

**GM 842**



ASHFORD + WRISTON  
A LIMITED LIABILITY LAW PARTNERSHIP LLP

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April 12, 2016

To: The Honorable Mike Gabbard, Chair  
The Honorable Clarence K. Nishihara, Vice Chair  
Members of the Senate Committee on Water, Land, and Agriculture

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

RE: GM-842 – Consideration and confirmation to the Land Use Commission, Gubernatorial  
Nominee, DAWN CHANG - **SUPPORT**.  
Hearing date: Monday, April 18, 2016  
Hearing time: 2:45 p.m.  
Conference Room 224

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

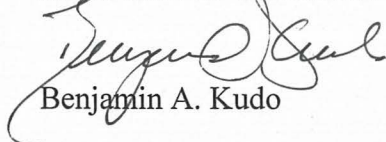
I respectfully ask for your favorable consideration and the support of your Committee members on the appointment of Ms. Dawn Chang to the Land Use Commission. I have known Ms. Chang for many years. She has always been a considerate and honest person. She will carry out her responsibilities well and as a former Deputy Attorney General will add to the Commission's knowledge.

Based on the foregoing, I recommend with no reservation your favorable consideration of Ms. Dawn Chang for the aforementioned position. She is a person who will prove to be worthy of your support.

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

Very truly yours,

ASHFORD & WRISTON



Benjamin A. Kudo

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April 12, 2016

Honorable Senator Mike Gabbard, Chair  
And Members of the Senate Water, Land, and Agriculture Committee  
State of Hawaii

**Re: Ms. Dawn Chang, GM 842**

Dear Chair Gabbard and Members,

I would like to share my support for Ms. Dawn Chang for the At-Large position for the State Land Use Commission.

Dawn has always been a voice of calm and reason even when discussions and emotions are running high. Her experience as a communicator, a facilitator, and her time as an attorney with the Land/Transportation Division of the State Attorney General's office will serve the State Land Use Commission well. Her unique perspectives and experiences will be an invaluable asset as the LUC debates and measures the merits of various projects and how the State applies its land use policies to shape the physical, cultural, and historical landscape of our islands.

The State Land Use Commission serves as an important step in protecting our natural resources of our islands while balancing the basic needs of our citizens. Dawn would be a terrific addition to the LUC to serve Hawaii's people by ensuring this balance is sought.

Please give Ms. Dawn Chang your favorable consideration.

Aloha  
Brennon T. Morioka



**HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST**  
650 Iwilei Road, Suite 285 · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: [hilecet.org](http://hilecet.org)

**TESTIMONY BY CLYDE T. HAYASHI**  
**HAWAII LECET**

[COMMITTEE ON WATER, LAND, AND AGRICULTURE](#)

Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair

NOTICE OF HEARING

DATE: Monday, April 18, 2016  
TIME: 2:45 p.m.  
PLACE: Conference Room 224  
State Capitol, 415 S. Beretania Street

**TESTIMONY ON GM 842**

TO THE HONORABLE MIKE GABBARD, CHAIR, CLARENCE NISHIHARA, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Clyde T. Hayashi, and I am the Director of the Hawaii Laborers-Employers Cooperation and Education Trust (LECET). Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368 and its 250+ unionized contractors.

Mahalo for the opportunity to testify in **STRONG SUPPORT** for GM 842, which submits for consideration and confirmation Gubernatorial Nominee, Dawn Chang to the Land Use Commission, for a term to expire on 06-30-2019.

Ms. Chang has extensive knowledge in land use issues, having served as a Deputy Attorney General for the State of Hawaii, specializing in the area of real property law, water rights, environmental law, Native Hawaiian rights, and administrative law. She also has experience in these areas working in the private sector, as an attorney for the law firm Ishida & Yamada. As an attorney, Ms. Chang advised various State Boards and Commissions, such as the Land Board, Island Burial Councils, and Water Commission, as well as provided training to State employees and agencies on Native Hawaiian rights. Ms. Chang has extensive litigation experience in ceded lands, burial laws, historic preservation laws, real property transactions and title actions. Hawaii LECET believes that her legal background and knowledge in these areas will be a valuable asset to the Land Use Commission.

As a principal of Ku'iwalu, a public affairs company, Ms. Chang specializes in strategic planning, cultural resource management, and historic preservation issues. She has considerable expertise in the areas of Native Hawaiian burials and cultural resources, and this knowledge will be extremely helpful as a member of the Land Use Commission.

I strongly believe Ms. Chang has the commitment, skills, knowledge, and experience needed to serve in this critical position. Her industry experience is invaluable, and her willingness to serve the community is commendable. For these reasons, I humbly ask for your **SUPPORT** and confirmation of Ms. Dawn Chang as a member of the Land Use Commission.



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**Corianne W. Lau**

Phone: (808) 441-6168  
Fax: (808) 524-4591  
E-mail:  
[CLau@ahfi.com](mailto:CLau@ahfi.com)

April 14, 2016

**VIA E-MAIL** ([WLAtestimony@capitol.hawaii.gov](mailto:WLAtestimony@capitol.hawaii.gov))

Senator Mike Gabbard  
Committee on Water, Land and Agriculture  
Room 201  
415 S. Beretania Street  
Honolulu, HI 96813

**Re: GM842; Appointment of Dawn Chang to Land Use Commission**

Dear Senator Gabbard:

I am a director and shareholder of the law firm of Alston Hunt Floyd & Ing but am providing written testimony in my personal capacity. I write in strong support of the gubernatorial nomination of Dawn N.S. Chang to the Land Use Commission.

I have known Dawn for over 30 years, since we attended law school together. She is smart, hardworking and very knowledgeable about land, water, real property and Native Hawaiian Rights law. Her professional career has ranged from public service, to private practice, to consulting and problem-solving on extremely complex issues related to public policy connected with all the aforementioned areas of law. Her dispute resolution and conflicts management skills will serve the Land Use Commission well on matters of public controversy that are often before that body.

I firmly believe Ms. Chang will bring a wealth of knowledge and experience to the Land Use Commission. She will serve with dedication, commitment and integrity, characteristics for which she is widely known among her friends, colleagues and the greater Hawaii community.

Ms. Chang has my unequivocal support.

Please contact me if I can answer any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Corianne W. Lau".

Corianne W. Lau

CWL:clm

**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

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Statement of  
**Daniel E. Orodenker**  
**Executive Officer**  
Land Use Commission

Before the  
Senate Committee on Water, Land, and Agriculture  
April 18, 2016  
2:45 PM  
State Capitol, Conference Room 224

In consideration of

**GM842**  
**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE**  
**COMMISSION, GUBERNATORIAL NOMINEE,**  
**DAWN CHANG,**  
**for a term to expire 06-30-2019**

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

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 nomination of Dawn Chang to serve as as commissioner for a term to expire on June 30, 2019. Ms. Chang has been nominated to fill the position as the Governor's nominee for an At-Large seat on the Commission.

Ms. Chang has a diverse background in development and administrative law. Her experience as a deputy attorney general will be valuable to the commission and presents a unique perspective. She has experience in conflict resolution and facilitation as well as strategic planning for cultural and historic resources. In sum, she has key expertise in the integral workings of boards and commissions, combined with significant knowledge in key areas of cultural and public concern.

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

Thank you for the opportunity to testify on this matter.



April 11, 2016

TESTIMONY OF DANNA HOLCK, VICE PRESIDENT & GENERAL MANAGER OF TURTLE BAY RESORT

GOVERNOR'S MESSAGE 842

GUBERNATORIAL NOMINEE, DAWN CHANG  
Land Use Commission

The Honorable Senator Mike Gabbard and Members of the Land Use Commission:

I strongly support the nomination of Dawn N.S. Chang for the appointment to the Land Use Commission. I have known Ms. Chang for many years and endorse her for this appointment.

Ms. Chang is an expert on land issues and regulatory requirements. She served 14 years as Deputy Attorney General with the Land/Transportation Division and counsel to various State Boards and Commissions such as the Land Board, Island Burial Councils, and Water Commission. Ms. Chang is a former social worker for Queen Lili'uokalani Children's Center. She received her law degree from the Richardson School of Law, a Master's in Social Work from the University of Hawai'i, and a BA in sociology from the University of Hawai'i. Ms. Chang is a member of the Hawai'i State Bar Association and Native Hawaiian Bar Association. She has served on the boards of the Historic Hawai'i Foundation, Girl Scouts of Hawai'i, Camp Mokule'ia with the Episcopal Church, William S. Richardson School of Law Alumni Association, Kualoa-He'eia Ecumenical Youth, Waimanalo Teen Project, Hawai'i Youth Opera Chorus, Ho'okano Family Land Trust, Planned Parenthood, Key Project Kahalu'u, and Pacific Islands Land Institute.

Ku'iwalu is a woman-owned Native Hawaiian business enterprise that has successfully provided support to public and private sector clients since 2001 by assuring compliance with Federal and State historic preservation and environmental regulatory programs including Section 106 of the National Historic Preservation Act, National Environmental Policy Act, Native American Graves and Repatriation Act and Chapter 6E, state historic preservation and burial laws. As Ku'iwalu's Principal, Ms. Chang conducts training courses in Cultural Orientation, Native Hawaii Land Use, Native Hawaiian Rights, and Native Hawaiian Burial laws to attorneys, realtors, developers, and community organizations.

In the years I have known Ms. Chang, I have gained an immense amount of respect for her integrity, her knowledge of government and law, and her commitment to doing the right thing for the people of Hawai'i. Her credentials paint a clear indication of her genuine interest, commitment and care of Hawai'i. She is dedicated to ensuring that generations far beyond ours has the opportunity to enjoy our culture and the unparalleled lands throughout the State of Hawai'i.

I respectfully ask that Dawn Chang's nomination receive the consent of your committee and be forwarded to the full Senate for confirmation. I appreciate the opportunity to provide comment on Ms. Chang's nomination.

Respectfully Submitted,

A handwritten signature in black ink that reads "Danna Holck".

Danna Holck

**From:** [Darolyn H. Lendio](#)  
**To:** [WLA Testimony](#)  
**Subject:** GM842 Nomination of Dawn Chang to the Land Use Commission  
**Date:** Thursday, April 14, 2016 4:16:29 PM

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Aloha Chair Gabbard, Vice Chair Nishihara and members of the Senate Water, Land and Agriculture Committee –

It is with great honor that I submit testimony in support of the nomination of Dawn Chang to the Land Use Commission.

I have known Dawn since 2007 in a professional capacity in our work on behalf of the University of Hawaii. I first met Dawn as the University was seeking assistance with the Comprehensive Management Plan (“CMP”) for the lands leased by the University atop Mauna Kea. Dawn worked tirelessly from 2007 to 2009 in developing the CMP in order to facilitate the management of the lands under University purview and which resulted in a comprehensive and detailed document approved by the Board of Land and Natural Resources in March 2009. Her background in land use law and Native Hawaiian culture made her uniquely situated to assist with this effort.

Perhaps her greatest asset is her willingness to listen and collaborate on seeking solutions to difficult issues. She conducts herself with a strong moral and ethical compass and her passion for her community is beyond reproach. In this regard, she would make an outstanding member of the Land Use Commission.

I humbly request that you vote favorably on her nomination.

Please do not hesitate to contact me if you have any questions.

Mahalo,

Darolyn

Darolyn H. Lendio  
McCorriston Miller Mukai MacKinnon LLP  
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Honolulu, Hawaii 96813-2800  
Dir. Tel. No. (808) 529-7456  
Fax No.: (808) 535-8012  
E-mail: [lendio@m4law.com](mailto:lendio@m4law.com)

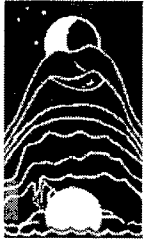
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received this communication in error, please notify us immediately by email or telephone, and return the original message. THANK YOU.

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# Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813 • www.nhlchi.org  
Phone (808) 521-2302 • Fax (808) 537-4268



## Opposition to GM 842 (Dawn Chang's Nomination to the LUC) April 18, 2016

Chair Gabbard and members of the Senate Committee on Water, Land and Agriculture,

The Native Hawaiian Legal Corporation strongly opposes the nomination of Dawn Chang to the State Land Use Commission.

While Ms. Chang professes to care about the protection of cultural resources her actions outlined below belie her claim. It is our kuleana to ensure you are aware of this.

In 2005, Dawn Chang offered her professional services to Kawaiaha'o Church. She noted her unique expertise in burial and historic preservation laws and highlighted her years' worth of experience working with SHPD and the burial councils. *See* Exhibit 9 attached. She predicted that it "is very likely that known and unknown archaeological, historical and cultural resources, including native Hawaiian human burial remains will be discovered on the Project site." *Id.*

As the Church deliberated over how to proceed with its plans to construct a multipurpose center on the Church's grounds, she advised the Church to avoid preparing an archaeological inventory survey (AIS). In a December 29, 2005 email, she wrote that preparation of an AIS would "be costly", "take considerable time," and "[m]ost significantly, any human remains found during an archaeological inventory survey will be considered 'previously identified.'" Exhibit 12. She warned the Church that this designation will be "significant" because "it will require at a minimum publishing notice of these finds to potential descendants, consultation with lineal and cultural descendants; and would involve the OIBC which under the "worst case scenario" could preclude the relocation of human remains. Because of prior "productive meetings with the new SHPD administrator," Ms. Chang proposed an informal meeting with SHPD to discuss the changed plans and to request a revised mitigation plan from SHPD. *Id.* A few months later she asked the Church to consider the implications of preparing an AIS: that doing so could lead to the discovery of a concentration of burials "which supports preservation in place rather than relocation." Exhibit 14. In May 2006, Ms. Chang reiterated to the Church that it would be "much better off" if an AIS was not required. Exhibit 13. She exploited her connections with SHPD and the Attorney General's Office to facilitate avoiding the preparation of an AIS for the Church's project and the jurisdiction of the O'ahu island burial council. Exhibit 12 and 207.

Dawn Chang's advice led to the illegal disinterment of over six hundred burials. Her advice cost the Church millions of dollars. Her advice was inconsistent with the law – as determined by both the Intermediate Court of Appeals and the Hawai'i Supreme Court. And most importantly, her advice was deliberately intended to circumvent the protection of burials. Anyone who actually cared about cultural resources would not have advised the Church to avoid preparing an archaeological inventory survey and avoid the jurisdiction of the burial council.

*Services made possible with major funding from the Office of Hawaiian Affairs*



**KU'IWALU'S**

**Proposal to**

**Kawaiaha'o Church Construction Committee  
Donald A. Caindec, Chair**

**For**

**Community Outreach, Cultural Resource Management,  
Media Relations Consultation (Consultation) Services for the**

**The Kawaiaha'o Church Construction Project (Project)**

**Proposed Scope of Services**

**August 16, 2005**

CIVIL NO. 09-1-1828-08 KKS  
PLAINTIFF EXHIBIT NO. 9  
FOR IDENTIFICATION: \_\_\_\_\_  
IN EVIDENCE: \_\_\_\_\_

CLERK

**01017104**

## **I. Introduction**

- A. Brief historical information - Kawaiaha'o is the first Christian Church in Hawai'i and was built between 1836 and 1842. Kawaiaha'o is rich in Hawaiian royalty. It was in Kawaiaha'o Church in 1843 that Kamehameha III uttered the phrase, "Ua mau ke ea o ka aina I ka pono" (The life of the land is perpetuated in righteousness). The church is listed on both the State and National Register of Historic Places.
- B. Statement of the project - While the Project involves lands that have been previously developed, it is also situated within a known cemetery and it is very likely that known and unknown archaeological, historical and cultural resources, including native Hawaiian human burial remains will be discovered on the Project site. Kawaiaha'o Church (Client) desires to be very sensitive to the existing and potential historic and cultural resources that may be discovered on the Project site. It is the goal of the consultation services provided by Ku'iwalu to develop and implement a proactive plan to ensure that these resources are managed in the most culturally appropriate manner while ensuring that the construction activities proceed in a timely and efficient manner.
- C. Consultation Team - Ku'iwalu brings unique expertise to this Project through its Team's years of experience in the area of working with the Island Burial Councils, State Historic Preservation Division, Department of Health, native Hawaiian organizations, and members of the native Hawaiian community. Our expertise is in the areas of community outreach (i.e. consultation process), legal understanding of the burial and historic preservation laws, and hiring and supervising archaeological firms in the area of archaeological monitoring for construction related activities. Ku'iwalu desires to work with clients who are interested in making positive contributions to Hawai'i's communities and have a respect for the protection and preservation of native Hawaiian cultural resources. Fuel Communications (Fuel) will be a sub-consultant to Ku'iwalu. Fuel brings years of experience specifically in the area of media relations. Ku'iwalu and Fuel currently collaborate as the Communications Team for the Kaho'olawe Island Reserve Commission.

## **II. Pre-Construction Activities**

- A. Consultation with Client
  - 1. Advise the Client on all pertinent historic preservation and cultural resource related laws and administrative rules, including Chapter 6E, HRS, and its implementing rules.
  - 2. Identify areas of major cultural resource concerns and develop strategies and methodologies to address such concerns, including:

- a. Identification and treatment of historic and cultural resources, including human burial remains.
  - b. Native Hawaiian cultural practices and protocols.
  - c. Impact of construction activities on existing gravesites within the Project area.
3. Advise and assist the Client in developing effective relationships and communications with and between native Hawaiian groups, O'ahu Island Burial Council (OIBC), State Historic Preservation Division (SHPD) and potential lineal and cultural descendants.
  4. Develop communications protocol between the archaeologists, Ku'iwalu and the Client on archaeological and cultural issues related to the Project.
  5. Advise Client on national, state, and local sources of grant and other funding assistance for the Project as requested.
  6. Assist in the identification and selection of a Hawaiian cultural consultant as determined to be necessary and appropriate.
- B. Consultation Process
1. Identify native Hawaiian groups and descendants that may have an interest in archaeological or cultural matters related to the Project.
  2. Prepare and publish public notices to potential Lineal and Cultural Descendants (L/C).
  3. Consult, coordinate and communicate with the following entities or individuals (the "Consulted Parties") as necessary
    - a. SHPD
    - b. OIBC, in coordination with the Client
    - c. Hui Malama I Na Kupuna O Hawai'i Nei (Hui Malama)
    - d. Office of Hawaiian Affairs and, as appropriate, other native Hawaiian organizations
    - e. Recognized L/C
- C. Coordination with archaeological consultants
1. Review and comment on reports and plans prepared by the project archaeologist for consistency with cultural resources and historic

preservation laws and issues of potential concern to the Consulted Parties, including:

- a. Archaeological assessment
  - b. Archaeological monitoring plan
  - c. Archaeological inventory survey
  - d. Archaeological data recovery plan (including temporary curation)
2. Assist in the facilitation of approvals by SHPD of all applicable archaeological reports.
  3. Develop a pre-construction briefing checklist for contractors and construction personnel as it relates to the identification, treatment, and protection of archaeological and cultural resources, more specifically human burial remains.

### **III. Community Relations**

Many groups have emotional ties to Kawaiaha'o Church because of its history and the role it plays in the greater community. Aside from the Church's congregation, native Hawaiians, political leaders and all those with an attachment to local history may feel they are stakeholders in the Church. Groups concerned with historical preservation and the character of downtown Honolulu, as well as those who live, work, or own property near the Church will have a keen interest in any physical changes to and development on the church property. Therefore, in addition to the communications described in the consultation process, the Team will:

- A. Develop a database of these diverse stakeholder groups and select an approach for educating each group about the benefits and necessity for the Project and anticipate and preemptively respond to their anticipated concerns.
- B. Develop a proactive and reactive approach for dealing with media issues related to the Project. Assist Church leaders to identify likely issues and develop a strategy to respond to each issue in a culturally and politically appropriate manner. Issues and messages to particular stakeholders will have to be individually tailored and delivered by appropriate channels.
- C. Assist in the development of the range of communications channels required, including news media, newsletters, direct mail, public notices, and other publications. This planning will include the development of initiatives to deal with commercial impacts that may affect neighborhood businesses because of constraints on access, parking or traffic congestion during construction.

- D. Provide assistance to the Client on appropriate responses to media inquiries, including media training for the Client on how to speak to the media in the event of a crisis situation or for informational purposes. Part of the media training is the development of "must air points" – those messages that must be delivered, particularly when speaking to broadcast media, where only a sound bite will be aired- as well as methods for conducting a press conference and getting your point across when being interviewed by the print media. Media training is also a means by which a number of spokespeople work together to develop messages that are consistent regardless of who is speaking.
- E. Develop materials for the press, including fact sheets and background information about the Church and the Project. Press releases will be crafted and distributed at key points in the critical path of the Project. Schematics, artists' renderings of architectural plans and elevations will also be part of the press kit materials.
- F. Upon request of the Client, draft and/or review public informational material about archaeological and cultural resources in connection with project, including media statements.
- G. Coordinate all public meetings and hearings, including OIBC meetings and meetings of descendants.

#### **IV. Construction Activities**

- A. Coordinate with archaeologist a pre-construction conference with construction contractors and crew regarding protocols in the event of an inadvertent discovery of burial remains.
- B. Ensure ongoing coordination between archaeologists and construction contractor during construction.
- C. Develop an Archaeological Management Plan (AMP) to appropriately and timely respond to discovery of human burial remains. The establishment of an AMP before a problem occurs is essential and often means the difference between crisis communications and damage control. The AMP will contain a strategy for disseminating information in crisis management situations through a variety of channels, including news media.

#### **V. Crisis Communications plan**

- A. Crisis communications plans will be created in anticipation of such events, including the procedures that should be followed by the architects, contractors, and the Client when an incident occurs.
- B. In the event that unexpected problems arise; the Communications Team will be available to prepare statements and work with the Client to develop appropriate

responses, including the best way to get accurate information to the news media, providing the Client's view of the situation.

**VI. Burial Treatment Plan**

- A. Coordinate the preparation, review, and approval of burial treatment plans with all appropriate persons, including SHPD, OIBC, lineal and cultural descendants, and others as required by law or agreement.
- B. Implement burial treatment plan including the coordination of reburial ceremonies, if appropriate or required by law or agreement, for the reinterment of the inadvertently discovered human burial remains.
- C. Establish protocols for access to reinterment site, as required by law or agreement, by appropriate persons.

**VII. Additional related duties as agreed upon by the Client and Ku'iwalu**

**Budget**

Hourly rates for Ku'iwalu consultants:

- 1.     *\$150.00 - \$175.00   -   Principals*
- 2.     *\$100.00 - \$150.00   -   Specialists/Associates*

The hourly rates have been discounted to take into consideration that Kawaiaha'o Church is an eleemosynary organization.



**Nick T. Ayakawa**

**From:** Dawn N. Chang [dnschang@kuiwalu.com]  
**Sent:** Thursday, December 29, 2005 1:23 PM  
**To:** Donpua@aol.com  
**Cc:** Lani Lapilio; Kai Markell; Lane T. Ishida  
**Subject:** RE: SHPD AND HCDA REQUIREMENTS

December 29

Aloha Don

While you may not have specifically asked for my review or recommendations, in light of the change in design I thought I might pass some of my thoughts to you as the Church proceeds forward on the construction plans. You may have already been advised on these matters but I thought I'd pass them on to you in case you had not considered it.

1. SHPD initially required an archaeological inventory survey (Feb. 10, 2004 letter from Holly McEldowney), however, in light of the changed design (minimizing excavation, we may want to ask SHPD to reconsider this requirement. Having SHPD reconsider this requirement may be quite significant for several reasons. 1) It will be costly to do the inventory survey (equipment, archaeological services, etc.) 2) The survey may take considerable time, however arch archaeologist will be in the best position to provide a schedule. 3) Most significantly, any human remains found during an archaeological inventory survey will be considered "previously identified." While I would like to be optimistic that any human remains discovered on the project site will fall under the jurisdiction of DOH, in the event it is not, then the designation of discovery as previously identified will be significant. It will require at a minimum publication notice of potential descendants, consultation with lineal and cultural descendants, consultation with Oahu Island Burial Council, and decision by SHPD. In general, construction will be not be permitted to proceed until this process is completed. Under the best of cases, this process could be expeditious (several months) or it could take a much longer time and affect your construction schedule. And, after the process you may not be able to relocate the human remains. Obviously, I am portraying the potentially worst case scenario, however, you need to be prepared for that and calculate that into your construction schedule and costs. 4) Increased cost in the event construction is delayed.

2. My recommendation is that once you have a conceptual redesign of the improvements, we schedule an informal meeting with SHPD to discuss these changes and request a revised mitigation plan from SHPD. Ku'iwalu has had several productive meetings with the new SHPD administrator (Melanie Chinen) and the Cultural Division Chief (Sunny Greer) on other matters and am more than willing to coordinate a meeting with SHPD and the appropriate members of the Church.

3. Ku'iwalu will continue to work with Kai to seek a timely resolution to the jurisdiction issue as well. The new design may dictate the outcome of these discussions too. We will keep you informed on these discussions.

Should you have any questions don't hesitate to contact me. We can always discuss this matter further when we meet in January.

take care. Hauoli Makahiki Hou.

Dawn N.S. Chang  
 Ku'iwalu  
 Pauahi Tower, 27th Floor  
 1001 Bishop Street  
 Honolulu, Hawaii 96813  
 Phone (808) 539.3583

**01001509**

CIVIL NO. 09-1-1828-08 KKS  
 PLAINTIFF EXHIBIT NO. 12  
 FOR IDENTIFICATION: \_\_\_\_\_  
 IN EVIDENCE: \_\_\_\_\_

11/19/2009

CLERK

----- Original Message -----

**From:** Dawn N. Chang

**To:** [Donpua@aol.com](mailto:Donpua@aol.com)

**Cc:** [dien@hawaii.edu](mailto:dien@hawaii.edu) ; [alan.kaopuiki@laeltokitainterior.com](mailto:alan.kaopuiki@laeltokitainterior.com) ; [Puadon@aol.com](mailto:Puadon@aol.com) ; [trotterv001@hawaii.rr.com](mailto:trotterv001@hawaii.rr.com) ; [ckekuna@kawaiahao.org](mailto:ckekuna@kawaiahao.org) ; [rnakamura@cmdintl.com](mailto:rnakamura@cmdintl.com) ; Kanani Nakawatase

**Sent:** Monday, May 01, 2006 9:57 AM

**Subject:** RE: Recommendations Regrding Burial Issues

May 1, 2006

Aloha don

I'm sorry I didn't call or email you sooner. I had a full knee replacement surgery and my recovery is probably on track but for impatient me, slower than I had expected.

Nonetheless I know you are going to the mainland soon and would like to have some discussion, especially on the archaeological monitoring. I agree that this has got to be a priority discussion. I also agree that to the extent that SHPD feels comfortable approving an archaeological monitoring plan, as opposed to requiring an archaeological inventory survey, the Church will be much better off. Especially based upon our network of contacts who already have an heightened awareness of the sensitivity of the project areas. My feeling is that if SHPD fully understands the scope of the Church's proposed project, they will consider a comprehensive monitoring plan. It may be a little difficult if we have the archaeologist advocating archaeological inventory survey though.

I am unable to climb stairs and am mobile for only a couple hours during the day. Is it possible to schedule a meeting on Thursday, May 4 at 2:00 – 3:00 to discuss this matter internally. We can discuss protocols for curation (storage) and protocols for discovery of human remains and artifacts.

Let me know what works for the group. Take care. dawn

---

**From:** [Donpua@aol.com](mailto:Donpua@aol.com) [<mailto:Donpua@aol.com>]

**Sent:** Friday, April 28, 2006 11:43 AM

**To:** Dawn N. Chang

**Cc:** [dien@hawaii.edu](mailto:dien@hawaii.edu); [alan.kaopuiki@laeltokitainterior.com](mailto:alan.kaopuiki@laeltokitainterior.com); [Puadon@aol.com](mailto:Puadon@aol.com); [trotterv001@hawaii.rr.com](mailto:trotterv001@hawaii.rr.com); [ckekuna@kawaiahao.org](mailto:ckekuna@kawaiahao.org); [rnakamura@cmdintl.com](mailto:rnakamura@cmdintl.com)

**Subject:** Recommendations Regrding Burial Issues

Aloha, Dawn,

I tried calling you this morning but apparently you are very busy. No problem.

In response to your emails of April 19 and 27, here are my thoughts:

**Media Calls**

As requested, I will inform the Kawaiahao office staff to direct any calls regarding burial discoveries (e.g., Queen Street lot) to Kuiwalu at 539-3580. This will also apply to calls about the kahea articles.

**On-site Parking Requirement**

As we previously discussed with Ryan Nakamura, CMD will prepare and submit a letter on our behalf asking the City to waive the on-site parking requirement for the new building or declare them satisfied with off-site parking. Also, as discussed with Melanie Chinen of SHPD, she plans

CIVIL NO. 09-1-1828-08 KKS

PLAINTIFF EXHIBIT NO. 13

FOR IDENTIFICATION: \_\_\_\_\_

IN EVIDENCE: \_\_\_\_\_

CLERK

SOH P 000015

**EXHIBIT "13"**

----- Original Message -----

From: Dawn N. Chang

To: Donpua@aol.com ; albinr001@hawaii.rr.com ; tinhu@hawaii.rr.com ; Puadon@aol.com ; david.au/facildev/HIDOE@notes.k12.hi.us ; trotterv001@hawaii.rr.com ; ckekuna@kawaiiahao.org ; shel@zanedevelopment.com ; dien@hawaii.edu ; b7laka@verizon.net ; alan.kaopuiki@laeltokitainteriors.com

Cc: spdztr@verizon.net ; dshideler@culturalsurveys.com ; kaim@oha.org ; pcooper@cmdintl.com ; makamura@cmdintl.com ; crose@legalthawaii.com ; nanetten@hawaii.rr.com ; john@fuelcommunicationshawaii.com

Sent: Tuesday, March 07, 2006 9:34 AM

Subject: RE: Iwi Assessment of Queen Street Parking Lot

Aloha Don

Thank you for the update.

David, I'm sure is already considering this in his analysis, but if there is a likelihood that burials will be discovered, I would suspect that SHPD would require that an archaeological inventory survey be completed before any construction work begins rather than only archaeological monitoring during construction. If this is the case, than any burials discovered during an archaeological inventory survey would fall under the decision making authority of Oahu Island Burial Council in consultation with recognized lineal and cultural descendants. My experience with the burial councils is that if we discover 20, or even 5, it may be considered a "concentration of human burial remains" which supports preservation in place rather than relocation. Thus, this may have an impact on the ability to use this site depending on the location of the burials and the proposed use.

Something to consider. dawn

---

From: Donpua@aol.com [mailto:Donpua@aol.com]

Sent: Tuesday, March 07, 2006 9:26 AM

To: albinr001@hawaii.rr.com; tinhu@hawaii.rr.com; Puadon@aol.com; david.au/facildev/HIDOE@notes.k12.hi.us; trotterv001@hawaii.rr.com; ckekuna@kawaiiahao.org; shel@zanedevelopment.com; dien@hawaii.edu; b7laka@verizon.net; alan.kaopuiki@laeltokitainteriors.com

Cc: spdztr@verizon.net; dshideler@culturalsurveys.com; kaim@oha.org; pcooper@cmdintl.com; Dawn N. Chang; makamura@cmdintl.com; crose@legalthawaii.com; nanetten@hawaii.rr.com; john@fuelcommunicationshawaii.com

Subject: Iwi Assessment of Queen Street Parking Lot

Aloha kakou,

Uncle Tin Hu, Alan Kaopuiki and I met yesterday with Dr. David Shideler of Cultural Surveys Hawaii (CSH) to go over our plans to convert a section of the KC cemetery near the Queen Street gate into a small parking lot (in connection with our MPC project). After reviewing the 1912 cemetery plot assignment map in the archives, we went out to the site to confirm the location and look at the markers in the area.

CSH was deeply involved in the discovery of Iwi during the City's widening of Queen Street (April 1986 to August 1988). A total of 116 burials were recovered, all of them near or adjacent to the sidewalk curbing along our stone wall by Queen Street. Attached to this email are two na iwi discovery maps made by CSH during that time. Actually, one map is just an enlargement of the Diamond Head section of the other.

CIVIL NO. 09-1-1828-08 KKS

PLAINTIFF EXHIBIT NO. 14

FOR IDENTIFICATION: \_\_\_\_\_

IN EVIDENCE: \_\_\_\_\_

CLERK

SOH P 000008

**EXHIBIT "14"**

PERMISSION TO COPY DENIED, HRS 606.13, etc.

1.

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAI'I

3

4 \_\_\_\_\_ )  
 DANA NAONE HALL, )  
 )  
 5 )  
 vs. )  
 6 DEPARTMENT OF LAND AND NATURAL )  
 RESOURCES, )  
 7 )  
 8 \_\_\_\_\_ )

Civil No. 09-1-1828

9 TRANSCRIPT OF PROCEEDINGS

10 before the Honorable KARL K. SAKAMOTO, Judge,  
11 presiding, on January 5 2011.

12

13 APPEARANCES:

14 MOSES K.-N. HAIA, III ESQ.  
15 DAVID KIMO FRANKEL, ESQ.  
For Dana Naone Hall

16 MARIE MANUELE GAVIGAN, ATTY.  
17 Deputy Attorney General  
For the Department of Land and  
Natural Resources

18 CRYSTAL K. ROSE, ATTY.  
19 ADRIAN L. LAVARIAS, ESQ.  
For Kawaiaha'o Church

20

21

22 REPORTED BY:

23 MARY BETH W. KUNIHIO, CSR#234  
California CSR#8629  
24 Official Court Reporter  
State of Hawai'i  
25 jn:110105.wrk

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1 Q. Okay. And, can you tell me what kind of  
2 conversations did you have with the State of Hawai'i?

3 MR. FRANKEL: Objection, Your Honor. Calls  
4 for hearsay.

5 THE COURT: Sustained.

6 Q. Did you meet with anyone from the State of  
7 Hawai'i?

8 A. Yes, I did.

9 Q. Who did you meet with?

10 A. We met with members of the State Historic  
11 Preservation Division to discuss numerous issues as they  
12 came up throughout the project design, jurisdictional  
13 issues as well as the burials.

14 Q. And, did you meet with anyone from the  
15 Department of Health?

16 A. I met with the Deputy Attorney General from  
17 the Department of Health but not anyone in particular not  
18 an official.

19 Q. And, did you meet with any -- did you also  
20 meet with the Deputy Attorney General for SHPD?

21 A. Yes, I did.

22 Q. And, were those -- in those meetings were  
23 both of those members -- both attorneys -- both Deputy  
24 Attorneys Generals present?

25 A. Yes, they were.

1 Q. And, could you tell us who they were.

2 A. The Department of Health was Jill Nagamine.  
3 For State Historic Preservation Division was Vince  
4 Kanemoto.

5 Q. What were the concerns that were addressed at  
6 those meetings?

7 A. Prior to my coming on as a consultant, there  
8 had been concerns related to jurisdiction. This was  
9 the Kawaiaha'o Cemetery and there were discussions about  
10 who would exercise jurisdiction over any burials that may  
11 be discovered.

12 So, when I came on board, because I had been  
13 previous -- I had previously worked at the Attorney  
14 General's Office, an iwi committee member suggested that  
15 we pursue this discussion, we contacted SHPD and asked  
16 them if we could meet to discuss this. And, so, we met.

17 Q. And, how did the jurisdiction issue get  
18 resolved?

19 A. At that time there was no resolution. There  
20 was clearly some concern. There was discussion about  
21 Department of Health wanted to know who were the people  
22 that were going to be disinterred. We made it very clear  
23 there was no intention to disinter any one person. We  
24 didn't have -- we wanted to be proactive. Again,  
25 remember, this is all before any construction was done.

1           So, I think the way that it was ultimately  
2 resolved was that we were going to proceed under the  
3 approved archeological monitoring plan. And,  
4 subsequently, over the last several years, the  
5 jurisdiction has been resolved, DOH has exercised  
6 jurisdiction.

7           Q.       Thank you.

8           While you were involved in the jurisdictional  
9 issue with the Deputy Attorneys Generals, I want to ask  
10 you some questions about an e-mail you sent regarding the  
11 preparation of an AIS?

12          A.       Okay. Do you have the --

13          Q.       And, I have the e-mail. It's Plaintiff's  
14 Exhibit 12. It's not the Defendant's.

15          MS. ROSE: The clerk -- Miss Clerk, could I  
16 have Plaintiff's Exhibit 12.

17          May I approach the witness, Your Honor.

18          THE COURT: Yes.

19          A.       Yes, I recall this e-mail.

20          Q.       And, did you draft this e-mail?

21          A.       Yes, I did.

22          Q.       And, why did you send this e-mail to Mr.  
23 Caindec?

24          A.       Again, we had just been retained by  
25 Kawaiaha'o Church. When I came on board, the design of





April 10, 2016

State of Hawaii  
Senate Committee on Water, Land and Agriculture  
415 South Beretania St.  
Honolulu, HI 96813

Dear Chair Gabbard and Committee Members:

**Re: Dawn Chang**

---

It is my very distinct honour to write a letter of support for Dawn Chang's nomination to the State Land Use Commission (LUC).

In 2010 Dawn became a highly valued member of Turtle Bay Resort's team of professional advisors. With new ownership and new management, she helped lead us out of the dark. I will always remember our first meeting. We thought we were evaluating her but in reality she was interviewing us to assess whether our motives and intentions were pono. She was specifically concerned about what her mother might think – based on the resort's troubled past. We passed the test.

Dawn's role was to facilitate community consultation with respect to the Supplemental Environmental Impact Study that TBR was undertaking. One of her first contributions was convincing us to undertake an entirely discretionary Supplemental Archeological Survey. Even though it was not required for the SEIS, TBR excavated over 330 test pits to ensure that we met the highest expectation with respect to archeological considerations.

Dawn also participated in a critical early step in our SEIS process wherein a group representing ownership, management, community and subject matter experts met over several days to develop a new master plan for the resort. As a result of this process, Turtle Bay voluntarily reduced its density from 3500 approved units to 1375. This was a tremendous win for the community – thanks to Dawn's active advocacy. And she was immensely helpful in spreading this information within the community and fostering dialogue.

More recently, Dawn played a critical not once, but twice, when the State's first attempt at conserving resort lands at Turtle Bay was unraveling. It is well known that this transaction



closed last October and that approximately 1100 acres of Turtle Bay's lands are now preserved in perpetuity.

These few anecdotes are intended to portray insights into Dawn's very strong character – and in particular her ability to serve the public interest while serving a client. Based on everything that I know of Dawn, I have no hesitation to unreservedly support her nomination to the LUC.

Respectfully Submitted,

TURTLE BAY RESORT, LLC

A handwritten signature in black ink, appearing to read "Drew Stotesbury", is written over a horizontal line.

Drew Stotesbury, CEO

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLA Testimony](#)  
**Cc:** [vested\\_interest\\_hi@yahoo.com](mailto:vested_interest_hi@yahoo.com)  
**Subject:** Submitted testimony for GM842 on Apr 18, 2016 14:45PM  
**Date:** Friday, April 08, 2016 7:04:36 PM

---

**GM842**

Submitted on: 4/8/2016

Testimony for WLA on Apr 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Kent	Individual	Support	No

Comments: Aloha, I write this testimony is strong support of the nomination of Dawn Chang. I have known Ms. Chang for almost 35 years. She is a person who cares about the community, works hard, and has compassion for those around her. She is smart and courteous. She is serious about tasks she undertakes. In short, I have no reservations about her nomination and urge you to confirm her appointment to the LUC. Thank you for your consideration of my testimony. Elizabeth Kent

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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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLA Testimony](#)  
**Cc:** [ewong@kobayashi-group.com](mailto:ewong@kobayashi-group.com)  
**Subject:** Submitted testimony for GM842 on Apr 18, 2016 14:45PM  
**Date:** Monday, April 11, 2016 10:28:48 AM

---

**GM842**

Submitted on: 4/11/2016

Testimony for WLA on Apr 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elton Wong	Individual	Support	No

Comments: I would like to support Dawn S. Chang's nomination to the Land Use Commission. Her experience, back ground and experience will be an asset to the Commission and will well serve the people of Hawaii. Her cultural sensitivity is much needed where so many Hawaiian issues become controversial and fairness and understanding is needed to make important decisions. I full support Ms. Chang to the Land Use Commission.

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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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLA Testimony](#)  
**Cc:** [cliffes@aol.com](mailto:cliffes@aol.com)  
**Subject:** Submitted testimony for GM842 on Apr 18, 2016 14:45PM  
**Date:** Saturday, April 16, 2016 1:52:17 PM  
**Attachments:** [Dawn.Chang.Testimony.4.15.16.pages.zip](#)

---

**GM842**

Submitted on: 4/16/2016

Testimony for WLA on Apr 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Esther Arinaga	Individual	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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**From:** [Jo](#)  
**To:** [WLA Testimony](#)  
**Subject:** Testimony re GM 842: Hrng Date April 18, 2016 at 2:45 p.m. re Dawn Chang's Qualifications for the LUC  
**Date:** Tuesday, April 12, 2016 4:12:46 AM

---

I wholeheartedly support Dawn Chang's appointment to the Land Use Commission. I first knew Dawn as a law school classmate, where she was a bright, yet calming and cohesive force among our classmates. She has always been, and continues to be kind to people in the midst of stressful situations.

After law school, her work for Judge Walter Heen at the Hawaii Intermediate Court of Appeals, her work at the Hawaii Attorney General's office, and her work in her own business make her highly qualified for work with the Land Use Commission. Her knowledge, skills, temperament and genuine aloha for people would make her an asset to the Land Use Commission. Thank you for your consideration of this testimony in support of Dawn Chang.  
Sincerely, Jodie D. Roeca, Honolulu



JOHN M. KNOX & ASSOCIATES, INC.

Statement of  
**John M. Knox, PhD**

before the  
**SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE**

Monday, April 18, 2016  
2:45 p.m.  
State Capitol, Conference Room 224

in consideration of

**GM 842 Submitting for Consideration and Confirmation  
to the Land Use Commission,  
Gubernatorial Nominee, Dawn Chang,  
for a Term to Expire 06-30-2019.**

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee on Water, Land, and Agriculture:

I respectfully urge your **support** for the confirmation of **Dawn Chang** to serve on the State Land Use Commission.

I have known Dawn for over 35 years, since serving with her on the Waimānalo Teen Project board of directors. For Dawn, the well-being of the community was her first priority. After receiving her law degree, she continued to dedicate her skills to public service, first as a Deputy Attorney General, and later as an advocate and facilitator of community input into complex and controversial land use decisions.

Dawn understands the legal framework for the state land use system. She also knows the importance of earning the public's trust by ensuring a fair process for making decisions about future land use.

I **strongly support** the nomination of Dawn Chang to the State Land Use Commission.

Thank you for the opportunity to comment.



**Department of Land and Natural Resources  
Aha Moku Advisory Committee  
State of Hawaii  
Post Office Box 621  
Honolulu, Hawaii 96809**

Testimony of  
Leimana DaMate  
Executive Director

Before the Senate Committee on  
Water, Land and Agriculture

Monday, April 18, 2016  
2:45 P.M.  
State Capitol, Conference Room 224

**In Consideration of  
GOVERNOR'S MESSAGE 842  
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE  
COMMISSION, GUBERNATORIAL NOMINEE, DAWN CHANG, FOR A TERM TO EXPIRE  
06-30-2019.**

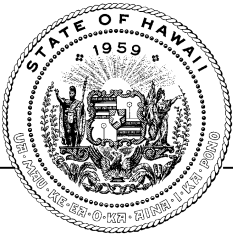
Gubernatorial Nominee, Dawn Chang, is submitted as a Gubernatorial Nominee for consideration and confirmation to the Land Use Commission for a term to expire on June 30, 2019.

A keiki o ka aina, Dawn Chang is a life-long advocate for good planning and lawful decisions. She deliberates thoughtfully and deeply before she make decisions that result in beneficial results for whatever project or process she is working on. She is known for “doing the right thing” and admired for staying true to her foundation of transparency and fairness. She has spent a life-time of service to the public trust, privately and publicly.

We believe in Dawn Chang! She has the vigor and endurance to successfully sit on the Land Use Commission simply because her depth of knowledge of land use issues, strategic planning and real understanding of the nuances of human nature when it comes to land use concerns will allow her to navigate the often turbulent nature of the Commission.

Thank you for the opportunity to offer testimony and we ask that this committee accept and confirm Dawn Chang to the Land Use Commission. Mahalo nui loa!





**OFFICE OF PLANNING  
STATE OF HAWAII**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

**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, LAND, AND AGRICULTURE**

Monday, April 18, 2016  
2:45 PM  
State Capitol, Conference Room 224  
in consideration of

**Governor's Message (GM) 842**

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

I strongly support Governor David Y. Ige's nomination of Ms. Dawn Chang to serve as a member of the Land Use Commission.

Ms. Chang has the breadth of subject matter knowledge to be a member of the Land Use Commission. Her background in government as a Deputy Attorney General to the Department of Land and Natural Resources, as well as her experience in the private sector as an attorney, consultant, and facilitator, including her work with Native Hawaiians and communities statewide, will serve Ms. Chang well as a member of the Land Use Commission.

I have personally known Ms. Chang for more than 20 years, and her collaborative nature of addressing tough issues has always been an asset, and she continues to demonstrate the highest level of professionalism. Ms. Chang has gained my trust as a colleague and friend, and there is no question that she will continue to demonstrate her high level of professionalism and leadership in matters before the Land Use Commission. I respectfully encourage the Committee to advise and consent to the nomination of Ms. Chang as a member of the Land Use Commission.

Thank you for the opportunity to provide testimony on GM 842.

TO: Senator Mike Gabbard, Chair  
Senator Clarence Nishihara, Vice Chair  
and members of the Senate Committee on Water, Land and Agriculture

From: Livia Wang, Esq.

RE: Testimony in support of GM842  
Governor's nomination of Dawn Chang for Land Use Commission

Hearing: April 18, 2016, 2:45pm, Conference room 224

I am writing to support Dawn N.S. Chang's nomination for a term on the Land Use Commission. I am a law school classmate of Ms. Chang. From 1985-1990 I was a staff attorney for the Native Hawaiian Legal Corporation and am presently the Chief Counsel for the Hawai'i Civil Rights Commission. I am submitting this testimony in my personal capacity as a long time friend and colleague of Ms. Chang.

Ms. Chang has an extensive background in land matters from her many years as a Deputy Attorney General in the Land and Transportation Division. She is especially knowledgeable about the various state and county permitting processes, as well as state and federal environmental and historic preservation requirements. As a principal with her company, Ku'iwalu, she has expertise in Native Hawaiian rights, practices and land uses. She is also a trained and well practiced mediator and facilitator and is able to communicate and work effectively with all sectors of our community - business, government and members of the public. With her background, experiences and skills, Ms. Chang will certainly make many contributions to the LUC.

For these reasons, I encourage you confirm Ms. Chang's nomination.

Senator Mike Gabbard, Chair  
Senator Clarence Nishihara, Vice Chair  
Senate Committee on Water, Land and Agriculture

Monday, April 18, 2016; 2:45 PM  
Hawaii State Capitol, Conference Room 224

**Re: GM 842 - Submitting for consideration and confirmation to the Land Use Commission,  
Gubernatorial Nominee, DAWN CHANG, for a term to expire 06-30-2019 –  
IN SUPPORT**

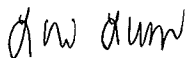
Aloha Chair Gabbard, Vice Chair Nishihara and members of the committee:

I am submitting testimony in support of the nomination of Dawn Chang to the Land Use Commission.

Dawn has served as Deputy Attorney General with the Land/Transportation Division and as counsel to various State Boards and Commissions, including the Land Board, Island Burial Councils and Water Commission. Her background and extensive experience make her well qualified to serve on the Land Use Commission. I'm confident she will make significant positive contributions. I have known Dawn for many years and have had the pleasure of working with her on various community issues in her capacity as Principal of Ku'iwalu. I have been impressed by her integrity, professionalism, leadership skills and genuine concern for Hawaii's future.

The State of Hawaii would be well served and fortunate to have Dawn serve on this important Commission. Your favorable action on her confirmation is respectfully requested. Mahalo for the opportunity to provide comments in support.

Sincerely,



Lori Lum  
98-1008 Piku Place  
Aiea, HI 96701



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

DAVID Y. IGE  
GOVERNOR

LUIS P. SALAVERIA  
DIRECTOR

MARY ALICE EVANS  
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [www.hawaii.gov/dbedt](http://www.hawaii.gov/dbedt)

Telephone: (808) 586-2355  
Fax: (808) 586-2377

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

Before the  
Senate Committee on Water, Land, and Agriculture  
April 18, 2016  
2:45 PM  
State Capitol, Conference Room 224

In consideration of

**GM842  
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE  
COMMISSION, GUBERNATORIAL NOMINEE,  
DAWN CHANG,  
FOR A TERM TO EXPIRE 06-30-2019**

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

The Department of Business, Economic Development and Tourism (DBEDT) strongly supports Dawn Chang as the Governor's nominee for an At-Large seat on the State Land Use Commission (LUC).

Ms Chang's resume reflects significant experience in administrative law, property law and strategic planning for key resources. Her multi-sector perspective will provide the Land Use Commission with significant multi-disciplinary insights.

Thank you for the opportunity to testify on this matter.

Statement of  
**MARY ALICE EVANS**  
**Deputy Director**  
Department of Business, Economic Development & Tourism  
before the  
**SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE**

Monday, April 18, 2016  
2:45 p.m.  
State Capitol, Conference Room 224

in consideration of  
**GM 842**  
**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE**  
**COMMISSION, GUBERNATORIAL NOMINEE, DAWN CHANG, FOR A TERM TO**  
**EXPIRE 06-30-2019.**

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

I respectfully urge your **support** for the confirmation of **Dawn Chang** to serve on the State Land Use Commission.

I have worked with Dawn for over 30 years since her job working as a social worker for Queen Liliuokalani Children's Center in Waimanalo. After Dawn graduated from law school and went to work as a Deputy Attorney General, we worked together on state land use issues. After Dawn went into private practice as a community advocate and public issues mediator, she has served as a trusted facilitator for community input into complex land use issues.

Dawn understands state land use law from both the legal side and the community side. She knows how important the public's opportunity for input is and how valued land is to Hawaii's residents. She knows how critical it is to conduct a contested case properly so that both the petitioner and any intervenors get due process without the risk of waiting years for a clear and final result.

I **strongly support** the nomination of Dawn Chang to the State Land Use Commission.

Thank you for the opportunity to comment.

April 11, 2016

Senate Committee on Water, Land, and Agriculture  
State Capitol  
415 South Beretania Street  
Conference Room 224  
Honolulu, HI 96813

Chair Gabbard, Vice Chair Nishihara, and members of the Senate Committee on Water, Land, and Agriculture thank you for the opportunity to testify in **Support of GM842**, for Governor Ige's nomination of **Dawn Chang** to the Land Use Commission.

In working with Dawn on several archaeological and cultural projects in Honolulu, she has been thorough, professional, and has always conducted her business with integrity. She is particularly driven toward ongoing protection and promotion of native Hawaiian rights.

The Land Use Commission will be fortunate to have her.

Thank You,

A handwritten signature in black ink, appearing to read "Matthew Pennaz". The signature is stylized with a vertical line on the left and a horizontal line extending to the right.

Matthew Pennaz

**Bernard P. Carvalho, Jr.**  
Mayor



**Michael A. Dahilig**  
Director of Planning

**Nadine K. Nakamura**  
Managing Director

**Ka'āina S. Hull**  
Deputy Director of Planning

**PLANNING DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite A-473, Līhu'e, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

**TESTIMONY IN STRONG SUPPORT**  
**GOVERNOR'S MESSAGE 842 RELATING TO THE APPOINTMENT OF**  
**DAWN N. CHANG, ESQ.**  
**TO THE LAND USE COMMISSION**

Before the Senate Committee on Water, Land and Agriculture  
Monday, April 18, 2016  
2:45 pm Conference Room 224

By Michael A. Dahilig  
Director of Planning, County of Kaua'i

Honorable Chair Gabbard and Honorable Members:

Without any hesitation or qualification, I am honored to testify in **STRONG SUPPORT** of Dawn Chang's confirmation to the Land Use Commission. Ms. Chang's *mana'o* and lifetime experience would bring depth and strength to the office, and help guide statewide land use planning with an even keel.

I have had the pleasure to work with Ms. Chang previously in the private sector as an intern while I was at the Richardson Law School with her consulting firm. Throughout the years our paths have crossed in many arenas, mostly in situations related to community development around historically and culturally significant issues. She has a command of the interplay between humans and the land, and is an authority many seek when needing guidance related to items sensitive to Native Hawaiians.

Dawn understands balance. Her calm demeanor and respectful nature lend to easy conversation and she always has sought consensus where available, yet is not afraid to speak the truth even when it is unpopular. I am blessed to have grown a professional and personal relationship with Ms. Chang, and this leadership role at the state level will serve us as a community well.

As our Department's work greatly interfaces with the Land Use Commission, I would eagerly look toward continuing building on what is already a strong partnership should Ms. Chang be confirmed. I ask this Honorable Committee to advise and consent to her nomination and forward to the full Senate for consideration. Mahalo for the opportunity to present this testimony.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLA Testimony](#)  
**Cc:** [ndavlantes@aol.com](mailto:ndavlantes@aol.com)  
**Subject:** \*Submitted testimony for GM842 on Apr 18, 2016 14:45PM\*  
**Date:** Friday, April 08, 2016 4:10:51 PM

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**GM842**

Submitted on: 4/8/2016

Testimony for WLA on Apr 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	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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P. Kaanohi Kaleikini  
89-107 Nanaikala Street  
Waianae Hawaii 96792

April 18, 2016

Aloha pumehana

I SUPPORT the gubernatorial nomination 842 of Dawn Chang, Esq., to the Land Use Commission.

Having served 14 years as Deputy Attorney General with the Land/Transportation Division and counsel to various State Boards and Commissions such as the Land Board, Island Burial Councils, and Water Commission, Dawn Chang is an expert on land issues and regulatory requirements.

The commissioners must weigh all of the testimony in public to render a fair decision and order, keeping in mind that the law set by the Legislature is not violated and that this change is in the best interest of the public, now and for the generations to come. Dawn is the person to fill this position description as she has done this for many years.

Involved in discussions alongside Dawn, I have observed that she is committed to improving the land use. She is able to identify important technical issues and ask pointed questions on those issues. She is an asset to the Commission.

Serving on the Land Use Commission requires a tremendous commitment in terms of time and priorities, more so than most other boards and commissions. Mahalo nui to Dawn Chang for volunteering to serve the community at this capacity.

Understanding the issues and needs of the Commission, matched with my association and knowledge of Dawn Chang's ability to handle situations the Commission will definitely encounter in the near future, I give my full support, faith and trust in Dawn Chang and urge your confirmation of her nomination to the Land Use Commission.

me ka haa haa

P. Kaanohi Kaleikini

*Peter S. Adler PhD*

*The Accord3.0 Network*

2471 Manoa Road Honolulu, Hawaii 96822

808-888-0215 (Land) 808-683-2849 (cell)

Email: [padleraccord@gmail.com](mailto:padleraccord@gmail.com) Web: [www.accord3.com](http://www.accord3.com)



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April 10, 2016

Honorable Michael Gabbard  
The Senate  
415 S Beretania St # 201  
Honolulu, HI 96813

Dear Mike,

I write in full support of Dawn Chang's confirmation to the Land Use Commission which is pending before you. I know Dawn personally and professionally and have worked closely with her on several projects. She has enormous skills and talents and is a woman of impeccable integrity. My recommendation is without qualifications or "yes...buts". She will be an enormous asset to the LUC and the state's complex land use regulation system. I'm happy to answer any questions should you want more information.

Warm regards,

*Peter S. Adler*

PETER S. ADLER, PhD

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLA Testimony](#)  
**Cc:** [skenomoto@hotmail.com](mailto:skenomoto@hotmail.com)  
**Subject:** Submitted testimony for GM842 on Apr 18, 2016 14:45PM  
**Date:** Saturday, April 16, 2016 10:15:39 AM

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**GM842**

Submitted on: 4/16/2016

Testimony for WLA on Apr 18, 2016 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stanton Enomoto	Individual	Support	No

Comments: Aloha Chair Gabbard, Vice-Chair Nishihara, and members of the Water, Land and Agriculture committee. I am writing in strong support of Dawn Chang and respectfully request your confirmation of her nomination to the Land Use Commission. I have worked with Dawn for over 20 years in various capacities involving land use and environmental policy, historic preservation and Native Hawaiian affairs. During this time, I she has demonstrated a thorough and clear understanding of Hawai'i's land use history and laws and has offered sound counsel as a Deputy Attorney General and consultant. I believe her 30+ years of experience will provide a thoughtful and rational perspective to the Commission's deliberations and decision making. Thank you very much for the opportunity to provide testimony in support of this measure.

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 15, 2016

Chair Gabbard, Vice Chair Nishihara and Committee Members,

We are writing in support of the appointment of Dawn Chang to the State Land Use Commission for the term provided in Governor's Messages 842.

Dawn has worked with us in our efforts to develop a true urban community at Ward Village. The 60-acre master plan is a long-term project, and Dawn has served in a role of bridging and balancing the development with the history of our lands. She has worked with the recognized cultural descendants and other community members to help ensure that the work being done at Ward Village fits within the existing community and properly respect the land's history. Our efforts have been to act as true stewards of the lands that we have been entrusted with, and our success can only be achieved with the help of those like Dawn who have shown great care for the land and community. We have appreciated all that she has done to guide us towards ensuring that our work is pono.

Based on our work with Dawn, we believe she will be a wonderful asset to the Land Use Commission by providing her expertise and knowledge to matters before the Commissions, and perhaps more importantly, by bringing a fair, balanced, and calming presence to their work. We are in full support of Dawn's appointment to the Commission.

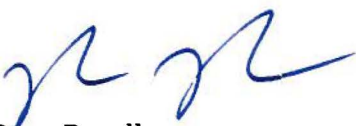
Aloha,  
The Howard Hughes Corporation  
Ward Village



David Striph  
Executive Vice President, Hawaii



Nick Vanderboom  
Senior Vice President, Development



Race Randle  
Vice President, Development



Todd Apo  
Vice President, Community Development

# Hawai'i Construction Alliance

P.O. Box 179441  
Honolulu, HI 96817  
(808) 348-8885

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April 13, 2016

The Honorable Mike Gabbard, Chair  
The Honorable Clarence K. Nishihara, Vice Chair  
and members  
Committee on Water, Land, and Agriculture  
Hawai'i State Senate  
Honolulu, Hawai'i 96813

**RE: Strong Support for GM842, Nomination of Dawn Chang to the Land Use Commission for a term to expire June 30, 2019.**

Dear Chair Gabbard, Vice Chair Nishihara, and members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

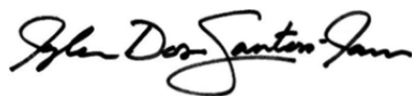
**We strongly support GM842, which submits for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, Dawn Chang, for a term to expire on June 30, 2019.**

We have had the pleasure to work with Ms. Chang on a number of important projects for our membership, ranging from development proposals to land conservation. Through our interactions with her, we have seen first-hand her ability to understand complicated situations, bring people together, and create sensible solutions.

We have had the opportunity to speak with her at length about her vision for the Land Use Commission and we appreciate her dedication to evaluate issues in a culturally sensitive way. We are confident that she will be a thoughtful and constructive member of the Land Use Commission during her term.

Therefore, we are proud to support Ms. Chang and respectfully request your recommend that the Senate advise and consent to her nomination to the Land Use Commission.

Mahalo,



Tyler Dos Santos-Tam  
Executive Director  
Hawai'i Construction Alliance

Via email [sengabbard@capitol.hawaii.gov](mailto:sengabbard@capitol.hawaii.gov)  
April 15, 2016

Written Responses to Questions of the Committee by:

**DAWN N.S. CHANG**

Before the

**SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE**

Monday, April 18, 2016

2:45 p.m.

State Capitol, Conference Room 224

**GOVERNOR'S MESSAGE (GM) 842**

Chair Gabbard, Vice Chair Nishihara, and Members of the Senate Committee on Water, Land and Agriculture. Thank you for the opportunity to provide written responses to the questions posed by the Committee.

**(1) Why do you wish to be a member of the Land Use Commission?**

Over the last thirty years, I have dedicated my professional career to working on legal issues involving native Hawaiian rights and land laws. As a Deputy Attorney General I was involved in drafting of the State Burial Laws (Chapter 6E Hawaii Revised Statutes), litigating the ceded lands case that was ultimately decided by the United States Supreme Court (*Hawaii, et al. v. Office of Hawaiian Affairs*, 556 U.S. 163 (2009)) and providing training to government agencies on the state's obligation to protect and preserve traditional and customary practices. In my current capacity as Principal of Ku`iwalu Consulting, a native Hawaiian woman-owned small business I specialize in facilitating culturally sensitive issues, including the development of the Comprehensive Management Plan for the Mauna Kea Science Reserve, facilitating the 14 public meetings on behalf of the US Department of Interior on federal recognition.

I have been extremely fortunate to have had a good education and moral upbringing that emphasized Hawaiian cultural values of `ohana, aloha, and kuleana (responsibilities). I believe it is my kuleana to give back in a meaningful way to a community that has given me so much. Being a State Land Use Commissioner provides me the opportunity to bring my experience and expertise on native Hawaiian issues and rights to the Land Use Commission (LUC) as it deliberates on decisions that may have broad implications on land use policy and native Hawaiian traditional and customary practices.

**(2) How do you perceive the role and responsibilities of a member of the Land Use Commission?**

I believe the role and responsibilities of a member of the LUC is to make an informed decision on any petition for reclassification of district boundaries or any matter before it. The informed decision should be based upon the legal criteria established in the statute, HRS, Chapter 205, legal precedent, the administrative record, and the Commissioner's experience and expertise. The Commissioner's should conduct themselves in a fair, objective, and transparent manner with the highest integrity given its important legal mandate and the impact that their decisions may have not only on the community today but for future generations.

**(3) Given your understanding of the role and responsibilities of a member of the Land Use Commission, why do you believe that you are qualified for the position? Please include a brief statement of your skills, expertise, or knowledge that would aid in your decision-making ability as a member of the Land Use Commission?**

I believe I am qualified to be a Land Use Commissioner for several reasons. First, my legal expertise and experience in native Hawaiian issues and rights. In particular, I fully recognize and appreciate the state's obligation to preserve and protect customary and traditional native Hawaiian rights to the extent feasible as more clearly articulated in the numerous Hawaii Supreme Court's decisions, but more particularly Ka Pa'akai O Ka 'aina v. Land Use Commission, 94. Haw. 31 (2000) and recently in the TMT decision. Second, I teach classes, conduct workshops, and do training on Hawaiian land use, including traditional and customary practices. Third, I am very familiar with real property transactions and native Hawaiian land laws, including burial laws, trails and access, and culturally sensitive sites. Fourth, I am familiar with administrative proceedings, including contested case hearings, as I advised various boards and commissions during my tenure as a deputy attorney general. Fifth, I am a trained facilitator, mediator, and arbitrator. I have a Master's Degree in Social Work and much of my current private consulting work is in the area of facilitating culturally sensitive issues, from burials, sacred places, federal recognition, to subsistence fishing rules.

**(4) What do you hope to accomplish during your term of service?**

I hope to bring to the LUC and those who come before it an appreciation for the importance of the LUC's legal obligation to preserve and protect traditional and customary practices to the extent feasible and the need to develop a comprehensive administrative record fulfilling the Ka Pa'akai analysis. I believe the LUC will be faced with contested case hearings that will require cultural sensitivity balanced with a legal understanding of real property rights and the need to have an administrative record that adequately documents and supports its decisions. In addition, I hope to bring confidence to native Hawaiian kupuna, cultural practitioners, families with lineal connections to the land, and the community at large that the rights and concerns of native Hawaiians will be heard and given due consideration in the LUC's deliberation of matters before it.

**(5) Name three qualities that best describe you and that would make you stand out. How would these qualities benefit the Land Use Commission?**

Reputation for integrity. I believe I have been called upon to facilitate very controversial issues impacting the Hawaiian community, i.e. US Department of Interior public meetings on federal recognition and the development of the Comprehensive Management Plan for Mauna Kea Science Reserve, because I have developed a reputation of integrity and respect in the Hawaiian community. I will not be so naïve as to think that I have not crossed members of the community given the nature of the work I do, however, I am very humbled by the opportunities that have been provided me to make a positive impact, especially for the Hawaiian community.

Fair. I have tried to consistently conduct myself in a fair and objective manner. Not everyone my like the clients I represent and the challenges that I have taken on but I believe most people would say that I am balanced and treat everyone in a fair and objective manner.

Prepared. I do not profess to be the best lawyer, facilitator, or consultant. However, I do believe I work very hard to be prepared to anticipate issues, review all materials that are presented to me, and be fully engaged in the discussion. In my view, preparation is about being respectful to those who come before us by thoroughly reviewing the materials before the board meeting, asking thoughtful and hard questions, engaging in the discussion and seriously deliberating on matters before the LUC.

These qualities will benefit the LUC by ensuring that my decisions are informed and it will hopefully bring confidence to those who come before it that they will be given a fair hearing and due consideration.

**(6) Name one previous experience that would make you stand out. How would this benefit the Land Use Commission?**

The one relevant previous experience is development and approval of the Comprehensive Management Plan for the Mauna Kea Science Reserve (CMP). The CMP was based upon 1) a cultural foundation of the cultural sacredness of Mauna Kea and its connection to the Hawaiian community, and 2) extensive community engagement. The CMP also addressed the Ka Pa'akai analysis. The CMP was envisioned as a management framework for balancing and guiding the numerous existing and future activities in the Science Reserve. Besides developing a comprehensive plan, the CMP also included an administrative record documenting the extensive community engagement process. This administrative record was referenced by the Intermediate Court of Appeals in its Memorandum Opinion in Mauna Kea Anaina Hou v. University of Hawaii (2012).

This project demonstrates my first-hand knowledge and experience in understanding the legal requirements to preserve and protect traditional and customary practices, administrative proceedings, the benefits of a proactive community engagement process,



and the need to develop a comprehensive administrative record to withstand legal challenge.

**(7) Can you foresee any possible conflicts of interests that could arise during your services on the Land Use Commission? How would you overcome any possible conflicts of interest?**

I represent many land owners, developers, and government agencies in my private consulting work. Therefore I anticipate that there may be possible conflicts of interest, that maybe real and perceived. While each situation will be dependent on the facts, I am very comfortable disclosing the conflict and recusing myself from the matter, both in the discussion and decision-making.