



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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AMENDED

Statement of
Luis P. Salaveria
Director
Department of Business, Economic Development and Tourism

Before the
Senate Committee on Water and Land
Tuesday, August 29, 2017
2:00 PM
State Capitol, Conference Room 224

In consideration of

GM26
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE,
GARY OKUDA,
FOR A TERM TO EXPIRE 06-30-2021.

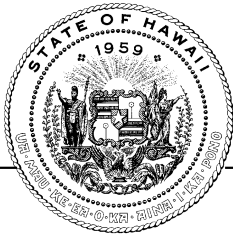
Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Water and Land.

The Department of Business, Economic Development and Tourism respectfully requests that this Committee favorably consider the re-appointment of Gary Okuda to serve as a commissioner for a term to expire on June 30, 2021. Mr. Okuda currently serves as an At-Large member on the Commission.

Mr. Okuda has served admirably on the Commission, working hard and providing significant input. His legal experience has provided valuable insight into land use law rulings and procedural matters. Mr. Okuda is diligent in his preparation and independent in his analysis. He is a valuable addition to the Commission.

For these reasons, we respectfully ask for your favorable consideration of Mr. Okuda's re-appointment to serve as an At-Large Commissioner on the Land Use Commission.

Thank you for the opportunity to testify on this matter.



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STATE OF HAWAII**

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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

Statement of
LEO R. ASUNCION
Director, Office of Planning

before the
SENATE COMMITTEE ON WATER AND LAND

Tuesday, August 29, 2017
2:00 PM
State Capitol, Conference Room 224
in consideration of

Governor's Message (GM) 26

Chair Rhodes, Vice Chair Gabbard, and Members of the Senate Committee on Water and Land.

I strongly support Governor David Y. Ige's nomination of Mr. Gary Okuda to serve as a member of the Land Use Commission.

Mr. Okuda's background as an attorney in private practice in the area of property law will serve him well as a member of the Land Use Commission.

I have personally known Mr. Okuda, for over 20 years, and his diligent work as an attorney, attention to detail, and advocate for his client(s) have always been an asset, and he continues to demonstrate the highest level of professionalism. Mr. Okuda has gained my trust as someone that will always uphold the highest levels of leadership, and there is no question that he will greatly contribute to the deliberations and discussion of the Land Use Commission on matters presented to the body.

I respectfully encourage the Committee to advise and consent to the nomination of Mr. Okuda as a member of the Land Use Commission.

Thank you for the opportunity to provide testimony on GM 26.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



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

DANIEL E. 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
Tuesday August 29, 2017
2:00 PM
State Capitol, Conference Room 224

In consideration of

GM26
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE,
GARY OKUDA,
for a term to expire 06-30-2021

Chair Rhoads, Vice Chair Gabbard, and members of the Committee on Water and Land:

My name is Daniel Orodenker, and I am the Executive Officer of the Land Use Commission (LUC). I am here to respectfully request that this Committee favorably consider the re-appointment of Gary Okuda to serve as a commissioner for a term to expire on June 30, 2021. Mr. Okuda serves as an At-Large member on the Commission.

Mr Okuda has been a welcome addition to the Commission. His experience in land use law in his private practice as well as with agricultural issues in his time as a lecturer for the College of Tropical Agriculture provide an inciteful understanding of the issues before the Commission. Mr. Okuda is hard working and independent and often develops a complete legal and policy picture for the Commission. His legal experience and diverse perspective are valuable to the Commission in technical and substantive matters.

For these reasons, we respectfully ask for your favorable consideration of Mr. Okuda's re-appointment to serve as an At-Large Commissioner on the Land Use Commission.

Thank you for the opportunity to testify on this matter.

August 28, 2017

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

RE: GM26, Support for the Nomination of Gary Okuda to the Land Use Commission (LUC)

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members,

My name is Jonathan Likeke Scheuer. I am a member and Vice Chair of the LUC, but offer this testimony in personal capacity. It has been my pleasure to serve with Mr. Okuda since his appointment to the LUC in April 2017.

During our tenure together, Gary has been a diligent and thoughtful member of the Commission. He has been an active participant in both examination of witnesses and in deliberations. I encourage you to recommend the Senate Advise and Consent to this nomination.

Mahalo for your consideration of my mana`o.

Jonathan Likeke Scheuer, Ph.D.



August 28, 2017

State of Hawaii

Senate Water and Land Committee

Testimony of Danna Holck, Vice President & General Manager of Turtle Bay Resort

Governor's Message GM26

Gubernatorial Nominee Gary Y. Okuda

Land Use Commission

The Honorable Chairman Karl Rhoads and Members of the Committee:

I strongly support the nomination of Gary Y. Okuda for appointment to the State of Hawai'i Land Use Commission. His love for Hawaii and respect for our land will contribute greatly to the intent of the Land Use Commission.

I have known Mr. Okuda (Gary) for over 50 years. We grew up together in Kailua attending the same public schools, living in the same Coconut Grove community, and learning from our parents by the same high ethical and moral standards of any local family. Once graduating from the University of Hawai'i and later receiving his law degree from the University of California Davis, he returned home to practice law and give back to the place he will always call home.

Like me, his mainland college experience taught him to have an even greater appreciation for our land, our people, and our culture. It is to be treasured and respected. Gary is committed to ensure that future generations are able to enjoy the same things in life that have made Hawai'i Hawai'i. Beyond special. A precious place to be preserved and appreciated for all generations to come.

I believe Gary is one of the most pono people I know. He is forthright and fair. He will listen intently to all testimony before taking a stand. He is logical and unbiased. He is unwavering in his integrity and his position on what is right.

Gary understands the need for education and training to cultivate our lands and make Hawai'i more sustainable. He also respects and abides by the procedures, processes and legal regulations without hesitation. He will take his role on the Land Use Commission with great pride and he will uphold his commitment to Hawaii's future.

I respectfully ask that Gary Y. Okuda's nomination receive the consent of your committee. I appreciate the opportunity to provide comments on Mr. Okuda's nomination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Danna Holck". The signature is fluid and cursive, with a long horizontal stroke at the end.

Danna Holck
Vice President & General Manager

TAKUSHI WONG LEE  **YEE**
A LAW CORPORATION

DAVIES PACIFIC CENTER
841 BISHOP STREET, SUITE 925
HONOLULU, HAWAII 96813
PHONE: (808) 543-9800
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DICKSON C. H. LEE
email: lee@twly.org

JAMES N. H. YEE
email: yee@twly.org

ALFRED M. K. WONG
(retired)

ROY E. TAKUSHI
(1927 - 2004)

August 28, 2017

E-Mail: <WTLTestimony@capitol.hawaii.gov>

Senator Karl Rhoads, Chair
Senate Committee on Water, Land and Agriculture
Senate District 13
Hawaii State Capitol, Room 224
Honolulu, Hawaii 96813

Reference: Written Testimony in Support of the
Confirmation of the Appointment of Gary Y. Okuda
as a Member of the Land Use Commission

Hearing Date and Time: August 29, 2017 at 2:00 p.m.

Honorable Chair Rhoads and Members of the Senate Committee on Water, Land and Agriculture:

This written testimony is submitted in support of the confirmation of the appointment of Gary Y. Okuda as a member of the Land Use Committee. I am a resident of Senate District 13. I have known Gary on a professional basis for over 37 years and have personal knowledge of the matters set forth below.

Gary is not a flamboyant person and shuns the limelight. If one were to ask him to describe himself and his qualifications, he would be self deprecating. He will not tell you of his accomplishments but he will tell you who he is as a person. He would tell you that he comes from humble beginnings and that all he can assure you is that he is an honest, ethical, fair, and forthright person who will not only apply the law but also balance an understanding of the law with common sense and due consideration to the facts and merits of matters before him, independently and without influence from others.

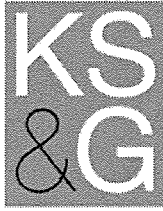
As a person and a lawyer, he is respected by his peers for those qualities. Indeed, those qualities are manifested in the honor of his being nominated for appointment as a member of the Land Use Commission.

Very truly yours,



DICKSON C.H. LEE

cc: Gary Y. Okuda



KOBAYASHI SUGITA & GODA, LLP
Attorneys at Law

Bert T. Kobayashi, Jr.*
Alan M. Goda*

John R. Aube*
Wendell H. Fuji*
Charles W. Gall*
Neal T. Gota
Clifford K. Higa*
Robert K. Ichikawa*
Christopher T. Kobayashi*
Jan M. L. Y. Kutsunai*

David M. Louie*
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Kenneth M. Nakasone*
Gregory M. Sato*
Jesse W. Schiel*
Craig K. Shikuma*
Lex R. Smith*
Joseph A. Stewart*
David B. Tongg*

*A Law Corporation

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Charles D. Hunter
Nicholas R. Monlux
Aaron Mun
Gabriele V. Provenza
Anthony Suetsugu
Brian D. Tongg
Maria Y.Y. Wang

Of Counsel:
Kenneth Y. Sugita*
Burt T. Lau*
John F. Lezak*
Larry L. Myers*

August 28, 2017

Senate Committee on Water and Land
(WTLTestimony@capitol.hawaii.gov)

RE: Consideration of Gary Okuda – Appointment to Land Use Commission

I appreciate this opportunity to add my support for the appointment of Gary Okuda to the Land Use Commission. I have known and worked with and against Mr. Okuda for many years and have found him always to be consistent, well considered, honest and easy to work with; which factors I would consider to be well suited for this position. I believe that Mr. Okuda would have the consideration of the community and the future of Hawaii in mind if appointed to the LUC for a full term. My recommendation is without qualifications.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Bert Kobayashi, Jr.', written over a faint circular stamp.

BERT KOBAYASHI, JR.

for
KOBAYASHI, SUGITA & GODA

From: [Doss K Tannehill](#)
To: [WTL Testimony](#)
Subject: In support of Gary Okuda
Date: Monday, August 28, 2017 8:59:43 AM

Dear Committee:

I would like to take this opportunity to submit my support of Gary Okuda for reappointment to the Land Use Commission. Gary's experience, education in this area, knowledge and caring make him an outstanding choice for the Commission. I strongly urge the committee to reappoint Mr. Okuda to the Land Use Commission.

Please feel free to contact me at any time should you need more information.

I am honored to submit my support of Mr. Gary Okuda for the Land Use Commission.

Sincerely,



Doss K. Tannehill

Board Certified Ocularist

752 17th Avenue Honolulu, HI 96816

Phone: (808)738-5300

Fax: (808)738-5304

doss@pacificeyes.net

This communication may be privileged or contain confidential information. If it has been sent to you in error, please do not read it, reply to the sender that you received it in error, and delete it. Any distribution or other reproduction is strictly prohibited.

From: [Steven Chow](#)
To: [WTL Testimony](#)
Subject: Submitting Support For The Confirmation to the Land Use Commission of Gubernatorial Nominee Gary Okuda For A Term To Expire 06/30/2021
Date: Monday, August 28, 2017 7:41:43 AM

Dear Senator Rhoads, Chair, And Members Of The Water And Land Committee:

I submit this email in support of the confirmation of Gary Okuda to the Land Use Commission (LUC) for a term to expire 06/30/20121.

I have known Mr. Okuda for over 35 years first as a student senator for the Associated Students For The University of Hawaii, then as a practicing attorney in the State of Hawaii.

In my humble opinion, Mr. Okuda is a hardworking and talented individual whose fairness and integrity are unquestioned. As far as I can recall and as long as I have known him, he has always considered public service a priority especially as it affects the future of the State of Hawaii. He has the ability to apply a common sense and ethical approach to issues, laws, regulations and decision making which I am confident will make him an important member of the LUC.

If you need to contact me to discuss my recommendation, please contact me by email at schow@paclawgroup.com or by telephone at (808) 523-2999, ext. 208.

Thank you in advance for your favorable decision to confirm Mr. Okuda to the LUC!

Steven J.T. Chow
745 Fort Street, #1415
Honolulu, HI 96813

VANBUREN & SHIMIZU LLP

A Hawaii Limited Liability Law Partnership

August 28, 2017

VIA E-MAIL

Senator Karl Rhoads
Chair, Water and Land Committee
Hawai'i State Capitol, Room 204
Honolulu, Hawaii 96813

Re: Testimony in support of Gary Okuda
Gubernatorial Nominee for Land Use Commission

Dear Senator Rhoads:

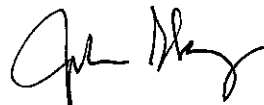
Thank you for this opportunity to present written testimony in support of Gary Okuda for consideration and confirmation of his nomination to serve as a State Land Use Commissioner for a term through June 30, 2021.

I am an attorney licensed to practice law in the State of Hawaii, as well as the State of California (inactive status). Mr. Okuda is also an attorney, and I have known Mr. Okuda on both a professional and social basis for 35 years. Over this period I have been involved in several cases and other matters with Mr. Okuda. In some of these cases, Mr. Okuda served as opposing counsel. I have found him to be an excellent attorney and a formidable advocate. He is diligent, capable, communicates well, and is an excellent writer. He has always displayed the highest ethical conduct and high moral standards. These great character traits and qualities will serve the Land Use Commission and the State of Hawaii well if Mr. Okuda is confirmed.

Mr. Okuda is well-read and has a strong interest in the history of Hawaii and its people. Since his first appointment as a Land Use Commissioner, he has become extremely knowledgeable about the history of water and land use in our State, and the laws and procedures applicable to the issues he will face if he is confirmed. I know that he will be unbiased and fair, and that he will try to balance the interests of the parties who come before him with the long-term goals and needs of our State. He is concerned about the future of Hawaii, and will be a good steward for the land.

Thank you.

Sincerely,



John B. Shimizu

JBS:paf

From: [Walter Kirimitsu](#)
To: [WTL Testimony](#)
Cc: [Walter Kirimitsu](#)
Subject: Letter in Support of GARY Y. OKUDA, ESQ., Governor's Nominee for the State Land Use Commission
Date: Monday, August 28, 2017 10:40:59 AM

Dear Senator Karl Rhoads and Honorable Members of the State Senate Water and Land Committee,

I write this letter in strong positive support of GARY Y. OKUDA, ESQ. for confirmation as a Commissioner of the State Land Use Commission.

I have known Mr. Okuda for the past 30 years. He has an impeccable reputation as a gentleman and attorney with the highest of integrity and skills. He is an extremely hard worker and cares for our State and community. As an attorney, he is highly respected as a top litigator, always well prepared and articulate and compassionate. As a citizen of Hawaii, he is respected as conscientious and keenly sensitive to the needs of our people and State. He has always been and continues to serve our community. He is a perfect candidate to continue his service as a Commissioner on the Land Use Commission. Please approve and confirm his nomination to serve an additional four year term.

For your information, I am a former Judge of the State Intermediate Court of Appeals, former Vice President/General Counsel of the University of Hawaii, former President of Saint Louis School, and former President of the Hawaii State Bar Association. I also just completed service on the State Judicial Selection Commission.

I will be honored to ask any questions you may have.

Mahalo for your time and consideration.

Respectfully,

Walter S. Kirimitsu
5111 Poola Street
Honolulu, HI 96821
Cell Number 282-8107
email: wskirimitsu@gmail.com

August 28, 2012

Senator Karl Rhodes
Chair, Water and Land Committee
Hawai'i State Capitol, Room 204
Honolulu, Hawai'i 96813

Re: GARY OKUDA,
For Consideration and confirmation for Land Use Commission.

I have known Gary Okuda for the last 20 years as a friend, and Consultant. He has been very through in his thoughts and ideas and communicates them well so it can be understood.

I support his nomination and feel that he would be an excellent addition to the land use commission as our voice and taking care of Aina and also preserve our natural resources of our Island.

Mahalo,



MacArthur M. AVECILLA
3512 Kumu Street
Honolulu, HI 96822

Cc: Gary Okuda

August 29, 2017
2:00 p.m.
State Capitol Room 224

TO: Hon. Karl Rhoads, Chair,
and Members of the Senate Committee on Water, Land, and Agriculture

FROM: William Hoshijo, as an individual

RE: Governor's Message No. 26
Nomination of Gary Okuda to the Land Use Commission

While I currently serve as the Executive Director of the Hawai'i Civil Rights Commission, this testimony is offered as an individual, not in any official role or capacity.

I have known Gary Okuda since 1979. I recommend him as an exemplary person, attorney, and citizen. Mr. Okuda is principled, honest, hard-working, and smart. He has a strong sense of justice and a real commitment to the public interest in the broadest sense.

Mr. Okuda has taken his role and duties as a member of the Land Use Commission seriously, and his performance inures to the benefit of the people of Hawai'i. I am sure he is technically sound, applying the law as required, and is also be guided by an abiding appreciation of his public trust responsibility.

LAW OFFICES OF
AARON S.H. YOO



HAWAII KAI CORPORATE PLAZA
6600 KALANIANA'OLE HWY
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TEL-808-973-0820
FAX-808-973-0825

August 28, 2017

VIA E-MAIL

Senator Karl Rhoads
Chair, Water and Land Committee
Hawai'i State Capitol, Room 204
Honolulu, Hawaii 96813

Re: Testimony in support of Gary Okuda
Nominee for Land Use Commission

Dear Senator Rhoads:

This is to present written testimony in support of Gary Okuda for consideration and confirmation of his nomination to serve as a State Land Use Commissioner for a term through June 30, 2021.

I have been licensed to practice law in the State of Hawaii since 1988. Mr. Okuda was an attorney at Okumura Takushi Funaki & Wee when I joined the firm as a summer associate in 1987. I was fortunate to be able to work under Mr. Okuda that summer on a complex real estate litigation involving a golf course development/purchase. During that time I was thoroughly impressed with his knowledge of the complex issues at hand, but more importantly his diligence in conducting thorough and extensive research on land use and zoning issues and careful consideration of possible ethical issues that could arise from the case. It left such an impression on me that even after both of us left the Okumura firm I sought him out to work together on several complex commercial and real estate cases, and throughout the years I have gotten to know him very well, professionally and personally. Mr. Okuda is highly intelligent and an excellent attorney. He has always displayed the highest ethical conduct and high moral standards.

Mr. Okuda has a strong interest in the history of Hawaii and great concern for the future of Hawaii. Since his first appointment as a Land Use Commissioner, he has become even more knowledgeable about the history of water and land use in our State, and the laws and procedures relating to such issues. He will continue to be unbiased and fair, and that he will try to balance the interests of the parties who come before the commission. There is no question in my mind that Mr. Okuda will continue to serve the Land Use Commission and the State of Hawaii well if he is confirmed.

Very truly yours,

Aaron S. H. Yoo

AY:lrl

Sandra-Ann Y.H. Wong

Attorney at Law

A Law Corporation

1050 Bishop Street, #514

Honolulu, Hawaii 96813

Telephone: (808) 537-2598 email: sawonglaw@hawaii.rr.com

Senate Committee on Water and Land
Testimony in Support of
GM 26: Gubernatorial Nominee Gary Okuda to the Land Use Commission
August 29, 2017 at 2p.m. in Room 224

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Sandra-Ann Y.H. Wong. I have had the pleasure to work with Mr. Okuda for approximately the last four years doing volunteer work. During this time, I have found Mr. Okuda to be honest, fair, hardworking, humble and a man of integrity. He does not have a personal agenda, he just wants what is best for Hawaii and its people.

I am confident that Mr. Okuda, as a member of the Land Use Commission, will be an independent and collaborative voice. Therefore, I respectfully request that the Committee support his nomination.

Thank you for the opportunity to testify on this appointment.

From: [Donn Ariyoshi](#)
To: [WTL Testimony](#)
Subject: Gary Okuda, Land Use Commissioner
Date: Monday, August 28, 2017 2:57:52 PM

LATE

Aloha Senator Karl Rhoads and Members of the Committee on Water and Land. I am sending this email supporting Gary Okuda's 4 year extension to serve as a LUC Commissioner.

I have known Gary for more than a decade. His integrity, respect for Hawaii's culture and people, compassion for leaving a better Hawaii to our children and having the ability to make decisions that may not be favorable but right for our future, urges me to write this email strongly recommending Gary Okuda to continue serving on the LUC.

We need many more good folks like Gary Okuda. I appreciate the opportunity to voice my support.

Respectfully,

Donn Ariyoshi
808-479-7528

Sent from my iPhone



Where love still has a ring to it

LATE

August 28, 2017

To: The Honorable Senator, Mr. Karl Rhodes & The Land Use Commission Committee
Re: Appointment of Gary Okuda to the LUC

I would like to give testimony that I have known Gary Okuda in excess of 25 years. Over this time, our association has been mostly a business relationship. In my line of work as a Retail Jeweler, the reputation of honesty and sincerity are essential in maintaining a small business such as mine for some 30 years. It is also just as important that those who you associate with are of the same mind and moral fabric. I consider Gary Okuda to be this type of person. In my dealings with him, he has always guided me in a manner that was lawful and fair, never compromising on what the Right Thing To Do was.

I believe that Gary is as honorable as they come and though our relationship has never been of a social type, I would proudly call him my friend. I also believe that if he were appointed to Hawaii's Land Use Commission, he would do the job he has been offered in the most exemplary manner possible. I would find comfort in knowing that Gary would be part of all decisions from the LUC regarding the use of our lands in the perpetuation of our most beautiful State and its heritage. It is my heartfelt belief that we would all be doing well having Gary as one of our commissioners.

Most Sincerely,
Bill Irish
W. J. Irish fine jewelry
1400 Kapiolani Blvd. #B-1
Honolulu, HI. 96814
808-955-8585 ph
808-955-2435 fax
bill@wjirish.com

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

CALVIN E. YOUNG

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HONOLULU, HAWAII 96813

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INTERNET:
cyoung@goodsill.com

August 29, 2017

LATE

Senator Karl Rhoads
Chair, Water and Land Committee
Hawai'i State Capitol, Room 204
Honolulu, Hawai'i 96813

Re: GARY OKUDA

Dear Senator Rhoads:

I respectfully submit this letter in support of the nomination of Gary Y. Okuda for an additional 4 year term as a commissioner of the Land Use Commission ("LUC") of the State of Hawaii. I strongly endorse this nomination and base that endorsement on my personal knowledge of the nominee.

This letter is submitted in my individual capacity although I am a partner at Goodsill Anderson Quinn & Stifel. I am an attorney in good standing and have practiced law in Hawaii since 1982. I do not handle matters before the LUC. I handle litigation matters involving professional liability, aviation and claims for personal injury.

I have the pleasure of referring to Mr. Okuda as one of my oldest and closest acquaintances. We are friends from grade school and I have observed first hand his abilities and strengths. We have stayed in contact over the years and see each other regularly.

Mr. Okuda is one of the most dedicated, hardworking and focused persons I know. Mr. Okuda will toil tirelessly to complete a task, a character trait he learned from his wonderful parents, who he honors by being the upstanding person he is.

I call Mr. Okuda an over-achiever, someone who is not satisfied until he believes he has done the best he can do. That work ethic carries over to everything he does; whether representing a client or being a care giver.

August 29, 2017
Page 2

Mr. Okuda is someone I believe we need in public service. He genuinely cares for our community. Mr. Okuda has volunteered his time and services many times before. I know his desire to serve is unselfish and not motivated by individual gain or glory.

Mr. Okuda is a humble person. He doesn't try to stand out but is not reluctant to stand up and support a stance. He is a collaborator, someone you can rely upon and someone you can count on when the hour is late.

I hope you and the committee members will find my comments useful. Again, I strongly urge you to confirm Mr. Okuda to a further 4 year term as a Commissioner of the Land Use Commission.

Very truly yours,



Calvin E. Young



ASHFORD + WRISTON
A LIMITED LIABILITY LAW PARTNERSHIP, LLP

BENJAMIN A. KUDO
Telephone: (808) 539-0400
Fax: (808) 533-4945
bkudo@awlaw.com

August 29, 2017

LATE

To: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Members of the Senate Committee on Water and Land

From: Benjamin A. Kudo
Ashford & Wriston
999 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

RE: GM26 – Consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, GARY OKUDA - **SUPPORT**.
Hearing date: Tuesday, August 29, 2017
Hearing time: 2:00 p.m.
Conference Room 224

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

I respectfully ask for your favorable consideration and the support of your Committee members on the appointment of Mr. Gary Okuda to the State Land Use Commission (“Commission”). He will carry out his responsibilities well and add to the Commission’s knowledge and capabilities.

Based on the foregoing, I recommend with no reservation your favorable consideration of Mr. Gary Okuda for the aforementioned position.

Thank you for your consideration and I respectfully urge your Committee’s support to confirm his nomination.

Very truly yours,

ASHFORD & WRISTON

Benjamin A. Kudo

MAILING ADDRESS

Post Office Box 131 / Honolulu, HI 96810

STREET ADDRESS

First Hawaiian Center / 999 Bishop Street, Suite 1400 / Honolulu, HI 96813

T 808.539.0400 / F 808.533.4945 / E atty@awlaw.com / www.ashfordwriston.com

chef mavro restaurant
1969 s king street
honolulu hi 96826

LATE

August 29, 2017

Dear Senator Rhoades:

I am happy to hear that Gary Okuda wants to be Commissioner of the Land Use Commission. As a chef I am very concerned about the use of our agricultural lands and Hawaii's ability to produce our own food. I know Gary would make wise decisions in this area.

I've known Gary for decades as my business attorney and friend. He has guided me through countless challenges with a steady hand and creative solutions.

Gary cares deeply about Hawaii and I know that he would make decisions that are best for the majority of the people. He would not be swayed by special interests.

Also he listens to both sides of issues before developing his own opinion. This may be the most important quality for the Commissioner position. I think the people of Hawaii would be fortunate to have Gary lead the Land Use Commission.

George Mavro
Chef/Owner Chef Mavro restaurant

DONNA JUNG PUBLIC RELATIONS

1022 Prospect St., Suite 1103, Honolulu, HI 96822
(808) 286-8850 donnajungpr@gmail.com

LATE

August 29, 2017

Dear Senator Rhoades:

I have known Gary Okuda as an attorney and a friend since the early 1990's. I have enjoyed and learned from regular conversations time with him since then. When he offers an opinion he always quotes the case and the exact source. He has an amazing memory for details and is always very logical in his thought process. I've never seen him let emotions enter into his opinions and actions.

He would be an asset to the community as the Commissioner of the Land Use Committee. He would definitely follow the law without bias and make decisions based on the evidence. Gary is a very honest person. He also is very observant of people's behavior and picks up on people who are not being forthright. This is an important quality for the Commissioner position.

We are lucky that a highly successful professional like Gary is willing to take on this position.

Donna Jung
President, Donna Jung Public Relations

August 29, 2017

Senator Karl Rhoads
Chair, Water and Land Committee
Hawai'i State Capitol, Room 204
Honolulu, Hawai'i 96813



Aloha Senator Rhoads,

My name is Kili Namau'u and I have been a friend of Gary Okuda for over 40 years. Gary has been nominated by Governor Ige to extend his term on the State Land Use Commission and is now before your committee for consideration. I regret that I do not have adequate time to accommodate a proper and sterling endorsement of his character. However, I would like to briefly share that Gary is completely trustworthy, competent, tenaciously hard working, honors Hawai'i's Constitution and respects the environment and Hawaiian perspectives.

I have personally witnessed his interactions during his current term on the commission. He is diligent and thought provoking. Challenging when need be to ascertain the proper responses to his meticulous questions.

I could not recommend a finer person to entrust and consider the appropriate uses of 'āina, one of our most precious resources.

I am sure after you review his extensive resume and interact with him personally that you will come to the same conclusion that Gary Okuda needs to remain as a commissioner of the State Land Use Commission.

'O wau me ka ha'aha'a a me ka 'o ia i'o,

Kili Namau'u
Kahu
Pūnana Leo o Maui

LATE

From: [Stella Moon](#)
To: [WTL Testimony](#)
Subject: Land Use Commission, Gubernatorial Nominee Gary Okuda
Date: Tuesday, August 29, 2017 9:08:32 AM

Senator Karl Roads, Chair
Water and Land Committee
Hawaii State Capitol-Room 204
Honolulu, Hawaii 96813

Re: Gary Y. Okuda, Gubernatorial Nominee, Land Use Commission

Senator Rhoads,

I am writing in support of Gary Y. Okuda as Land Use Commissioner for the term expiring 06-30-2021.

I have known Gary professionally and personally for the last 30 plus years.
I know Gary to be a hard working, conscientious, honest individual.

His commitment to give back to the community, pro bono services and caring for his parents and parent in laws without hesitation has always and continues to be telling of his character.

Gary honors his commitments and therefore I am enthusiastically in support of his nomination to serve as Commissioner on the Land Use Commission and urge your confirmation of his nomination to serve the people of HAWAII.

Sincerely,
Stella H Moon
1601 Kamole Street
Honolulu, Hawaii 96821
(808) 373-9007

Sent from my iPad



From: [Leighton Lee](#)
To: [WTL Testimony](#)
Subject: GM26 Testimony in Favor of Confirming Gary Y. Okuda
Date: Monday, August 28, 2017 11:33:28 PM

Honorable Senators:

I have known Gary Okuda for 40 years. I have personally observed him in stressful, controversial, and professionally risky situations. In all of those matters, he never wavered from the law, his duty, nor his clients' best interest. He has been and is a person of commitment, integrity, and community.

As an attorney in the private practice of law, his manner and method of practice always served the best interest of our Communities. I am certain that his confirmation will lend further credibility to the LUC, Legislature, and State Government.

I have the highest respect for Gary as a professional and as a person. Your Committee's confirmation of Mr. Okuda will be significantly beneficial to the People of our State.

If you have any questions, I will be pleased to respond.

mahalo,

Leighton

Leighton K. Lee
Law Office of Leighton K Lee
222 Merchant Street, Suite 201
Honolulu, Hawai'i 96813
T-808.532.3244 F-855.645.1286

LATE

From: [Edmund Hyun](#)
To: [WTL Testimony](#)
Subject: Gary Y Okuda-strong support
Date: Monday, August 28, 2017 8:24:07 PM

Honorable Karl Rhodes and Committee members.

It is my pleasure to submit testimony in strong support of Gary Okuda for Land Use Commission. Thru all my interactions with Gary, I find him to be honest, trustworthy and truly dedicated to the people and the State of Hawaii. Gary is the consummate professional who pays keen attention to detail. He is sensitive to people's feelings but knows how to draw the line and is not afraid to do so. I'm sure Gary's past tenure has not disappointed his colleagues nor the community and I would encourage this committee to forward Gary's good name for Senate confirmation.

Mahalo and Aloha,
Edmund "FRED" Hyun

From: [Lisa Shozuya](#)
To: [WTL Testimony](#)
Subject: GARY OKUDA - LAND USE COMMISSION
Date: Monday, August 28, 2017 7:05:14 PM



Aloha Senator Karl Rhoads and Members of the Committee on Water and Land:

I write to you today in STRONG SUPPORT of GARY OKUDA's nomination to the Land Use Commission for a 4-year term.

I've personally known Gary Okuda for many years and have always known him to be fair, lawful, and a man of integrity. He is able to put complex issues into its right and just perspective while providing a careful and compassionate review and overview of the issue at hand.

Gary is an exceptional attorney who has successfully served on the Land Use Commission over the last year.

I am very confident that he will make the right decisions on behalf of the people of Hawaii.

Thank you for the opportunity to write to you in STRONG SUPPORT OF GARY OKUDA FOR LAND USE COMMISSION.

Mahalo for your consideration and for representing the people of our great State.
Lisa Shozuya

LATE

From: [Jim Lyon](#)
To: [WTL Testimony](#)
Subject: Written Testimony for Senate Committee on Water & Land for Tuesday, August 29 @ 2 pm
Date: Monday, August 28, 2017 5:58:16 PM

Aloha:

We strongly support Gary Okuda to be on the Land Use Commission for a 4-year term. As a brilliant attorney serving on the board currently, Gary provides valuable input to the other board members on complex issues regarding land use decisions. He is extremely careful of making sure he has no conflicts of interest with each applicant. Gary is a passionate and focused man who is a great asset serving in this important position for the people of Hawaii. Thank you for your consideration.
Jim Lyon, PE, LEED AP, CFM
LYON

From: cocomo696@aol.com
To: [WTL Testimony](#)
Subject: In Support Of Gary Okuda
Date: Tuesday, August 29, 2017 7:29:40 AM

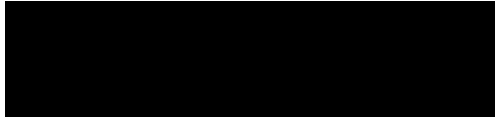


Dear Senate Committee on Water and Land:

I have known Gary Okuda since high school, and on through college, and throughout our lives since. I think the greatest compliment to any man is to describe the fact that among all of his friends, he will be the one to tell each what they may "not" want to hear. In other words, Gary Okuda is impeccably honest. He has the courage and also the "tact" to speak his mind and tell all what his thoughts are about what is the "right" thing to do, and not the most expedient, the most popular, or - perhaps most importantly in this regard - the most politically advantageous. He is a pillar of integrity and a great weapon against group think. I wholeheartedly endorse him.

Eric Nemoto

GARY Y. OKUDA



August 21, 2017

Senator Karl Rhoads
Chair, Water and Land Committee
Hawai'i State Capitol, Room 204
Honolulu, Hawai`I 96813

Re: Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, GARY OKUDA, for a term to expire 06-30-2021.

Dear Senator Rhoads:

Thank you for your invitation to provide information regarding my nomination to serve as a Commissioner of the Land Use Commission of the State of Hawaii.

I am honored to be nominated by Governor David Y. Ige to serve for a full term on the Land Use Commission and I appreciate this opportunity to provide you the following about myself and my views about service as a commissioner.

I. SUMMARY STATEMENT

In 1978, during my senior year at the University of Hawaii, I was fortunate to serve on the staff of Masu Dyer, a delegate to the 1978 Constitutional Convention.

To this day, I appreciate that Delegate Dyer hired me, because she allowed me to serve on her staff although I had to leave before the end of the Convention, to attend law school at the University of California, Davis.

Based on my experience working for Delegate Dyer, I know that the Hawaii State Constitution reflects our shared community values which makes Hawaii uniquely our home.

These important, common values include the Public Trust Doctrine, stated as follows in Article 11, Sec. 1:

Const. Art. 11, § 1

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

All public natural resources are held in trust by the State for the benefit of the people.

Article 11, Sec. 3 of the Hawaii Constitution expressly protects agricultural lands:

Const. Art. 11, § 3

The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing.

Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action.

The affirmation and protection of native Hawaiian cultural practices is stated in the Constitution as follows:

Const. Art. 12, § 7

The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

These provisions of the Constitution of the State of Hawaii are not simply a concern of a specific portion of the community, a specific ethnic or cultural group, or persons of a specific political ideology. The Constitution was a product of elected delegates, representing a wide cross-section of the people who call Hawaii home, and was duly ratified by Hawaii's voters, who likewise comprised a wide cross-section of Hawaii's citizens.

If confirmed, I promise to continue to follow the law, without bias in favor or against anyone appearing before the Land Use Commission.

I promise to continue to make decisions based solely on the evidence presented to the Commission, and according to the statutes passed by the legislature and the administrative rules adopted by the Commission pursuant to legislative authority.

I promise to continue to keep an open mind. I promise to continue to be guided by the provisions of the Hawaii Constitution.

II. MY BACKGROUND

I was born in 1956 at Kapiolani Hospital in Honolulu, Hawaii, the eldest of three children of Robert and Setsuko Okuda.

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My father was from a family of 9 siblings from Hilo, Hawaii where my grandfather Asataro Okuda worked on the docks before the days of union protection. My mother's family of 10 siblings grew up in Kalihi; my grandfather Sadame Awaya was the chauffeur for former Territorial Governor George Carter.

I do not view the "plantation days" with nostalgia. Those days were filled with inequality, the lack of opportunity, and two World Wars.

My father was a bookkeeper and retired from his work in the construction industry. Growing up, my mother stayed at home to raise myself and my two sisters, but went back (after my youngest sister was older) to the retail business where she worked before I was born.

I grew up in Coconut Grove, Kailua, long before Kailua became a tourist destination; my father passed away earlier this year at age 90; my 92 year old mother still lives on the same property my late-father first purchased before the Pali Tunnels were built.

I graduated from Kailua High School, Class of 1974, and then attended Windward Community College.

I transferred to the University of Hawaii at Manoa where I received in 1978 my B.A. degree in political science.

My first trip to the Mainland was to attend law school and I received my law degree from the University of California at Davis in 1981.

From 1981 through 1987, I practiced law with the firm Okumura Takushi Funaki & Wee. Since 1987, I have practiced with my own firm, now known as Leu Okuda & Doi.

My spouse Marlyn Okuda is a Special Education teacher. She taught on Molokai, and at various Windward district schools. Although Marlyn retired from the Department of Education, she regularly substitute teaches, primarily at Palolo Elementary School.

Our 31 year old daughter Yoko is a graduate of the

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University of Hawaii at Manoa and works with autistic and disabled children at Easter Seals.

Our 28 year old son Don is a graduate of Otis College of Art and Design in Los Angeles, California, and works as a product designer with the technology company Github in San Francisco, California.

My resume is attached to this letter, which summarizes my education and work experience.

III. RESPONSES TO SPECIFIC QUESTIONS.

1. "Please describe your understanding of the role and jurisdiction of the Land Use Commission (Commission)".

I understand the role of the Land Use Commission to be as follows:

- ☐ To maintain, preserve and encourage the confidence of Hawaii's citizens in the integrity and fairness of the Land Use Commission's process and decisions.
- ☐ Consistent with the laws passed by the Legislature, to carry out the mandate of the Public Trust Doctrine, as set forth in Hawaii State Constitution, Article 11, Sec. 1.
- ☐ To make decisions which "conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands", as required by Hawaii State Constitution, Article 11, Sec. 3, as implemented by the laws passed by the Legislature.
- ☐ To protect customary and traditional Hawaiian practices and rights, as required by Hawaii State Constitution, Article 12, Sec. 7, and as more specifically set forth by the Hawaii Supreme Court's decision in Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Haw.

31, 7 P.3d 1068 (Hawaii 2001).

A. Duty to protect the integrity of the land use process.

In Hawaii, the statement "land is power" is often repeated, usually when criticizing "bad" or "suspect" land use decisions.

Land Use Commissioners must conduct themselves in a manner which will earn the trust and confidence of the citizens.

I will therefore strive to conduct myself accordingly. I will strive to demonstrate to the public that the decisions of the Commission are based on the merits, and not tainted by the appearance of impropriety, favoritism, bias or incompetence.

LUC commissioners must not only make decisions which apply the law to the evidence, **but each decision must also have the appearance of honesty, fairness and justice.**

To this end, if confirmed, I will continue to follow the Hawaii Supreme Court's admonition in Mauna Kea Anaina Hou v. Bd. of Land & Nat. Res., 136 Haw. 376, 389-390, 363 P.3d 224, 237-238 (Hawaii 2015).

Fundamentally, in the justice system, "justice can perform its high function in the best way only if it satisfies the appearance of justice." Sifagaloa, 74 Haw. at 189, 840 P.2d at 371 (quoting Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 99 L.Ed. 11 (1954)) (internal quotation marks and brackets omitted; emphasis added).

In the administration of justice by a court of law, no principle is better recognized as absolutely essential than that every case, be it criminal or civil, and the parties involved therein are entitled to the "cold neutrality of an impartial judge." ... In the

words of Mr. Justice Cardozo, ... "But justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

Peters v. Jamieson, 48 Haw. 247, 262-63, 397 P.2d 575, 585 (1964) (quoting Snyder v. Massachusetts, 291 U.S. 97, 122, 54 S.Ct. 330, 78 L.Ed. 674 (1934)).

In an adjudicatory proceeding before an administrative agency, due process of law generally prohibits decisionmakers from being biased, and more specifically, prohibits decisionmakers from prejudging matters and the appearance of having prejudged matters. See Sussel, 71 Haw. at 109, 784 P.2d at 871 (concluding that where an adjudicator's actions while presiding over a matter gave rise to an appearance of impropriety, the circuit court erred in not enjoining the adjudicator from deciding the case); Withrow v. Larkin, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975) ("Not only is a biased decisionmaker constitutionally unacceptable, but 'our system of law has always endeavored to prevent even the probability of unfairness.' ") (quoting Murchison, 349 U.S. at 136, 75 S.Ct. 623); see also Cinderella Career & Finishing Schs., Inc. v. F.T.C., 425 F.2d 583, 591 (D.C.Cir.1970) (holding that the standard for evaluating the existence of improper prejudgment in an adjudicative context is whether "a disinterested observer may conclude that (the agency) has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it").

"Indeed, if there exists any reasonable doubt about the adjudicator's impartiality at the outset of a case, provision of the most

elaborate procedural safeguards will not avail to create [an] appearance of justice." Sussel, 71 Haw. at 108, 784 P.2d at 870 (quoting M. Redish & L. Marshall, Adjudicatory Independence and the Values of Procedural Due Process, 95 Yale L.J. 455, 483-84 (1986)); see Sifaqaloa, 74 Haw. at 190, 840 P.2d at 371 (same); see also Cinderella, 425 F.2d at 590 (disapproving of circumstances "which give the appearance that [a decisionmaker] has already prejudged the case and that the ultimate determination of the merits will move in predestined grooves"). It is abundantly clear that "[f]ew situations more severely threaten trust in the judicial process than the perception that a litigant never had a chance" due to "some identifiable potential bias." Redish & Marshall, Adjudicatory Independence, 95 Yale L.J. at 483 (emphasis in original); see Williams-Yulee v. Florida Bar, --- U.S. ---, 135 S.Ct. 1656, 1666, 191 L.Ed.2d 570 (2015) (stating that "public perception of judicial integrity" is a governmental interest of "the highest order") (quotations omitted).

Mauna Kea Anaina Hou v. Bd. of Land & Nat. Res., 136 Haw. 376, 389-390, 363 P.3d 224, 237-238 (Hawaii 2015) (footnotes omitted).

If confirmed, I will continue to strive make decisions with an open mind, free from bias, prejudice or favoritism. I will seek to make decisions based solely on the evidence presented to the Commission, and in accordance with the laws passed by the Legislature.

B. The public trust doctrine.

If confirmed, I will remember that the Land Use Commission is entrusted with protecting and preserving Hawaii's natural beauty and resources, in strict compliance with the laws passed by the Legislature.

These obligations arise from the Public Trust Doctrine, embodied in the Hawaii State Constitution, Article 11, Sec. 1.

I do note that the Hawaii State Constitution does not preclude development; development and utilization of Hawaii's resources, however, must be "in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State", according to Article 11, Sec. 1.

One of the most important functions of the Land Use Commission are boundary amendments: the Commission determines which lands should remain in conservation or agriculture, and on what lands urban development should be allowed.

In making these determinations, Commissioners are not allowed to impose on the public their unfettered personal preferences. The Legislature has mandated specific standards the Commission must follow and evidence the Commission must consider.¹

¹ The Commission has an obligation to consider many factors and all relevant facts in making its decisions, and these decisions must be made based on the evidence, presented in a quasi-judicial format or proceeding. See, H.R.S. Sec. 205-17 which provides:

§ 205-17. Land use commission decision-making criteria

In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically consider the following:

(1) The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans;

(2) The extent to which the proposed reclassification conforms to the applicable district standards;

(3) The impact of the proposed reclassification on the following areas of state concern:

(A) Preservation or maintenance of important natural systems or habitats;

(B) Maintenance of valued cultural, historical, or natural resources;

C. Protection of agriculture.

If confirmed, I will continue to seek to protect agricultural lands, as required by the Hawaii State Constitution, Article 11, Sec. 3.

According to that section, the State (which includes the Commission as an agency of the State) "shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands."

I do understand that agricultural self-sufficiency is not a simple task and will not result simply from grandiose pronouncements from the Land Use Commission.

The challenges facing agriculture in Hawaii are many, and the solutions are not simple. For example, successful,

(C) Maintenance of other natural resources relevant to Hawaii's economy, including agricultural resources;

(D) Commitment of state funds and resources;

(E) Provision for employment opportunities and economic development; and

(F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;

(4) The standards and criteria for the reclassification or rezoning of important agricultural lands in section 205-50;

(5) The county general plan and all community, development, or community development plans adopted pursuant to the county general plan, as they relate to the land that is the subject of the reclassification petition; and

(6) The representations and commitments made by the petitioner in securing a boundary change.

Housing is expressly a category required by H.R.S. Sec. 205-17(2) (F) to be considered in a rezoning decision, and available supply of housing may affect price.

However, if agriculture in Hawaii is to be preserved, nurtured and developed, the rezoning of agricultural lands must be done very carefully and scrutinized according to the standard of review required by law.

sustainable agriculture involves more than simply designating a parcel of land for agricultural use; it involves the availability of water, infrastructure, consideration of labor and other production costs, the training and experience of the farmer and farm workers, and ultimately the existence of a market that will turn a profit for the agricultural product being grown.

Notwithstanding these challenges, I will not, if confirmed, lose sight of promoting diversified agriculture and increasing agricultural self-sufficiency, community goals embodied in Hawaii State Constitution, Article 11, Sec. 3.

D. Duty to protect customary native Hawaiian cultural practices and resources.

The Hawaii State Constitution, Article 12, Sec. 7 expressly requires all state agencies, including the Land Use Commission, to "protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights."

This duty was reaffirmed by the Hawaii Supreme Court in Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Haw. 31, 7 P.3d 1068 (Hawaii 2001).

This constitutional requirement is a statement of community values and goals. It is not a statement or agenda item of a single ethnic or political group.

I personally know this because of my experience working on staff at the 1978 Constitutional Convention. The delegates that adopted Article 12, Sec. 7 represented Hawaii's diversity of ethnicities, politics and backgrounds.

Native Hawaiian delegates, in fact, were not numerous. The provisions of Article 12, Sec. 7, ultimately ratified by Hawaii's voters, therefore reflect a statement of values and goals, held by the diverse community that call Hawaii home.

If confirmed, I pledge to follow the requirements of Hawaii

State Constitution, Article 12, Sec. 7, and the duties set forth in Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Haw. 31, 7 P.3d 1068 (Hawaii 2001).²

² In Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Haw. 31, 46-47, 7 P.3d 1068, 1083-84 (Hawaii 2001), the Hawaii Supreme Court set forth the following framework which the Land Use Commission must follow:

Article XII, section 7 of the Hawai'i Constitution obligates the LUC to protect the reasonable exercise of customarily and traditionally exercised rights of native Hawaiians to the extent feasible when granting a petition for reclassification of district boundaries. See PASH, 79 Hawai'i at 450 n. 43, 903 P.2d at 1271 n. 43 (emphasis added). In order for the rights of native Hawaiians to be meaningfully preserved and protected, they must be enforceable. In order for native Hawaiian rights to be enforceable, an appropriate analytical framework for enforcement is needed. Such an analytical framework must endeavor to accommodate the competing interests of protecting native Hawaiian culture and rights, on the one hand, and economic development and security, on the other. See PASH, 79 Hawai'i at 447, 903 P.2d at 1268 ("A community development proposing to integrate cultural education and recreation with tourism and community living represents a promising opportunity to demonstrate the continued viability of Hawaiian land tenure ideals in the modern world."); Kalipi, 66 Haw. at 7, 656 P.2d at 749 ("Our task is thus to conform these traditional rights born of a culture which knew little of the rigid exclusivity associated with the private ownership of land, with a modern system of land tenure in which the right of an owner to exclude is perceived to be an integral part of fee simple title."); Comm. Whole Rep. No. 12, in 1 Proceedings of the Constitutional Convention of 1978, at 1016 (1980) ("it is possible, with work, to both protect the rights of private landowners and allow for the preservation of an aboriginal people").

We therefore provide this analytical framework in an effort to effectuate the State's obligation to protect native Hawaiian *customary and traditional practices while reasonably accommodating competing private interests: In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights to the extent feasible, the LUC, in its review of a petition for reclassification of district boundaries, must—at a minimum—make specific findings and conclusions as to the following: (1) the identity and scope of "valued cultural, historical, or natural resources" in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area; (2) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist.

Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Haw. 31, 46-47, 7 P.3d 1068, 1083-84 (Hawaii 2001).

2. "How do you perceive the role and responsibilities of a member of the Commission?"

I perceive my role to make decisions based solely on the evidence presented to the Commission, in strict compliance with the procedures and provisions set forth in the Hawaii Administrative Rules, the applicable statutes, and guided by the community values stated in the Hawaii Constitution.

I perceive my role to make these decisions with an open mind, free from bias, prejudice or favoritism.

I perceive my responsibility to engender trust in government and the land use process. To that end, I recognize that conflicts of interest, actual or perceived, must be avoided.

3. "Why do you wish to continue serving as a member of the Commission? Please note if you initially applied to be nominated to the Commission or if you were invited to apply."

I was initially invited to apply to serve on the Land Use Commission. I was very much honored by the invitation, and my service on the Commission during the past year has convinced me of the importance of the Commission to protect Hawaii's resources.

After its people, land is one of the most precious resources of Hawaii. How land is used affects Hawaii's other resources, its air, its water, and the quality of life of its people.

Land use affects Hawaii's economy, and determines where, how and under what conditions Hawaii's people live.

In some instances, the process by which land use decisions are made affects the people's trust in their government.

By continuing to serve on the Land Use Commission, I wish to contribute to the stewardship of the land, consistent with the mandates set forth in Hawaii's Constitution. I wish to continue serving on the Commission, so that I can contribute to having decisions being made by strictly adhering to the statutes passed

by the Legislature.

4. "Please describe why you believe that you are qualified to be a member of the Commission. Please discuss any skills, expertise, knowledge, or volunteer involvement that would aid in your decision-making ability. If you are being nominated to represent a specific geographic area, to fulfill a specific role on the Commission, or due to specific knowledge, please discuss this as well."

My education, professional training and experience has prepared me to participate in the quasi-judicial process followed by the Land Use Commission.

I have practiced law for over 35 years and my experience has included a significant amount of trial and motion practice. During that time, I have had my presentations and arguments, made in writing and orally, scrutinized, picked apart and challenged by many of Hawaii's very qualified trial judges.

I therefore understand the importance of decisions being supported by evidence and made strictly according to the statutes passed by the legislature.

I have personally know and have experienced the disheartening feeling when a decision is made without regarding to the evidence or law, or where the decision maker acts arrogantly or abusively to the parties.

My 35 years of law practice has also taught me that not everyone is ethical or honest, some people lie or omit material facts.

I have also learned that doing the right thing sometimes exacts a personal cost.

My law partners and I have refused to take actions on behalf of clients, where our investigation and research indicated that such action would be contrary to the law. In these instances, we have refused to act contrary to our oaths as officers of the Court, even when threatened by the client (actually, the soon to be ex-client) with the loss of significant legal business.

If I confirmed by the Senate for an additional term as a Commissioner, I hope I will continue to have the backbone to do what is right and lawful.

5. "What are some of your accomplishments as a member of the Commission and what would you like to accomplish during an additional term?"

I have tried to work hard, to carefully study the submittals of the parties, listening and paying attention to the testimony of witnesses, and considering the evidence and arguments of all parties and fellow commissioners with an open mind.

If confirmed by the Senate, I hope to continue doing the same.

6. "What issues do you believe that the Commission has handled well in the past? What issues do you believe that the Commission should address in the future?"

During my past year of service, the Commission has handled well the timely review of petitions and applications filed for various land use approvals.

The Commission recently approved on an expedited basis the County of Kauai's application to redesignate to urban designation property located at Ele'ele, Kauai for the Lima Ola affordable housing project. [Docket A17-802 COUNTY OF KAUAI HOUSING AGENCY LIMA OLA-201H.]

This project may have been one of the first projects approved pursuant to H.R.S. Chapter 205H. Hearings on this matter covered three days.

The project will provide much need workforce housing for residents living on the West side of Kauai.

The Commission also approved urban designation for land long planned to be part of the expansion of University of Hawaii, Kauai Community College. [Docket A16-801 UNIVERSITY OF HAWAII COMMUNITY COLLEGES.]

This approval will allow the University of Hawaii system to expand its campus and thereby its mission to provide higher education to Kauai residents, in a development which is consistent with Kauai's general plan.

The Commission approved Island School's application for urban designation of its school campus; Island School is now operating on the property outside of Lihue, Kauai pursuant to a Special Permit. [Docket A16-800 ISLAND SCHOOL PETITION.]

Island School was founded in 1977 and educates students from elementary school through high school. The Land Use Commission's approval will allow parents on Kauai to continue to have an additional choices for their children, on a school campus consistent with Kauai's general plan.

The Commission approved a petition to designate as Important Agricultural Lands approximately 20,888 acres at Makaweli, Kauai. [Docket DR16-56 ROBINSON FAMILY PARTNERS (KAUA`I) IAL.] This designation will encourage and facilitate the continued use of these lands for ranching and other agricultural uses.

The Commission approved special permits to allow the construction of solar energy facilities in Waipio, Ewa, Oahu [Docket SP15-405 WAIPIO PV LLC] and at Kawaiiloa, Oahu [Docket SP15-406 KAWAILOA SOLAR, LLC]. When built and on-line, these facilities will move Oahu forward toward reaching the State of Hawaii's stated goal of energy self-sufficiency.

The Commission rejected acceptance of Pi'ilani Promenade North, LLC's and Pi'ilani Promenade South, LLC's Final Environmental Impact Statement in support of their Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order Dated February 10, 1995, which reclassified approximately 88 acres at Ka'ono'ulu, Makawao-Wailuku, Maui, Hawai`I. [Docket A94-706 Ka'ono'ulu Ranch.]

The Commission's decision was not on the ultimate merits of the project (which generated much community opposition and which was derisively called the "Kihei Mega Mall"); the decision was based on the fact that the Final Environmental Impact Statement submitted to the Commission was inadequate according to the standards set forth by law; it did not contain the information

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required by law for a final environmental impact statement.

The Commission voted 6 commissioners in favor and 1 commissioner opposed to continue to allow Pulama Lanai company to use water from the high level aquifer to irrigate the Manele Bay golf course. [Docket A89-649 LANA'I RESORT PARTNERS.]

Although I was the sole commissioner voting against allowing the use, I very much respected the care my fellow commissioners took in listening to public testimony, and considering the voluminous record prepared by the hearings officer on the issue.

In all these decisions, the Commission has handled well its obligations to evaluate the impact of its decisions on native Hawaiian customs and practices, as required by the Hawaii Supreme Court in Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Haw. 31, 7 P.3d 1068 (Hawaii 2001).

I noticed that in making decisions, my fellow commissioners have focused on specific legal standards and the evidence before them. I rarely have observed appeals to passion, prejudice, or things not in the record.

The Commission has been fortunate to have a dedicated and knowledgeable staff of land use professionals. These state employees clearly have expertise superior to many of the paid consultants that have testified before the Commission

I also appreciate the professionalism of the Commission staff; they do not advocate their personal political views on pending dockets or proceedings.

The Commission staff spends a significant time ensuring public access and participation. The staff has created and maintained a website which promptly displays and communicates notices, failings and other documents and materials.

Trust in government has been promoted by the staff's work to keep the Commission's business, proceedings and documents easily accessible by the public, and to encourage and facilitate the public's input and participation.

The failure by certain applicants to comply with conditions

ordered by the Land Use Commission is an issue which probably should be addressed.

The powers of the Commission to enforce its orders are limited, often only to an action to revert the land use designation. Enforcement of these conditions is often left to the Counties (who often do not act), or to the few individuals willing to take the time and spend the money to bring petitions for orders to show cause.

As a result, conditions imposed with respect to a boundary amendment are essentially ignored by the applicant or the applicant's successors in interest.

The Commission probably should address the fact that some of its decisions and orders are not being enforced.

By making this comment, I am not necessarily advocating an expansion of the Commission's powers or staff. However, the lack of enforcement allows certain applicants to retain the benefits of a land use boundary amendment without satisfying all the conditions imposed for that land use change.

of land use decisions and conditions set by previous Land Use Commissions decisions and orders is an issue and a concern.

7. "During your service on the Commission, were there possible conflicts of interests involving you that arose? How were those potential conflicts addressed? If you were to continue to serve, can you foresee any other possible conflicts involving you?"

No conflicts arose during my service on the Commission.

I did, however, disclose professional interactions I had with attorneys appearing before the Commission, although these interactions or relationships did not create or constitute a conflict of interest.

If I am confirmed by the Senate. I do not foresee any conflicts of interest.

Our law firm, Leu Okuda & Doi, has an established practice going back to 1987. Much of our practice involves representing mainland lenders and established local businesses and clients, who generally do not have matters before the Land Use Commission.

We do not represent clients seeking Land Use Commission approvals or persons opposing actions pending before the Land Use Commission. I am not aware of any client of the firm with matters pending before the Land Use Commission, or likely to present a matter before the Land Use Commission.

If I am confirmed, our firm will not represent persons or entities with matters before the Land Use Commission. We will use our standard computerized conflict checking procedure (which we use with all our other client matters) to prevent conflicts of interest.

If either an actual conflict or the appearance of a conflict of interest arises, I would recuse myself from the matter. I will also take whatever additional actions are reasonable or necessary to insure public confidence and trust in the Land Use Commission, even if such additional actions exceed more than recusal.

When I was first nominated in 2016, I disclosed that I am representing the Plaintiffs in the following cases against the State of Hawaii, which do not involve the Land Use Commission:

- A. KITSU V. DEPARTMENT OF EDUCATION, Civil No. 15-1-1824-09 GWBC.

I am one of the attorneys representing Susan Kitsu, the former director of the Department of Education's Civil Rights Office, in a wrongful termination action.

- B. ARTHUR V. DEPARTMENT OF HAWAIIAN HOME LANDS, Civil No. 05-1-1981.

I am one of the attorneys representing the Plaintiff in a wrongful death action. Plaintiffs have reached a settlement with the Department of Hawaiian Home Lands.

- C. OCEANIC KAIMAMALA CORP., NEPHI OHAI, LEO OHAI, and

VIRGINIA OHAI, vs. STATE OF HAWAII, STATE OF HAWAII DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AND ITS SUCCESSOR ENTITIES, Civil No. 01-1-2505-08 KSSA, and LEO OHAI and NEPHI OHAI vs. STATE OF HAWAII, Civil No. 09-1-0208-01 KKS.

I am the attorney representing Plaintiffs Ohai in an action arising out of a loan with the State of Hawaii. We are waiting for confirmation of approval of a settlement of the case.

- D. GARY OKUDA V. DEPARTMENT OF EDUCATION, Civil No. 15-1-1789-09 VLC

This is a lawsuit I filed to enforce a request for procurement and other documents from the Department of Education. A motion to replace me as Plaintiff was filed but denied by the Court. No action is being taken in the case, pending the substitution of a new Plaintiff.

All the above matters were submitted to the Ethic's Commission for review. I was not informed that the matters create a conflict of interest, or interferes with my service on the Commission.

8. "Is there any other information regarding your experience and background that you believe should be considered for your nomination?"

I try to work hard, and read everything that is submitted on a matter.

I try to remember that I am not the smartest person in the room.

IV. CONCLUSION.

I am honored by the nomination of Governor Ige to continue to serve the people of Hawaii as a Commissioner of the Land Use

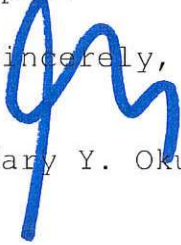
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Commission.

If confirmed, I pledge to keep an open mind, and make decisions without favoritism or bias.

I will act in accordance with the statutes passed by the Legislature, and I will be guided by the Hawaii State Constitution, which sets forth the common goals, values and heritage of all of Hawaii's people.

Sincerely,



Gary Y. Okuda

Enclosure:
(1) Resume

cc: Senator Mike Gabbard
Senator Lorraine R. Inouye
Senator Donna Mercado Kim
Senator Laura H. Thielen
w/ enclosure