

GM 843



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

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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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

**GM843
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE,
JONATHAN SCHEUER,
FOR A TERM TO EXPIRE 06-30-2020**

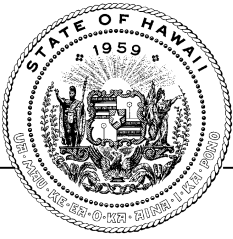
Chair Gabbard, Vice Chair Nishihara, and members of the Committee on Water, Land, and Agriculture:

As Director of the Department of Business, Economic Development and Tourism I would like to testify in support of the nomination of Jonathan Scheuer as Commissioner to the Land Use Commission. I am here to respectfully request that this Committee favorably consider the nomination of Mr. Jonathan Scheuer to serve as the Governor's nominee for an At-Large seat on the State Land Use Commission (LUC) for a term to expire on June 30, 2020.

Mr. Scheuer has already served one term on the Commission and has shown himself to be thoughtful, concerned and extremely passionate about ensuring that community members and the general public are heard and play a role in the Commission's deliberations. His resume illustrates his dedication to a significant number of key land use concerns and his expertise in the area. He has valuable cultural and water expertise that has been key in assisting the Commission make informed decisions.

For these reasons, we respectfully ask for your favorable consideration of Mr. Scheuer's nomination to serve as Commissioner on the Land Use Commission.

Thank you for the opportunity to testify before this Committee.



**OFFICE OF PLANNING
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, LAND, AND AGRICULTURE

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

Governor's Message (GM) 843

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 Mr. Jonathan Scheuer to serve as a member of the Land Use Commission.

Currently serving on the Land Use Commission, Mr. Scheuer has demonstrated competency on a number of natural resource issues, which oftentimes intersects with matters before the Land Use Commission. The knowledge that Mr. Scheuer shares with the Land Use Commission ensures that aspects of natural resources are considered in Land Use Commission deliberations and discussions. His background as an attorney and consultant bring an added dimension to the work of the Commission.

I have personally known Mr. Scheuer for some time now, and his collaborative nature continues to be one of his many assets, and he continues to demonstrate the highest level of leadership. Mr. Scheuer has gained my trust as a colleague and friend, and I have the utmost faith that he will continue to demonstrate his high level of leadership in matters before the Land Use Commission. I respectfully encourage the Committee to advise and consent to the nomination of Mr. Scheuer as a member of the Land Use Commission.

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



GM843

**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE, JONATHAN SCHEUER, FOR A TERM TO
EXPIRE JUNE 30, 2020**

Senate Committee on Water, Land, and Agriculture

April 18, 2016

2:45 p.m.

Room 224

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **SUPPORT** for GM843, which nominates Jonathan Likeke Scheuer as a member of the Land Use Commission (LUC).

The LUC is tasked with preserving, protecting, and encouraging the development of land for uses that best serve the public welfare. Central to this kuleana is the responsibility to establish land use district boundaries, act on district boundary amendment petitions, and review special permit applications. The LUC accordingly wields significant influence over land use patterns in our islands, which may have substantial impacts on Native Hawaiians and their ability to continue constitutionally-recognized Native Hawaiian traditional and customary practices.¹ The LUC also has the ability to directly prevent or mitigate significant and irreparable harms to Native Hawaiian communities as well as the general public, by denying inappropriate district boundary amendments, and imposing boundary amendment conditions that preserve and protect natural resources and cultural sites essential to Native Hawaiian traditional and customary practices.

The nominee and current LUC member, Jonathan Scheuer, possesses the education, experience, and expertise to contribute significantly to well-reasoned decision-making by the LUC. Dr. Scheuer is a recognized expert in land management, planning, and natural resource and environmental policy, and has dedicated his life to understanding and serving the interests of our diverse island communities. Notably, Dr. Scheuer has substantial professional experience working with the Native Hawaiian community, through his work as a land manager and policy analyst at OHA, and most recently as a water policy consultant with the Department of Hawaiian Home Lands. Dr. Scheuer has also served as a member of the O‘ahu Island Burial Council, and as a member of various non-profit boards. If confirmed, Dr. Scheuer’s personal and professional experiences; his expertise in land management, land acquisition, planning, and natural resource management; and his understanding of Native Hawaiians’ deep cultural connection with ‘āina; will greatly enhance LUC discussions and decision-making, as it carries out its critical kuleana.

Accordingly, OHA urges the Committee to **PASS** GM843. Mahalo nui for the opportunity to testify on this important measure.

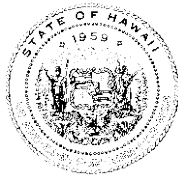
¹ HAW. CONST. ART. XII, Sec. 7 (1978).

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, Land, and Agriculture
April 18, 2016
2:45 PM
State Capitol, Conference Room 224

In consideration of

GM843
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE,
JONATHAN SCHEUER,
for a term to expire 06-30-2020

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 Jonathan Scheuer to serve as as commissioner for a term to expire on June 30, 2020. Mr. Scheuer has been nominated to fill the position as the Governor's nominee for an At-Large seat on the Commission.

Mr. Scheuer is well known for his dedication to ensuring public resources are protected and his concern for issues that impact native Hawaiians, the environment, and the state economy and its future. Mr. Scheuer has been a member of the Commission for the past year and he has shown himself, without fail, to be a fair and balanced commissioner. He prepares himself diligently for all hearings before the commission and has shown himself to be tremendously insightful both with regard to procedural and legal matters. He is dedicated and often provides the Commission with analysis and input that proves invaluable in making decisions. Mr. Scheuer's actions and resume illustrate his experience in dealing with complex issues and his grasp of the problems facing Hawai'i.

Personally, I have found working with Mr. Scheuer to be a rewarding experience and look forward to his re-appointment. His intelligence, capability, insight and humor are inspiring.

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

Thank you for the opportunity to testify on this matter.



**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 843
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE, JONATHAN SCHEUER, FOR A TERM TO
EXPIRE 06-30-2020.**

Gubernatorial Nominee, Jonathan Scheuer, is submitted as a Gubernatorial Nominee for consideration and confirmation to the Land Use Commission for a term to expire on June 30, 2020.

Jonathan Scheuer has long been active in the protection and preservation of Hawai'i's pristine ecosystem and environment. As such, he has been a staunch defender of watersheds, natural areas, coastal areas, beaches and ocean access. He also understands the importance of economics and how it must be balanced in the decisions of how land in Hawaii should be used.

Mr. Scheuer is a man of integrity and is well suited to be a member of the Land Use Commission. We strongly support his confirmation.



April 15, 2016

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

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

KAHEA: The Hawaiian-Environmental Alliance supports Dr. Jonathan Scheuer's nomination to the Land Use Commission. We have become familiar with Dr. Scheuer and his work for Hawai'i through his important efforts towards land conservation of Waimea Valley on O'ahu and Wao Kele O Puna on Hawai'i Island, as well as his ongoing service on the board of the Hawaiian Islands Land Trust.

Over the years, he has been an invaluable resource on improving land use in Hawai'i. He brings with him a wealth of knowledge on sensitive issues concerning Native Hawaiian burials and experience from his prior service as the Vice Chair of the O'ahu Island Burial Council. He has demonstrated success in resolving long standing conflicts in Hawai'i. This has included playing a significant role on resolving conflicts over water (in Nā Wai Ehā on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Mūole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island). He showed excellent leadership for the Land Use Commission and those assembled for the recent, controversial hearings on projects proposed for Olowalu, Maui.

He is a knowledgeable and fair advocate of public trust interests in land and water, and brings the gravity of these responsibilities to his duties on the Land Use Commission. For the past two years, he has shown himself to be an effective, even-handed member of the Commission. His peers elected him as the first Vice Chair of the Commission in 2015.

We urge you to confirm the Governor's excellent decision to nominate Dr. Scheuer. Mahalo nui for considering our testimony and for supporting GM No. 843.

KAHEA 2016 Board & Staff

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY & TRADITIONAL

RIGHTS AND OUR FRAGILE

ENVIRONMENT

Mailing Address
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toll-free phone/fax
877.585.2432

www.KAHEA.org
kahea-alliance@hawaii.rr.com

KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."



Hawaii's Thousand Friends

300 Kuulei Rd. Unit A #281 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htff3000@gmail.com

COMMITTEE ON WATER, LAND AND AGRICULTURE

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

April 18, 2016

Aloha Chair Gabbard, Vice Chair Nishihara and committee members:

Nomination of Jonathan Scheuer, Ph.D to the Land Use Commission

Hawaii's Thousand Friends writes in support of Jonathan Scheuer's nomination to the State Land Use Commission.

Jonathan Scheuer has the knowledge, skills and experience to continue representing the State and the public's interest on the Land Use Commission.

Jonathan has demonstrated success in resolving long-standing conflicts during his 25 years of working with communities, the public, non-profit organizations and Native Hawaiian entities on public policy, land and water issues.

While at OHA he advocated for the protection of Hawaii's lands and water helping OHA acquire Waimea Valley (1,800 acres, Oahu) and Wao Kele O Puna (25,856 acres, Hawai'i Island).

With his three degrees in Environmental Studies and years of professional and community experience he is exceptionally qualified to continue representing the State's public trust interests on the Land Use Commission.



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the Senate Committee on Water, Land, and Agriculture

Hearing: Monday, April 18, 2016 2:45 pm Room 224

In Support of GM 843 Jonathan Likeke Scheuer

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee.

Aloha. The Conservation Council for Hawai'i supports GM 843 and the nomination of Jonathan Likeke Scheuer to the Land Use Commission.

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

Dr. Scheuer has demonstrated success in resolving long-standing conflicts in Hawai'i. This has included playing a significant role on resolving conflicts over water (in Na Wai Ehā on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Mūole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island). He has shown excellent leadership while serving for three years on the O'ahu Island Burial Council, where developments were able to proceed while protecting burials.

For the past two years, Dr. Scheuer has shown himself to be an effective member of the LUC. His peers elected him as the first Vice Chair in 2015. He is an articulate advocate of public trust interests in land and water, but also has a fair and balanced approach to his duties on the LUC. He is respectful of the host culture and sensitive to protecting our quality of life and those things that make Hawai'i special.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler

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

President: Julie Leialoha | Vice President: Koalani Kaulukukui | Secretary: Wayne Tanaka

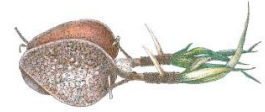
Treasurer: Ryan Belcher | Directors: Rick Barboza | Anne Huggins Walton

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15 April 2016

Chair Gabbard,
Vice Chair Nishihara, and
Committee Members
Senate Committee on Water, Land, and Agriculture
Hawai'i State Senate
State Capitol
Honolulu, Hawaii 96813

Subject: Support of GM 843, Nomination of Jonathan Scheuer as a
Member, Land Use Commission to be heard on April 18,
2016 at 2:45 p.m. in Room 224

Aloha Chair Gabbard, Vice Chair Nishihara, and Committee Members:

I have known Jonathan for the last four or five years. We primarily interacted in Jonathan's former role as the Vice-Chair of the O'ahu Island Burial Council. As a project manager for Cultural Surveys Hawai'i, Inc., we often interfaced over development projects and burial treatment issues. It is my pleasure to wholeheartedly recommend Jonathan's nomination to the Land Use Commission. I will not be offering testimony in person.

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

For the past two years, he has shown himself to be an effective member of the Commission. His peers elected him as the first Vice Chair of the Commission in 2015.

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

Sincerely,

Matt McDermott
Project Manager
Cultural Surveys Hawai'i, Inc.

O'ahu Island

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Fax: (808) 262-4950

Maui Island

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Branch Offices:

Hilo, Hawai'i
Kona, Hawai'i
Lāwai, Kaua'i



April 12, 2016

Mike Gabbard, Chair
Committee on Water, Land and Agriculture
Senate
State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Honorable Chair Gabbard and Members of the Committee on Water, Land and Agriculture:

Re: Strong Support for Jonathan Scheuer – GM843 Land Use Commission

I would like to state I am in strong support of Mr. Jonathan Scheuer to be appointed to the Land Use Commission.

I have known Jonathan both professionally and personally and we can say that he is truly a man of honor, integrity and compassion. Professionally, Jonathan has been at the forefront of multitude of planning and public trust issues in Hawaii. He ensured that we all know our duties to protect Hawaii's resources including water, iwi and cultural activities. He additionally, relayed the meaning of Hawaii and Aloha at each event he presented.

Jonathan has always been part of the community. His dedication to Hawaii can be seen through his leadership in various organizations. He truly believes that we must assist and better Hawaii for our future.

I strongly support Jonathan Scheuer to be on the Land Use Commission. Thank you for your time and consideration.

Sincerely,

Arnold Wong /s/



ASHFORD + WRISTON
A LIMITED LIABILITY LAW PARTNERSHIP LLP

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

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 843 – Consideration and confirmation to the Land Use Commission, Gubernatorial
Nominee, JONATHAN SCHEUER - **SUPPORT**.
Hearing date: Monday, April 18, 2016
Hearing time: 2:45 p.m.
Conference Room 224

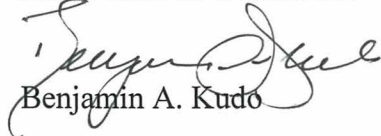
Dear Chair Gabbard, Vice Chair Nishihara and Members of the Committee:

I respectfully ask for your favorable consideration and the support of your Committee members on the appointment of Dr. Jonathan Scheuer to the Land Use Commission. He provides the Commission with a good understanding of the law and the purpose of the Commission's work.

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

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Testimony IN SUPPORT of GM 843
Nomination of Jonathan Scheuer as a Member, Land Use Commission
Senate Committee on Water, Land, and Agriculture
April 18, 2015 at 2:45 p.m. in Room 224

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

I am a Hawai'i resident and am testifying here as an individual. I will not be able to testify in person at the hearing. I strongly support Jonathan Scheuer's nomination to the Land Use Commission. I have known Jonathan for seven years as a mentor, colleague, and friend. He and I co-taught a course on Conservation Transactions at the William S. Richardson School of Law. Jonathan and I have also worked closely together through his capacity as Vice Chair of the Board of Hawaiian Islands Land Trust – a non-profit conservation organization with which I am currently employed.

I support Jonathan's nomination because he has the skills and experience necessary to be an effective member of the Land Use Commission. He has demonstrated success in resolving long standing conflicts in Hawai'i. This has included playing a significant role on resolving conflicts over water (in Nā Wai Ehā on Maui and the Wailua River on Kaua'i) and land (the protection of Waimea Valley, O'ahu, Mūole'a Point, Maui, and Wao Kele O Puna, Hawai'i Island). He showed excellent leadership while serving for three years on the O'ahu Island Burial Council, where developments were able to proceed while protecting burials. He is an articulate advocate of public trust interests in land and water but also has a fair and balanced approach to his duties on the Land Use Commission. For the past two years, he has shown himself to be an effective member of the Commission. His peers elected him as the first Vice Chair of the Commission in 2015. Moreover, I know Jonathan to be a person of great integrity who cares deeply for his community and who understands Native Hawaiian interests. I am fully confident in Jonathan's abilities to balance the demands of such a role and make equitable decisions that ensure adequate protection of our 'āina.

Please vote in favor of Jonathan's confirmation to the Land Use Commission. Mahalo for the opportunity to testify.

Sincerely,
Christina Aiu



April 15, 2016

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

GOVERNOR'S MESSAGE 843

GUBERNATORIAL NOMINEE, JONATHAN SCHEUER

Land Use Commission

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

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

I have known Jonathan for 4 years through the O'ahu Island Burial Council.

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

For the past two years, he has shown himself to be an effective member of the Commission. His peers elected him as the first Vice Chair of the Commission in 2015.

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

Mahalo,

A handwritten signature in black ink, appearing to read "Danna Holck".

Danna Holck

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: fitzformai@gmail.com
Subject: Submitted testimony for GM843 on Apr 18, 2016 14:45PM
Date: Friday, April 15, 2016 9:57:45 AM

GM843

Submitted on: 4/15/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
John Fitzpatrick	Individual	Support	No

Comments: Aloha Kakou, I strongly support Governor Ige's re-appointment of Jonathan Scheuer to the Land Use Commission until the year 2020. Mr. Scheuer takes his task at the LUC extremely seriously and does the work needed to make sure we adequately use our finite amount of land wisely. He makes sure developers are responsible when proposing large developments and that they do their share of the development so tax payers are not left footing the bill. I was extremely impressed at his leadership and research during the Olowalu LUC testimony here on Maui when he held the community at task to reject the EIS because it was insufficient, inadequate, failed to address the communities concerns, and the EIS lacked integrity. Again, I strongly support the reappointment of MR. Sheuer to the LUC. We need more dedicated people like him guiding the development and use of land throughout Hawai'i. Mahalo, Fitz

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
To: [WLA Testimony](#)
Cc: jrkeoneakapu@gmail.com
Subject: *Submitted testimony for GM843 on Apr 18, 2016 14:45PM*
Date: Friday, April 15, 2016 10:56:19 AM

GM843

Submitted on: 4/15/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
JR Keoneakapu Williams	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: changkwaix@aol.com
Subject: Submitted testimony for GM843 on Apr 18, 2016 14:45PM
Date: Sunday, April 10, 2016 2:30:22 PM

GM843

Submitted on: 4/10/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang	Individual	Support	No

Comments: Aloha Senators Gabbard and Nishihara and members of the Senate Committee on Water, Land and Agriculture, I submit this testimony in strong support of my friend Mr. Jonathan Scheuer's nomination to the LUC Commission (GM 843). Mr. Scheuer is my friend, colleague and former boss. In my opinion, and given his background and love for this land, Jonathan is an ideal candidate. Extending his service on this commission through 2020 makes sense and is also the right thing to do. I know Mr. Scheuer through my work in land preservation and community network facilitation. He hired and supervised me while I served as a land manager at the Office of Hawaiian Affairs where he oversaw and executed the purchase of lands such as Waimea Valley, Wao Kele o Puna and Kukaniloko. Mr. Scheuer's family has a long history of service to our community and a deep global ancestral experience that compels him to service -through his work and passion- humanity as a whole. I have also seen Mr. Scheuer grow and over time become someone who will excel on commissions like the LUC because he understands and takes seriously the purpose of the public trust and his role as a fiduciary. Our commission needs someone who will ask and struggle with the hard questions. Questions that take priority over short term and short sighted solutions. Questions that consider people who are not in the room, are yet unborn or who cannot necessarily advocate for themselves. Questions of land and water on these islands are inevitably about people and Mr. Scheuer considers all of these in spades. And lastly as I have testified on other before him: I think our state needs to start putting more smaht buggahs with big brains and hearts on commissions that deal with aspects of our community that touch upon both. Aloha nui. Kevin Chang

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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**LEA HONG'S TESTIMONY IN SUPPORT OF GM 843
NOMINATION OF DR. JONATHAN LEKEKE SCHEUER AS A MEMBER, TO
THE LAND USE COMMISSION
Senate Committee on Water, Land & Agriculture
Monday, April 18, 2016, 2:45 p.m., Rm. 224**

I am writing in my personal capacity in strong support of the nomination of Dr. Jonathan Lekeke Scheuer to the Land Use Commission (LUC). I have known Dr. Scheuer professionally and personally for over 20 years. He is imminently qualified to serve on the LUC.

Dr. Scheuer has over twenty-five years of experience in public policy and land and water management in the public, non-profit, and private sectors, in the Native Hawaiian and broader communities. He has worked with public agencies like the National Park Service, and the Department of Hawaiian Homelands on resource management issues. He teaches planning and conservation transactions at the Department of Urban and Regional Planning and the William S. Richardson School of Law of the University of Hawai`i at Mānoa. For the past two years, he has served as an at-large member and Vice Chair of the State Land Use Commission. He also volunteers as a Board member and Vice Chair of the Hawaiian Islands Land Trust.

Dr. Scheuer previously established the land division at the Office of Hawaiian Affairs, and I personally worked with him on OHA's conservation acquisitions at Waimea Valley (1,800 acres, O`ahu) and Wao Kele O Puna (25,856 acres, Hawai`i Island) -- complex real estate transactions involving multiple parties and significant public and private donations. He has served on many volunteer boards and committees. He is an outstanding citizen and leader. I give Dr. Scheuer my strongest recommendation and wholly support his nomination without reservation.

Mahalo -



Lea Hong

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 843
**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LAND USE
COMMISSION, GUBERNATORIAL NOMINEE, JONATHAN SCHEUER, FOR A TERM
TO EXPIRE 06-30-2020.**

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

I respectfully urge your **support** for the re-appointment of **Jonathan Scheuer** to
serve on the Land Use Commission.

I have known Dr. Scheuer since he worked for the Office of Hawaiian Affairs as
their land asset manager to malama the aina for the betterment of Native Hawaiians.

Dr. Scheuer has served on the State Land Use Commission since 2014 providing
a valued voice in deliberations on how best to serve the needs of all Hawaii residents
through protection of agricultural resources and opportunities for new homes and jobs
for local residents.

I **strongly support** the nomination of Dr. Jonathan Scheuer to the State Land Use
Commission.

Thank you for the opportunity to comment.

Melody Kapilialoha MacKenzie, Esq.
579 Kāneʻapu Place ♦ Kailua, Hawaiʻi 96734

Testimony in Support of GM 843
Nomination of Jonathan Scheuer to the Land Use Commission

Senate Committee on Water, Land & Agriculture
Hearing on Monday, April 18, 2016, at 2:45 p.m.

Aloha, and thank you for the opportunity to submit testimony in **support** of the nomination of Jonathan Scheuer to the State Land Use Commission. I am a professor at the William S. Richardson School of Law and Director of Ka Huli Ao Center for Excellence in Native Hawaiian Law, but I submit these comments in my personal capacity.

Jonathan has over twenty-five years of experience in policy and land and water management in the public, non-profit, and private sectors, both in the Native Hawaiian and broader communities. Jonathan is known as a staunch advocate of public trust interests in land and water, but also has taken a fair and balanced approach to his duties both on the Oʻahu Island Burial Council (OIBC) and, more recently, on the Land Use Commission.

I have known Jonathan for many years, primarily through his role at the Office of Hawaiian Affairs, where he was the lead staff working to acquire Waimea Valley on Oʻahu and Wao Kele O Puna on Hawaiʻi Island as concrete expressions of OHAʻs commitment to protecting ʻāina for the Native Hawaiian community. Both of these transactions were extremely complex and involved multiple parties. Jonathan was instrumental in significantly leveraging OHA funds with private and public funds and donations to accomplish these acquisitions. The return of Wao Kele O Puna was the first return in modern times of “ceded” lands – the national lands of the Hawaiian Kingdom – to a Native Hawaiian entity. Following the acquisition of these parcels, Jonathan led the creation of OHAʻs Land Management Division. In his work at OHA, Jonathan worked tirelessly to protect the rights of Native Hawaiians and the health of Hawaiʻiʻs lands and waters on which the exercise of these rights depend.

As a cultural descendant of the iwi kūpuna of Kailua ahupuaʻa, I also appeared before Jonathan several times when he was on the OIBC. He showed outstanding leadership while serving for three years on the OIBC. My experience was that, after careful and thorough review, the OIBC allowed building and developments to proceed only after insuring the utmost protection of our iwi kūpuna.

Jonathan currently works as a consultant assisting clients in developing strategies to avoid, manage, and resolve deep and complex conflicts over the control and management of natural resources. He has been working extensively with the U.S. National Park Service on water policy issues, with the Department of Hawaiian Home Lands in developing its first policy on water, and has facilitated climate change related efforts. He also has been a lecturer and adjunct faculty at the Law School. Jonathan has also supported the Native Hawaiian Law Training for State boards, commissions, and councils by speaking at several trainings to provide the perspective of a commission member. His comments have been insightful and have helped participants to more deeply understand and appreciate the impact their decisions have on the natural and cultural resources of Hawaiʻi.

I strongly urge the committee to approve the appointment of Jonathan Scheuer to the Land Use Commission. Mahalo for the opportunity to submit this testimony.

From: [Peter Merriman](#)
To: [WLA Testimony](#)
Subject: Support of GM 843, Nomination of Jonathan Scheuer as a Member, Land Use Commission to be heard on April 18, 2015 at 2:45 p.m. in Room 224
Date: Friday, April 15, 2016 1:09:44 PM

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

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

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

I have known Jonathan five years, we serve on the non-profit board of Hawaii Islands Land Trust.

In this capacity I have watched Jonathan consistently demonstrate extremely high intellect and fair and objective judgement.

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

For the past two years, he has shown himself to be an effective member of the Commission. His peers elected him as the first Vice Chair of the Commission in 2015.

Hawaii is fortunate to have public servants of Jonathan quality and integrity.

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

Mahalo Nui Loa,

Peter Merriman

Peter Merriman
Merriman's Restaurants
Monkeypod Kitchen by Merriman
Throw a Party Every Night
808 446 8045
Home of Hawaii Regional Cuisine

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: skenomoto@hotmail.com
Subject: Submitted testimony for GM843 on Apr 18, 2016 14:45PM
Date: Saturday, April 16, 2016 10:17:42 AM

GM843

Submitted on: 4/16/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
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 Dr. Jonathan Scheuer and respectfully request your confirmation of his nomination to the Land Use Commission. I have known and worked with Jonathan for nearly a decade on Native Hawaiian and environmental matters. His upbringing, academic pursuits, and professional experiences afforded him a deep understanding and appreciation of the social, cultural and economic value Hawai'i's lands and natural resources. In this regard, I believe that Dr. Scheuer will bring a very strong intellect and reasoned temperament to the Commission and that the lands and the people of this State will be well served by his contributions. 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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From: [Tova Callender](#)
To: [WLA Testimony](#)
Subject: Support of GM 843, Nomination of Jonathan Scheuer as a Member, Land Use Commission to be heard on April 18, 2015 at 2:45 p.m. in Room 224
Date: Sunday, April 17, 2016 7:33:55 AM

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

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

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

I have known Jonathan through family connections and through his work on Maui for the past couple of years.

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

For the past two years, he has shown himself to be an effective member of the Commission. His peers elected him as the first Vice Chair of the Commission in 2015.

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

Mahalo,
Tova Callender

Tova Callender
West Maui Watershed & Coastal Mg Coordinator
Working in support of the goals of the West Maui Ridge to Reef Initiative
(808) 214-4239
www.westmauir2r.com
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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: wctanaka@gmail.com
Subject: Submitted testimony for GM843 on Apr 18, 2016 14:45PM
Date: Wednesday, April 13, 2016 4:20:31 PM

GM843

Submitted on: 4/13/2016

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

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Tanaka	Individual	Support	No

Comments: Dr. Scheuer is well regarded as an expert on a broad range of land use laws and issues that are directly relevant to the Land Use Commission's kuleana of overseeing and directing land use patterns in our islands. His intelligence, experience, and integrity will be of critical value to the Land Use Commission as it deliberates and decides on some of the most important matters affecting all of us who call these islands home. Please support the re-appointment of one of our most valuable Land Use Commissioners so that he can continue to contribute his insight and expertise to the Commission and its important work.

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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**Written Statement of Dr. Jonathan Likeke Scheuer in Response to
Questionnaire**

Senate Committee on Water, Land and Agriculture
RE: Governor's Message No. 843, Land Use Commission, At Large
Term to expire June 30, 2020
April 14, 2016

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

It has been my honor to serve as a member of the Land Use Commission (LUC) since July 2014, and as the first Vice Chair since June 2015. I wish to continue this service to contribute towards decision making by the LUC that:

- Is engaged with the public and stakeholders in a manner that increases the level of trust in decisions made by the LUC;
- Carefully complies with rulings from the appellate courts that guide how state agencies are to consider and protect important public trust natural resources and related rights; and
- Allows petitioners to pursue needed projects while protecting those important public trust natural resources and uses.

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

The LUC plays multiple roles according to the directives of HRS Chapter 205, so as a result the role of a Commissioner is multi-faceted. Among other duties, the LUC decides on proposed district boundary amendments, designation of Important Agricultural Lands, and on the approval of special permits for use of land in the agricultural and rural districts. The LUC is also supposed to play a role in the five-year boundary review process.

As a result, the role of a Commissioner is to help these decisions be made in accordance with the statutes, in particular with the provisions of HRS 205-17 (Land use commission decision-making criteria) and important case law (such as the Kapa`akai, PASH, and Mauna Kea decisions). It is the role and the duty of Commissioners to ask questions – sometimes difficult questions – to ensure that these criteria and laws are considered.

In addition to these core duties, the roles and responsibilities of a member includes following the disclosure and ethics guidelines spelled out in state law and rules. Moreover, I believe it is the role and duty of commissioners to remain open-minded and to treat all appearing before the LUC with professionalism and respect. We live in an era where many are distrustful of government, and our tone and style can help contribute to more productive public discourse.

(3) Given your understanding of the roles and responsibilities of a member of the Land Use Commission, why do you believe that you are qualified or 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 was born and raised on O`ahu and my educational and professional career have been focused on public and private policy making regarding the proper management and use of our natural and cultural resources in Hawai`i.

I believe my extensive experience with decision making and administrative procedures before other state boards and commissions (such as OIBC and the Commission on Water Resource Management (CWRM), and my service to date on the LUC, prepares me well for the decision making process of the LUC. I have particular knowledge around burial and water issues that help integrate the work of the LUC with those areas that are affected by LUC actions.

I also happen to enjoy – to the surprise of some of my friends – these kinds of administrative policy and decision-making procedures. While reading hundreds of pages of documents in preparation is time consuming and can be daunting, I also find it interesting. I believe my experience and skills in reviewing documents to identify key issues assists in my fulfillment of my duties.

My professional career has also allowed me to play key roles in settling difficult, long running disputes over land and water. This has included assisting in the protective acquisition of Waimea Valley, O`ahu and assisting in the settling of water disputes on Kaua`i and O`ahu. I believe I am able to help identify pathways that allow resolution of difficult policy battles.

Finally, because my work has taken me around the islands, I have established relationships with community members and stakeholders in many different geographic areas and economic sectors. I have relationships particularly with people who depend on and help manage natural resources. I believe those relationships bring important knowledge and perspectives to my work on the LUC.

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

If confirmed for this four-year term, I have a number of goals I would like to achieve:

- I would like to see applications and petitions of all kinds continue to be processed efficiently. It is a reasonable and required expectation from our statutes and our stakeholders that we continue to do so.
- I would like to encourage more effective communication about the role and importance of the LUC be made to the general public across the islands. I have observed that many stakeholders who appear before us do not have

information about who we are, what our roles and responsibilities are, and how they can effectively participate in our proceedings.

- I very much wish see the five year boundary review process begun anew, and for that process to be comprehensive. The last five-year boundary review was completed in 1990 – twenty-five years ago. Since that time, our population has grown and changed, and our knowledge of cultural and natural resources and the threats to them has increased significantly, particularly regarding the impacts from climate change and sea level rise. New case law has provided guidance to the LUC on how boundary amendments should be made. We are long overdue for a five-year boundary review, and it would serve the counties and state well to undertake this process. I would like to see this process begun over the next year.

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

It is uncomfortable to have to outline one’s own best qualities. I believe my colleagues on the LUC and my associates and friends might highlight the following three qualities that best describe me in relationship to my role as a Land Use Commissioner:

- a) Diligent. I try to always be well prepared for all of the proceedings before us. I believe this assists with productive and efficient proceedings.
- b) Knowledgeable. I believe I am well versed in the law, particularly the case law, that provides guidance on how are decisions are to be made. I believe this knowledge helps guide questioning and decision making.
- c) Articulate. I think I do a fairly good job at describing both substantive issues and the process for petitioners, parties, and the public when we hold our meetings. I strive to always articulate why I have chosen to vote in a particular way.

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

Previous to my work on the LUC, I served as a representative of the Hawaiian community on the O`ahu Island Burial Council (OIBC) for three years, for over two years serving as Vice Chair. During my term on the Council we dealt with many projects that raised significant potential conflicts between development and the protection and care of burial sites. These projects included the Honolulu Authority for Rapid Transit project (Rail), multiple residential and mixed use projects in Kaka`ako, and the redevelopment of Ala Moana Center and the International Market Place. Despite many challenges, the Council was able to provide a forum for the concerns of recognized cultural descendants, developers, and the state agency charged with historic preservation. Projects were able to proceed and iwi kūpuna (burials) protected.

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

For the last six years I have been working as a sole proprietor consultant helping clients manage environmental conflict, particularly around water issues. For over five years I have been working in this regard with the National Park Service (NPS), specifically for Kaloko-Honokōhau National Historical Park, seeking the Commission on Water Resource Management to designate the Keauhou Aquifer as a Ground Water Management Area. This has been a highly contentious effort. On occasion in the past, the NPS has intervened in LUC hearings regarding developments in that same area. My work with them does not include any services for any potential proceedings before the LUC.

My work with the NPS may lead some parties before the LUC or members of the public to believe I have favoritism or bias regarding certain issues or projects in the area of concern to that Park. Many – perhaps all – previous Land Use Commissioners have faced the same issue of a perception of bias. Usually this has occurred because of past or current relationships of a Commissioner to a person, firm or company that would financially benefit from a proposed action, or an employment role generally related to development, or as an attorney who had engaged in some litigation for or against a party in an LUC proceeding.

The process for dealing with this before the LUC is established and clear, and is described in Hawai'i Administrative Rules section 15-15-61, Disqualification. Any Commissioner who has a personal pecuniary or business interest or one in which the commissioner is related by blood or marriage (consanguinity) to a party in the proceeding should not participate in the proceeding. However, if, after declaring the nature of the circumstances of the pecuniary interest or consanguinity to the parties, and the parties do not oppose the commissioner or hearings officer sitting in the proceeding, the commissioner or hearings officer may participate in the proceeding. The Commissioner should ask the advice of the assigned Deputy Attorney General to assist in determining if there is a basis for recusal.

Even if there is no basis for recusal, in all cases where there is an existing or previous relationship – even a previous relationship that is long past – with an organization or issue before the LUC, the Commissioner should declare any relationship, and also declare whether or not they believe that would hinder them in making a fair decision on the matter before them. Any party on that matter then has the opportunity to object on the record to the participation of that Commissioner. If there is no objection from a party, the Commissioner can participate in the proceeding.

During my tenure as an interim Commissioner I have followed this procedure and intend to continue to do so if confirmed.