC accepting the FEIS. "Reject" notation indicates that testimony was against the LUC accepting the FEIS. "Other" notation indicates that the testimony was unclear on accepting or denying the FEIS.)*

*Please refer to the transcripts for further details of public testimony. Only comments and/or questions asked of testifiers are noted. No notation indicates that no questions were posed to the testifier.*

PUBLIC WITNESSES:

1. Elaine Valois- Reject  
Mr. Matsubara inquired whether Ms. Valois was a homeowner. Ms. Valois responded that she was.
2. Stuart Wellington- Accept
3. Marcus Laymon- Accept
4. Lester Gale-Reject  
Mr. Matsubara inquired whether Mr. Gale was a homeowner. Mr. Gale responded that she was.
5. Bronson Carvalho- Accept (read testimony of Bernard Carvalho, for Mayor of Kaua'i)  
Mr. Matsubara inquired whether Mr. Bernard Carvalho was unavailable to provide testimony in person. Mr. Bronson Carvalho responded that he was reading his father's testimony.
6. Kenderson Caspillo- Accept
7. Allen Suan- Accept  
Commissioner Okuda requested that testifiers spell their names for the record. A brief discussion ensued to determine that subsequent testifiers print their names on a list prior to testifying to ensure legible names for the record.
8. Jeffrey Rivera- Accept
9. Tony Reis- Accept
10. Bob Farias Accept
11. Mark Baldonado,- Reject  
Mr. Baldonado requested Intervenor status.

Commissioner Okuda inquired how many neighbor signatures Mr. Baldonado had collected for the Intervention effort. Mr. Baldonado estimated over 20 signatures. Commissioner Giovanni inquired whether correspondence had been submitted. Mr. Baldonado responded that he had submitted it as written testimony at the hearing. Vice Chair Cabral had Mr. Orodener describe the procedures to participating as an Intervenor in the proceedings.

12. Agnes Marti-Kini- Reject

Commissioner Aczon requested clarification on the specifics of Ms. Marti-Kini's objection. Commissioner Chang requested clarification on Ms. Marti-Kini role in community organizations and whether she had seen the Cultural Impact Assessment (CIA) for the docket. Ms. Marti-Kini described her role and stated that she hadn't seen the CIA.

13. Barbara Giuliano- Reject

Vice Chair Cabral declared a recess at 10:42 a.m. and reconvened the meeting at 10:54 a.m. Public Witness testimony continued.

14. Karen Gibbons- Reject

Commissioner Wong requested that Mr. Orodener described how an automatic approval of an FEIS could occur if the Commission failed to act upon it. Mr. Orodener clarified the FEIS approval process.

15. Noa Mau-Esparto- Other

16. Penny Prior- Reject

17. Julie Black Caspillo- Reject

18. Naia Nicole Blagg-Noblisse,-Reject/Other

Commissioner Chang requested clarification on Ms. Blagg-Noblisse's cultural practices and access concerns.

19. Sean Asquith- Other

Commissioner Change requested clarification on Mr. Asquith's hunting and farming practices,

20. Kamuela L. Pa-Other

Commissioner Chang requested clarification on Mr. Pa's homestead status and involvement with hunting and farming in the Petition Area.

Commissioner Okuda shared his appreciation for Kalo farmers.

21. Kapono Kapanui- Reject

22. Sharla Kalauawa,-Reject

23. Justin Teves- Accept

24. Kenneth Johnson- Reject

25. David Dinner- Reject

26. Gabriela Taylor-Reject

27. Larry Graff- Accept

Commissioner Okuda inquired if Mr. Graff had read the FEIS. Mr. Graff responded that he had read the executive summary and felt that the Commission should accept the FEIS.

28. Lonnie Sykos- Reject

29. Rayne Regush- Reject

Commissioner Chang requested clarification on portions of Ms. Ragush's testimony. Vice Chair Cabral commented that Public Testimony would be taken during the allotted period in the agenda.

30. Bruce Laymon- Accept

Commissioner Chang requested clarification on the public meetings for the project that were offered to the community.

31. Dan Freund- Reject

Vice Chair Cabral declared a recess at 12:16 p.m. and reconvened the meeting at 12:30 p.m.. Public Witness testimony continued.

32. Lokelani Mahuiki- Other/Reject

Commissioner Chang requested clarification on title and genealogical issues.

33. Bree Boerner-Reject,

34. Alfred Alesna-Reject

35. Clayton Arinaga- Reject

36. Lianne Kobayashi,-Reject

Commissioner Chang requested clarification on when Ms. Kobayashi became aware of community meetings on the Kealia Mauka project.

Commissioner Okuda verified that Ms. Kobayashi was not related to any Kobayashi family member that he was familiar with.

37. Albert Banach- Accept

38. Anne Walton- Reject

39. Andy Bushnell-Reject

There were no further public witnesses. Vice Chair Cabral stated that the Public Testimony portion of the meeting was officially closed. Discussion ensued to assess the state of the proceedings and determine how the remaining meeting time would be used. Commission Wong commented that the Commission's action was limited in scope to accepting the FEIS at this meeting and that failure to act would mean an automatic approval of the FEIS.

Vice Chair Cabral declared a recess at 1:10 p.m. and reconvened the meeting at 1:16 pm.

Vice Chair Cabral announced that the Commission would continue recess and reconvene at 1:45 p.m.

Vice Chair Cabral reconvened the meeting at 1:52 p.m. and announced that Petitioner now make its presentation.

## **PRESENTATION**

### Petitioner

Mr. Matsubara requested that he be allowed to recall Public Witness Bruce Laymon to respond to additional questions. Vice Chair Cabral allowed his request.

Mr. Laymon described his familiarity with the Petition Area grounds and how the hunting and farming activities described by other public witnesses occurred outside of the Petition Area. Commissioners Ohigashi and Wong requested clarification of what exhibit Mr. Laymon was using and where it appeared in the FEIS. Mr. Tabata identified the map location and exhibit numbers that were on display and being used to identify hunting and farming activities.

Mr. Tabata made his presentation to the Commission and argued why the LUC should approve the Final Environmental Impact Statement (FEIS). Mr. Tabata called his subpoenaed witness, Michael Dahilig.

### Petitioner Witnesses

1. Michael Dahilig

Mr. Dahilig shared his knowledge of the Petition Area and how it related to Kaua`i General Plan development considerations during his term as the County of Kaua`i Planning Director.

Commissioner Chang requested clarification on County efforts to create awareness of the Kealia Mauka proposed project and foster discussions on the matter. Mr. Dahilig described how County had considered several factors in developing its General Plan and had attempted to address them in an organized, methodical way to ensure County and community interests were aligned.

Commissioner Wong requested clarification on how housing demand factored into County planning considerations. Mr. Dahilig described the methodology County used to address housing and infrastructure concerns.

Commissioner Ohigashi requested clarification on how the County General Plan assessed and applied various considerations during its development. Mr. Dahilig described how his department had evaluated and developed the scope of the long-term plans.

Commissioner Okuda requested that Mr. Dahilig provide his educational and professional background for the record; and to define the terminology and scope of what was involved in the General Plan preparation process. Mr. Dahilig provided the

requested background information and shared his perspective of what was involved in developing a community general plans while considering factors such as population growth, and infrastructure development etc.

Commissioners Giovanni and Chang requested further clarification on Mr. Dahilig's correspondence regarding the Petition Area.

There were no further questions for Mr. Dahilig

Vice Chair Cabral announced that due to time constraints, the Commission would continue the remaining portion of the meeting on August 8, 2019 at 09:30 a.m. with venue and other meeting details to be provided later.

Vice Chair Cabral declared a recess at 2:43 p.m.

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