

**Electronically Filed
Supreme Court
SCWC-21-0000396
23-JUL-2025
12:59 PM
Dkt. 26 ORDDS**

SCWC-21-0000396

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

KEEP THE NORTH SHORE COUNTRY and KAHUKU COMMUNITY ASSOCIATION,
Petitioners/Plaintiffs-Appellants-Appellants,

vs.

ZONING BOARD OF APPEALS, CITY AND COUNTY OF HONOLULU;
DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING,
CITY AND COUNTY OF HONOLULU; NA PUA MAKANI POWER PARTNERS, LLC,
Respondents/Defendants-Appellees-Appellees.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS
(CAAP-21-0000396; CASE NO. 1CCV-20-0001574)

DISSENT FROM THE ORDER REJECTING
APPLICATION FOR WRIT OF CERTIORARI
(By: Devens, J.)

I respectfully dissent from the order rejecting
Petitioners/Plaintiffs-Appellants-Appellants Keep the North
Shore Country and Kahuku Community Association's (Petitioners)
application for writ of certiorari.

Petitioners have sufficiently asserted
constitutionally protected property interests in a clean and
healthful environment and in the constitutional right to

exercise Native Hawaiian traditional and customary practices. Haw. Const. art. XI, § 9; art. XII, § 7. Petitioners' rights were impacted by the Director of the Department of Planning and Permitting, City and County of Honolulu's approval of Respondent/Defendant-Appellee-Appellee Na Pua Makani Power Partners, LLC's Conditional Use Permit (CUP) No. 2016/CUP-69; Zoning Waiver No. 2016/W-63; Minor Modifications Nos. 2019/MOD-34 and 2019/MOD-35; CUP No. 2016/CUP-49; and Minor Modification No. 2019/MOD-36.

Based on Petitioners' constitutionally protected interests, I would accept the application for writ of certiorari to further review the issue of due process notice.

DATED: Honolulu, Hawai'i, July 23, 2025.

/s/ Vladimir P. Devens

Associate Justice

