

NAME	ORGANIZATION/INDIVIDUAL	SUPPORT/OPOSE
SCOTT DERRICKSON	STATE LAND USE COMMISSION	SUPPORT
OHA	OFFICE OF HAWAIIAN AFFAIRS	SUPPORT
ALICE P HEWETT	KOOLAUPOKO HAWAIIAN CIVIC CLUB	SUPPORT
ARNOLD	IRONWORKERS STABILIZATION	SUPPORT
EDWARD CLEMENT	HAWAIIAN ISLAND LAND TRUST	SUPPORT
HTF	HAWAII THOUSAND FRIENDS	SUPPORT
JAVIER MENDEZ-ALVAREZ	UH BIOLOGY ALUMNI ASSOCIATION	SUPPORT
LANCE D COLLINS	WEST MAUI PRESERVATION ASSOCIATION	SUPPORT
LEA HONG	THE TRUST FOR PUBLIC LAND	SUPPORT
MARJORIE ZIEGLER	CONSERVATION COUNCIL HAWAII	SUPPORT
RENE SIRACUSA	MALAMA O PUNA	SUPPORT
RILEY SMITH	LANIHAU PROPERTIES LLC	OPOSE
SHANNON WOOD	WINWARD AHUPUAA ALLIANCE	SUPPORT
STUART COLEMAN	SURFRIDER FOUNDATION	SUPPORT
AMY BRINKER	INDIVIDUAL	SUPPORT
AMY KIMURA	INDIVIDUAL	SUPPORT
ANN BOUSLOG	INDIVIDUAL	SUPPORT
ANNETTE KAOHELALUII	INDIVIDUAL	SUPPORT
AUDREY NEWMAN	INDIVIDUAL	SUPPORT
BARBARA POLK	INDIVIDUAL	SUPPORT
BEN SHAFER	INDIVIDUAL	SUPPORT
BIANCA KAI ISAKI	INDIVIDUAL	SUPPORT
CHARLES LEHUAKONA	INDIVIDUAL	SUPPORT
CHRISTINA AIU	INDIVIDUAL	SUPPORT
CLYDE NAMUO	INDIVIDUAL	SUPPORT
DALE B BONAR	INDIVIDUAL	SUPPORT
DANIEL GRANTHAM	INDIVIDUAL	SUPPORT
DANNA HOLCK	INDIVIDUAL	SUPPORT
DAVID DUFFY	INDIVIDUAL	SUPPORT
DAVID GREENWELL	INDIVIDUAL	OPOSE
DAVID STRIPH	INDIVIDUAL	SUPPORT
DONNA BALL	INDIVIDUAL	SUPPORT
ELOISE ENGMAN	INDIVIDUAL	SUPPORT
EVAN TECTOR	INDIVIDUAL	SUPPORT
GEORGE OUTLAW	INDIVIDUAL	SUPPORT
HELEN NIELSEN	INDIVIDUAL	SUPPORT
IAN TIERNEY	INDIVIDUAL	SUPPORT
JAMES KWON	INDIVIDUAL	SUPPORT
JANET BRITT	INDIVIDUAL	SUPPORT
JANICE PALMA-GLENIE	INDIVIDUAL	SUPPORT
JEANNINE JOHNSON	INDIVIDUAL	SUPPORT
JEFF ZIMPFER	INDIVIDUAL	SUPPORT
JERRY LAM	INDIVIDUAL	SUPPORT

JOE WILSON	INDIVIDUAL	SUPPORT
JONATHAN STARR	INDIVIDUAL	SUPPORT
KAREN AH MAI	INDIVIDUAL	SUPPORT
KAREN CHUN	INDIVIDUAL	SUPPORT
KENNETH A LIKOUT	INDIVIDUAL	SUPPORT
KOALANI KAULUKUKUI	INDIVIDUAL	SUPPORT
LARRY STEVENS	INDIVIDUAL	SUPPORT
LAURA BERTHOLD	INDIVIDUAL	SUPPORT
LEIMANA DAMATE	INDIVIDUAL	SUPPORT
LINDA LEGRANDE	INDIVIDUAL	SUPPORT
LINDA PAUL	INDIVIDUAL	SUPPORT
LUCIENNE DE NAIE	INDIVIDUAL	SUPPORT
MARVIN KALEO MANUEL	INDIVIDUAL	SUPPORT
MATT MCDERMOTT	INDIVIDUAL	SUPPORT
MIWA TAMANAHA	INDIVIDUAL	SUPPORT
NANI POGLINE	INDIVIDUAL	OPPOSE
NATHAN YUEN	INDIVIDUAL	SUPPORT
NOELANI PUNIWAI	INDIVIDUAL	SUPPORT
PAAHANA KINCAID	INDIVIDUAL	SUPPORT
PAMELA BUNN	INDIVIDUAL	SUPPORT
PENNY LEVIN	INDIVIDUAL	SUPPORT
RANDAL BARTLETT	INDIVIDUAL	SUPPORT
RANDY CHING	INDIVIDUAL	SUPPORT
REGINA K KAWAMOTO	INDIVIDUAL	SUPPORT
RICHARD SPACER	INDIVIDUAL	SUPPORT
RICK WARSHAUER	INDIVIDUAL	SUPPORT
SCOTT CRAWFORD	INDIVIDUAL	SUPPORT
SHAELENE KAMAKAALA	INDIVIDUAL	SUPPORT
SHANNON RUDOLPH	INDIVIDUAL	SUPPORT
SUZANNE HAMMER	INDIVIDUAL	SUPPORT
THOMAS BRENNON	INDIVIDUAL	SUPPORT
THORNE ABBOTT	INDIVIDUAL	SUPPORT
TIA PEARSON	INDIVIDUAL	SUPPORT
TLACLOC TOKUDA	INDIVIDUAL	SUPPORT
URSULA RETHERFORD	INDIVIDUAL	SUPPORT
VERNON HINSVARK	INDIVIDUAL	SUPPORT
VICTORIA CANNON	INDIVIDUAL	SUPPORT
WAYNE TAKAMINE	INDIVIDUAL	SUPPORT

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: sderrick@dbedt.hawaii.gov
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 9:58:13 AM
Attachments: [GM868_DBEDT-LUC_04-17-15_WTL.docx](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Derrickson	State Land Use Commission	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

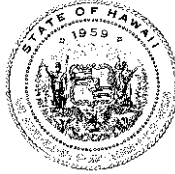
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DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Acting Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

DANIEL ORODENKER
Executive Officer

Bert K. Saruwatari
Planner

SCOTT A.K. DERRICKSON AICP
Planner

RILEY K. HAKODA
Chief Clerk/Planner

FRED A. TALON
Drafting Technician

Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission

Before the
Senate Committee on Water and Land
April 17, 2015
2:45PM
State Capitol, Conference Room 224

In consideration of

GM868
SUBMITTING FOR CONSIDERATION AND CONFIRMATION THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE,
JONATHAN SCHEUER,
for a term to expire 6-30-2016

Chair Thielen, Vice Chair Galuteria, and members of the Committee on Water and Land:

I would like to testify in support of Jonathan Scheuer's nomination for an At-Large seat on the State Land Use Commission.

Jonathan brings a wealth of experience to the Commission and an established foundation in a number of key issue areas important to the community. During his tenure as an interim commissioner he has shown himself to be extremely open-minded, insightful and well prepared for every single hearing. His pursuit of key issues and understanding of Hawaiian and cultural issues is exemplary. With a practical foundation in water issues and a deep understanding of the connections between the land, water and cultural resources, his insights are invaluable to the Commission.

In sum, Jonathan brings balance and a well-educated, diverse set of viewpoints to the Land Use Commission. He provides the Commission much needed perspective with an ability to comprehend opposing viewpoints. He will be insightful and relentless when it comes to balancing native culture, natural resources and water rights against the need for growth.

Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: publicpolicy@oha.org
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 11:40:38 AM
Attachments: [GM868 Scheuer LUC WTL 041715 FINAL.pdf](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Office of Hawaiian Affairs	Individual	Support	No

Comments:

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GM868
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE, JONATHAN SCHEUER, FOR A TERM TO
EXPIRE JUNE 30, 2016
Senate Committee on Water and Land

April 17, 2015

2:45 p.m.

Room 224

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **SUPPORT** for GM868, which nominates Jonathan Scheuer as a member of the Land Use Commission (LUC).

The LUC is tasked with preserving, protecting, and encouraging the development of lands for the uses that best serve the public welfare. Central to its kuleana is the responsibility to establish land use district boundaries and act on district boundary amendment petitions, providing the LUC with significant influence over land use patterns in our islands. Accordingly, LUC decisions may have substantial impacts on Native Hawaiians and their ability to continue exercising their constitutionally-recognized Native Hawaiian traditional and customary practices.¹ In addition, the LUC has the ability to prevent or mitigate significant and irreparable harms to the Native Hawaiian community and the public welfare generally, by denying inappropriate boundary amendments, granting boundary amendments with mitigation measures to preserve and protect traditional and customary practices, and/or enforcing conditions on previously approved boundary amendments.

OHA believes that the nominee and current LUC interim appointee, Jonathan Scheuer, possesses the education, experience, and expertise to contribute to well-reasoned decision-making by the LUC. Mr. Scheuer is a recognized expert in land management, planning, and natural resource and environmental policy, and as a keiki o ka 'āina has dedicated his life to understanding and serving the interests of our island communities. Notably, Mr. Scheuer has substantial professional experience working with the Native Hawaiian community, through his consulting work as a land manager and policy analyst at OHA, and most recently as a water policy consultant with the Department of Hawaiian Home Lands. Mr. Scheuer has also served as a member of the O'ahu Island Burial Council, in addition to various non-profit boards. OHA believes that, if confirmed, Mr. Scheuer's personal and professional experiences, his expertise in land management, land acquisition, planning, and natural resource management, and his understanding of Native Hawaiians' relationship with 'āina will enhance the LUC decision-making process and help the commission fulfill its critical kuleana.

Accordingly, OHA urges the Committee to **PASS** GM868. Mahalo nui for the opportunity to testify on this important measure.

¹ HAW. CONST. ART. XII Sec. 7 (1978).

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: malamaono744@aol.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 8:15:34 PM
Attachments: [gm868-support-koolaupokohcc.pdf](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alice P. Hewett	Koolaupoko Hawaiian Civic Club	Support	Yes

Comments: Sent on behalf of Alice Hewett who does not have email. Mahealani Cypher will present testimony on her behalf.

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KO`OLAUPOKO HAWAIIAN CIVIC CLUB

April 16, 2015

To: Sen. Laura Thielen, Chair
Sen. Brickwood Galuteria, Vice Chair
Members, Committee on Water & Land

From: Alice P. Hewett, President
Ko'olaupoko Hawaiian Civic Club

Re: Support for G.M. 868 – Jonathan Scheuer/Land Use Commission

Aloha Chair Thielen, Vice Chair Galuteria and Members of the Water and Land Committee:

The Ko'olaupoko Hawaiian Civic Club offers its support for the appointment of Jonathan Scheuer to serve on the State Land Use Commission.

We have known Jonathan for many years, and find him to be conscientious, fair, and responsible when it comes to decisions that are important to the State of Hawai'i.

He has served as head of the Land Division for the Office of Hawaiian Affairs; he has served as chair of the Island Burial Council; he has worked with the Department of Land and Natural Resources, and he is known for his advocacy to malama `aina.

In our view, that is the primary criterion: advocacy to malama `aina.

We realize that the Land Use Commission must sometimes make decisions to allow `aina to be developed to support the state's economic goals and provide jobs and homes for our people.

In Jonathan, we believe he will look at all the issues and decide fairly what is pono, what is balanced for today and for generations to come. He will be an asset to the LUC.

We urge your approval of his confirmation.

Mahalo for this opportunity to share our mana`o.

The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians. One of the largest of the Hawaiian Civic Clubs, its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart".

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: stab625@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 8:54:55 AM
Attachments: [Scheuer_LUC.doc](#)

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Arnold	Ironworkers Stabilization	Support	No

Comments:

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IRONWORKERS STABILIZATION FUND

April 15, 2015

Hon. Laura H. Thielen, Chair
Senate Committee on Water and Land
Room 321 - State Capitol
Honolulu, HI 96813

**Re: GM 868 – Jonathan Scheuer - State Land Use Commission
April 17, 2015 - 2:45 p.m. - CR224**

Dear Chair Thielen and Committee Members,

It is with distinct pleasure that we support the Governor's nomination of Jonathan Scheuer to the Land Use Commission. Mr. Scheuer is presently an interim appointee to the commission.

Having served as an interim commissioner for over six months, Jonathan has gained much knowledge and experience concerning land use matters affecting the state. The on-the-job training he would have to gain would be minimal, and, he would be able to hit the ground running and effectively deliberate on all matters coming before the commission. Jonathan also has shown that he can see the entire problem and not one side. He is an open and attentive commissioner that will and has been very deliberate and fair-minded

We respectfully submit that Jonathan Scheuer is most qualified to become a permanent member of the Land Use Commission.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ted@hilt.org
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 8:24:16 AM
Attachments: [Testimony in Support of Jonathan Scheuer Land Use Commission.pdf](#)

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Clement	Hawaiian Islands Land Trust	Support	Yes

Comments:

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April 15, 2015

Senate Committee on Water and Land
State Capitol
415 South Beretania Street
Honolulu, HI 96814

Re: Testimony in Support of Jonathan Scheuer's Nomination to the Land Use Commission

Aloha Honorable Chair Thielen, Honorable Vice Chair Galuteria, and Honorable Committee Members:

On behalf of the Hawaiian Islands Land Trust, I am very honored and pleased to submit this testimony in support of Jonathan Scheuer's nomination to the Land Use Commission. We are excited for Mr. Scheuer, our communities and the incredible lands, waters and other natural resources which make Hawai'i so special and keep it a desirable place to live, work and visit – crucial underpinnings of our economy here.

The Hawaiian Islands Land Trust is a 501(c)(3) non-profit organization formed in 2011 out of the merger of four local land trusts, and it is the first and only nationally accredited local land trust in Hawai'i. Our mission is to protect the lands that will sustain us for current and future generations. Hawaiian Islands Land Trust has conserved over 17,500 acres to date, via perpetual Conservation Easements and Fee Simple Ownership, on a number of properties with various conservation values important to residents and visitors alike. We conserve lands that secure Hawai'i's long-term well-being, lands with scenic views, agricultural resources, wildlife habitats, water resource areas, cultural and historical sites, and outdoor recreation opportunities.

I have had the privilege to work closely with Jonathan Scheuer at the Hawaiian Islands Land Trust and while co-teaching a Conservation Transactions course at the William S. Richardson School of Law. Mr. Scheuer serves on the Board of Directors for the Hawaiian Islands Land Trust. As we continue to work closely together, my appreciation and respect for Mr. Scheuer have only grown. He has over twenty-five years experience in public policy and land and water management in the public, non-profit and private sectors - and in the Native Hawaiian and broader communities. Mr. Scheuer has demonstrated success in resolving conflicts over water and land issues in Hawai'i. He also has a keen intellect, is considerate of others and the public good, and believes in the importance of fair and balanced outcomes. In short, we support Mr. Scheuer's nomination because he has the skills and experience necessary to be an effective member of the Land Use Commission.

Thank you for your time and consideration of this testimony which enthusiastically supports Jonathan Scheuer for the Land Use Commission.

Sincerely,



Edward Sortwell Clement, Jr.
Executive Director

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: htf@lava.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 4:20:11 PM
Attachments: [GM 868 HTF Scheuer 4.17.15.pdf](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii's Thousand Friends	Hawaii's Thousand Friends	Support	No

Comments:

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25 Malunui Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

April 17, 2015

GM 868 consideration and confirmation of
Jonathan Scheuer
To the Land Use Commission

Committee Chair and members;

Hawaii's Thousand Friends, a statewide nonprofit organization dedicated to comprehensive planning and reasonable, responsible and appropriate land and water use, *supports* the Governor's nominee.

Mr. Scheuer has the knowledge and experience need to represent the interests of the Sate and the public on the Land Use Commission.

His involvement includes working at the Nature Conservancy, the State Legislature, DLNR, Hawai'i Conservation Alliance, Malama o Manoa, Oahu Island Burial Council, and Oahu Land Trust.

Mr. Scheuer has been a lecturer on urban and regional planning at the University of Hawai'i at Manoa, served as a senior natural resource policy specialist with the Sustainable Resources Group International and was a land evaluation coordinator for Kamehameha Schools.

Mr. Scheuer's familiarity with the many facets of land use will help to ensure that areas of state concern are addressed and considered in the Land Use Commission's decision-making process.

Hawaii's Thousand Friends urges the committee to confirm Mr. Jonathan Scheuer to the Land Use Commission.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 1:16:28 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	UH Biology Alumni Association	Support	No

Comments:

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From: [Lance D. Collins, Ph.D](#)
To: [WTLTestimony](#)
Subject: Testimony Submission for WTL (GM 868)
Date: Thursday, April 16, 2015 8:01:23 AM
Attachments: [wmpa testimony GM868 to WTL.pdf](#)

Committee: WTL Committee
Measure: Governor's Message No. 868
Hearing: Friday, April 17, 2015 at 2:45 PM

If there are any problems with this transmission please contact our office immediately at 808-243-9292. Mahalo.

--

Law Office of Lance D Collins
A Law Corporation
Post Office Box 179336
Honolulu, HI 96817
808.243.9292

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Lahaina, HI 96761

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair
COMMITTEE ON WATER AND LAND

Senate of the State of Hawai'i

Friday, April 17, 2015 at 2:45 PM

Support for GM868, Nomination of Jonathan Likeke Scheuer to the Land Use Commission

The West Maui Preservation Association supports the nomination of Jonathan Likeke Scheuer to the Land Use Commission for the State of Hawai'i.

Jonathan has over 25 years experience in public policy and land and water management in the public, non-profit, and private sectors, in the Native Hawaiian and broader communities. Born and raised on O'ahu, he currently works as a sole proprietor consultant assisting clients by working with them to develop strategies designed to avoid, manage, and/or resolve deep and complex conflicts over the control and management of natural resources. He has been working extensively with the National Park Service on water policy issues, with the Department of Hawaiian Home Lands in developing its first policy on water since the passage of the Hawaiian Homes Commission Act in 1921, and has facilitated climate change related efforts. He also has been a lecturer and adjunct faculty member of the Department of Urban and Regional Planning and the William S. Richardson School of Law of the University of Hawai'i at Manoa. As a volunteer, he serves an interim member of the State Land Use Commission and as a Board member of the Hawaiian Islands Land Trust.

He holds three degrees in Environmental Studies: a B.A. from the University of California, Santa Cruz (UCSC)(with honors), a Master's from the Yale University School of Forestry and Environmental Studies, and a Ph.D. from UCSC. He is a 1987 graduate of 'Iolani School.

Mahalo for this opportunity to testify.

//

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: lea.hong@tpl.org
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 1:41:05 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Hong	The Trust for Public Land	Support	No

Comments: Aloha Chair Thielen and Committee Members - The Trust for Public Land strongly supports the nomination of Dr. Jonathan Likeke Scheuer to the Land Use Commission. Dr. Scheuer holds a Ph.D. in Environmental Studies from the University of California, Santa Cruz. He has 25 years of experience in private and governmental capacities in land use and management in Native Hawaiian and broader communities. His experience at the Office of Hawaiian Affairs and the O'ahu Burial Council will add needed cultural sensitivity and perspective to the Land Use Commission. We strongly support his nomination and respectfully request that this Committee and the Senate confirm Dr. Scheuer's appointment. Mahalo for this opportunity to testify. Lea Hong Hawaiian Islands State Director The Trust for Public Land

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mz@conservehi.org
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 2:44:27 PM
Attachments: [CCH testimony GM 868 Scheuer LUC.pdf](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	Individual	Support	Yes

Comments:

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**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the
Senate Committee on Water and Land
Hearing: Friday, April 17, 2015 2:45 PM Room 224
In Support of GM 868 Jonathan Likeke Scheuer

Aloha, Chair Thielen, Vice Chair Galuteria, and Members of the Committee. The Conservation Council for Hawai'i supports GM 868 and the nomination of Jonathan Likeke Scheuer to serve on the Land Use Commission.

I have known Dr. Scheuer for over 20 years, and he has the experience, skills, and dedication to serve us well. He is very knowledgeable about land and water issues in the islands having worked on them for decades.

Dr. Scheuer is respectful of the host culture and sensitive to protecting our quality of life and those things that make Hawai'i special.

Please support 868 and the nomination of Dr. Scheuer to serve on the LUC.

Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler

Conservation Council for Hawai'i is a nonprofit, environmental membership organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations.

Established in 1950 and based in Honolulu, CCH is one of the largest and most effective wildlife organizations in Hawai'i with more than 5,000 members and supporters, including concerned citizens, educators, scientists, government agencies, and elected officials.

Through research, education, service, organizing, and legal advocacy, CCH works to stop the destruction of native wildlife and wild places in Hawai'i.

Since 1973, CCH has served as the Hawai'i state affiliate of the National Wildlife Federation.

Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave., Suite 220 | Honolulu, HI 96814

President: Hannah Kihalani Springer | Vice-President: Julie Leialoha | Treasurer: Bianca Isaki | Secretary: Wayne Tanaka
Directors: Rick Barboza | Ryan Belcher | Maka'ala Ka'auomoana | Koalani Kaulukukui
Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: malamaopuna@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 9:25:12 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Siracusa	Malama O Puna	Support	No

Comments: I first met Jonathan Scheuer when he worked for OHA on the Wao Kele O Puna project. Malama O Puna, an environmental nonprofit based on the Big Island, was very involved with that issue and with a forest restoration project. I was very impressed with Jonathan and sorry to see him leave OHA. He is hard working, sincere, capable and knowledgeable about land management issues, and he has the pono attitude needed for such a leadership position. Malama O Puna heartily supports his nomination.

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From: [Riley Smith](#)
To: [WTLTestimony](#)
Cc: [Sen. Laura Thielen](#); [Sen. Brickwood Galuteria](#)
Subject: Testimony in Opposition to Jonathan Scheuer; Land Use Commission
Date: Wednesday, April 15, 2015 7:08:14 PM
Attachments: [testimony from riley smith in opposition to jonathan scheuer nomination to LUC 041515a.pdf](#)

Senators Thielen, Galuteria....Please find my testimony in opposition to Jonathan Scheuer's nomination to the State Land Use Commission.
Riley Smith, P.E.

Riley Smith, P.E.
President/Chief Executive Officer
Lanikai Properties, LLC
(808) 936-7129

Lanikai Properties, LLC

P.O. Box 9032

Kailua-Kona, HI 96745

Phone: (808) 936-7129 • Fax: (808) 329-8044

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April 15, 2015

Honorable Senator Laura H. Thielen, Chair
Honorable Senator Brickwood Galuteria, Vice Chair
Committee on Water and Land
Hawaii State Capitol
415 South Beretania
Honolulu, HI 96813

Via email: wlttestimony@capitol.hawaii.gov

Dear Senators Thielen, Galuteria and Senate Members:

Re: Opposition against Governor's Message 868: Nomination of Jonathan Scheuer, Land Use Commission

Thank you for the opportunity to express my view on the above-referenced applicant. I am in opposition to this nomination.

My reasons include:

- a. **Conflict of Interest in LUC Deliberations:** Mr. Scheuer has disclosed that he is a paid consultant for both the National Park Service and the Department of Hawaiian Home Lands (see attached Financial Disclosure form, dated 9/8/14). His active involvement in the NPS' petition to designate the Keauhou aquifer as a water management area and his support of DHHL's efforts to assert a priority right for water for all DHHL tracts (statewide), would put him in a conflict of interest for all LUC boundary amendments in West Hawaii and any lands adjacent to the thirty three DHHL land tracts throughout the State. By representing the NPS as his client, he opposes all the land development activities of the neighbors of the Kaloko Honokohau National Park that the NPS has intervened on since 2000, including TSA Corporation, Lanikai Properties, Ooma Beachside Villages, Kaloko Makai, Shopoff Group, Shores at Kohanaiki, Kona Kai Ola, Keahuolu Affordable Housing, Kaloko Transitional Housing, Palamanui/UH West Hawaii, Keahole Airport Expansion, Natural Energy Lab Expansion, Kona Judiciary, Lokahi Kau Affordable Housing, Kamakana Villages

Affordable Housing, Laiopua 2020 Community Center. His earnings from these clients exceed \$200,000 for 2014. He would be in a conflict of interest if he were to deliberate on any land use applications in West Hawaii. This would impact his ability to participate in meetings and contribute to quorum.

- b. **Absenteeism:** Mr. Scheuer has been an interim appointee to the LUC since August 2014. Of the thirteen scheduled meetings since his appointment, he has missed 23% of them (10/8/14, 12/10/14 (testifying at Kona CWRM meeting for NPS), 3/5/15, see attached copies of meeting Minutes). I don't believe he is taking this LUC appointment seriously if he misses every fourth meeting. Besides, he chose to attend the 12/10/14 Commission on Water Resource meeting in Kona and represent his client, the NPS, rather than attend the LUC meeting on Kauai on the same day. I believe his lack of commitment to LUC is extremely evident.
- c. **Lack of Credibility:** At the 3/25/14 Hawaii County Water Board meeting, Commissioner Brenda Iokepa-Moses stated (page 12 of the attached Minutes): *"Ms. Iokepa-Moses noted that she opposes the NPS petition. She said she purposely did not make eye contact with Mr. Scheuer when he made his testimony today because she wanted to hear every word he was saying without getting caught up in his charismatic and eloquent delivery. She said she heard nothing new from Mr. Scheuer today; it was a fluffy presentation with nothing new. Mr. Young, by contrast, came out with facts and expert testimony. She noted that Mr. Bowles is in the room, and suggested that NPS should talk to him. She said that all of the experts are saying that the NPS petition is not valid. Ms. Iokepa-Moses said that maybe Mr. Scheuer could come back 20 years from now when he has a chance to get all of his information together. She said that the NPS has been wasting the Board's time with presentations that do nothing for the Board. Mr. Young has brought facts to the Board; he is an expert as is Mr. Bowles, she said, adding that the Board should listen to the experts. Ms. Iokepa-Moses noted that she had asked Mr. Scheuer last month about the "additional form" involved in applying for a permit after designation. She said she is from rural Ka'u, where public testimony takes place on every issue, and she was aware all along that getting a permit after designation is not a short, easy process. Ms. Iokepa-Moses said that the Board has wasted enough time on this petition issue, and suggested that NPS do another 20 years of research and come up with definitive data that shows that there "shall" be an effect on the aquifer. For now, the*

petition should not be granted, she said. NPS has a lot of work to do, such as dealing with invasive species.”

Also, as part of the Land Use Commission process, the County Department of Water Supply is typically asked to comment on the availability of their system to provide potable water to any projects. With the obvious antagonism between Mr. Scheuer and the DWS, he will not be able to behave and vote in an objective matter when it comes to proceedings on Hawaii island.

There are many other public meetings in Kona (CWRM, Kona Water Roundtable, Rotary, DHHL Commission, Board of Realtors, Waimea Community Association) where Mr. Scheuer has been evasive and misleading in his statements. I would characterize his style as being deceptive, by omitting pertinent facts. As such, he has no credibility when speaking before public audiences in West Hawaii. This would impact his ability to be an effective Commissioner on the State Land Use Commission.

For the above reasons, I believe it would be improper for your Committee to approve this nomination.

Should you have any questions, please contact me.

Very truly yours,



Riley W. Smith, P.E.
President/Chief Executive Officer

Attachments:

Financial disclosure, Jonathan Scheuer, 9/8/14
LUC Meeting Minutes, (10/8/14, 12/10/14, 3/5/15)
Water Board Minutes, 3/25/14 meeting

HAWAII STATE ETHICS COMMISSION DISCLOSURE OF FINANCIAL INTERESTS: LONG FORM

FILER		
Scheuer	Jonathan	L
Last Name	First Name	M.I.

FOR STATE EMPLOYEES	FOR STATE BOARD/COMMISSION MEMBERS
Department	Land Use Commission Board/Commission Name
Division	07/14/2014 06/30/2016 BEGIN END <i>Term of Office (mm/dd/yyyy)</i>
Position	

FOR EACH ITEM, EXCEPT ITEM 9, DISCLOSE INTERESTS OF FILER, SPOUSE, AND DEPENDENT CHILDREN.
USE ABBREVIATIONS: "F" for filer, "SP" for spouse, "DC" for dependent children, and "JT" for joint interests of the spouse and filer.

ITEM 1: INCOME FOR SERVICES RENDERED FOR PRECEDING CALENDAR YEAR

List the source and amount of all income of \$1,000 or more received during the preceding calendar year for services rendered (INCLUDING INCOME EARNED FROM YOUR STATE POSITION), and the nature of the services rendered.

F, SP, DC, JT	NAME OF EMPLOYER / OTHER SOURCE(S) OF INCOME	AMOUNT	SERVICES RENDERED

Check here if entry is None
 Check here if additional sheets are attached

ITEM 2: OWNERSHIP OR BENEFICIAL INTERESTS IN BUSINESSES

List the amount and identity of every ownership or beneficial interest held during the disclosure period in any business in or outside of the State if the interest has a value of \$5,000 or more or is equal to 10% or more of the ownership of the business. YOU ARE REQUIRED TO LIST ALL STOCKS, MUTUAL FUNDS OR OTHER NON-RETIREMENT INVESTMENT INTERESTS VALUED AT \$5,000 OR MORE. Please see instructions available at <http://ethics.hawaii.gov>.

F, SP, DC, JT	NAME OF BUSINESS	NATURE OF BUSINESS	NATURE OF INTEREST	VALUE OR NO. OF SHARES

Check here if entry is None
 Check here if additional sheets are attached

ITEM 3: TRANSFER OF OWNERSHIP OR BENEFICIAL INTERESTS IN BUSINESSES

List any ownership or beneficial interests in businesses transferred during the disclosure period and the date of transfer.

F,SP, DC,JT	OWNERSHIP OR BENEFICIAL INTEREST TRANSFERRED DURING THIS DISCLOSURE PERIOD	DATE OF TRANSFER

Check here if entry is None

Check here if additional sheets are attached

ITEM 4: CREDITORS

List the name of each creditor to whom the value of \$3,000 or more was owed during the disclosure period and the original amount and amount outstanding. Exclude debts from retail installment transactions for the purchase of consumer goods.

F,SP, DC,JT	NAME OF CREDITOR	ORIGINAL AMOUNT OWED	AMOUNT OUTSTANDING

Check here if entry is None

Check here if additional sheets are attached

ITEM 5: OFFICERSHIPS, DIRECTORSHIPS, TRUSTEESHIPS

List every officership, directorship, trusteeship, or other fiduciary relationship held during the disclosure period in any business or organization, the term of office, and the annual compensation.

F,SP, DC,JT	NAME OF BUSINESS	TITLE HELD	TERM OF OFFICE	ANNUAL COMPENSATION

Check here if entry is None

Check here if additional sheets are attached

ITEM 6: INTERESTS IN REAL PROPERTY HELD, EXCLUDING PERSONAL RESIDENCE(S)

List interests in real property in or outside of the State held during the disclosure period, if the interest has a value of \$10,000 or more. Real property that is your personal residence or the personal residence of your spouse or dependent children need not be listed.

F,SP, DC,JT	STREET ADDRESS	TAX MAP KEY NUMBER (IF TAX MAP KEY NUMBER EXISTS)	VALUE

Check here if entry is None

Check here if additional sheets are attached

ITEM 7: INTERESTS IN REAL PROPERTY ACQUIRED, EXCLUDING PERSONAL RESIDENCE(S)

List interests in real property in or outside of the State acquired during the disclosure period, if the interest has a value of \$10,000 or more. Real property that is your personal residence or the personal residence of your spouse or dependent children need not be listed.

F,SP, DC,JT	STREET ADDRESS AND TAX MAP KEY NUMBER (IF TAX MAP KEY NUMBER EXISTS)	AMOUNT & NATURE OF CONSIDERATION PAID	NAME OF PERSON RECEIVING THE CONSIDERATION

Check here if entry is None

Check here if additional sheets are attached

ITEM 8: INTERESTS IN REAL PROPERTY TRANSFERRED, EXCLUDING PERSONAL RESIDENCE(S)

List interests in real property in or outside of the State transferred during the disclosure period, if the interest has a value of \$10,000 or more. Real property that was your personal residence or the personal residence of your spouse or dependent children need not be listed.

F,SP, DC,JT	STREET ADDRESS AND TAX MAP KEY NUMBER (IF TAX MAP KEY NUMBER EXISTS)	AMOUNT & NATURE OF CONSIDERATION RECEIVED	NAME OF PERSON FURNISHING THE CONSIDERATION

Check here if entry is None

Check here if additional sheets are attached

ITEM 9: CLIENTS PERSONALLY REPRESENTED BEFORE STATE AGENCIES

List the names of clients personally represented by you before state agencies, except in ministerial matters, for a fee or compensation during the disclosure period, excluding clients represented before courts.

NAME OF CLIENT	NAME OF STATE AGENCY
<input type="checkbox"/> Check here if entry is None <input checked="" type="checkbox"/> Check here if additional sheets are attached	

ITEM 10: CREDITOR INTERESTS IN INSOLVENT BUSINESSES

List the amount and identity of every creditor interest in insolvent businesses, held during the disclosure period, if the interest has a value of \$5,000 or more.

F, SP, DC, JT	NAME OF BUSINESS	NATURE OF BUSINESS	NATURE OF INTEREST	VALUE
<input checked="" type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if additional sheets are attached				

FILER

Jonathan L Scheuer

9/8/2014

Type Name of Filer (First, M.I., Last)(Signature required on this line if you are filing a paper form)

Date (m/d/yyyy)

CERTIFICATION: By checking this box or signing your name on this form, you signify and affirm that you are the person whose name appears as the "Filer" above and the information contained in the form is true, correct and complete to the best of your knowledge and belief. You further certify that you understand that there are statutory penalties for failing to report the information required by Hawaii law.

**HAWAII STATE ETHICS COMMISSION
DISCLOSURE OF FINANCIAL INTERESTS (LONG FORM)
Attached Pages for Scheuer, Jonathan, L.**

ITEM 1: INCOME FOR SERVICES RENDERED FOR PRECEDING CALENDAR YEAR

F,SP,DC,JT	NAME AND ADDRESS OF SOURCE OF INCOME	AMOUNT	SERVICES RENDERED
ADDITION OF THE FOLLOWING			
F	National Park Service DOI, NPS, WASO, WCP Contracting PO Box 25287 MS WCP Lakewood, CO 80235	E	Consulting: water policy
F	Department of Hawaiian Home Lands 91-5420 Kapolei Parkway Kapolei, HI 96707	E	Consulting: water policy
F	Research Corp University of Hawaii John A Burns Hall, 4 th Floor 1601 East West Road Honolulu, HI 96822	B	Employee: workshop facilitation
F	William S. Richardson School of Law University of Hawaii at Mānoa 2515 Dole Street Honolulu, HI, 96822	B	Lecturer: conservation transactions
SP	Group 70 International, Inc. 925 Bethel St 5 th Floor Honolulu, HI 96813	E	Employee: planner

ITEM 2: OWNERSHIP OR BENEFICIAL INTERESTS IN BUSINESSES

NONE

ITEM 3: TRANSFER OF OWNERSHIP OR BENEFICIAL INTERESTS IN BUSINESSES

NONE

ITEM 4: CREDITORS

F,SP,DC,JT	NAME OF CREDITOR	ORIGINAL AMOUNT OWED	AMOUNT OUTSTANDING
UPDATED INFORMATION FOR THE FOLLOWING			
F	US Department of Education	D	C
SP	Mohela	C	B
JT	Chase Bank	I	I
JT	Hawai'i State Federal Credit Union	F	F

ITEM 5: OFFICERSHIPS, DIRECTORSHIPS, TRUSTEESHIPS

F,SP, DC,JT	NAME AND ADDRESS OF BUSINESS	TITLE HELD	TERM OF OFFICE	ANNUAL COMPENSATION
F	Hawaiian Islands Land	Member, Board of	1/1/11 – present	0

	Trust P.O. Box 965 Wailuku, HI 96793	Directors		
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ITEM 6: INTERESTS IN REAL PROPERTY HELD, EXCLUDING PERSONAL RESIDENCE(S)

NONE

ITEM 7: INTERESTS IN REAL PROPERTY ACQUIRED, EXCLUDING PERSONAL RESIDENCE(S)

NONE

ITEM 8: INTERESTS IN REAL PROPERTY TRANSFERRED, EXCLUDING PERSONAL RESIDENCE(S)

NONE

ITEM 9: CLIENTS PERSONALLY REPRESENTED BEFORE STATE AGENCIES

NAME OF CLIENT	NAME OF STATE AGENCY
National Park Service	Commission on Water Resource Management
Department of Hawaiian Home Lands	Commission on Water Resource Management

ITEM 10: CREDITOR INTERESTS IN INSOLVENT BUSINESSES

NONE

LAND USE COMMISSION
MEETING MINUTES

October 8, 2014- 9:30 a.m.

Leiopapa A Kamehameha Bldg., Rm. #405
235 S. Beretania St.
Honolulu, HI 96813

COMMISSIONERS PRESENT: Chad McDonald
Arnold Wong
Edmund Aczon
Kent Hiranaga
Brandon Ahakuelo

COMMISSIONERS EXCUSED: Jonathan Scheuer
Aaron Mahi

LUC STAFF PRESENT: Daniel Orodener, Executive Officer
Diane Erickson, Deputy Attorney General
Bert Saruwatari, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk
Haunani Nagel, Secretary

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

CALL TO ORDER

Chair McDonald called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES

Chair McDonald asked if there were any corrections or additions to the September 24, 2014 minutes. There were none. Commissioner Wong moved to approve the minutes. Commissioner Ahakuelo seconded the motion. By voice vote the minutes were unanimously approved (5-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- October 29-30, 2014 is planned for A87-610/Tom Gentry and Gentry –Pacific Ltd. and DR14-41 Maui Lani Neighbors in the LUC conference room.
- November 12-13, 2014 is planned for A92-683/Halekua Development at the Honolulu International Airport.
- November 20, 2014 is planned for SP14-404 Jas. W. Glover in Hilo and
- December 10-11, 2014 is currently open.
- Above dates represent the tentative calendar of meetings and are subject to change.
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments regarding the tentative meeting schedule.

HEARING & ACTION

SP77-271 AMERON HC&D (Maui)

Chair McDonald stated that this was a meeting on Docket No. SP77-271 AMERON HC&D (Maui), to consider Ameron International Corporation's Request to Transfer the Special Permit to Ameron Hawaii, LLC for quarrying operations at Pu'unene, Island of Maui, Hawaii

APPEARANCES

Erin Mukai, Planner, Munekiyo & Hiraga

Joel Kam, Esq., Ameron Hawaii LLC's Representative

Eric Yoshizawa, Ameron Hawaii LLC

Paul Fasi, Planner, Maui County Planning Department (County) (via teleconference phone)

Gabriel Gorman, Esq., Ameron International Corporation's Representative

Bryan Yee, Esq., Deputy Attorney General, State Office of Planning (OP)

Leo Asuncion, Acting Director, (OP)

PUBLIC WITNESSES

Chair McDonald asked if there were any public witnesses. There were none.

LUC Vice Chair Wong disclosed that the Mills Development Corporation, owned by Bill D. Mills, owner of Pohaku Pa`a, LLC, recently provided a donation to the Iron Workers Scholarship Fund. Mr. Wong further stated that he serves on the fund, but that he could be impartial on this matter. There were no objections from the Applicant, OP, or the County to Mr. Wong's participation in the proceeding.

PRESENTATIONS .

PETITIONER

Ms. Mukai provided a summary of Petitioner Ameron International Corporation's activities in regard to its Request to Transfer its Special Permit to Ameron Hawaii, LLC and introduced Mr. Yoshizawa to provide more details on Ameron Hawaii, LLC's operations. Mr. Yoshizawa shared the history and background of his organization and described how the ownership transfer occurred and why the transition did not disrupt normal operations.

There were no questions for either Ms. Mukai or Mr. Yoshizawa.

OP PUBLIC COMMENTS

Mr. Yee had no witnesses or comments and stated that OP had no objection to the Petition.

COUNTY PUBLIC COMMENTS

Mr. Fasi had no presentation or comments.

REBUTTAL

None

COMMISSIONER QUESTIONS

Vice Chair Wong asked if the conditions for the Special Permit would follow the transfer. Deputy Attorney General Erickson responded that the conditions would apply to the transferee.

Chair McDonald asked if the applicants were aware of the Special Permit conditions. Mr. Yoshizawa acknowledged that applicants were aware of the conditions and had been filing the required annual reports and pledged to continue to honor the conditions.

DECISION-MAKING

Chair McDonald asked what the pleasure of the Commission was. Commissioner Hiranaga moved and Commissioner Ahakuelo seconded the Motion to grant the transfer of the Special Permit.

Commissioner Hiranaga stated that he lived in close proximity to the Petition Area on Maui and appreciated how the applicant interacted with the Community and that he had no concerns regarding the permit transfer.

There were no further comments and no discussion.

Chair McDonald asked Executive Orodener to poll the Commission.

The Commission voted as follows:

Ayes: Commissioners Hiranaga, Ahakuelo, Wong, Aczon, and Chair McDonald.

Nays: None

The Motion passed unanimously (5-0 with 2 excused).

There being no further action or other business, Chair McDonald declared the meeting adjourned at 9:48 a.m.

LAND USE COMMISSION
MEETING MINUTES

**Kauai State Office Building, Conference Rooms A, B, C-2nd Floor
3060 Eiwa Street
Lihue, Kaua`i, Hawai`i
December 10, 2014 9:30 a.m.**

COMMISSIONERS PRESENT: Chad McDonald
Arnold Wong
Edmund Aczon
Kent Hiranaga
Brandon Ahakuelo
Neil Clendeninn
Sandra Song

COMMISSIONERS EXCUSED: Jonathan Scheuer
Aaron Mahi

LUC STAFF PRESENT: Daniel Orodener, Executive Officer
Diane Erickson, Deputy Attorney General
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Holly Hackett

CALL TO ORDER

Chair McDonald called the meeting to order at 9:33 a.m.

APPROVAL OF MINUTES

Chair McDonald asked if there were any corrections or additions to the November 20-21, 2014 minutes. There were none. Commissioner Wong moved to approve the minutes. Commissioner Aczon seconded the motion. By a voice vote the minutes were unanimously approved (7-0-2 excused).

Chair McDonald introduced Commissioner Neil Clendeninn to the audience.

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- January 7, 2015 is planned for A92-683 Halekua Development adoption of order via videoconference.
- January 21-22, 2015 is currently open.
- February 4-5, 2015 is planned for A89-643 McClean Honokohau Properties-(Kona)
- Above dates represent the tentative calendar of meetings and are subject to change.
- Any questions or conflicts, please contact LUC staff.

There were no questions and comments regarding the tentative meeting schedule.

STATUS REPORT

SP87-364 Kahili Adventist School (Kaua`i)

Chair McDonald stated that this was a meeting on Docket No. SP87-364 Kahili Adventist School. to receive a status report from Petitioner on the Petition Area and adherence to other conditions in the Commission's Decision and Order and take appropriate action, if any.

APPEARANCES

Max W. J. Graham, Esq., Eric A. Knudsen Trust's (Trust) Representative

Canen Ho`okano, Property Manager, Trust

Kaua`i County Planning Department (County) advised Commission via fax that it would not be appearing.

Bryan Yee, Esq., Deputy Attorney General, State Office of Planning (OP)

Rodney Funakoshi, Land Use Administrator, OP

Leo Asuncion, Acting Director, OP

Chair McDonald updated the record, described the procedures for the hearing and asked if there were any Public Witnesses who wished to testify. There were no questions or comments on the procedures.

PUBLIC WITNESSES

None

PRESENTATION

Petitioner

Mr. Graham submitted a status update report and a schematic map of the Petition Area and provided his presentation to the Commission. He referred to his submitted material and described how the Special Permit Petition Area evolved and how the Trust was still undecided on future uses for the Petition Area and was still evaluating its options after the termination of the Kahili Adventist School lease. He also described how Knudsen Trust planned to comply with the conditions of the 2010 Decision and Order and requested that the Trust be allowed to update its report to the Commission after July 1, 2015.

There were no questions for Mr. Graham.

AGENCY COMMENTS

County

The County advised the Commission via fax that it had NO POSITION on this matter.

OP

Mr. Yee noted that the Petition Area was still designated agricultural and that future uses would need to comply with the Special Permit conditions and deferred to the Commission regarding future status reports and monitoring. Mr. Yee also stated that if the Trust wished to alter the conditions, it would have to file to amend them with the LUC.

Commissioner Questions

Commissioner Song requested clarification from Mr. Orodener regarding the role and responsibilities of the Commission in regards to status reports and Special Permits. Chair McDonald entertained a motion for an Executive Session. Commissioner Wong moved and Commissioner Ahakuelo seconded the motion for an Executive Session. By a voice vote, the Commission unanimously (7-0-2 excused) voted to enter into Executive Session.

The Commission entered Executive Session at 9:55 a.m. and reconvened at 10:12 a.m.

Commissioner Questions:

Commissioner Wong requested clarification on what the Trust's understanding was that the conditions "run with the land", what types of uses were being currently proposed by various entities and how the County would need to be included in the permitting process to resolve issues if amendments to the Special Permit were desired in the future. Mr. Graham provided further details on the Trust's current activities regarding uses for the Petition Area and represented that the Trust would cooperate if amendments to the Special Permit were sought.

Chair McDonald thanked the Applicant and stated that the Commission would look forward to the Trust's future report in July, 2015. Chair McDonald directed the Applicant to work with LUC staff regarding the details of the future report date.

There were no further questions or comments.

The Commission went into recess at 10:14 a.m. and reconvened at 10:19 a.m.

HEARING & ACTION

A11-791 Kapa`a Highlands Phase II (Ho`okua Place LLC) (Kaua`i)

Chair McDonald stated that this was an action meeting on Docket No. A11-791 Kapa`a Highlands Phase II (Ho`oKua Place LLC) to:

- Recognize HG Kaua`i Joint Venture (Ho`okua Place) as the successor Petitioner with standing to seek and obtain the relief requested by the Motion;
- To determine whether the Land Use Commission is the appropriate accepting authority pursuant to Chapter 343, Hawaii Revised Statutes, of an environmental impact statement relating to the development and reclassification of approximately 97 acres from the Agricultural and Rural Districts to the Urban District, Tax Map Key Nos. (4) 4-3-03: por. 1; and
- To determine whether the proposed action may have a "significant effect" to warrant the preparation of an Environmental Impact Statement pursuant to Chapter 343, Hawaii Revised Statutes.

APPEARANCES

William Yuen, Esq., HG Kaua`i Joint Venture LLC's (HG) Representative

Melissa Uhl, Esq., HG Representative

Craig Allen, HG

Kaua'i County Planning Department (County) advised the Commission via fax that they would not be attending

Bryan Yee, Esq., Deputy Attorney General, OP

Rodney Funakoshi, Land Use Administrator, OP

Leo Asuncion Acting Director, OP

Chair McDonald updated the record, described the procedures for the hearing and asked if there were any Public Witnesses who wished to testify. There were no questions or comments on the procedures.

Chair McDonald asked if Mr. Yuen had been advised of the LUC reimbursement policy and whether his client would comply with it. Mr. Yuen acknowledged that he had been advised and that his client would abide by it.

PUBLIC WITNESSES

None

PRESENTATION

Petitioner

Ms. Uhl made her presentation to the Commission and argued why the Substitute Petitioner should be recognized, why the LUC should be the accepting authority for the Environmental Impact Statement (EIS) and why an EIS was warranted.

AGENCY COMMENTS

County

The County advised the Commission via fax that it had NO POSITION on this matter.

OP

Mr. Yee stated that OP had No Objection to HG Kauai Joint Venture Group-LLC's Motion to Substitute Petitioner, and Designate the Land Use Commission as Approving Agency for an Environmental Impact Statement.

Commissioner Questions

None

There were no further questions.

DECISION MAKING

Commissioner Clendeninn moved to:

1. To allow the substitution of HG Kaua`i Joint Venture, LLC as the Petitioner of record, for good cause shown;
2. To identify the Land Use Commission as the “approving agency” to process and review applicant’s proposed actions pursuant to Chapter 343, HRS, as the petition to amend land use district boundaries represents the earliest practicable time to determine whether an environmental impact statement (EIS) shall be required; and,
3. Direct the Petitioner to proceed directly to the preparation of an environmental impact statement preparation notice (EISPN) because the Commission has reviewed the Petition and based on its judgment and experience, informs the applicant that under section 343-5(e), HRS, the proposed action may have significant effects requiring the preparation of a full environmental impact statement. The proposed Project requires the use of State or county lands or funds (pursuant to section 343-5(a)(1), HRS) and may have a significant impact on the environment as it may (i) involve an irrevocable commitment or loss or destruction of any natural or cultural resource; (ii) substantially affect the economic or social welfare of the community or State; and, (iii) involve substantial secondary impacts, such as effects on public facilities.

Commissioner Aczon seconded the motion.

There was no discussion.

The Commission voted unanimously (7-0- with 2 excused) in favor of the motion.

Chair McDonald stated that the next item on the agenda was an Executive Session to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities with respect to various administrative appeals and other appellate proceedings affecting the Commission and entertained a motion.

EXECUTIVE SESSION

Commissioner Wong moved for such an Executive Session. Commissioner Aczon seconded the Motion. By unanimous voice vote (7-0- with 2 excused), the Commission voted to enter Executive Session.

The Commission went into Executive Session at 10:30 a.m. and exited at 11:06 a.m.

The Commission then reconvened and with no further action or other business, Chair McDonald declared the meeting adjourned at 11:06 a.m.

LAND USE COMMISSION
MEETING MINUTES
March 5, 2015 - 9:30 a.m.
Airport Conference Center
400 Rodgers Blvd. Suite 700, Room #3
(In Hawaiian Airlines Terminal Building)
Honolulu, HI 96819

COMMISSIONERS PRESENT: Chad McDonald
Arnold Wong
Edmund Aczon
Kent Hiranaga
Brandon Ahakuelo
Neil Clendeninn
Sandra Song
Aaron Mahi

COMMISSIONERS EXCUSED: Jonathan Scheuer

LUC STAFF PRESENT: Daniel Orodener, Executive Officer
Diane Erickson, Deputy Attorney General
Bert Saruwatari, Staff Planner
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Chief Clerk

COURT REPORTER: Holly Hackett

CALL TO ORDER

Chair McDonald called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES

Chair McDonald asked if there were any corrections or additions to the February 18, 2015 minutes. There were no corrections or comments. Commissioner Wong moved to approve the minutes. Commissioner Ahakuelo seconded the motion. The minutes were unanimously approved by voice vote (8-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodener provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- The March 4, 2015 meetings for A89-643 McClean Honokohau Motion to remove, discharge and/or delete conditions has been rescheduled to May 28, 2015, in Kona on the Big Island, at the West Hawaii Civic Center.
- March 25, 2015 is scheduled to be a video conference linking Oahu and Maui to adopt the form of the order for SP15-405 Waiawa PV, LLC's Special Permit Application
- April and May are currently open with no LUC activity scheduled.
- June 10, 2015 is scheduled for A14-798 Island Charter School (Kaua`i)
- Above dates represent the tentative calendar of meetings and are subject to change.
- Any questions or conflicts, please contact LUC staff.

There were no questions or comments regarding the tentative meeting schedule.

ADOPTION OF ORDER DR14-52

DR14-52 TRUSTEES OF BERNICE PAUAHI BISHOP dba KAMEHAMEHA SCHOOLS

Chair McDonald stated that this was a meeting to adopt the form of the order for Docket No. DR14-52 Trustees of Bernice Pauahi Bishop dba Kamehameha Schools' Petition For Declaratory Order to Designate Important Agricultural Lands ("IAL") for approximately 9,171.161 acres at Kawailoa, O'ahu identified by TMK Nos. (1) 6-1-005: 001 (por.); 6-1-006: 001 (por.); 6-1-007: 001; 6-2-009: 001 (por.); 6-2-010: 001 (por.); 6-2-011: 001 (por.); 6-2-011: 021 and approximately 420.887 acres at Punalu'u, O'ahu identified by TMK Nos. (1) 5-3-001: 041 (por.); 5-3-003: 001 (por.); 5-3-004: 005; 5-3-004:007; 5-3-004: 013; 5-3-004: 018 (por.); 5-3-004: 019; 5-3-007: 023 (por.).

Chair McDonald updated the record, and described the procedures for the hearing. There were no questions or comments on the procedures.

APPEARANCES

Calvert Chipchase, Esq., for Trustees of Bernice Pauahi Bishop dba Kamehameha Schools' ("KS")

Richard Lewallen, Esq., for City and County of Honolulu Department of Planning and Permitting ("DPP")

Randy Hara, DPP

Rodney Funakoshi, Land Use Administrator, State Office of Planning ("OP")

Lorene Maki, OP

PUBLIC TESTIMONY- DOCKET NO. DR14-52

Chair McDonald asked if there were any Public Witnesses who wished to testify.

PUBLIC WITNESSES

None

Chair McDonald asked if the Parties had any final comments. Mr. Chipchase thanked the Commission and LUC staff for their attention and work in processing and granting this Petition.

There were no further comments.

Commission Wong moved to approve the form of the order for Docket No. DR14-52, which was based upon the proposed order submitted by KS with technical and other amendments. Commissioner Mahi seconded the motion. There was no discussion.

The Commissioners voted as follows:

Ayes: Commissioners Wong, Mahi, Aczon, Hiranaga, Ahakuelo, Clendeninn, and Chair McDonald

Nays: None

Abstain: Commission Song

Excused: Commissioner Scheuer

By a vote of 7-0-1 abstain (Commissioner Song)- 1 excused (Commissioner Scheuer) the motion was approved.

Chair McDonald declared a recess at 9:38 a.m. and reconvened the meeting at 9:42 a.m.

HEARING AND ACTION

SP15-405 WAIAWA PV LLC (O`ahu)

Chair McDonald stated that this was a hearing and action meeting on Docket No. SP15-405 Waiawa PV, LLC To Consider a A New Special Permit Application (DPP SUP Application No., 2014/SUP-3) to Allow Development of a 47-megawatt photovoltaic (PV) Energy Generation Facility and Accessory Uses and Structures On Lands Rated Class B by the Land Study Bureau, Waipio, Ewa, Oahu, Hawai`i. Tax Map Key 9-5-003: Portion of Parcel 004.

Chair McDonald updated the record, and described the procedures for the hearing. There were no questions or comments on the procedures

APPEARANCES

Jennifer Lim, Esq., and Onaona Thoene, Esq., for Petitioner Waiawa PV LLC("LLC")

Wren Wescoatt, LLC Representative

Richard Lewallen, Esq., for City and County of Honolulu Department of Planning and Permitting ("DPP")

Rodney Funakoshi, Land Use Administrator , State Office of Planning ("OP")

Lorene Maki, Planner, OP

Chair McDonald asked if any of the Commissioners wished to make any disclosures regarding this docket. No Commissioners had any disclosures.

Chair McDonald stated that before beginning proceedings on the case in chief, he would address Petitioner's request that the Commission officially notice the change of name for the Petitioner based on correspondence received on February 27, 2015 and served on all the interested Parties.

Based upon the authority Section 15-15-63(k), Hawai'i Administrative Rules, and Hawai'i Rules of Evidence (HRE) 201 (f) Chair McDonald ruled that the Commission would take official notice of the change in name of Petitioner, to now be known as Waipi'o PV, LLC.

PUBLIC TESTIMONY- DOCKET NO. SP15-405

Chair McDonald asked if there were any Public Witnesses who wished to testify.

PUBLIC WITNESSES

None

PRESENTATIONS

Petitioner

Ms. Lim provided a background history and summary of the Petition and described that the passage of Act 55 required the Petitioner to seek a Special Permit Application. Ms. Lim argued why the Commission should grant the Petition and described the features of the proposed solar facility and why the Applicant's proposed Findings of Fact, Conclusions of Law and Decision and Order should be positively considered.

Commissioner Song requested clarification on how "unusual and reasonable" guidelines would be applied by the Petitioner and what criteria were involved. Ms. Lim provided her perception of how Petitioner's proposed use of the property would comply with "unusual and reasonable" use guidelines based on HAR 15-15-95 (c), HRS 205, 205 (a) and Act 55.

Commissioner Wong requested clarification on the status of State Historic Preservation Department ("SHPD") responses regarding the proposed project. Ms. Lim described the status of SHPD comments included in the Planning Commission records and stated that no determination by SHPD had been made at the time when the record closed at the City and County of Honolulu Department of Planning and Permitting Planning Commission in December, 2014.

Chair McDonald asked if a SHPD response had been received since December. Ms. Lim responded that a response had been received.

Commissioner Hiranaga requested clarification on the distances described between the Petition Area and Mililani Mauka, and what the proposed agricultural lease rates were. Ms. Lim provided additional details to address these questions.

Commissioner Mahi requested clarification on whether community groups opposed the proposed project. Ms. Lim referred to various exhibits that were part of the County Planning Commission record that documented the public testimony and community outreach that had been performed; and stated that there had been no opposition during the Planning Commission proceedings.

Commissioner Hiranaga requested clarification on how the viability for sheep grazing had been determined. Ms. Lim deferred to Mr. Westcoatt to provide the details on how the Applicant had investigated and determined that sheep farming was viable. Mr. Westcoatt described the proposed sheep grazing activity and other factors and considerations that were included in evaluating the agricultural feasibility for the Petition Area.

Commissioner Ahakuelo requested clarification on how the proposed Hawaiian Electric Company (“HECO”) switchyard factored into the proposed project. Ms. Lim stated that the switchyard would be built by HECO as part of the proposed project; and that current plans represented that HECO would continue to retain the switchyard after the project’s decommissioning.

The Commission went into recess at 10:42 a.m. and reconvened at 10:56 a.m.

Chair McDonald asked if DPP had any comments. Mr. Lewallen replied that he had none .

Chair McDonald asked if OP had any comments. Mr. Funakoshi, OP Land Use Division, presented OP’s position on the Petition and described how OP generally supported the Petition except for the conditions mentioned in its comment letter. Mr. Funakoshi stated that OP’s concerns had been brought to the Applicant’s attention and there were no objections to adopting OP’s conditions.

Chair McDonald asked if DPP or OP had any other comments. There were none.

Chair McDonald thanked the Applicant and DPP for providing a complete and detailed record to the Commission; and to OP for providing its worthy comments.

Commissioner Wong moved to:

1. Approve the recommendation of the County Planning Commission approving the Special Permit for a 47-megawatt solar farm on the subject property, subject

- to the nine conditions recommended by the Planning Commission;
2. Amend Condition 6 to include OP and the LUC;
 3. Include conditions as recommended by the Department of Transportation and by the Office of Planning; and
 4. Accept the Applicant's Proposed Findings of Fact, Conclusions of Law, and Decision and Order with changes to be made by LUC staff for style and procedural matters.

Commissioner Song seconded the motion. There was no discussion. The Commission unanimously voted (8-0-1 excused) to approve the motion.

The Commission went into recess at 11:04 a.m. and reconvened at 11:05 a.m.

Commissioner Aczon excused himself at 11:04 a.m. and returned after the conclusion of the meeting. (7 Commissioners in attendance till the meeting adjourned.)

LUC LEGISLATIVE COMMITTEE REPORT

Chair McDonald stated that the next agenda item was a report on Legislative matters pertinent to the Commission.

Executive Officer Orodener provided a legislative update to the Commission on the status of various bills and other legislative activity of concern to the LUC; and described how LUC staff would continue to monitor active bills and notify the Commission if necessary.

There were no questions or comments regarding Mr. Orodener's report.

There being no further business, the meeting was adjourned by Chair McDonald at 11:05 a.m.

MINUTES

DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAI'I
WATER BOARD MEETING

March 25, 2014

Department of Water Supply, Operations Center Conference Room, 889 Leilani Street, Hilo, HI

MEMBERS PRESENT: Mr. Kenneth Kaneshiro, Chairperson
Mr. Russell Arikawa
Mr. David Greenwell
Ms. Brenda Iokepa-Moses
Ms. Susan Lee Loy
Mr. Delan Perry
Mr. Craig Takamine
Mr. Jay Uyeda
Mr. Quirino Antonio, Jr., Manager-Chief Engineer, Department of Water Supply (ex-officio member)

ABSENT:

Mr. Rick Robinson, Vice-Chairperson
Mr. Duane Kanuha, Director, Planning Department (ex-officio member)
Mr. Warren Lee, Director, Department of Public Works (ex-officio member)

OTHERS PRESENT: Ms. Kathy Garson, Assistant Corporation Counsel
Mr. Peter Young
Mr. Shiro Takata
Mr. Riley Smith
Mr. Milton Pavao
Ms. Paula Pavao
Mr. Greggor Ilagan, County Council Member, District 4
Mr. Steve Bowles
Ms. Pat Tummons
Ms. Nancy Cook Lauer, West Hawai'i Today
Mr. Jonathan Likeke Scheuer
Ms. Linnea Heu
Mr. Chris Brown

Department of Water Supply Staff

Mr. Keith Okamoto, Deputy
Mr. Kurt Inaba, Engineering Division Head
Mr. Richard Sumada, Waterworks Controller
Mr. Daryl Ikeda, Chief of Operations
Ms. Kanani Aton, Public Information and Education Specialist
Mr. Clyde Young, Operations

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- 1) CALL TO ORDER – Chairperson Kaneshiro called the meeting to order at 10:00 a.m.
 - 2) STATEMENTS FROM THE PUBLIC

(Mr. Greggor Ilagan, Hawai'i County Council Member representing District 4, spoke on the Department's Operating and Capital Improvement Budget.)

MR. ILAGAN: Good morning. It's so different to be behind here, but I just want to say it's good to be here, and thank you so much for giving me this opportunity. My name is Greggor Ilagan, and I'm the Council Member for District 4. I'm here to speak on behalf of your operations. I wanna... Because I represent District 4, I want to voice out concerns of my constituents. One of the things about Puna... especially the district that I represent...there's 20,000 people living in District 4, and 12,000 of them is in Hawaiian Paradise Park. And most people in Hawaiian Paradise Park in the 8,800 lots there...most of them is in catchment. And they always wish to be, or have, County water. And I know you guys have to deal with 4,028 square miles of this Big Island. And it *is* a difficult job to balance your Budget to provide County water for everyone. I just want to remind everyone, especially this distinguished body...that there is a need in Puna. And the people in Hawaiian Paradise Park would wish to be, to have, County water, and I'm just here to advocate for that, and to remind everyone here that...I know that it's very expensive, and I just want you guys to understand that the need is there. And thank you for giving me this chance to speak to you, and it's a wonderful day, so I just want to say thank you again. Aloha.

CHAIRPERSON KANESHIRO: Thank you very much. Next I would like to call up Jonathan.

(Mr. Jonathan Likeke Scheuer, representing the National Park Service, spoke on Items 8(A), (B), and (C).)

MR. SCHEUER: Aloha mai kakou. My name is Jonathan Likeke Scheuer, sort of like "shoyu", or rhymes with "lawyer." And I'm here today on behalf of the National Park Service. You have my written testimony. I just want to say a few things to you today. First of all, I wanted to thank you again for the opportunity that you gave to the National Park Service to present last month, um...especially for the question the Board asked after the presentation. And I want to especially thank the people that came to testify in opposition to the presentation that we gave, and the efforts that we're doing. It's...you know, it's hard in Hawai'i, local folks... We don't like going public and disagreeing. We don't like to do things, and I know it takes a lot of energy and effort, so I just want to acknowledge that and thank people. I also look forward to hearing the presentations from Mr. Young today, as well as from the Water Board staff...the departmental staff. And we had an opportunity last Thursday in Kona to hear what I think will be a substantially similar presentation today from the Department. I want to go on record and let you know that we absolutely agree; we think the Department of Water Supply does an excellent job in Kona, of pumping water, maintaining wells and distributing water in Kona. The issue that we have is really not about how good a job you guys are doing. The issue that we have is that you only control about 25 percent of the wells in Kona. Right now, about 85 percent of the pumping...and if there's a lot of projects that come on, they could either tie up to your system, which would increase the percentage, or they could actually create their own private water companies, which would put them into direct competition with you. In any case, what we acknowledge is that this Board, unfortunately, does not have the power to regulate all pumping from the Aquifer. It's limited to controlling its own wells, and so the concerns that the National Park Service has are outside of a significant amount of your guys' control. So you know, we appreciate that designation could present some challenges for you, but we also want to acknowledge that the lack of designation presents some challenges. And we think that would actually assist you in your duties. One of these I mentioned last month... It's the specific powers that are delegated to the Department of Water Supply in designated water management areas. It's very explicit that the Commission is supposed to delegate to you the power to allocate water from within your permits. The second thing, and I'm just gonna highlight this for you briefly... I mentioned in my presentation last month that there had been oral arguments on a case from the island of Kaua'i called the Kaua'i Springs case, which specifically dealt with what are the County's duties regarding protection of public trust interests in water in an undesignated water management area. Well, it turns out, three days after your meeting, the Hawai'i Supreme Court issued a ruling on that, and was actually particularly clear on what the Court felt the County's duties are in undesignated areas to protect public trust interests, as well as the particular tests that you should follow in

terms of looking at things and analyzing things before you make a decision. So I would just really encourage everybody on the Board to read that, work with your Counsel in helping to understand that decision, and what the implications are. We think it actually points out that, in...as long as Keauhou remains undesignated, there might be a significant burden to this Department, different than the operation that you already are doing successfully...that you might have to undertake. Finally...so that was the substance of my testimony. You know...we continue to obviously support designation, but we also support and really mahalo you guys for the respectful and engaged conversation that we're having on what is, I realize, for many people a really difficult issue. Mahalo.

CHAIRPERSON KANESHIRO: Thanks, Jonathan. Next I'll call on Chris Brown.

(Mr. Brown spoke on water meter availability in North Kohala, which is covered in Item 6(A).)

MR. BROWN: Good morning. Thanks for letting me be here. I was here about a month and a half ago or two months ago, at a meeting, and the presentation is gonna be similar. I have been a teacher in Kohala...I was a teacher. I retired several years ago. I taught for about 40 years in Kohala. My wife also taught for 40 years and retired. My brother is a teacher there now, and is a principal at the Middle School, and his wife is a retired doctor in Kohala. The problem that we're having is that my wife and I own a three-acre parcel that's zoned A-3, and right adjoining this property is an eight-acre parcel that my brother and his wife and my wife and I own together. And it's zoned A-20. We're trying to get it divided so that there can be two separate parcels: my brother's property and our property...that we can separate so that each of us will have his own. We're going to go through... I've started the process of down-zoning, and then we have to subdivide, but we've been told that the possibility of getting that done is almost impossible without a water meter. We have one more water meter for the eight acres, but we'd like to get a second water meter. The water line is right along the road, and so it'd be just a matter of putting in a meter right on the lower property. My daughter at this time also teaches in Kohala, and has been there about 10 years. She lives with us. I'd like to get her out of the house...and it's impossible for her to find a house or a property that she can afford, but this would be an option for her...that she could build a house on the four acres that'd be adjacent to ours. And that distance would be fine with me. And that's... So my request is that you consider providing a water meter so that we can go through the process of down-zoning, and then subdividing the property, then make it separate so that my wife and I would own one of the four-acre parcels; my brother and his side would own the other four-acre parcel. Thank you.

CHAIRPERSON KANESHIRO: Okay, thank you. Okay, the next person I'd like to call on is Riley Smith.

(Mr. Smith, representing Lanihau Properties, spoke on the Keauhou Aquifer issue.)

MR. SMITH: Good morning. I think all of you should have a copy of my testimony. I emailed it to the Department the other day. Um, I'm just gonna paraphrase it. I testified at last month's meeting, and am just kind of reinforcing what I've said before, and providing some additional information. My name is Riley Smith. I'm the president of Lanihau Properties. I'm a lifelong resident of the State of Hawai'i; I'm born and raised in Kaneohe on Oahu. I'm a graduate of the Kamehameha Schools, and as such, am a beneficiary of an ali'i trust that is negatively impacted by the designation of the Keauhou Aquifer. For your information, I am also the CEO for the combined family enterprise that includes Palani Ranch. We have been stewards of lands in North Kona since the early 1900s, and used to own the ahupua'a of Honokōhau, which includes the portion that was later sold to the federal government for the Kaloko-Honokōhau National Park. My testimony is a follow-up to my comments at your meeting in February. As you may remember, at that February 25 meeting, I questioned why the National Park has not shared their water quality baseline data with the landowners and consultants of North Kona, after they told the County Council on February 18 that they did. This is a follow-up to a meeting that Ken Melrose, who is Chair of the Kona CDP Action Committee, and I had with the National Park Superintendent in January 2013, where

we asked, again asked, for this information, and they declined to provide it. As it turned out, the day after your meeting last month, I received via email a three-page summary of a number of different references that I had requested. So it kind of amazed me that for six years I couldn't get this information, and in 24 hours after testifying in front of you, they provided it to me. Okay? After reviewing the data, it became clear that the references they provided were *some* of the information that I had been asking for, but not the baseline water data and the constituents that my scientists would use to evaluate the impacts, or lack of impacts, to the Aquifer. On March 11, I asked the National Park Service to provide the missing information. On March 13, Jeff Zimpfer of their office said that he would work on it and get back to me as soon as possible. I have not received it yet. But...I also found interesting was that there are a number of us stakeholders in North Kona that have been diligently trying to communicate with the National Park and obtain this information. In an email that Paula Cutillo...and some of you may know her...she's the hydrologist for the National Park Service... She sent an email to Nancy Burns, who's, like myself and some or you are, professional engineers. And it's quoted in my testimony... But she says: "I have not completed the analysis you described, although I have been working on analyzing existing data for trends. Just to be clear: the National Park Service petition for Water Management Area action does not state that existing wells have adversely impacted water resources in the park. The legal standard we are addressing is that water resources *may* be threatened by existing or proposed withdrawals or diversions of water." So to me, it's clear that they possess the data, but have decided not to provide it to us. And again, when I conduct an Environmental Assessment... We have a well that's under construction right now... We're intending to dedicate it to the Water Department within the next couple months, to supplement your storage, source and distribution system, so that you can increase the capacity and confidence that you can provide water to your existing customers. We're working with the Department to do that now. When I do an Environmental Assessment, I publish it with the Office of Economic...Environmental Quality Control, and they distribute it to anybody who wants to see the information, so I share my data. They don't share theirs. Okay. My other concern was that last month's meeting, where the Superintendent said that the National Park Service is not anti-development, and they are not trying to stifle the economy in West Hawai'i... After hearing her statements, I was surprised to find the article that's attached to my testimony...and in it...this is a four-page article...that was co-authored by Sallie Beavers, who's the National Park's chief integrated resources ecologist. She's currently still employed at Kaloko-Honokōhau... In it, the testimony provided you shows a number of highlighted sections. The title of the document is how the National Park Service uses State laws and regulations to protect parks from adjacent parklands. So if you look at the last page of that article, there's a "Lessons Learned" section. There's a number for seven bullet points, and basically it talks about their recipe for trying to stop development around the park. So it's interesting to me when the Superintendent says we're not trying to stop development, but then they issue these papers that was authored in 2003, which gives a formula to do exactly that. So again, I question their motives; I question the accuracy of their statements. So I just wanted to share that with all of you. Thank you very much.

3) APPROVAL OF MINUTES

The Chairperson entertained a Motion to approve the Minutes of the February 25, 2014, Water Board meeting.

MOTION: Ms. Lee Loy moved to approve; seconded by Mr. Perry.

Ms. Lee Loy thanked the Secretary for her work during a very long meeting.

Mr. Greenwell said that the Board needs to address the Chairperson before making a statement. People were talking out of turn and talking over each other during the last meeting, and the Secretary had a hard time, he said.

ACTION: Motion carried unanimously by voice vote.

4) APPROVAL OF ADDENDUM AND/OR SUPPLEMENTAL AGENDA

MOTION: Ms. Lee Loy moved to accept Supplemental Agenda Item 5(A), JOB NO. 2014-1004, WAIĀKEA OFFICE PLAZA LANDSCAPE IMPROVEMENTS, PHASE I; seconded by Mr. Uyeda and carried unanimously by voice vote.

5) SOUTH HILO:

A. **JOB NO. 2014-1004, WAIĀKEA OFFICE PLAZA LANDSCAPE IMPROVEMENTS, PHASE I:**

Bids for this project were opened on March 20, 2014 at 2:00 p.m., and the following are the bid results. This project generally consists of cutting Eucalyptus and Banyan trees, disposing of trees, grinding the roots and grading the area in accordance with the specifications.

Bids for this project were opened on March 20, 2014, at 2:00 p.m., and the following are the bid results:

Bidder	Bid Amount
Imua Landscaping Co. Ltd.	\$128,000.00

Project Costs:

1) Low Bidder (Imua Landscaping Co. Ltd.)	\$ 128,000.00
2) Contingencies (10%)	\$ 12,800.00
Total Cost:	\$ 140,800.00

Funding for this project will be from DWS’s CIP Budget. The contractor will have 45 calendar days to complete this project.

The Manager-Chief Engineer recommended that the Water Board award the contract for JOB NO. 2014-1004, WAIĀKEA OFFICE PLAZA LANDSCAPE IMPROVEMENTS, PHASE I, to the lowest responsible bidder, Imua Landscaping Co. Ltd., for their bid amount of \$128,000.00 plus \$12,800.00 for contingencies, for a total contract amount of **\$140,800.00**. It is further recommended that either the Chairperson or the Vice-Chairperson be authorized to sign the contract, subject to review as to form and legality by Corporation Counsel.

MOTION: Ms. Lee Loy moved to approve; seconded by Mr. Perry.

The Manager-Chief Engineer said that there was only one bidder, although a couple of prospective bidders had attended the bidders meeting. The sole bid that came in was a fair one, as reviewed by a staff engineer.

Ms. Lee Loy asked if this project was aimed at minimizing the risk of tree branches, etc., falling near the DWS main building.

The Manager-Chief Engineer confirmed this. The tree removal and planting of smaller native trees will also handle the problem of leaves clogging the gutters, which could cause structural problems to the main building.

ACTION: Motion carried unanimously by voice vote.

6) NORTH KOHALA:

A. **PRESENTATION REGARDING WATER METER AVAILABILITY IN NORTH KOHALA:**

Mr. Shiro Takata, a resident of North Kohala, spoke on behalf of his friend, Mr. Chris Brown, and his family. Mr. Brown had earlier asked the Board to grant him a water meter. Mr. Takata praised

Mr. Brown for his work as a teacher and as an active community member, citing Mr. Brown's column for the Kohala Mountain News that promotes local people. Mr. Takata said Mr. Brown deserves the American dream of a residence for his kids. Mr. Takata asked the Board to grant Mr. Brown a water meter. Mr. Takata spoke of the declining student population in Kohala's public schools, and linked greater availability of water to more subdivisions and affordable housing for local families. He said he feared that Kohala schools with dwindling student numbers could be closed. Water availability would help Kohala, he said.

Mr. Takata said that there are two wells in the area, one at Hala'ula owned by a Canadian bank, and one near Kokoiki owned by Surety. Mr. Takata suggested that DWS acquire one of the wells, and said that it would be easier to deal with Surety to buy their well because Surety is local, and is willing to sell. Before finishing his presentation, Mr. Takata again made a plea to help Mr. Brown get a water meter.

Mr. Greenwell asked for more information about the two wells. He asked Mr. Takata whether the Surety well was complete, partially complete, or just a site. He also asked what it would take for the Water Board to take over the Surety well.

Mr. Takata said that the Hala'ula well has been around for years; Surety used to own it, but Mr. Takata said he heard that it is now owned by a Canadian government pension fund. The well near Kokoiki is owned outright by Surety, he said. Surety had intended to use the well to supply water to a large subdivision in Māhukona. However, due to bankruptcy, Surety no longer owns Māhukona and they are now willing to sell the well, Mr. Takata said. Mr. Takata said he learned that the well is ready to go; the only problem is that the well site does not have enough acreage surrounding it. He suggested that DWS or the Water Board buy the surrounding land from its current owner, a Mr. Yap. Mr. Takata said he is sure that Surety is willing to sell the well. He said DWS should buy the well and acquire the land from Mr. Yap; he noted that DWS has the right to eminent domain. Mr. Takata said that would be the fastest and easiest way because DWS would be dealing with people who live in Hawai'i, instead of dealing with the owners of the Hala'ula well. Mr. Takata said that what frustrates him is that the water is there, Kohala needs the water, Kohala needs development, and needs better education. All of this depends on water; in order to do all of this, Kohala needs to get water first, Mr. Takata said.

7) SOUTH KOHALA:

A. **SUBLEASE BETWEEN THE DEPARTMENT OF WATER SUPPLY AND LĀLĀMILO WIND COMPANY, LLC, FOR 44.5 ACRES OF LAND AT LĀLĀMILO, SOUTH KOHALA, HAWAI'I FOR A WIND FARM:**

The Water Board and Site Constructors, Inc., entered into a Renewable Energy Service and Power Purchase Agreement dated October 22, 2013 ("PPA"), and subsequently that PPA was reassigned to the Lālāmilo Wind Company, LLC, on December 23, 2013.

The Department of Water Supply (DWS) will be seeking a Direct/Master Lease from the Board of Land and Natural Resources (BLNR) for 83.997 acres: TMK (3) 6-6-001:002, 071, and 076 (portion), for the purpose of constructing a wind farm and related communication/energy facilities by the Lālāmilo Wind Company, LLC.

In conjunction with that process and the PPA, DWS will seek BLNR's approval to sublet a 44.5 acre portion of TMK (3) 6-6-001: 071 to Lālāmilo Wind Company. DWS and Lālāmilo Wind Company have tentatively negotiated terms of the sublease.

The term of the sublease will be for twenty (20) years; rent shall be either \$6,000 per year or ten (10) percent more than the amount that DWS is charged by the BLNR under the Direct/Master Lease.

Lālāmilo Wind Company understands that these terms and those contained in the draft sublease are subject to approval, and any modifications made by the BLNR in either the Direct/Master Lease or in their approval of the sublease. Lālāmilo Wind Company is requesting that the Water Board conceptually approve the sublease in its present form.

The Manager-Chief Engineer recommended that the Water Board approve *in concept* the sublease of approximately 44.5 acres located on the northeast portion of TMK (3) 6-6-001:071 to Lālāmilo Wind Company, LLC., per the terms contained in the draft sublease subject to the DWS receiving the Direct/Master Lease for the property from the State of Hawaii, Board of Land and Natural Resources (BLNR), and subject to BLNR's approval of the sublease.

MOTION: Ms. Lee Loy moved to approve; seconded by Ms. Iokepa-Moses.

Mr. Uyeda noted that he did not see any provision for property taxes in the sublease. He recommended that if the sub-lessee needs to pay property tax, the Department should write a one- or two-sentence addition to address that issue.

The Manager-Chief Engineer said that was fine; DWS does not normally pay real property taxes on its water system facility sites.

Ms. Garson asked for clarification on what the Board wanted her to do. She asked if the Board wanted her to put into the sublease a line to the effect that if there is any tax, that it is passed on to the sub-lessee.

Mr. Uyeda said he would make a Motion.

AMENDED MOTION: Mr. Uyeda moved that Corporation Counsel add one or two sentences to address property tax if the sub-lessee needs to pay; seconded by Mr. Arikawa. Motion carried unanimously by voice vote.

Ms. Garson said that this Motion was to direct her to add that language to the draft sublease; now the Board needs to vote on the Main Motion to approve in concept the sublease with that amendment.

ACTION: Main Motion as Amended passed unanimously by voice vote.

8) NORTH KONA:

A. PRESENTATION BY DEPARTMENT OF WATER SUPPLY ON NATIONAL PARK'S PETITION TO DESIGNATE KEAUHOU AQUIFER AS A GROUND WATER MANAGEMENT AREA:

The Deputy and Ms. Aton presented the Department's position on the petition by the National Park Service to designate the Keauhou Aquifer as a Ground Water Management Area.

The Deputy noted that the County is mandated to conserve and protect Hawai'i's natural and cultural resources, including water; all public natural and cultural resources are held in trust by the County for the benefit of the people.

Ms. Aton said that the Department of Water Supply is directly accountable for its protection of water as a public trust resource, and therefore, DWS disagrees with the petition to designate the Keauhou Aquifer as a Water Management Area. The County of Hawai'i has a track record, as guardian of the public trust, of being good stewards, and DWS takes seriously this responsibility in what it does as a provider of drinking water. She likened DWS to a good parent, protecting Hawai'i Island's water, and the Keauhou Aquifer in particular, as a parent watches over her child. DWS's motto, "Ka Wai A Kāne" (Water, our most precious resource) embodies the values governing the Department's daily work.

The Deputy noted that DWS has been in business since 1949. He offered some background information regarding the services that DWS provides on the 4,028-square mile expanse of Hawai'i Island. DWS operates and maintains 23 separate water systems, within which the Department has 64 pumped ground water sources, eight spring water ground water sources and two surface water sources. DWS services 42,000 service connections, and about 115,000 of the island's population. DWS has a sizeable task, he said. DWS has 160 employees, a main office and four district baseyards. When DWS drills a well, there are a lot of safeguards and evaluations that must be taken care of before a well gets put into the system. Before water reaches the customer's tap, DWS must do an Environmental Assessment, and in the meantime, there is an opportunity for input from the public and the government. DWS takes public input and environmental concerns very seriously, the Deputy said. DWS also files for a well permit from the Commission on Water Resource Management (CWRM), in order to get approval to drill a hole into the ground. That is a multi-step process that involves collaborative efforts to get input from the public; there are many opportunities for people who have concerns to raise them – and to be heard. DWS does not unilaterally go through with plans without seeking public input. CWRM directly oversees and holds DWS accountable for the health of the aquifers. He elaborated on the many reporting obligations that DWS complies with, and once a well is online, DWS is continually held accountable by CWRM and the Department of Health (DOH). DWS treats water as a precious resource, and works through its leak detection program to ensure that water is not wasted. DWS works with DOH's Safe Drinking Water Branch through an EPA-funded grant to share the message with the public that water is a precious resource. The Deputy showed a graph that illustrates how DWS has reduced its dependence on the Kahalu'u Shaft, where chlorides are a concern which was raised in the NPS petition. While the Kahalu'u Shaft was once looked to as the main water source for Kona, DWS has invested substantial resources of time, money and manpower to shift the Department toward high-level, fresh (i.e., low chloride) water. The Deputy cited the County's Water Use and Development Plan (WUDP), which ties together water resource availability and the sustainable yield of the aquifers with long-term land use decision-making and policy-making strategies. This plan is a tool that CWRM will scrutinize regarding its decision on the petition. The Deputy said he wanted to make sure that everyone understood what sustainable yield meant.

Ms. Aton likened sustainable yield to the guidelines that must be followed by the Blood Bank when taking people's blood donations. A certain amount of blood can be donated without affecting the donor's health; sustainable yield is similar. There is a regular recharge to the Aquifer through rainfall, according to the sustainable yield calculations that are done by CWRM. The sustainable yield that DWS watches for the Keauhou Aquifer at this time is 38 million gallons per day (mgd).

The Deputy said that the WUDP talks about sustainable yield, and NPS's petition specifically claims that this plan paints a doomsday scenario of 400-500 percent above sustainable yield. The Deputy said that level would be reached if every square foot of property were developed according to the General Plan, using water based on numbers from DWS's water system standards. However, a more realistic number that is in the same WUDP is the number showing the area's **historical growth**. The plan shows that in the Year 2025, the area will be at 18.6 mgd – including all water sources in the Keauhou Aquifer (i.e., not just DWS's water sources). Looking at the historical projections, the increase in sustainable yield will be an increase of three mgd every 10 years. The Deputy likened sustainable yield to a checking account, with the prudent person budgeting only a certain amount of spending, with one's paycheck acting as a replenishing source (like recharge from rainfall). In the Keauhou Aquifer's case, 38 mgd is the sustainable yield (like a budget). In this way, one can sustainably manage spending indefinitely and still be good, he said. Sustainable yield works the same way. The Deputy said that DWS is not the only entity that safeguards the water resource; other departments and agencies also watch over the resource. There is also community input, environmental assessment reviews, engineering report reviews, etc.; DWS does not want to be the only entity responsible for protecting the resource, the Deputy said. Cutting to the chase, the Deputy said that DWS is opposed to designation of

the Keauhou Aquifer, because designation is serious, with potential long-term impacts for DWS and the entire community. If designation goes through, the first step is for DWS to reapply for water use permits for the 12 sources the Department has in the Keauhou Aquifer. DWS is concerned about the potential for objections that could be raised by anyone for whatever reason; these objections could lead to filings of contested case hearings for each of the permits. Contested case hearings could stall all of DWS's existing permits. Before any new use permits are considered, all of the existing use permits must be resolved first. There are a lot of community projects in the Keauhou Aquifer that could be put on hold indefinitely. These projects include affordable housing, school expansions such as the University of Hawai'i-West Hawai'i campus, the State Judiciary, the Keāhole Airport expansion, the Natural Energy Laboratory of Hawai'i Authority (NELHA), park facilities, etc. These projects are for the community, and bring jobs and housing, and boost student enrollment. DWS is concerned that these projects could be held in limbo indefinitely if designation goes through.

Ms. Aton said that DWS's track record of stewardship continues into the future, and includes a comprehensive perspective of care for all interests and best practices incorporated into governance of public trust resources. DWS continues to collaboratively work to address the concerns of the petition, and to cultivate understanding with those who support designation of the Keauhou Aquifer as a Management Area. DWS is working to find custom-fit solutions that resolve valid and precautionary concerns, while safeguarding the public trust. DWS is a primary guardian of the Keauhou Aquifer, and the Department protects its water resources through careful monitoring, reporting and planning, Ms. Aton said. DWS is mindful that the decisions made today need to endure, so that Hawai'i's future generations will have safe, reliable, high-quality drinking water.

(The Chairperson called for a short break at 11:02 a.m.; meeting resumed at 11:13 a.m.)

**B. PRESENTATION BY FORMER BOARD OF LAND AND NATURAL RESOURCES
CHAIRPERSON ON NATIONAL PARKS SERVICE'S PETITION TO DESIGNATE
KEAUHOU AQUIFER SYSTEM AREA AS A GROUND WATER MANAGEMENT AREA:**

Mr. Peter Young, former Chairperson of the Board of Land and Natural Resources (BLNR) and former Chairperson of CWRM, provided a presentation on the National Parks Service's petition to designate Keauhou Aquifer System as a Ground Water Management Area. Mr. Young noted that he is currently a planning consultant for Queen Lili'uokalani Trust (QLT) as well as for the Kaloko Makai project in Kona, and had served as Deputy Managing Director for the County of Hawai'i.

Mr. Young said that he attended a presentation by NPS regarding what its petition means, and he was concerned that the Water Board might be lulled into misinterpreting what is going on. Water Management Area designation is a big deal and should be taken seriously. Designation would mean that a federal agency would be asking a State agency to take control away from a County agency, Mr. Young said. Designation will bring budgetary ramifications. As Mr. Smith testified earlier, there have been parts of the designation story that have not been told, Mr. Young said. There have been some mischaracterizations about what the Board has been told. Mr. Young said that his presentation would give his perspective of what designation means.

Mr. Young said that he was the Chairperson of CWRM when 'Iao Aquifer was designated. He said he would talk about what that designation meant, and what designations really mean about water in the future, and what designation of Keauhou Aquifer would affect how the Water Board and DWS will operate relative to managing resources on the island. During NPS's presentation, there was a slide about State water law, with the words "may" and "shall" highlighted. NPS said, "If there *may* be an impact, the Commission *shall* designate." Mr. Young said this was not the standard. The preceding words in the law are that "The decision needs to be *reasonably determined* after conducting scientific investigations and research." As Mr. Smith noted, it took years to get what was stated as the research

that the National Park was doing. There were 23 items on that list of research, but one item was the petition itself, and the remaining 22 items were done in the last century, and nine of the items did not even relate to the National Park. Those nine items were studies done by others such as Messrs. Steve Bowles and Tom Nance about projects in that region. Mr. Young noted that the National Park in its 1994 General Management Plan stipulates that the Park shall do baseline studies and ongoing monitoring; one would expect that these studies would be readily available to everyone. However, a baseline study and ongoing monitoring by the Park regarding the impact of projects there have not been provided to anybody, Mr. Young said. He returned to the part of the water law that says that after conducting scientific investigations and research, CWRM will make a "reasonably determined decision." Mr. Young said that at last month's Board meeting, someone asked a very simple question: Who needs to apply for a permit after designation, and what is that process? Mr. Young said that everybody who has water now would need to apply for the permit. DWS would have to apply for the permit for the wells that it has now, including wells it has been operating in the Kekaha area since 1990, he said.

Mr. Young said there is no guarantee about what allocation DWS would receive after designation. He said that priority goes to existing user permits, which get reviewed first, and then, new user permits get considered if there is water available. Everyone must apply for a permit after designation; the County will have to apply to CWRM, a state agency, because a federal agency (the National Park) is saying that DWS was not doing its job to protect the resources, Mr. Young said. However, NPS has not produced any report about what the impact has been on the resources, and NPS has not documented any loss of traditional and cultural practices in the area. He noted that DWS was reminded today that once CWRM tells DWS how much water can be withdrawn, DWS gets to do the allocation. In a scenario where the allocation is less than what is presently being pumped, DWS and the Water Board will be the bad guys, because they will have to tell somebody that they will not get the water they have been getting. He said that there was no guarantee that anybody will get a permit, and there is no guarantee that existing users will get the amount of water that they have been getting.

Mr. Young refuted NPS's claim that this is just another permit. Mr. Young noted that he was Chairperson of CWRM when 'Iao Aquifer was designated. An engineer gave Mr. Young what was a very complicated flow chart for the water use permit process. Mr. Young said this is not a simple application; it is a complicated, expensive and time-consuming process.

The Board was not told by NPS in its presentation that all of these applications for existing use, as well as new use, are subject to contested court hearings. Contested court hearings are administrative trials, involving the hiring of attorneys and consultants. Mr. Young said the 'Iao Aquifer designation in 2003 took place because under the law, once 90 percent of sustainable yield has been exceeded, the aquifer shall be designated as a Water Management Area. In the summer of 2003, the 12-month moving average of withdrawals exceeded 18 mgd, versus the 20 mgd sustainable yield. After designation, everyone in the area had to apply for a permit; the first permit that was issued was more than two years after designation, Mr. Young said. In 2014, Maui's Department of Water Supply has two pending permit applications for existing use of 2.3 mgd that have not been permitted yet; the permits are still in contested case.

Sustainable yield is based on recharge, and CWRM's policy is dependent on the nature of the aquifer, Mr. Young said. He said that there will be an allocation to the total recharge of the aquifer, to determine what constitutes sustainable yield. He said that for a traditional basal aquifer, the computation for sustainable yield is 44 percent, and for high elevation water, the computation for sustainable yield is 75 percent. This is what was allocated to the Keauhou Aquifer system area, based on an impression that it was a basal aquifer. However, it is believed now that about 62 percent of Keauhou Aquifer is high-level water, and the rest is basal. Mr. Young explained that withdrawals are calculated by taking the water

and the recharge. With 44 percent as the computation for sustainable yield, 56 percent will continue to be flowing through the aquifer – and will not be subject to withdrawals, he said.

Mr. Young said that the County's WUDP projected withdrawals in 2025 to be 18.6 mgd, which represents 49 percent of sustainable yield; it also represents about 22 percent of all of the recharge. That is saying that about 78 percent of the rest of the water is continuing to flow through the aquifer and is continuing to go to the anchialine ponds.

Mr. Young said that there have been repeated presentations injecting the fear factors of drought and climate change. He noted that the U.S. Geological Survey (USGS) study already accounts for drought and climate change, and has already computed the sustainable yield. The Board was not told that in 2011, USGS updated its recharge study; USGS now believes that the recharge estimate for the Keauhou Aquifer should be 77 percent higher than what the calculations are today. The Board was not told that, he noted. Mr. Young said he called Mr. Steve Anthony at USGS to ask if USGS was re-evaluating any of the recharge on the Big Island, and Mr. Anthony said no, USGS was not doing any more recharge studies on the Big Island. Mr. Young reiterated that the math is different now, with about 62 percent of the water in the Keauhou Aquifer seen as high-level water. Meanwhile, CWRM policy is that sustainable yield can be as high as 75 percent of that (but right now CWRM is using the 44 percent calculation.) Because of the change in math, sustainable yield can and should be higher, based on the information available now, Mr. Young said. The USGS update states that the recharge is higher by 77 percent, but NPS is saying in its presentations that sustainable yield in Keauhou Aquifer is 38 percent, he said. That is *way low*, he said.

Mr. Young said that NPS believes that taking water from the basal wells in the area may impact traditional and cultural practices. One of NPS's theories is that there is *up-coning* that can draw some of the fresh water away from the coastal area. The NPS petition cites the County's 2010 Water Use and Development Plan (WUDP) as saying that land use protections for water demand exceed the sustainable yield of the Keauhou Aquifer system by over 600 percent. He said that is not what the County's WUDP says. Instead, the WUDP says that it is going to be 18.6 mgd overall, or 22 percent of the withdrawal of the entire Keauhou Aquifer.

Mr. Young noted that NPS's neighbors, Kuki'o and Hualālai Resorts have got golf courses all around them, and have wells up and down their respective properties. They have both high-elevation wells as well as lower, brackish wells. Both resorts have won awards for restoring and creating healthy ponds. Both are growing fish such as mullet and moi. The ponds that NPS wants to protect are a similar type, except that they are drawing from a basal lens. Mr. Young noted that to get healthy ponds, the sediment and invasive species must be removed, and native species must be planted around the ponds. Mauna Lani Resort did this, and they have healthy ponds with fish; their wells are both high-elevation and lower brackish wells.

Mr. Young returned to his theme that designation is a big deal. It would impact a variety of projects that are considered new uses: the Community College at Palamanui, the implementation of the Kona CDP, the Judiciary, expansion of Kona International Airport, new affordable housing, a new Middle School that the Department of Education desperately wants, a new regional park. Mr. Young said that these projects will all be at the back of the line after designation, after CWRM deals with existing users. Designation is complicated, expensive, time-consuming, and it would take jurisdiction away from DWS and the Water Board.

Mr. Young said that if NPS had a study that says that there is a negative impact, that information would have been the first thing that the NPS would have shown in its presentations. NPS is still calibrating data that they took back in 2008. Mr. Young said he does not know what the data says, but it certainly might lead people to think that the data does not support their petition. If the data supported NPS, it

would be in everyone's face right now. If the data showed that there was an impact, the Keauhou Aquifer would be designated now, and all of the back-and-forth that is going on would not be happening. Mr. Young said that CWRM is smart enough to see if there is a negative impact and if a lot of the community agrees that there is a negative impact – then something must be done to address it. However, if there is no negative impact, then this designation is not needed.

Mr. Young noted that designation is required if sustainable yield is at 90 percent; sustainable yield stands at 32 percent. Designation is required if there are impacts, and designation takes place after a reasonably determined decision is made, based on scientific investigation and research. NPS started talking about designation in 2000; he noted that NPS has been intervening at every application. Mr. Young said that a reasonable question is whether NPS is going to intervene on any or all of the permit applications if designation takes place. If so, Mr. Young asked why NPS would do that.

Mr. Young said that NPS's general plan stipulates that they do a baseline study regarding the impact of the wells in its area. He said that determining the impacts is not complicated science; hydrologists like Mr. Bowles and others do such studies all the time – and they determined that there was no impact. Mr. Young said it was reasonable for NPS to produce the data that caused it to believe that there is an impact. Just whimsically saying there "may" be an impact is not what the law says. Research needs to be done, and NPS has not produced its research. Either the data does not exist, or the data may not reflect anything to support NPS's petition, Mr. Young said in conclusion.

Ms. Iokepa-Moses noted that she opposes the NPS petition. She said she purposely did not make eye contact with Mr. Scheuer when he made his testimony today because she wanted to hear every word he was saying without getting caught up in his charismatic and eloquent delivery. She said she heard nothing new from Mr. Scheuer today; it was a fluffy presentation with nothing new. Mr. Young, by contrast, came out with facts and expert testimony. She noted that Mr. Bowles is in the room, and suggested that NPS should talk to him. She said that all of the experts are saying that the NPS petition is not valid. Ms. Iokepa-Moses said that maybe Mr. Scheuer could come back 20 years from now when he has a chance to get all of his information together. She said that NPS has been wasting the Board's time with presentations that do nothing for the Board. Mr. Young has brought facts to the Board; he is an expert as is Mr. Bowles, she said, adding that the Board should listen to the experts. Ms. Iokepa-Moses noted that she had asked Mr. Scheuer last month about the "additional form" involved in applying for a permit after designation. She said she is from rural Ka'u, where public testimony takes place on every issue, and she was aware all along that getting a permit after designation is not a short, easy process. Ms. Iokepa-Moses said that the Board has wasted enough time on this petition issue, and suggested that NPS do another 20 years of research and come up with definitive data that shows that there "shall" be an effect on the aquifer. For now, the petition should not be granted, she said. NPS has a lot of work to do, such as dealing with invasive species.

Ms. Lee Loy asked Mr. Young if any of the new USGS information about the recharge at 77 percent had been incorporated in the County's WUDP.

Mr. Young said no, it had not, noting that it was in a study done in 2011. He noted a variety of water plans done by the State: the Water Resource Protection Plan done by CWRM; the Water Quality Plan done by DOH; the Agricultural Use and Development Plan done by DLNR. Sustainable yield is part of CWRM's Water Resource Protection Plan, which is being updated by CWRM now. He noted that the precautionary principle is written into the formula that CWRM uses in establishing sustainable yield, and the precautionary principle is written into the way that the counties and the State deal with the management of water. The update of CWRM's Water Resource Protection Plan is an opportunity to establish sustainable yield. Mr. Young said that nobody wants to overpump or harm the resources, and so sustainable yield may start being written in *ranges*. This is probably a good idea, he said. He noted

that sustainable yield is a part of the whole; that is what water is being drawn from – the other part is water that is still going through the aquifer.

Ms. Lee Loy asked if there are any allowances in the WUDP that could incorporate this new information. She asked how long the process of incorporating that new data would take. She said she keeps hearing that the information that is being pointed to is old.

Mr. Young said that 2011, in government terms, is pretty new. He said that it is hopeful that the new information will be incorporated into CWRM's Water Resource Protection Plan.

Ms. Lee Loy asked what designation would do to the Kona Community Development Plan (CDP).

Mr. Young said he has heard testimony saying that designation will not stop development. Four people on the CWRM Board are going to start determining land use in the Keauhou area, he said. Four Commissioners are what is necessary to designate or not designate, he said. He said that the Kona CDP, which was years in the making, has the precautionary principle written throughout the document; the first principle is to protect the natural and cultural resources. The Kona CDP framers designated the area from Kailua town to the Kona Airport as where the growth should be, and that growth will all be new user permits after designation. The framers of the Kona CDP said they wanted growth to take place here, believing that growth is not going to impact the natural and cultural resources, Mr. Young said. Everyone in the area will have to apply for permits after designation, and there is no guarantee that projects will get the water they ask for. That is the reality, Mr. Young said; this is not just another permit. He cited Maui's Water Department, which has been waiting for 11 years for permits on 2.3 mgd out of 18 mgd since designation of the 'Iao Aquifer.

The Deputy asked to respond to Ms. Lee Loy's question regarding how long it would take to incorporate the new information into the County's WUDP. DWS is directly responsible for the WUDP, and if there is new information regarding sustainable yield, DWS stands ready to update that. This is very important to the WUDP and the process that is going on right now, he said. DWS can update the WUDP by components; it does not have to redo the whole document. He acknowledged that the study is not going to be done that fast, but DWS stands ready to update it as soon as new information gets formally adopted, especially if it is related to sustainable yield.

C. **DISCUSSION BY THE WATER BOARD REGARDING THE FORMULATION OF A RESPONSE TO THE COMMISSION ON WATER RESOURCE MANAGEMENT'S REQUEST FOR CONSULTATION ON THE KALOKO-HONOKŌHAU NATIONAL PARK SERVICE PETITION TO DESIGNATE KEAUHOU AQUIFER SYSTEM AREA (NORTH KONA), HAWAII AS A GROUND WATER MANAGEMENT AREA.**

The Manager-Chief Engineer noted that if the NPS petition goes forward, the law requires that CWRM consult with DWS, the Water Board, the Mayor's Office, the County Council and the Planning Department. During that consultation period, DWS, the Water Board and the County present their case to CWRM, he said. The petition was filed in October of last year, and CWRM voted to defer action on the petition until December 2014, pending several studies that will hopefully be completed by September this year, the Manager-Chief Engineer said. Right now, there is a lot of discussion of the issue out in the community, with NPS, private individuals and land owners all making presentations at various forums. The latest was a talk-story session with Rep. Nicole Lowen in Kona last week. The issue is generating a lot of discussion and a lot of emotional and passionate feelings, he said. However, the bottom line is that CWRM will be making the decision regarding designation. DWS is against this petition, and DWS's target audience is CWRM, where DWS must present its case.

Ms. Lee Loy asked for confirmation about the 12 wells in the Keauhou Aquifer: six basal wells and six high-level wells.

The Manager-Chief Engineer confirmed this.

Ms. Lee Loy asked how many development agreements DWS has that are tied to these wells.

The Manager-Chief Engineer said he thought maybe three to five agreements have been entered into by DWS. He said that regardless of the number of agreements, it may be better to refer to how many million gallons per day are involved.

Mr. Inaba said that with all of the agreements, it comes to an approximate average 5.5 mgds.

Ms. Lee Loy asked if these were committed, but not necessarily used.

Mr. Inaba confirmed that these were not existing use.

The Deputy said they were not currently in use.

The Manager-Chief Engineer said he would not use the word "committed" at this point, because there are certain other conditions that developers would have to go through to get the developments done. These would include possibly going through a land use change process, a boundary amendment on the General Plan, or a rezoning process. Unless and until the developers comply or satisfactorily complete these conditions, they will not get their commitments.

Mr. Uyeda noted that Mr. Young said that if the Keauhou Aquifer is designated, existing uses will have to re-apply for permits.

The Manager-Chief Engineer confirmed this.

Mr. Uyeda asked what DWS's exposure would be if DWS cannot fulfill its commitments, (i.e., the existing ones, as well as ones on the books.)

Ms. Lee Loy intervened to make a Motion to go into Executive Session to discuss with Corporation Counsel what DWS's liabilities and exposures are.

Chairperson Kaneshiro said before taking up the Motion, he wanted to ask the Manager-Chief Engineer whether DWS had ever received a request from CWRM for a response to the petition.

The Manager-Chief Engineer said that CWRM sent a request for comments on the petition when the petition was filed in October. At that time, DWS responded by recommending denial of the petition. That is why they took their vote to extend the time period to December 2014; the clock stopped then.

Chairperson Kaneshiro asked if this means that in December of this year, CWRM will start or restart the process; he asked if CWRM would make a decision in December.

The Manager-Chief Engineer said that based on the presentation last month by Mr. Roy Hardy of CWRM, the process may or may not start. Based on the information that DWS has gotten from the outside, CWRM may begin the process as early as December 2014, but if not, the process may drag on. According to Mr. Hardy, if the petition goes ahead in December 2014, there is a process that CWRM will have to go through, including the consultation period with DWS, the Water Board, the Mayor's Office and the County Council. It may be that CWRM makes a decision within 60 days of that start date in December; if there are objections that CWRM recognizes, the period may extend to another up to 90 days. The clock starts in December 2014, for the review of whether or not to designate.

The Manager-Chief Engineer asked Ms. Iokepa-Moses to invite Mr. Bowles to make some comments.

Ms. Iokepa-Moses said she has known Mr. Bowles for many years; he is an expert on water and an invaluable resource. She said it is a wonder that NPS has never talked to him, nor has anyone called on him to testify at any of the forums. She invited Mr. Bowles to speak.

Mr. Bowles said that when the petition was filed, he objected and said it was premature and uncalled-for. Without going into a lot of detail, he said he wanted the Board to understand that the Keauhou Aquifer is not a single unit; it is a system of aquifers. That means that there are complexities around the entire region, up and down the coast, that make different areas respond differently to the actions of pumping or flow, etc. Mr. Bowles said it was very important to remember that the Keauhou Aquifer is a system. NPS has oversimplified the statement on the groundwater hydrology, he said, noting that he has 54 years of work in the field of groundwater hydrology. Mr. Bowles wanted to emphasize that CWRM has consulted with many of the area's hydrologists on the details of what is in the field. He said that he had two people going out into the field today with DWS staff. CWRM recognizes that there are only a handful of people who work full-time with the groundwater resources in Hawai'i. Therefore, CWRM has consulted with Mr. Bowles and his colleagues, calling them into meetings to work on the issue of sustainable yield. Mr. Bowles said there was such a meeting in December, to go through the sustainable yields, as a run-up to CWRM's Water Resource Protection Plan update. The meeting was made up of public and private hydrologists, he said. He wanted to make the point that this is not a singular government activity that is involved here. He asked the Board to remember two things: that a lot of experts are heavily involved all around, from all sides; and that Keauhou Aquifer is an aquifer system which relates to its neighbors. It is not a matter of just being a boundary on a piece of paper – that would not matter very much, he said. He said that studies have been going on, including the (USGS) update on the recharge estimate. These studies and activities are all taken into account as the petition issue goes on. Unfortunately, there are not enough experts around to consult with, but some people like Mr. Bowles do this work all of the time. Mr. Bowles said that he believed that the sustainable yield issues that will be in CWRM's updated Water Resource Protection Plan will probably be in ranges, as Mr. Young indicated. That is because some of the experts had resisted the idea of having an absolute number, believing that there is a wider range of issues to look at in the recharge.

Ms. Lee Loy asked for confirmation that she heard Mr. Bowles say plain and simple that this designation is premature.

Mr. Bowles said absolutely. He said he wrote the first letter objecting to the designation.

Ms. Lee Loy said that she would like to renew her Motion for an Executive Session.

Mr. Perry seconded.

Chairperson Kaneshiro said before making the Motion, he wanted to state for the record that the Board had received written testimony from Mr. Riley Smith, Ms. Nancy Burns, and Mr. David Ross.

MOTION: Ms. Lee Loy moved to go into Executive Session; seconded by Mr. Perry.

Ms. Garson asked what the purpose of the Executive Session was.

Ms. Lee Loy said that it was to discuss the Board's potential exposure and liabilities related to the designation of the Keauhou Aquifer.

Ms. Garson said: "According to HRS 92-5(a)4."

Ms. Lee Loy confirmed this.

ACTION: Motion carried unanimously by voice vote.

(Executive Session began at 12:01 p.m., and ended at 12:24 p.m.)

Chairperson Kaneshiro said that the Board was discussing the formulation of a response to CWRM regarding the NPS petition. He called for a Motion.

MOTION: Mr. Arikawa moved that the Board begin formulating a response to CWRM regarding the NPS petition for designating Keauhou Aquifer; seconded by Mr. Perry.

Ms. Iokepa-Moses asked who was going to formulate the response.

Ms. Garson asked whether the Board is directing the Department to begin formulating the response.

Mr. Arikawa suggested as an amendment, that the Board form a Committee to start formulating the response.

Ms. Iokepa-Moses said she had another suggestion.

Ms. Garson said there were a Motion and a Second to respond; Mr. Arikawa is just suggesting a Committee.

Chairperson Kaneshiro said there were a Motion by Mr. Arikawa and a second by Mr. Perry. He called for any discussion.

Mr. Greenwell asked what kind of time frame is involved for formulating the response. If the deadline to get the response to CWRM is May, the Board will be working on a tight time frame. He wondered if a Committee would be allowed to formulate the response.

Ms. Garson said that if the Board forms a Committee, under Sunshine Law the Committee can have three to five members. The Committee would formulate a response and then present the response to the Board, and then have another meeting where the Board adopts the response. It would be a three-meeting process, she said. It is March now, so there are meetings in April and May; it may mean holding Special Meetings.

Ms. Lee Loy said that is an option. She said she supported having some kind of deadline for submission, and then work back from there.

Ms. Iokepa-Moses asked whether the response was something that the Board could have Ms. Garson draft for the Board.

Ms. Garson said she could do that, but she was not sure how “legal” in nature the response would be, as opposed to “factual.” She suggested having the Department prepare a draft; she said of course she would help the Department with it. She also suggested that instead of forming a Committee, the Board could have a Special Meeting to look at the draft, make suggestions and have the Department go back and do the response. She said alternatively, the Board could have the Department report to the Board on its draft response in April, and if need be, hold a Special Meeting in May.

Chairperson Kaneshiro asked when CWRM was meeting in May.

Mr. Uyeda said it was pretty much the same time as the Board’s meeting in May.

The Secretary said CWRM was meeting on May 21.

Mr. Perry said that the Board should rely on the Department to draft the response letter. He said the Board had had enough discussion on this issue; he thought that everybody here had an idea about what would need to be included in the response. That would give the Board a more timely document, he said.

Ms. Garson asked for confirmation that the Board was directing the Department to draft a response for discussion purposes for the next meeting.

Mr. Perry said yes.

Chairperson Kaneshiro asked whether the Motion on the table should be withdrawn, and start all over again.

Ms. Garson said no, because the Motion on the table simply was to formulate a response; she assumed that there would be a written response.

Chairperson Kaneshiro asked if there would be a Committee.

Mr. Perry said that the Motion was not about having a Committee.

Ms. Garson agreed, saying that was not the Motion; Mr. Arikawa just suggested a Committee.

Mr. Takamine asked if one month is enough time for the Department to draft a response.

The Manager-Chief Engineer said if the Board tells him what the Board wants to see in the draft response, the Department can come up with something for discussion by next meeting. Working closely with Corporation Counsel, the Department will do its best to come up with a draft response by the April meeting, keeping in mind that the response needs to be ready in time for the CWRM meeting in May. He noted that DWS planned to do its presentation to CWRM in May, and wondered whether the response letter from the Board would be in concert with DWS's presentation. The question is whether additional things will be added to the DWS presentation. Obviously, the response letter will not include everything that DWS has in its presentation to CWRM, but the response letter will include point by point exactly what the reasons are for recommending denial of the petition, the Manager-Chief Engineer said. He noted that sustainable yield stands at only 32 percent, whereas the law states that designation is called for at 90 percent. That kind of point will be included in the response. He stated that DWS can draft something by the next meeting.

Chairperson Kaneshiro said he wanted to have the Department include the draft response in the Board packets sent out before the next meeting, so that the Board can review the response prior to the meeting.

The Manager-Chief Engineer confirmed that the intent is to send the response out with the packets.

Ms. Garson said she would work with the Department; she noted that the response would be a draft or working document (i.e., something that was being worked on). She said that in any case, the response would get to the Board in a way that the Board can then make a decision.

Chairperson Kaneshiro asked an amendment to the Motion on the floor was needed.

Ms. Lee Loy said that what she was hearing everybody saying is that the Board will have some kind of working document that the Department will make available to the Board at the next meeting, which will address the petition dated September 20, 2013, and articulate the Board's response.

ACTION: Motion carried unanimously by voice vote.

9) MISCELLANEOUS:

A. DEPARTMENT'S OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEAR 2015:

The Department's FY2015 Operating and CIP Budgets totaling \$52,188,000.00 and \$32,155,000.00, respectively, have been distributed for the Board's review. Operating revenues include a 2.7% rate increase provided for by the 2010 RW Beck rate study. Consumption is not expected to change from estimates for the current year. Power costs are estimated at \$23,000,000.00, and salaries include increases based on negotiated bargaining unit contracts.

The Manager-Chief Engineer recommended that the Water Board approve the Department's FY 2015 Operating budget and 5-year C.I.P. budgets for Fiscal Years 2015-2019 on this first of two readings. A public hearing on the proposed Operating Budget for FY 2015 and 5-Year Capital Improvement Budget for Fiscal Years 2015-2019 will have been held just prior to this regular Water Board meeting.

ACTION: Mr. Greenwell moved to approve; seconded by Mr. Takamine, and carried unanimously by voice vote.

B. RENEWAL OF CONTRACT FOR MAINTENANCE AGREEMENT – SOUTH KOHALA, HĀMĀKUA, AND LAUPĀHOEHOE SITES (BRANTLEY CENTER, INC.):

Brantley Center, Inc., presently has a Maintenance Agreement for site maintenance for the Department's South Kohala, Hāmākua, and Laupāhoehoe tank and pump sites. They are requesting to renew the Agreement from July 1, 2014 to June 30, 2015. The rates would be as follows:

South Kohala --	\$3,993.04/month x 12 months = \$47,916.48
Hāmākua --	\$2,676.51/month x 12 months = \$32,118.12
Laupāhoehoe --	\$671.35/month x 12 months = \$8,056.20
Total:	<u>\$88,090.80</u>

The Department has the right to award the contract to Brantley Center, Inc., without advertising or calling for bids, according to Hawai'i Revised Statutes Section 103D-1010. Brantley Center, Inc., has submitted the necessary documents to meet the requirements as a qualified rehabilitation facility.

There is no increase from their last contract for FY2013-2014.

Brantley Center's performance has been satisfactory, and the costs are reasonable. A total of 41 sites are covered by this agreement.

The Manager-Chief Engineer recommended that the Board award the contract for the RENEWAL OF CONTRACT FOR MAINTENANCE AGREEMENT – SOUTH KOHALA, HĀMĀKUA, AND LAUPĀHOEHOE SITES (BRANTLEY CENTER, INC.) to Brantley Center, Inc., for a period from July 1, 2014 to June 30, 2015 at a total cost of \$88,090.80, and that either the Chairperson or the Vice-Chairperson be authorized to sign the documents, subject to approval by Corporation Counsel.

ACTION: Mr. Greenwell moved to approve; seconded by Mr. Arikawa, and carried unanimously by voice vote.

C. AD HOC COMMITTEE REPORT ON STATUS OF SB 3094 REGARDING THE PLACEMENT OF AUTOMATIC LIENS ON PROPERTY FOR WATER AND WASTEWATER DELINQUENCIES:

The Manager-Chief Engineer reported that he, the Deputy and Ms. Lee Loy had attended the House Committee hearing on the HB 3094, and the Committee approved it with their draft of SB 3094.

Ms. Lee Loy said that she, the Manager-Chief Engineer and the Deputy spoke before the Committee. The Hawai'i Realtors Association had suggested some edits of the bill, to add language to allow for property owners to be notified of a potential lien. The draft of the Senate Bill, drawn up in consultation with Corporation Counsel, had allowed for that notification, but the Realtors Association felt more comfortable ensuring that the language was inserted into this new State Statute. Therefore, the bill is now a new House Draft 1 (HD 1), which maintains all of the language that DWS submitted, and includes supplemental language related to notification of property owners. Ms. Lee Loy said that again, those provisions are very much in place in DWS's own Rules, and with the due process accorded to property owners. She said she did not know about the other counties' Rules, etc. Mr. Rick Robinson, who is also on the Ad Hoc Committee, has been in discussion with the Realtors Association, and Ms. Lee Loy said she expected that in the next week or so, there will be a support letter from the Realtors Association, which would amend the effective date. Right now, there is a placeholder date of 2112.

The Manager-Chief Engineer said the effective date rose from 2050 to 2112.

Ms. Lee Loy explained that having such a distant date of 2112 is to force the parties to talk story and come to a resolution. DWS is moving forward with the Realtors Association, and is moving toward collaborative support for the bill from Hawai'i County, other counties and the Realtors Association, because the bill addresses their concerns.

Ms. Garson said it was never the intention to place a lien on a property owner's property without giving the owner notice.

Ms. Lee Loy agreed.

Ms. Garson said the language just made that clear.

Ms. Lee Loy said the bill has allowances for other departments.

Mr. Greenwell asked whether the other counties were in strong support of the bill. He asked whether the other counties were just riding on DWS's coattails.

The Manager-Chief Engineer said that when the bill came out, Kaua'i County did provide testimony in support. Oahu also supported the bill; the only concern that Oahu had was regarding the dedication of a State water system to the Department. However, Oahu was generally in support. Maui County did not provide testimony in support of the bill. At this point, Kaua'i and Oahu are in support of this bill, he said.

Ms. Lee Loy said that the Waste Water Divisions of Kaua'i, Oahu and Hawai'i County also support the bill. The only minor pushback that DWS got was from the Realtors Association regarding prior notification of property owners.

D. MOTION TO RESCIND OR AMEND SALARY ADJUSTMENTS FOR MANAGER-CHIEF ENGINEER AND DEPUTY MANAGER:

A Water Board member indicated that the member intended to bring a motion to rescind or amend the salary adjustments for the Manager-Chief Engineer and Deputy Manager that were voted upon and passed at the February 25, 2014, Water Board meeting.

At the February 25, 2014, Water Board meeting the following actions were taken:

Motion to give the Manager-Chief Engineer a 5 percent raise, effective January 1, 2014, passed with nine (9) Ayes: (Messrs. Arikawa, Greenwell, Perry, Robinson, Takamine and Uyeda; Ms. Lee Loy, Ms. Iokepa-Moses and Chairperson Kaneshiro).

Motion to raise the Deputy's salary to \$105,000.00, effective January 1, 2014, passed with five (5) Ayes: (Ms. Lee Loy, and Messrs. Arikawa, Robinson, Takamine and Uyeda) and four (4) Nays: (Ms. Iokepa-Moses, Messrs. Perry and Greenwell, and Chairperson Kaneshiro.)

MOTION: Ms. Lee Loy moved to rescind the Deputy's salary increase; seconded by Mr. Arikawa.

Ms. Lee Loy said at last month's meeting she stepped out of the room, and realized that she had missed some of the discussion on the salary increase for the Deputy. She said that she wanted an opportunity to reopen the subject for discussion. She said she had a bit of heartburn over what she said was a big jump in the Deputy's salary; she said she did not realize that it was a big jump when she voted on it last month. She had been out of the room (for part of the discussion), and wanted an opportunity to reconsider the increase.

Mr. Arikawa asked if there were a current Job Performance Review (JPR) on the Deputy.

The Manager-Chief Engineer said that normally JPRs are not done for this position.

Mr. Arikawa asked who does the evaluation of the Deputy.

The Manager-Chief Engineer said that he does the Deputy's evaluation.

Mr. Arikawa asked if the Manager-Chief Engineer did an evaluation of the Deputy.

The Manager-Chief Engineer said he did not do a formal JPR, but he has watched the Deputy's performance for the past two years.

Ms. Garson intervened to stop the Manager-Chief Engineer; she said that any discussion about a person's job performance should be done in Executive Session, unless the person in question waives his right to Executive Session.

The Deputy said he waived; he had no problem with the discussion taking place in open session.

The Manager-Chief Engineer said that he had observed the Deputy for the past two years. The Board had had some concerns when the Manager-Chief Engineer recommended Mr. Okamoto as Deputy, and it was the Manager-Chief Engineer's responsibility to see how Mr. Okamoto performed. The Manager-Chief Engineer said that as far as he was concerned, Mr. Okamoto has performed exceptionally. The Deputy has protected the Manager-Chief Engineer and the Water Board; he has responded to the concerns of customers, the Mayor and the Managing Director. He has done presentations well, and has done a really good job, the Manager-Chief Engineer said.

Ms. Iokepa-Moses said the Board all knows that Mr. Okamoto is skilled and efficient. She said the only question she had is what percentage of an increase is \$105,000.00, compared with the current salary.

Mr. Arikawa said he thought it was a 15 percent increase.

Ms. Iokepa-Moses said she thought it was more than that.

The Deputy said it was a 16 percent increase, from the current salary of \$90,000.00.

Ms. Lee Loy thanked Ms. Iokepa-Moses for her question; that was the cause of Ms. Lee Loy's heartburn. She said she did not realize that it was such an enormous increase. She said that

Mr. Okamoto does a phenomenal job; there is no question about it. Her only problem is with the percentage of increase.

The Manager-Chief Engineer suggested that the Board not focus too much on the percentage of increase; the Board should instead look at the reason why he had recommended that the Deputy's salary be \$105,000.00; the reason is that the Deputy's salary is way below the salary of the highest-paid subordinate that the Deputy supervises. The Manager-Chief Engineer said that it was totally unfair that the Deputy has to supervise someone who has higher pay. He noted that the County Salary Commission provided salary increases of about 10 to 17 or 18 percent for Cabinet members. One of the primary reasons was because subordinates were making more than the Cabinet members. He noted that when he and Mr. Okamoto took their respective positions as Manager-Chief Engineer and Deputy in 2012, it would have been inaccurate to call their new salaries a "raise," because the salaries were what the positions paid.

Ms. Iokepa-Moses said the Motion on the floor is for a raise; it says that in black and white.

The Manager-Chief Engineer said that yes, for now this is a raise.

Ms. Iokepa-Moses said that the Board was considering a raise; she said that last meeting the question that the Board had was because a 16 percent increase was such a huge step. She said she suggested a lower percentage of increase, such as 10 percent. She said the Board can always give the Deputy another 10 percent or so increase in salary next year. She said that the Board is not setting a precedent of giving one person a 16 percent pay increase, when the normal scale is for 2, 3, 5 or 6 percent raises. She asked whether the Board could just make a Motion for a 10 percent increase.

Ms. Garson said that the Motion on the table now is to rescind the \$105,000.00 pay increase. Afterwards, the Board can make another Motion for something else.

Ms. Lee Loy said that she was glad that there was some interest in putting this Motion to rescind forward. She said everyone here is human and everyone makes mistakes; last month's meeting was very long, and everyone was exhausted, hungry, and rushed. She suggested taking the first step, by seeing if there is enough support to rescind the \$105,000.00 salary increase, in which case the Board can consider another amount.

Mr. Arikawa said he was a union steward for the Hawai'i Government Employees Association (HGEA) for 18 years, and was involved in collective bargaining. He was a supervisor in his department, and supervised people who were making more than he was, due to collective bargaining. He said he understands what the Manager-Chief Engineer is trying to do to help the Deputy out. Mr. Arikawa asked who set the \$90,000.00 that the Deputy is making.

The Manager-Chief Engineer and Ms. Garson both said that the Board sets the salary.

The Manager-Chief Engineer said that at the time when the initial salary of \$90,000.00 was set, his own recommendation was for an amount much higher than \$90,000.00.

Mr. Arikawa said that based on what the Board is discussing, he wanted to back Ms. Lee Loy up and rescind the salary recommendation of \$105,000.00.

Ms. Iokepa-Moses said she would second it.

Ms. Garson said there is a Motion already on the table; she asked whether the Board was ready to call for the question, or whether the Board wanted to continue discussion. She said she had information on what the other people in the County make, if the Board wanted to discuss that before they voted.

ACTION: Motion carried with seven (7) Ayes in favor of rescinding the \$105,000.00 salary for the Deputy: (Ms. Lee Loy; Ms. Iokepa-Moses; Messrs. Arikawa, Greenwell, Uyeda, Takamine; and Chairperson Kaneshiro; and one (1) Nay (Mr. Perry).

MOTION: Ms. Iokepa-Moses moved that the Deputy receive a 10 percent salary increase; seconded by Ms. Lee Loy.

Ms. Lee Loy said she was seconding for discussion purposes; she was not sure if she was set on the 10 percent increase.

Mr. Greenwell said that the salary information Ms. Garson mentioned should be circulated.

Chairperson Kaneshiro asked whether Ms. Garson had sent anything out to the Board.

Ms. Garson said she sent the salary, but said she could not comment further. She said the Motion was for a 10 percent increase on \$90,000.00, which comes to \$99,000.00 if her math is correct. **The increase would be effective January 1, 2014**, she said.

Mr. Takamine asked how often the review for salary increases comes up; he asked if it was yearly or every two years, etc.

Chairperson Kaneshiro said it was a yearly process.

The Manager-Chief Engineer said that this Board had tried to do a yearly evaluation.

Ms. Garson said that there is no set time frame; the Board can review the salary whenever it wants. However, the salary review usually corresponds with the annual evaluation.

Mr. Arikawa said he was good with a raise of anywhere between five and 10 percent; 10 percent was acceptable to him.

The Manager-Chief Engineer said he was staying with his recommendation for the salary to be \$105,000.00.

Chairperson Kaneshiro asked if the Board was ready to vote.

Ms. Lee Loy said sorry, she was calculating what the increase would be. After a pause, she said okay, she was ready to vote.

Chairperson Kaneshiro asked the Secretary to restate the Motion.

The Secretary said the Motion was to raise the Deputy's salary by 10 percent, from \$90,000.00, retroactive to January 1, 2014.

ACTION: Motion carried unanimously by voice vote.

The Deputy thanked the Board for its consideration, and thanked the Manager-Chief Engineer for his support. He said he had not intended for the salary issue to cause so much heartburn.

E. **MONTHLY PROGRESS REPORT:**

No discussion.

F. **REVIEW OF MONTHLY FINANCIAL STATEMENTS:**

Mr. Uyeda noted that Mr. Sumada had booked two projects as completed: the Ola'a Well No. 6 project and the Palani Road project, but these two projects are shown as active on Mr. Inaba's Monthly Progress Report.

Mr. Sumada explained that DWS's auditors wanted Finance Division to start booking or capitalizing projects as soon as they are placed in service. These two projects, while not technically 100 percent complete, have been placed in service. As of June 30, 2013, Finance Division booked what had been spent and on the books under "Work in Progress." That is what Finance Division booked and started depreciating at that point, Mr. Sumada said.

Mr. Uyeda asked if the retention payments were also booked.

Mr. Sumada said no.

Mr. Uyeda asked for confirmation that there is still cash going out.

Mr. Sumada confirmed that there are still payments to be made.

Mr. Inaba said that to clarify, Ola'a No. 6 booked, including the reservoir and the booster pumps; the well is still not included in the booking. On the Palani Road project, everything is basically booked because everything is final and accepted. DWS is just waiting for the contractor to clear his compliance requirement; once that is done, DWS will close out that project.

G. MANAGER-CHIEF ENGINEER'S REPORT:

The Manager-Chief Engineer provided an update or status on the following:

- 1) Pu'ukala/Kona Ocean View Properties Subdivision Improvement District Update – The Manager-Chief Engineer and the Deputy visited the site recently, and things are moving along well. There are no traffic problems, and the contractor is doing his job properly. The project is expected to be completed within a couple of months.
- 2) Waikoloa Reservoir No. 1 Update – Mr. Inaba said that the consultant is working on the Environmental Assessment (EA), and Mr. Inaba is waiting to hear when the EA will be submitted. It is hoped that the project will go out to bid before summer.
- 3) Kawailani Tank Update – Mr. Inaba said that the contaminated soil that had been under the existing tank needs to be removed and hauled to the West Hawai'i Landfill. After that is done, the fencing and pavement work will be done; this will complete the project. There will be one more update on this project, at next month's meeting. Mr. Inaba said the soil removal took a little longer than expected, as far as the analysis of the soil and the protocol that the State determined that DWS had to follow regarding the contaminated soil.
- 4) Energy Management Analyst Update – No report.
- 5) Public Information and Education Specialist Update – DWS issued emergency messaging via email and text regarding the Ka'auhuhu Reservoir emergency work in North Kohala. DWS put out information regarding a road closure on Kamehameha Avenue through Civil Defense and the Police Department's Nixle alert system. There were a lot of meetings regarding the NPS petition.
- 6) Recognition of Service Retirement – Mr. Ikeda spoke about Mr. Robert Sugata, who was retiring at the end of the month. Mr. Sugata, based in Kona, was a Meter Reader II with 25 years of service in DWS. The Manager-Chief Engineer praised Mr. Sugata as a great individual as far as his personality and his work, and said Mr. Sugata will really be missed.

Mr. Greenwell asked about what was happening regarding HB1969, which proposed to assess a royalty amount of \$1 per 1,000 gallons of water withdrawn from an aquifer.

Ms. Lee Loy said the bill was dead.

Ms. Garson said she would look up the status of the bill for Mr. Greenwell.

The Manager-Chief Engineer referred to the Kaʻauhuhu Reservoir emergency, explaining that the roof covering the reservoir had collapsed. Operations Division is putting up a temporary storage reservoir so that there is a reservoir that can be pumped into. Due to the emergency, DWS's booster pump is pumping continuously, so the electric bill for pumping at Kaʻauhuhu is likely to be higher. He said that the Kaʻauhuhu service area is the service area that serves the property that Mr. Takata has been advocating to get water for Mr. Chris Brown. The Manager-Chief Engineer said that this emergency showed that DWS can handle consumption as far as the area's distribution system; the booster pump is running 24/7. The distribution system in the area is not the problem; the problem is the *source*. DWS's Engineering Division is working to acquire the property for the Halaʻula Well site.

H. CHAIRPERSON'S REPORT:

Chairperson Kaneshiro said that the Board had received a letter from the Cost of Government Commission dated March 6, 2014, requesting input on limiting expenditures, eliminating duplication or overlapping of services, consolidating services, etc. He called for a discussion of how to formulate a response. He said he was not sure how to respond, because most of the work is done by the Department.

The Manager-Chief Engineer said that DWS has responded the last couple of years, and one of the main concerns involved working closely with the Department of Environmental Management regarding their billings and delinquencies. The lien bill under consideration at the Legislature is addressing this concern. DWS in the past has noted that the Department has an Energy Management Specialist working to reduce the Department's energy costs, primarily through the Lālāmilo Windfarm.

Ms. Garson said that the Cost of Government Commission sent letters to all of the departments and boards, and the Water Board's response would be separate from DWS's response. The Cost of Government Commission must put together its report within 11 months. Because this Item is on the Agenda, the Board can discuss it, take action and send a letter if the Board has any suggestions for the Cost of Government Commission.

The Manager-Chief Engineer noted that Mr. Perry is now serving on the Cost of Government Commission.

Mr. Perry said he was looking forward to the Board's letter.

Chairperson Kaneshiro asked if DWS was going to send in a response.

Ms. Garson said that DWS will send something in; she noted that the Board got a separate letter from the Cost of Government Commission. She said that the Board would respond independently of the Department, or the Board might just write that the Department was sending in a response.

Ms. Iokepa-Moses said she thought that DWS knows better than the Board does.

Chairperson Kaneshiro said that was what he was going to say.

The Manager-Chief Engineer asked whether there was a deadline for the response.

Ms. Garson said the deadline was April 7, 2014.

The Manager-Chief Engineer said that the Department would send copies of its response to each Board member.

Mr. Perry said he's been telling the Cost of Government Commission how efficient DWS is, and how much money DWS is saving.

The Manager-Chief Engineer thanked Mr. Perry.

Chairperson Kaneshiro asked whether the Board should just report that the Board does not have any suggestions.

Ms. Garson said that if that is what the Board wants to say, she could draft a letter from the Board and have the Chairperson sign it. The letter could thank the Commission for its inquiry, say that at this time the Board has no suggestions; the letter could note that a separate letter has been sent to DWS, which the Manager-Chief Engineer will respond to.

Chairperson Kaneshiro asked for a Motion to that effect.

Mr. Uyeda so moved; seconded by Mr. Arikawa.

Ms. Garson asked them to wait, and restated the Motion, to respond to the Cost of Government Commission saying that the Board does not have any suggestions at this time, and authorizing the Chairperson to sign the letter.

ACTION: Mr. Uyeda so moved; seconded by Mr. Arikawa, and carried unanimously by voice vote.

10) ANNOUNCEMENTS:

1. **Next Regular Meeting:**

The next meeting of the Water Board will be held at 10:00 a.m. on April 22, 2014, at 10:00 a.m. at the Department of Water Supply, Operations Center Conference Room, 889 Leilani Street, Hilo, HI

2. **Following Meeting:**

The following meeting of the Water Board is scheduled for May 27, 2014, at the West Hawai'i Civic Center, **Liquor Control Conference Room, Bldg. B, 2nd Floor**, 74-5044 Ane Keohokalole Hwy, Kailua-Kona, HI.

11) ADJOURNMENT

ACTION: Ms. Lee Loy moved to adjourn; seconded by Ms. Iokepa-Moses, and carried unanimously by voice vote.

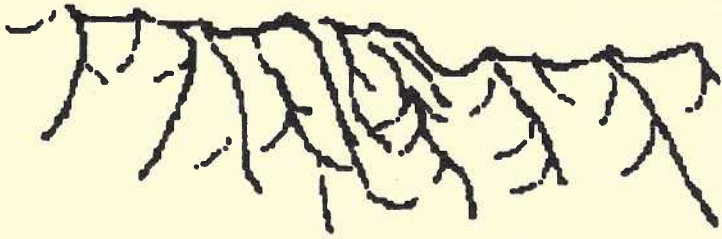
Chairperson Kaneshiro adjourned the meeting at 1:17 p.m.

Secretary

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in this Water Board Meeting should contact Janet Snyder, Secretary, at 961-8050 as soon as possible, but no later than five days before the scheduled meeting.

The Department of Water Supply is an Equal Opportunity provider and employer.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai'i County Code} A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, Hilo, Hawai'i.



WINDWARD AHUPUA'A ALLIANCE

From the Peaks of *Na Ko'olau* to the Outer Reefs

*Community-Based Planning
Sustainable Economic Development
Restoration, Preservation, Protection & Public Access
Educational & Cultural Programs*

COMMITTEE ON WATER AND LAND

2:45 am

Friday, April 17, 2015

Conference Room 224

Senator Laura Thielen, Chair

Senator Brickwood Galuteria, Vice Chair

GM 868 - Submitting for consideration and confirmation to the
Land Use Commission, Gubernatorial Nominee,
JONATHAN SCHEUER

STRONGLY SUPPORT

Prior to its establishment in July, 2002 of the *Windward Ahupua'a Alliance*, a **501c3** organization, starting in the mid-nineties I began working with Jonathan Scheuer on a wide range of environmental issues.

Frankly, I am glad to have him appointed to the *Land Use Commission* because Hawai'i needs to have a member who understands how important it is to preserve & protect our environmental as well as our development, employment & economic futures.

NOTE: I've attended three of the *LUC* meetings since he was appointed late last summer.

Mahalo.

Shannon Wood, *President*
Windward Ahupua'a Alliance

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: scolemansurfrider.org
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 12:02:41 PM
Attachments: [SF-LandUseComm.-JonathanScheuer-Nomination-4-15-15.doc](#)

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Surfrider Foundation	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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April 14, 2015

To: Chair Thielen, Vice Chair Galuteria and Members of the House Committee on Water & Land (WTL)
Re: Strong Support for GM 868 (Jonathan Scheuer's nomination to the Land Use Commission)
Hrg: Wed., April 15, 2015 at 2:45pm Room 224

Mahalo for the opportunity to submit testimony in strong support of GM 868. The Surfrider Foundation has rarely gotten involved with the Governor's administrative appointments, but this year we found it necessary to share our members' feedback. We support the current candidate to be the on Land Use Commission because of his experience and expertise in water and land use laws. Dr. Jonathan Scheuer is well-educated in all aspects of public policy and water/land use laws and would be an excellent member of the Commission.

With over 25 years experience in public policy and land and water management, Jonathan has worked in the public, non-profit, and private sectors, as well as the Native Hawaiian and broader communities. Born and raised on O'ahu, he currently works as a consultant assisting clients to develop strategies to manage and/or resolve conflicts over the control and management of natural resources. He has been working extensively with the National Park Service on water policy issues, and Surfrider has collaborated with him on efforts to preserve park lands in the Kona area. As an interim member of the State Land Use Commission and as a Board member of the Hawaiian Islands Land Trust, Jonathan is well-qualified for this position.

He has also held positions with various organizations including the Nature Conservancy, the Hawai'i State Legislature, Kamehameha Schools (Endowment Group, Land Assets Division), the Hawai'i Department of Land and Natural Resources, the Hawai'i Conservation Alliance, and the Waipa Foundation. He has previously served on the boards of Malama Manoa and the O'ahu Land Trust and as a Kona Moku representative and the Vice Chair of the O'ahu Island Burial Council. So he knows how to work within the system to bring about change and will have a lot of allies to support the Commission.

We need a strong community leader like Jonathan to send a signal that this Administration will look after the public's interest in conserving our fragile environment. Mahalo for your consideration and leadership on this issue and let me know if you have any questions.

Aloha,
Stuart Coleman
Stuart H. Coleman
Hawaii Coordinator

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: amybrinker@mac.com
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Tuesday, April 14, 2015 10:34:24 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kimura13968@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 1:16:55 PM
Attachments: [jonathan.scheuer_luc.2015-4-17.hearing.pages](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
amy kimura	Individual	Support	No

Comments:

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From: [Bouslog, Ann](#)
To: [WTLTestimony](#)
Subject: Support for Jonathan Scheuer/LUC
Date: Wednesday, April 15, 2015 5:17:42 PM

Greetings Chair Thielen, Vice Chair Galuteria and Committee Members,

I support Jonathan Scheuer's nomination to the State Land Use Commission. I have known Jonathan for many years and have recently come into contact with him again in the context of land use and water rights cases on which I've been involved professionally. While we aren't always on the same side of particular issues, I know Jonathan to be fair minded, intelligent, honest and hardworking.

He has the confidence to make calls based on his understanding of the facts and values inherent in a situation, rather than simply on conventional wisdom and presuppositions.

Jonathan's continued service on the LUC will serve the people of Hawaii well.

I will not be offering testimony in person.

Aloha, Ann Bouslog

Forest City Hawaii
AnnBouslog@forestcity.net
808 349 4350 c
808 839 8769 o

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: annettesadventures@juno.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 10:44:11 AM
Attachments: [Testimony for Jonathon Scheuer GM868](#)

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Kaohelaulii	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: audnewman@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 7:50:28 PM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Audrey Newman	Individual	Support	No

Comments: I strongly support Jonathan Scheuer's appointment to the Land Use Commission. He is deeply knowledgeable on land use issues across the state and has demonstrated outstanding personal and professional commitment to Hawaii's future.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: barbarapolk@hawaiiantel.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 7:40:56 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments: I am pleased to support the appointment of Jonathan Scheuer to the Land Use Commission. His extensive background in water management, land use, and Native Hawaiian cultural issues qualifies him to serve on this Board and balance the issues involved in determining land use in Hawaii. Please support the appointment of Mr. Scheuer to the Land Use Commission.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bdshafer@gmail.com
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 10:37:17 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Shafer	Individual	Support	No

Comments:

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From: [Bianca Isaki](#)
To: [WTLTestimony](#)
Subject: Support of GM 868, Nomination of Jonathan Scheuer as a Land Use Commissioner, to be heard on April 17, 2015 at 2:45 p.m. in Room 224
Date: Thursday, April 16, 2015 11:56:38 AM

Bianca Kai Isaki, Ph.D., Esq
1656 Kanalui Street
Honolulu, Hawai'i 96816
email: bianca@kahea.org

April 15, 2015

Senate Committee on Water and Land, Hawai'i State Legislature
State Capitol
Honolulu, Hawai'i 96813

Emailed to: WTLTestimony@capitol.hawaii.gov

RE: Support of GM 868, Nomination of Jonathan Scheuer as a Land Use Commissioner, to be heard on April 17, 2015 at 2:45 p.m. in Room 224

Aloha Chair Thielen, Vice Chair Galuteria, and Committee Members,

I write in strong support of GM 868 and urge you to recommend confirmation of Dr. Jonathan Likeke Scheuer for a full term on the State of Hawai'i Land Use Commission (LUC). Hawai'i is fortunate to have found a Land Use Commissioner candidate in Dr. Scheuer.

I first met Dr. Scheuer when I was conducting research for an environmental law book project. I interviewed him about conservation land transactions he oversaw as an Office of Hawaiian Affairs (OHA) administrator. Dr. Scheuer led land acquisitions of Waimea Valley (1,800 acres, O`ahu) and Wao Kele O Puna (25,856 acres, Hawai`i Island), which were complex real estate transactions involving multiple parties and leverage of OHA funds (\$4.2 million) with private and public funds and donations (over \$22 million). Dr. Scheuer then led the creation of OHA's Land Management division to manage these parcels and himself served as an executive administrator of Hi`ipaka LLC, which OHA established in 2007 to hold and manage Waimea Valley, O`ahu.

Dr. Scheuer later became a lecturer for a law school seminar on community-based environmental issues. He was an excellent educator in his own right and used his networks to bring appropriate speakers to address more specialized topics. The class was impressed with his facility with the issues raised by the case and the ways he was able to turn it into a skills-building exercise in the classroom. His ability to discuss complex issues with different audiences would be useful to the public decisionmaking functions of the LUC.

More recently, I conducted research under Dr. Scheuer on water policies in Keauhou aquifer on Hawai'i island in conjunction with his consultancy for the U.S. National Park Service (NPS). Dr. Scheuer was an impressive principle investigator. He was good at listening to other stakeholders and decisionmakers, which aided in his ability to quickly identify research questions and significant data. He was also consistent in his reliance on solid data and evidence-based research, and in displaying integrity in managing this contentious issue. These are highly desirable qualities in an LUC commissioner, who regularly direct staff to aid the LUC in providing information to aid in LUC decisionmaking.

Above all, Dr. Scheuer is a joy to work with. He is gracious, humorous, and always conducts himself with care. These traits and his land use policy and management expertise will be invaluable to the LUC. I strongly urge you to recommend confirmation of Dr. Scheuer's nomination to the LUC.

Yours,

Bianca Kai Isaki, Ph.D., Esq.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: palikea@hawaii.rr.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 5:27:21 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Lehuakona Isaacs Jr	Individual	Support	No

Comments: SUPPORT JONATHAN LIKEKE SCHEUER, PH.D. Jonathan has over 25 years experience in public policy and land and water management in the public, non-profit, and private sectors, in the Native Hawaiian and broader communities. Born and raised on O'ahu, he currently works as a sole proprietor consultant assisting clients by working with them to develop strategies designed to avoid, manage, and/or resolve deep and complex conflicts over the control and management of natural resources. He has been working extensively with the National Park Service on water policy issues, with the Department of Hawaiian Home Lands in developing its first policy on water since the passage of the Hawaiian Homes Commission Act in 1921, and has facilitated climate change related efforts. He also has been a lecturer and adjunct faculty member of the Department of Urban and Regional Planning and the William S. Richardson School of Law of the University of Hawai'i at M?noa. As a volunteer, he serves an interim member of the State Land Use Commission and as a Board member of the Hawaiian Islands Land Trust. He has also held positions with various organizations including OHA, the Nature Conservancy, the Hawai'i State Legislature, Kamehameha Schools (Endowment Group, Land Assets Division), the Hawai'i Department of Land and Natural Resources, the Hawai'i Conservation Alliance, and the Waipa Foundation. He has previously served on the boards of Malama Manoa and the O'ahu Land Trust and as a Kona Moku representative and the Vice Chair of the O'ahu Island Burial Council. His continuing education has been in leadership development, environmental policy and real estate acquisition, development, and management. He holds three degrees in Environmental Studies: a B.A. from the University of California, Santa Cruz (UCSC)(with honors), a Master's from the Yale University School of Forestry and Environmental Studies, and a Ph.D. from UCSC. He is a 1987 graduate of 'Iolani School.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: tina.aiu@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 3:32:22 PM
Attachments: [Testimony IN SUPPORT of GM 868.pdf](#)

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Christina Aiu	Individual	Support	No

Comments:

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Senate Committee on Water and Land
State Capitol
Honolulu, Hawaii 96813

RE: Support of GM 868, Nomination of Jonathan Scheuer as a Member, Land Use Commission to be heard on April 17, 2015 at 2:45 p.m. in Room 224

Aloha Chair Thielen, Vice Chair Galuteria, and Committee Members,

I am pleased to offer this testimony in strong support of Jonathan Scheuer's nomination to the Land Use Commission. Regrettably, I will not be able to be present at the hearing. My best to the Chair, the Vice-Chair and the members of the Committee.

I had the pleasure of working with Dr. Scheuer when I served as the Chief Executive Officer of the Office of Hawaiian Affairs (OHA). Dr. Scheuer was originally hired as a Policy Advocate but was eventually promoted to the head of our Land Program. Over the time that he worked for OHA, Dr. Scheuer was successful in implementing a number of significant changes. He worked at OHA at a time when the office was trying to settle the issue of back payments that were owed to OHA for the states use of ceded lands. Governor Lingle and Attorney General Mark Bennett were interested in transferring land to OHA to settle this dispute. This required a thorough analysis of property not only owned by the State of Hawaii, but, land which had the potential of generating additional revenue for OHA and the beneficiaries which they serve. Dr. Scheuer was instrumental in working with the Department of Land and Natural Resources in creating a list of candidate parcels for consideration by the OHA Trustees and the representatives of the State. At the time that this work was did, it required working with an inadequate automated data base of state parcels. Nonetheless, he was able to create a criteria for selecting the parcels and offered the Trustees and the State reasonable options to consider.

OHA has always been interested in acquiring real property as a way of addressing wrongs which were experienced by the Hawaiian people when their land was taken without consideration. As a state agency subject to the Prudent Investor statute, OHA needs to be diligent in utilizing a criteria for real estate acquisition which would not violate the law. Dr. Scheuer, working with an international expert on real estate acquisitions was able to develop a policy for acquiring real estate and participating in real estate developments. The policy which was developed was comprehensive and defined the role which OHA could play in real estate investments. In certain situations, such as the development of affordable housing opportunities, OHA could become a partner to certain developers. This policy has helped to lay the foundation for OHA's real estate acquisition strategy.

Dr. Scheuer is an expert on water rights in Hawaii. During his time at OHA he led the team which helped to litigate the water use issues involving Nā Wai Ehā on Maui. This case ultimately restored the stream flow of water to three significant waterways on Maui. Though we had hoped for a more ambitious outcome in terms of the amount of water which would be restored to the

streams, the case did result in the start of returning water to streams which were dry for many years. This was an incredible success for OHA, the Native Hawaiian community and the people of Hawaii.

Finally, during his time at OHA, Dr. Scheuer was instrumental in facilitating the first significant acquisition of real estate for OHA and the Native Hawaiian people. Thousands of acres of land at Wao Kele O Puna, Hawai'i Island were transferred to OHA. This involved creative financing through state and federal agencies and OHA. This was the site of a number of protest against geothermal energy in the 1970's. Not only was this the start of OHA's land portfolio, it also was extremely significant to the many Native Hawaiian's who were arrested for protesting the inappropriate use of this land. Dr. Scheuer was also the team leader in acquiring and administering the lands of Waimea Valley on O'ahu. This was another outstanding success.

Dr. Scheuer is smart and dedicated to serving the people of Hawaii in whatever capacity he is called upon to perform. I support his nomination because he has the skills and experience necessary to be an effective member of the Land Use Commission.

I regret not being unable to be present to provide this testimony. Dr. Scheuer is an outstanding advocate and would continue to be an outstanding member of the Land Use Commission. Please vote in favor his confirmation.

Aloha,

Clyde W. Namu'o
Former Chief Executive Officer
Office of Hawaiian Affairs

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: dalebonar@gmail.com
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Tuesday, April 14, 2015 4:23:18 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dale B. Bonar	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: dannygr@hawaiiantel.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 12:50:51 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Grantham	Individual	Support	No

Comments: BIOGRAPHY: JONATHAN LIKEKE SCHEUER, PH.D. Jonathan has over 25 years experience in public policy and land and water management in the public, non-profit, and private sectors, in the Native Hawaiian and broader communities. Born and raised on O’ahu, he currently works as a sole proprietor consultant assisting clients by working with them to develop strategies designed to avoid, manage, and/or resolve deep and complex conflicts over the control and management of natural resources. He has been working extensively with the National Park Service on water policy issues, with the Department of Hawaiian Home Lands in developing its first policy on water since the passage of the Hawaiian Homes Commission Act in 1921, and has facilitated climate change related efforts. He also has been a lecturer and adjunct faculty member of the Department of Urban and Regional Planning and the William S. Richardson School of Law of the University of Hawai’i at M?noa. As a volunteer, he serves an interim member of the State Land Use Commission and as a Board member of the Hawaiian Islands Land Trust. Prior to resuming his consulting practice five years ago, he worked for the Office of Hawaiian Affairs (OHA), a semi-autonomous agency of the state of Hawai’i dedicated to betterment of the conditions of Hawaiians. His work at OHA involved using real estate acquisition, management and policy advocacy as tools to protect the rights of Native Hawaiians and the health of Hawai’i’s lands and waters on which exercising these rights depend. He was the staff lead in managing the acquisitions of Waimea Valley (1,800 acres, O’ahu) and Wao Kele O Puna (25,856 acres, Hawai’i Island), complex real estate transactions involving multiple parties and significant leverage of OHA funds (\$4.2 Million) with private and public funds and donations (\$22+ Million). Following the acquisition of these parcels, he led the creation of OHA’s Land Management Hale (Division). In that capacity, he also served as one of the two managers of Hi’ipaka LLC, a Hawai’i Limited Liability Company established in 2007 by OHA to hold and manage Waimea Valley, O’ahu. He also led water advocacy efforts across the islands, and the technical and outreach portions of a proposed 2008 settlement over past due revenues from the Public Land Trust (“ceded” lands) due to OHA. He has also held positions with various organizations including the Nature Conservancy, the Hawai’i State Legislature, Kamehameha Schools (Endowment Group, Land Assets Division), the Hawai’i Department of Land and Natural Resources, the Hawai’i Conservation Alliance, and the Waipa

Foundation. He has previously served on the boards of Malama Manoa and the O'ahu Land Trust and as a Kona Moku representative and the Vice Chair of the O'ahu Island Burial Council. His continuing education has been in leadership development, environmental policy and real estate acquisition, development, and management. He holds three degrees in Environmental Studies: a B.A. from the University of California, Santa Cruz (UCSC)(with honors), a Master's from the Yale University School of Forestry and Environmental Studies, and a Ph.D. from UCSC. He is a 1987 graduate of 'Iolani School.

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April 15, 2015

Senate Committee on Water and Land
State Capitol
Honolulu, HI 96813

RE: Support of GM 868, Nomination of Jonathan Scheuer as a Member, Land Use Commission to be heard on April 17, 2015

Aloha Chair Thielen, Vice Chair Galuteria, and Committee Members,

Although I am unable to testify in person on April 17, 2015, I wanted to share with you my support of Jonathan Scheuer's nomination to the Land Use Commission.

I have known Jonathan for several years now serving with him on the O'ahu Island Burial Council. He has the skills necessary to be an effective member of the Land Use Commission. He has the proven ability to resolve long-standing conflicts in Hawaii objectively and passionately. Examples of his achievements include his significant role in resolving conflicts over water (in Na Wai Eha on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Muole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island).

He was an excellent leader in his role as Vice Chair while serving three years on the O'ahu Island Burial Council where developments were able to proceed while protecting burials. He is an articulate advocate of public trust interests in land and water, but also has a fair and balanced approach to his duties on the Land Use Commission.

Please vote in favor of Jonathan's confirmation to the Land Use Commission.

Mahalo,

A handwritten signature in cursive script, appearing to read "Danna Holck".

Danna Holck

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: theatacamakid@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 8:14:01 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
David Duffy	Individual	Support	No

Comments: Jonathan has the background and experience to make wise choices for Hawaii and to help us leave a legacy for our children. Please confirm him.

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From: [Terri Greenwell](#)
To: [WTLTestimony](#)
Subject: testimony from David Greenwell- Opposition against GM 868: Nomination of Jonathan Scheuer, Land Use Commission
Date: Thursday, April 16, 2015 11:34:34 AM

April 16, 2015

Honorable Senator Laura H. Thielen, Chair

Honorable Senator Brickwood Galuteria, Vice Chair

Committee on Water and Land

Hawaii State Capitol

415 South Beretania Honolulu, HI 96813

Via email: wlttestimony@capitol.hawaii.gov

Re: Opposition against GM 868: Nomination of Jonathan Scheuer, Land Use Commission

Dear Senators Thielen, Galuteria and Senate Members:

Aloha and thank you for the opportunity to voice my opinion on this nomination.

I am totally in opposition to Jonathan Scheuer's appointment to the Land Use Commission.

I was a County of Hawaii Water Board Member and have personally heard him give presentations representing the National Park System relating to the Keauhou Aquifer designation and I was not impressed. He tended to leave out important facts.

I feel he would be seen as biased when faced with issues on the Big Island and in the Kona area in particular, and it would definitely affect his effectiveness as a commissioner on the Land Use Commission.

I do not believe that he can be impartial or objective with decisions given external temptations. He absolutely has no experience and is unqualified in the business of being on the Land Use Commission.

Mahalo,

David Greenwell

P.O. Box 1964

Kamuela, HI. 96743

808-885-8038

From: [David Striph](#)
To: [WLTTestimony](#)
Subject: Support of GM 868, Nomination of Jonathan Scheuer as a Member, Land Use Commission to be heard on April 17, 2015 at 2:45 p.m. in Room 224
Date: Thursday, April 16, 2015 11:53:16 AM

Senate Committee on Water and Land
State Capitol
Honolulu, Hawaii 96813

Aloha Chair Thielen, Vice Chair Galuteria, and Committee Members,
I support Jonathan Scheuer's nomination to the Land Use Commission. I unfortunately, cannot offer testimony in person.

I have known Jonathan for about four years in his role on the Oahu Island Burial Council. I support Jonathan's nomination because he has the skills and experience necessary to be an effective member of the Land Use Commission. He has demonstrated success in resolving long standing conflicts in Hawai'i. This has included playing a significant role on resolving conflicts over water (in Na Wai Eha on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Muole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island). He showed excellent leadership while serving for three years on the O'ahu Island Burial Council, where developments were able to proceed while protecting burials. He is an articulate advocate of public trust interests in land and water, but also has a fair and balanced approach to his duties on the Land Use Commission.

Please vote in favor of Jonathan's confirmation to the Land Use Commission.

Mahalo,
David Striph

David M. Striph | Senior Vice President - Hawaii | The Howard Hughes Corporation
1240 Ala Moana Boulevard | Suite 200 | Honolulu, HI 96814
808.791.1858 direct | 808.591.8411 office | 808.352.6566 mobile | 808.792.3552 direct fax

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: DonnaBall7591@aol.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 3:42:18 PM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Ball	Individual	Support	No

Comments: I'm writing in support of Governor Ige's selection of Jonathan Scheuer to serve on the Land Use Commission. Mahalo, Donna Ball

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: pualeafarm@hawaiiintel.net
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 3:12:00 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Eloise Engman	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ev@kevcom.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 7:47:41 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Evan Tector	Individual	Comments Only	No

Comments: WTL Senators, I SUPPORT recommendation of GM 868: Jonathan Scheuer to serve on the Land Use Commission. He is professionally qualified and has deep experience dealing with resource management and public interest policy development. Thank you for your considerations.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: georgeandmary@mac.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 1:04:59 PM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
George Outlaw	Individual	Support	No

Comments: Aloha, This applicant has lived her values and would be an admirable addition to the State policy making body. I urge you to support a principled person who has walked the walk consistently throughout her life. The Star Advertiser quote below sums up the reasons: From an interview in a 2005 Honolulu Advertiser article: "I always wanted to do something good with my life and do something in public service. I'm very drawn to the mission of the Nature Conservancy because I think that native plants and animals are so fundamentally important. So I'm very passionate about our mission. And accomplishing it in Hawaii--I can't think of a better thing to do with my life than to help the Hawaii that gave me so much when I was growing up." "I think we grew up with a strong sense of civic duty. So however that is expressed, whether it be public service or private enterprise, it's about taking our community and our world and trying to make it a better place. I think it's a common value we have." What more could one ask of a person. Mahalo, George Outlaw

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: oluolu@maui.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 5:53:55 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Helen Nielsen	Individual	Support	No

Comments: I am writing in favor of the appointment of Jonathan Scheuer to the LUC. He will be continue to be an excellent member of this commission and it gives me great pleasure to offer my support for this appointment. He is fair, intelligent and a man of integrity. Please support Jonathan Scheuer for LUC.

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Cc: itierney@theyastudio.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 10:50:07 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Tierney	Individual	Support	No

Comments: Jonathan is highly qualified for his appointment. He has the experience, skills, and dedication to serve us well. He is knowledgeable about land and resource management issues in the islands having worked on these issues for decades. He is also respectful of the host culture and sensitive to protecting everyone's quality of life and those things that make Hawai'i unique.

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To: [WTLTestimony](#)
Cc: jamesakwon@gmail.com
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 8:04:38 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
James Kwon	Individual	Support	No

Comments:

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Cc: janet@hilt.org
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 11:34:08 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Britt	Individual	Support	No

Comments: I applaud your recommendation of Jonathan Scheuer for the Land Use Commission. I have worked with Jonathan for four years in my capacity as staff for the Hawaiian Islands Land Trust and there is no one who is more thoughtful and concerned about Land Use issues than Jonathan - nor more knowledgeable. He will be such an asset to the Commission. I fully support this nomination.

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Cc: palmtree7@earthlink.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 11:17:33 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments: Aloha, Mr Scheuer is a highly qualified and most desirable candidate for this position. His experience in land use-related matters is decades-long and clearly public-centric. His voice on the LUC will continue to be one of reason and balance, and we are most grateful to him for his perspective and for volunteering for this demanding and critical position. mahalo for supporting his nomination to the LUC. sincerely, janice palma-glennie kailua-kona

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To: [WTLTestimony](#)
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 9:00:52 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments: I strongly support Dr. Jonathan Likeke Scheuer for another term on the Land Use Commission. Dr. Scheuer is eminently qualified to be on the LUC as he has a B.A. and Ph.D. in Environmental Studies from the University of California, Santa Cruz, and a M.E.S. from Yale University, School of Forestry and Environmental Studies. He has worked on land conservation, real estate, and water management for the Office of Hawaiian Affairs, Kamehameha Schools, and the National Park Service. In addition to serving on the board of the Hawaiian Island Land Trust since its founding, he has served on other boards and was Vice Chair of the O`ahu Island Burial Council. I have known Dr. Scheuer for the last seven years starting when I attended my first land trust conference. I have found over the years that Dr. Scheuer is widely respected by many individuals and organizations with whom he has worked with. Our State is fortunate to have Dr. Scheuer's willingness to volunteer to serve on the most important Board in the State. Mahalo.

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To: [WTLTestimony](#)
Cc: zimpfer@hawaii.edu
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 5:27:18 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
jeff zimpfer	Individual	Support	No

Comments: Aloha Chair Thielen, Vice Chair Galuteria, and Committee Members: I support Dr. Scheuer's nomination to the Land Use Commission. I will not be offering testimony in person. I have known Jonathan for four years through his work for the National Park Service in Kona. I support Jonathan's nomination because he has the skills and experience necessary to be an effective member of the Land Use Commission. He has demonstrated success in resolving long standing conflicts in Hawai'i. This has included playing a significant role on resolving conflicts over water (in Na Wai Eha on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Muole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island). He showed excellent leadership while serving for three years on the O'ahu Island Burial Council, where developments were able to proceed while protecting burials. He is an articulate advocate of public trust interests in land and water, but also has a fair and balanced approach to his duties on the Land Use Commission. Please vote in favor of Jonathan's confirmation to the Land Use Commission. Mahalo, Jeff Zimpfer 75-6060 Kuakini Kailua Kona

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To: [WTLTestimony](#)
Cc: drjlam@aol.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 7:13:22 AM
Attachments: [Jonathan Scheuer 2015.docx](#)

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
jerry lam	Individual	Support	No

Comments:

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Re: GM 868 April 15, 2015

Testimony in Support of Johnathan Scheuer for nomination to the Land Use Commission

Dear Senators,

I strongly support the nomination of Johnathan Scheuer to the Land Use Commission! I have known Jonathan for over 25 years. We have served together on the Board of Directors of Malama Manoa. He has assisted us with our 1000 Tree Giveaway. He is conscientious, competent and passionate about protecting the environment in our State. He has worked on the preservation, improvement and maintenance of Manoa Stream and the stream bank. He will be a dedicated committee member who is sincere, insightful and knowledgeable. He will be a welcome addition to the Commission with his vast experience dealing with land and water issues.

He has also held positions with various organizations including the Nature Conservancy, the Hawai'i State Legislature, Kamehameha Schools (Endowment Group, Land Assets Division), the Hawai'i Department of Land and Natural Resources, the Hawai'i Conservation Alliance, and the Waipa Foundation. He has previously served on the boards of the O'ahu Land Trust and as a Kona Moku representative and the Vice Chair of the O'ahu Island Burial Council.

His continuing education has been in leadership development, environmental policy and real estate acquisition, development, and management. He holds three degrees in Environmental Studies: a B.A. from the University of California, Santa Cruz (UCSC)(with honors), a Master's from the Yale University School of Forestry and Environmental Studies, and a Ph.D. from UCSC. He is a 1987 graduate of 'Iolani School.

I recommend Jonathan highly and hope you will see fit to support his nomination!
Sincerely,

Jeremy Lam, M.D.
2230 Kamehameha Avenue
Honolulu, HI 969822
drjlam@aol.com

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: qwavesjoe@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 12:44:33 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Joe Wilson	Individual	Support	No

Comments: Dear Members of the Senate Committee on Water and Land: I am writing in support of GM 868 and the nomination of Jonathan Scheuer as a Member of the Hawai'i State Land Use Commission. While Dr. Scheuer's education, work, and community service experience make him eminently qualified for this position, it was my observation of him in his role as Vice Chair of the O'ahu Island Burial Council that compels me to write. As a producer for PBS and Pacific Islanders in Communications, I attended and recorded countless hours of Burial Council meetings throughout 2012-13 while making a documentary film called "Kumu Hina," whose protagonist, Hina Wong-Kalu, is the Council's Chair. Many serious and contentious issues came before the Council during this period, including major development projects on the grounds of Kawaiahao Church, in Ward Village and Kakaako, and along the Honolulu Rail route. Regardless of the location or the players involved, it was Dr. Scheuer who would bring knowledge, reason, and equanimity to the discussions, and sometimes heated debates, ensuring that the process moved forward toward an outcome that seemed right, and fair, to all parties. His presence on the Hawai'i State Land Use Commission would give me great confidence that the vitally important decisions being made on land use management and regulation in Hawai'i would receive similar consideration. I hope Dr. Scheuer will have your support. Thank you, Joe Wilson 58-125 Iwia Place Haleiwa, HI 96712

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Cc: kalepa@maui.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 7:57:08 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Starr	Individual	Support	No

Comments: Please support advise & consent for Jonathan Scheuer. He is an excellent choice, and his service on LUC to date has shown his knowledge and fairness related to Hawaii's land use issues. Aloha, Jonathan Starr Kaupo, Maui

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Cc: ahmai@hawaii.rr.com
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 3:34:38 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Ah Mai	Individual	Support	No

Comments:

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Cc: Karen@RedwoodGames.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 3:13:47 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Chun	Individual	Support	No

Comments: Mr. Scheuer is balanced and experienced having served on the Oahu Burial Council and having a deep understanding of the Public Trust laws. He'll be an informed LUC member who will uphold the land use laws.

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Cc: 2kalkout@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 4:52:30 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth A Likout	Individual	Support	No

Comments: Jonathan Scheuer should be confirmed to serve on the Land Use Commission. With over 25 years experience in public policy and land and water management in the public, non-profit, and private sectors, in the Native Hawaiian and broader communities. He certainly has the experience to prove he would be a great asset the Land Use Commision. Mahalo Nui,

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Cc: koalanik@oha.org
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 9:05:35 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Koalani Kaulukukui	Individual	Support	No

Comments:

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To: [WTLTestimony](#)
Cc: lfstevens@earthlink.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 8:18:15 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Stevens	Individual	Support	No

Comments: I support the nomination of Jonathan Scheuer. He has committed many hours of time and expertise to helping protect Hawaii's land and people. He has shown good judgment and the ability to work collaboratively with others in all my encounters with him.

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Cc: lberthold@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 10:50:50 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Berthold	Individual	Support	No

Comments: I support the nomination of Jonathan Likeke Scheur. He has the ability to do this position well. He has the necessary experience, skills, and dedication.

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Cc: Leimana.K.Damate@hawaii.gov
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 2:00:17 PM
Attachments: [Testimony_LDaMate GM 868 JScheuer.docx](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Leimana DaMate	Individual	Support	No

Comments:

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Testimony of Leimana DaMate

Before the Senate Committee on WATER AND LAND

Friday, April 17, 2015

2:45 p.m.

State Capitol, Conference Room 224

Governor's Message No. 868

**Submitting for Consideration and Confirmation to the Land Use Commission,
Gubernatorial Nominee, Jonathan Scheuer, for a term to expire 6-30-16.**

Jonathan Scheuer has long been active in the protection and preservation of Hawai'i's pristine ecosystem and environment. As such, he has been a staunch defender of watersheds, natural areas, coastal areas, beaches and ocean access. He also understands the importance of economics and how it must be balanced in the decisions of how land in Hawaii should be used. I have found him to be a man of integrity as we worked on water issues for the Dept. of Hawaiian Home Lands.

She is well suited to be a member of the Land Use Commission and I strongly support his confirmation.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: lindalegrande2243@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 10:42:22 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Legrande	Individual	Support	No

Comments: I worked closely with Jonathan for the Manoa community and Malama Manoa for many years. He is a dedicated individual and his resume speaks to that. He has over 25 years experience in public policy and land and water management in the public, non-profit, and private sectors, in the Native Hawaiian and broader communities. Born and raised on O'ahu, he currently works as a sole proprietor consultant assisting clients by working with them to develop strategies designed to avoid, manage, and/or resolve deep and complex conflicts over the control and management of natural resources. He has been working extensively with the National Park Service on water policy issues, with the Department of Hawaiian Home Lands in developing its first policy on water since the passage of the Hawaiian Homes Commission Act in 1921, and has facilitated climate change related efforts. He also has been a lecturer and adjunct faculty member of the Department of Urban and Regional Planning and the William S. Richardson School of Law of the University of Hawai'i at Manoa. As a volunteer, he serves an interim member of the State Land Use Commission and as a Board member of the Hawaiian Islands Land Trust. Prior to resuming his consulting practice five years ago, he worked for the Office of Hawaiian Affairs (OHA), a semi-autonomous agency of the state of Hawai'i dedicated to betterment of the conditions of Hawaiians. His work at OHA involved using real estate acquisition, management and policy advocacy as tools to protect the rights of Native Hawaiians and the health of Hawai'i's lands and waters on which exercising these rights depend. He was the staff lead in managing the acquisitions of Waimea Valley (1,800 acres, O'ahu) and Wao Kele O Puna (25,856 acres, Hawai'i Island), complex real estate transactions involving multiple parties and significant leverage of OHA funds (\$4.2 Million) with private and public funds and donations (\$22+ Million). Following the acquisition of these parcels, he led the creation of OHA's Land Management Hale (Division). In that capacity, he also served as one of the two managers of Hi'ipaka LLC, a Hawai'i Limited Liability Company established in 2007 by OHA to hold and manage Waimea Valley, O'ahu. He also led water advocacy efforts across the islands, and the technical and outreach portions of a proposed 2008 settlement over past due revenues from the Public Land Trust ("ceded" lands) due to OHA. He has also held positions with various organizations including the Nature Conservancy, the Hawai'i State Legislature, Kamehameha Schools (Endowment Group, Land Assets Division), the Hawai'i Department of Land

and Natural Resources, the Hawai`i Conservation Alliance, and the Waipa Foundation. He has previously served on the boards of Malama Manoa and the O`ahu Land Trust and as a Kona Moku representative and the Vice Chair of the O`ahu Island Burial Council. His continuing education has been in leadership development, environmental policy and real estate acquisition, development, and management. He holds three degrees in Environmental Studies: a B.A. from the University of California, Santa Cruz (UCSC)(with honors), a Master's from the Yale University School of Forestry and Environmental Studies, and a Ph.D. from UCSC. He is a 1987 graduate of 'Iolani School. We would be foolish not to have this individual serve our State on the Land Use Committee. Thank you for this opportunity to give testimony in STRONG support of Mr. Scheuer. Linda Legrande

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Cc: linpaul@aloha.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 1:20:20 PM
Attachments: [GM 868 Jonathan Scheuer testimony.doc](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Paul	Individual	Support	No

Comments: I support the confirmation of Jonathan Scheuer to the Land Use Commission

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THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON WATER AND LAND
Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

Friday, April 17, 2015
2:45 p.m., Conference Room 224, State Capitol

GM 868 Submitting for consideration and confirmation to the Land Use Commission,
Gubernatorial Nominee JONATHAN SCHEEUER

My name is Linda Paul and I am testifying in SUPPORT of the confirmation of
JONATHAN SCHEUER to the Land Use Commission.

Dr. Scheuer has experience in both land acquisitions and working with the Oahu Land Trust, the State Legislature, the Department of Land & Natural Resources, the Hawai'i Conservation Alliance, Malama Manoa, the Oahu Island Burial Council, the Nature Conservancy, public and non-profit organizations, and communities on public policy, land and water management. He has taught Urban and Regional Planning at the University of Hawaii, holds a Master's degree in Forestry and Environmental Studies from Yale University and a Ph.D from the University of California, Santa Cruz.

Please confirm his appointment to the Land Use Commission.

Thank you,
Linda Paul Esq.
808-262-6859

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: laluz@maui.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Tuesday, April 14, 2015 6:38:27 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
lucienne de naie	Individual	Support	No

Comments: Aloha Chair Thielen and WTL Committee Members Please support The confirmation of Jonathan Scheuer as a Member of the State Land Use Commission. Jonathan is very well qualified for this important responsibility. Jonathan has been diligent in reviewing materials during his interim term on the LUC and has offered thoughtful comments. His background in land use management and his past service on other organizations and agencies give him a well rounded perspective that will benefit the Land Use Commission in its work. Mahalo for your consideration of this nomination Lucienne de Naie

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kaleo.manuel@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 4:40:28 PM
Attachments: [GM 868 -Testimony In Support of Jonathan Scheuer to LUC - Marvin Kaleo Manuel.pdf](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Marvin Kaleo Manuel	Individual	Support	No

Comments:

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Marvin Kaleo Manuel
2440 Campus Rd. #552
Honolulu, HI 96822

**Testimony of Marvin Kaleo Manuel
IN STRONG SUPPORT of GM868, Nomination of
Jonathan Scheuer as a Member, Land Use Commission
Before the Senate Committee on Water and Land
April 17, 2015
2:45 p.m. – Room 224**

Aloha Chair Thielen, Vice Chair Galuteria, and Committee Members,

I strongly support Jonathan Scheuer's nomination to the Land Use Commission. I am testifying as an individual and do not represent any other organization. I will not be offering testimony in person.

I have known Mr. Scheuer for almost ten years in multiple capacities. He was a former teacher of mine at the University of Hawai'i at Mānoa, Department of Urban and Regional Planning where he taught Environmental Planning. Also, over the past four years I had the privilege to work closely with Mr. Scheuer in my professional capacity as a planner for the State of Hawai'i Department of Hawaiian Home Lands. As an environmental and land use planner, I believe that Mr. Scheuer, through his academic background and career experiences, has adequate knowledge and understanding related to environmental and land use planning and law; a skillset that is necessary to be an effective member of the Land Use Commission.

Mr. Scheuer has also demonstrated success in resolving long standing conflicts in Hawai'i. This has included playing a significant role on resolving conflicts over water (in Nā Wai 'Ehā on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Mūole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island). He displayed excellent leadership while serving for three years on the O'ahu Island Burial Council, where development was able to proceed while protecting and honoring burials and the wishes of cultural and lineal descendants. As a current interim member of the Land Use Commission, he is an articulate advocate of public trust interests in land and water, but also has a fair and balanced approach to his duties.

Hawai'i was the first state to establish a framework of land use and regulation in the nation. As such, Hawai'i needs individuals like Mr. Scheuer who have the passion and experience to continue to lead Hawai'i into the future.

I humbly ask that you vote in favor of Mr. Scheuer's confirmation to the Land Use Commission.

From: [Matt McDermott](#)
To: [WTLTestimony](#)
Subject: Support of GM 868, Nomination of Jonathan Scheuer as a Member, Land Use Commission to be heard on April 17, 2015 at 2:45 p.m. in Room 224
Date: Tuesday, April 14, 2015 3:55:43 PM

Senate Committee on Water and Land
State Capitol
Honolulu, Hawaii 96813

Aloha Chair Thielen, Vice Chair Galuteria, and Senate Committee Members,

It is my pleasure to write in support Jonathan Scheuer's nomination to the Land Use Commission. I will not be offering testimony in person.

I have known Jonathan for three or four years. During this time we interacted at least monthly at the O'ahu Island Burial Council (OIBC), where Jonathan was both the Vice-Chairperson and the Kona District Representative. He showed excellent leadership while serving on the OIBC, often providing procedural guidance. He always had a clear understanding of the issues and his legal background was a boon to the OIBC. Jonathan always could be counted on to ask the difficult questions, fostering the important discussion that was needed to arrive at appropriate resolution of issues. Jonathan's tenure with the OIBC corresponded with long discussion among the OIBC, recognized Native Hawaiian cultural descendants, and HART regarding burial treatment issues and HART's Native Hawaiian cultural monitoring program. Jonathan's leadership in the this discussion definitely facilitated resolution.

I support Jonathan's nomination because he has the skills and experience necessary to be an effective member of the Land Use Commission. He has demonstrated success in resolving long standing conflicts in Hawai'i. This has included playing a significant role on resolving conflicts over water (in Na Wai Eha on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Muole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island). He is an articulate advocate of public trust interests in land and water, but also has a fair and balanced approach to his duties on the Land Use Commission.

Jonathan has always shown his willingness to roll up his sleeves and get to work on what needs to be done. He works well with groups with diverse viewpoints. Please vote in favor of Jonathan's confirmation to the Land Use Commission.

Sincerely,

Matt McDermott, MA
Projects Manager
Cultural Surveys Hawaii, Inc.
P.O. Box 1114, Kailua, HI 96734
Office (808) 262-9972
Cell (808) 754-8852
mmcdermott@culturalsurveys.com

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: miwa.tamanaha@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 7:56:38 PM
Attachments: [Testimony on GM868 JScheuer to LUC 04.15.15.pdf](#)

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Miwa Tamanaha	Individual	Support	No

Comments:

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Testimony on **GM785**: Consideration and confirmation to the Land Use Commission,
Gubernatorial Nominee, JONATHAN SCHEUER

April 15, 2015

Aloha e Members of the Committee and Water Land,

I am writing today to express my **strong support for confirmation of Jonathan Scheuer to the Land Use Commission**. In addition to his impressive credentials, I know Jonathan personally to be an incredibly thoughtful individual – adept at building collaboration and with a keen ability to navigate complicated and nuanced issues.

I endorse Jonathan as an individual whose vision for the future of Hawai‘i is guided by a deep love and aloha for this place and its people.

Mahalo for your consideration of this testimony.

A handwritten signature in black ink, appearing to read 'Miwa Tamanaha', with a long horizontal flourish extending to the right.

Miwa Tamanaha
Waipahu, HI 96797

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: nanihawaii@aol.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 12:49:58 PM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
nani pogline	Individual	Oppose	No

Comments: I oppose the nomination of Suzanne Case for Director of the DLNR, and Jonothan Scheuer for LUC. These come from a history of extreme special interest, and are not experienced in serving the general public. These oppose the continued existence of game animals, the historical and cultural interest of hunters, and those who depend on these natural resource.

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Cc: 808nateyuen@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 12:02:57 PM
Attachments: [Testimony Supporting GM868 Jonathan Scheuer.pdf](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Support	No

Comments: I support the nomination of Jonathan Scheuer to the Land Use Commission

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Testimony in Support of GM868

Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee,
JONATHAN SCHEUER, for a term to expire 6-30-2016.

Dear Senators Laura Thielen and Brickwood Galuteria,

I support the nomination of Jonathan Scheurer to the Land Use Commission.

For the past 18 years I have been hiking to remote parts of the Hawaii to photograph the native plants and animals in the Hawaiian Islands. I have a blog – HawaiianForest.Com which documents some of the rarest and most endangered species in Hawaii.

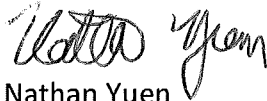
I know Jonathan Scheurer from his work as a consultant on water resource management issues concerning the Keauhou aquifer and from his work as deputy director of water resources for the Department of Land and Natural Resources.

A review of Jonathan Scheurer's resume reveals that he has a Ph.D. in Environmental Studies, was director of OHA's Land Management Division, and taught graduate students at the University of Hawaii in Urban and Regional Planning.

The role of the Land Use Commission is to establish a framework for land use management and regulation by classifying land into one of four districts: urban, rural, agriculture and conservation – a task that Jonathan Scheurer is well qualified to perform.

I support the appointment of Jonathan Scheurer to the Land Use Commission and urge you to confirm his nomination.

Respectfully yours,



Nathan Yuen

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: npuniwai@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 10:13:24 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Noelani Puniwai	Individual	Support	No

Comments: I support the nomination of Jonathan Scheuer. He has the skills, training, and dedication to Hawaii's natural resources to fulfill this position.

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Cc: paahana@hawaii.edu
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Thursday, April 16, 2015 9:44:45 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Paahana Kincaid	Individual	Support	No

Comments:

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Cc: pbunn@ahfi.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 2:01:40 PM
Attachments: [GM868 Test.pdf](#)

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Bunn	Individual	Support	No

Comments:

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Pamela W. Bunn
41-027 Hilu Street
Waimanalo, Hawai'i 96795

April 16, 2015

Senate Committee on Water and Land
State Capitol
Honolulu, Hawai'i 96813

Re: Support of GM 868, Nomination of Jonathan Scheuer as a Member of the Land Use Commission, to be heard on April 17, 2015 at 2:45 in Room 224

Aloha Chair Thielen, Vice Chair Galuteria, and Committee Members,

I write in strong support of Jonathan Scheuer's nomination to the Land Use Commission.

I have known Jonathan for more than ten years, first in a professional capacity and then as a friend, and I believe his experience, skills, and temperament make him ideally qualified to serve on the Land Use Commission.

Jonathan's keen intellect and natural leadership abilities have contributed to his demonstrated success at bringing resolution to a myriad of previously intractable conflicts. Equally important, though, is his collaborative style. That combination of attributes is what made Jonathan so effective on the Oahu Island Burial Council where, during his tenure, developments were allowed to proceed and burials were protected.

I have no doubt that Jonathan will continue to be equally effective on the Land Use Commission and urge you to vote in favor of his confirmation.

Thank you for the opportunity to testify.

Sincerely,



Pamela W. Bunn

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To: [WTLTestimony](#)
Cc: pennysfh@hawaii.rr.com
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Tuesday, April 14, 2015 9:07:51 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
penny levin	Individual	Support	No

Comments:

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Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Tuesday, April 14, 2015 1:48:30 PM

GM868

Submitted on: 4/14/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Randal Bartlett	Individual	Support	No

Comments:

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To: [WTLTestimony](#)
Cc: makikirandy@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 5:33:02 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Ching	Individual	Support	No

Comments: Please appoint Jonathan Scheuer to the LUC. He has experience in land management and cares deeply for the aina. Mahalo.

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Cc: reginak@hawaii.edu
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 11:26:44 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Regina K. Kawamoto	Individual	Comments Only	No

Comments: I wholeheartedly support the selection of Jonathan Scheuer to serve on the Land Use Commission. Jonathan Scheuer's background (being born and raised in Hawaii) shows that he cares for Hawaii's native ecosystems. His background in policies and science will help him as he collaborates with various groups, agencies and individuals keep our ecosystems healthy and unique

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Date: Thursday, April 16, 2015 11:16:15 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Spacer	Individual	Support	No

Comments: Aloha: I SUPPORT the nomination of Jonathan Scheur to serve on the Land Use Commission. Richard Spacer Kauai

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To: [WTLTestimony](#)
Cc: frwvolcano@hotmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 2:37:51 PM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Warshauer	Individual	Support	No

Comments: I strongly support this nominee for the LUC.

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Cc: scott@aloha.net
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 7:25:18 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Individual	Support	No

Comments:

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To: [WTLTestimony](#)
Cc: shaelene@hawaii.edu
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 8:42:19 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shaelene Kamakaala	Individual	Support	No

Comments:

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Cc: shannonkona@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 6:14:34 AM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Support

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To: [WTLTestimony](#)
Cc: suzannehammer@mac.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 9:14:31 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
suzanne hammer	Individual	Support	No

Comments: strongly support this candidate aloha Suzanne

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To: [WTLTestimony](#)
Cc: thomas.brennon@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 8:38:18 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Brennon	Individual	Comments Only	No

Comments: I support Johnathan Scheruer.

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To: [WTLTestimony](#)
Cc: thorneabbott@yahoo.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 6:51:51 PM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Thorne Abbott	Individual	Support	No

Comments: I fully support the nomination of Mr. Scheuer. I am a member of the Hawaii Audubon Society's Board of Directors, and while not speaking for the society as a whole (which has over 2000 members) due to time constraints, the Society recognizes the importance of retaining customary and traditional access to shoreline areas and valued natural and cultural resources. For this reason, Mr. Scheuer would bring a valuable perspective to the decision making of the Land Use Commission. Thus, I fully support the nomination. Mahalo for your consideration!

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To: [WTLTestimony](#)
Cc: tia.pearson@gmail.com
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 10:26:53 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
tia pearson	Individual	Support	No

Comments: I support Jonathan Scheuer to serve on the Land Use Commission.

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Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 6:53:05 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments: Aloha, here is Jonathan's bio: (which shows he has all the skills necessary for the LUC) Jonathan has over 25 years experience in public policy and land and water management in the public, non-profit, and private sectors, in the Native Hawaiian and broader communities. Born and raised on O'ahu, he currently works as a sole proprietor consultant assisting clients by working with them to develop strategies designed to avoid, manage, and/or resolve deep and complex conflicts over the control and management of natural resources. He has been working extensively with the National Park Service on water policy issues, with the Department of Hawaiian Home Lands in developing its first policy on water since the passage of the Hawaiian Homes Commission Act in 1921, and has facilitated climate change related efforts. He also has been a lecturer and adjunct faculty member of the Department of Urban and Regional Planning and the William S. Richardson School of Law of the University of Hawai'i at M?noa. As a volunteer, he serves an interim member of the State Land Use Commission and as a Board member of the Hawaiian Islands Land Trust. Prior to resuming his consulting practice five years ago, he worked for the Office of Hawaiian Affairs (OHA), a semi-autonomous agency of the state of Hawai'i dedicated to betterment of the conditions of Hawaiians. His work at OHA involved using real estate acquisition, management and policy advocacy as tools to protect the rights of Native Hawaiians and the health of Hawai'i's lands and waters on which exercising these rights depend. He was the staff lead in managing the acquisitions of Waimea Valley (1,800 acres, O'ahu) and Wao Kele O Puna (25,856 acres, Hawai'i Island), complex real estate transactions involving multiple parties and significant leverage of OHA funds (\$4.2 Million) with private and public funds and donations (\$22+ Million). Following the acquisition of these parcels, he led the creation of OHA's Land Management Hale (Division). In that capacity, he also served as one of the two managers of Hi'ipaka LLC, a Hawai'i Limited Liability Company established in 2007 by OHA to hold and manage Waimea Valley, O'ahu. He also led water advocacy efforts across the islands, and the technical and outreach portions of a proposed 2008 settlement over past due revenues from the Public Land Trust ("ceded" lands) due to OHA. He has also held positions with various organizations including the Nature Conservancy, the Hawai'i State Legislature, Kamehameha Schools (Endowment Group, Land Assets Division), the Hawai'i Department of Land and Natural Resources, the Hawai'i Conservation

Alliance, and the Waipa Foundation. He has previously served on the boards of Malama Manoa and the O'ahu Land Trust and as a Kona Moku representative and the Vice Chair of the O'ahu Island Burial Council. His continuing education has been in leadership development, environmental policy and real estate acquisition, development, and management. He holds three degrees in Environmental Studies: a B.A. from the University of California, Santa Cruz (UCSC)(with honors), a Master's from the Yale University School of Forestry and Environmental Studies, and a Ph.D. from UCSC. He is a 1987 graduate of 'Iolani School. Mahalo for your consideration...

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Cc: robert.retherford@hawaiiantel.net
Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Wednesday, April 15, 2015 2:41:00 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ursua Retherford	Individual	Support	No

Comments: Jonathan Scheuer's educational background and vast experience working with the community, public and non profit organizations on land use related issues make him an appropriate and excellent nominee for member of the Land Use Commission. He will represent the public interest well and I urge your support for his nomination. Thank you. Ursula Retherford

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Subject: Submitted testimony for GM868 on Apr 17, 2015 14:45PM
Date: Thursday, April 16, 2015 10:14:49 AM

GM868

Submitted on: 4/16/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Vernon Hinsvark	Individual	Support	No

Comments: Jonathan Scheuer is a great appointment. Please pass GM868.

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Cc: vsc@hawaiiantel.net
Subject: *Submitted testimony for GM868 on Apr 17, 2015 14:45PM*
Date: Wednesday, April 15, 2015 4:45:51 PM

GM868

Submitted on: 4/15/2015

Testimony for WTL on Apr 17, 2015 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Cannon	Individual	Support	No

Comments:

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GM868

Submitted on: 4/15/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Takamine	Individual	Support	No

Comments: I worked with Jonathan Scheuer when he was a participant representing OHA during the creation of the Kaka'ako Makai Vision and Guiding Principles and the creation of the Kaka'ako Makai Master Planning approval by HCDA. I wish Mr. Scheuer well as a LUC board member. Respectfully, Wayne Takamine Kaka'ako Makai CAPC Honolulu

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