

## **NOTICE OF PUBLIC HEARING**

Pursuant to Hawaii Revised Statutes (“HRS”) Chapter 91 and the Rules of Practice and Procedure of the County of Kauai Rules of Practice and Procedure of the Planning Commission Section 1-4-4, notice is hereby given that the County of Kauai Planning Commission (“Commission”) will hold a public hearing to hear testimony and comments from all interested persons regarding the following:

Proposed Amendments to Chapter 4 of the Rules of Practice and Procedure of the County of Kauai Planning Commission

The Commission is amending Chapter 4, Petition to Intervene, which details the applicability of intervention for Planning Commission actions, the requirements and contents to file a petition to intervene, multiple petitioners and intervenors, arguments for and against petitions to intervene, and action on petitions for intervention. A summary of the proposed amendments are as follows:

- a. Applicability  
The proposed amendment clarifies the persons or entities who may be admitted to intervene as a party to the contested case.
- b. Petition Filing  
The proposed amendment clarifies the deadline to file petitions for interventions, institutes “excusable neglect” as a standard for untimely petitions for interventions, and increases the filing fee to offset administrative costs.
- c. Contents of Petition to Intervene  
The proposed amendment makes grammatical changes to the section that specifies the contents of a petition to intervene.
- d. Multiple Petitioners and Intervenors  
The proposed amendment makes grammatical changes and adjusts the numbering to the section that specified the authority of the Commission to consolidate multiple intervention requests and intervenors that are admitted.
- e. Arguments For or Against Intervention  
The proposed amendment makes grammatical changes to the section that details the opportunity of petitioners to argue for intervention and the parties opposing petitions for intervention.
- f. Action on Petition for Intervention  
The proposed amendment clarifies when all petitions to intervene or in opposition shall be reviewed and decided by the Commission, that a written decision shall be issued for any decisions, and that denials may be appealed to circuit court under HRS Chapter 91.

A public hearing will be held on Tuesday, July 9, 2024, at 9:00 a.m. or thereafter in the Līhu‘e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu‘e, Kaua‘i, Hawai‘i. All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, on the proposed rule amendments at the time of the public hearing. Persons wishing to submit written testimony are requested to submit their written testimony to the Planning Department, 4444 Rice Street, Suite A473, Līhu‘e Kaua‘i, 96766 or via email to [planningdepartment@kauai.gov](mailto:planningdepartment@kauai.gov). Persons presenting oral testimony are requested to also submit their testimony in writing to the Planning Department at the addresses noted above. All submissions for the record must be received at or prior to the scheduled public hearing.

A copy of the proposed rule amendments will be mailed to any interested person who requests a copy and pays the required fees for copying and postage. Please submit your request to the Planning Department at the addresses listed above. Copies of the proposed rule amendments may be picked up from the Planning Department at the above address between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. In addition, the full text of the proposed rule amendment is available on the web site of the Planning Commission: <https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>. Individuals who require special needs accommodations may request assistance by writing or contacting Ms. Shanlee Jimenez at (808) 241-4050 at least seven (7) working days prior to the scheduled public hearing.

***Publication Date: June 7, 2024***