

LAND USE COMMISSION

MEETING MINUTES

January 19, 2012 – 9:30 a.m.

Leiopapa A Kamehameha Building Room 204,
235 S. Beretania Street Honolulu, HI 96813

COMMISSIONERS PRESENT: Normand Lezy
Ronald Heller
Lisa Judge
Chad McDonald
Kyle Chock
Ernest Matsumura
Jaye Napua Makua (left with the approval of
the Chair at 12:18 p.m.)

COMMISSIONERS EXCUSED: Thomas Contrades
Nicholas Teves, Jr

STAFF PRESENT: Orlando Davidson, Executive Officer
Diane Erickson, Deputy Attorney General
(arrived at 9:57 a.m.)
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Acting Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Hotai Zerba

CALL TO ORDER

Chair Lezy called the meeting to order at 9:37 a.m.

APPROVAL OF MINUTES

Chair Lezy asked if there were any corrections or additions to the January 5-6, 2012 minutes. There were none. Commissioner Chock moved to approve the minutes. Commissioner Judge seconded the motion and the minutes were unanimously approved by voice vote (7-0).

TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The first 6 months of the tentative meeting schedule for 2012 was distributed in the handout material for the Commissioners and posted on the LUC website.
- The next meeting, on Docket No. A06-771 will be on March 1-2, 2012 in Honolulu.
- Any questions or concerns- please contact LUC staff.

CONTINUED HEARING

A06-771 D.R. HORTON-SCHULER HOMES, LLC., (O`ahu)

Chair Lezy announced that this was a continued hearing on A06-771 D.R. HORTON – SCHULER HOMES, LLC, a Delaware limited liability company, d.b.a. D.R. Horton-Schuler Division.

APPEARANCES

Benjamin Kudo, Esq., Naomi Kuwaye, Esq. and Yuko Funaki, Esq., represented Petitioner D.R. Horton-Schuler Homes, LLC

Cameron Nekota, D.R. Horton-Schuler Homes, LLC

Dawn Takeuchi-Apuna, Esq., Deputy Corporate Counsel, represented City and County of Honolulu, Department of Planning and Permitting (DPP)

Tim Hata, DPP

Bryan Yee, Esq., represented State Office of Planning (OP)

Mary Lou Kobayashi, OP

Dr. Kioni Dudley, represented Intervenor Friends of Makakilo (FOM)

Linda Paul, Esq., legal advisor to FOM

Tatyana Cerullo, Esq., represented Intervenor The Sierra Club

Eric Seitz, Esq. and Sarah Devine, Esq., represented Intervenor Clayton Hee

Chair Lezy updated the record and described the procedures for the proceedings. There were no questions or comments regarding the procedures.

Chair Lezy announced that public testimony would be taken at 2 p.m. and the hearing portion of the meeting would conclude at approximately 3:30 p.m. to allow for an Executive Session. Chair Lezy then called for OP to offer its new exhibits and continue its presentation.

Mr. Yee offered OP exhibits 12B-14B that the Parties had stipulated to.

There were no objections to OP's exhibits 12B-14B and Chair Lezy admitted them.

Mr. Yee then offered and described OP's exhibit 15B (Chair Kokubun's response to Commissioner Chock's and Heller's questions which were asked at the January 5, 2012 meeting). Chair Lezy inquired if the Parties had been provided copies of Exhibit 15B. Mr. Yee responded that copies were provided to the Parties by email on January 18, 2012 and then by hard copy on January 19th.

County and Sierra Club did not have any objections to Exhibit 15B. Dr. Dudley stated that he considered the information provided within the exhibit to be inadequate and objected to being unable to cross-examine Chair Kokubun. Mr. Seitz stated that he currently had no objections but reserved the right to cross-examine Chair Kokubun. Chair Lezy noted FOM's objection and allowed Exhibit 15B.

OP Witnesses

1. Alvin Takeshita- DOT Highway Division Administrator

Mr. Takeshita testified that the concerns about the proposed project that the Highways and the Airports Divisions previously had were resolved with the Petitioner; and described what the Petitioner had represented it would do to mitigate and address those concerns. Mr. Takeshita stated that the Petitioner was expected to notify and disclose the potential for noise from nearby airport operations to its potential customers and residents and described how those disclosures and notifications were anticipated to be passed on in the event of sale or transfer of interest in Petition Area properties.

Mr. Takeshita also described the DOT's concerns about the proposed project's impact to the existing highway system; specifically the corridor from West O`ahu to the downtown/Waikiki urban core and how

other highway improvements and mitigations mentioned in the Petition Area's Traffic Impact Assessment Report (TIAR) were expected to be accomplished by the Petitioner in its implementation plan; how his Department had formulated its request for the TIAR and what considerations and factors were involved in the decision-making process for each area of concern.

Questions for Mr. Takeshita

Petitioner

Ms. Kuwaye had no questions.

DPP

Ms. Takeuchi-Apuna had no questions.

FOM

FOM asked if Mr. Takeshita had seen Petitioner's Exhibit 22 (Sam Silverman's Noise Mitigation Report for the Ho'opili Project). Mr. Takeshita replied that he had not and was not aware of potential traffic noise problems posed by the proposed project. Mr. Takeshita further stated that any proposed traffic noise mitigation barriers or other mitigation alternatives would be studied for the possible impacts that could occur as a result of their construction.

FOM requested clarification on what constituted the major problem for the westbound morning peak-hour traffic flow. Mr. Takeshita replied that the H1/H2 merge was identified as a major area of concern and described DOT's efforts to assess and evaluate what types of improvement measures might be suitable for traffic flow in both the east and westbound directions with features like added lanes, "zipperlanes" or "flyovers" between the Kunia and Waiawa interchanges.

FOM requested clarification on what highway improvement costs and what portions of "fair share costs" the Petitioner was going to be responsible for. Mr. Takeshita described how he perceived the Petitioner would pay for the design and construction of the additional lane on H1 between the Kunia Interchange and the Waiawa Interchange and how the proposed implementation plan would be better defined by the TIAR.

FOM requested clarification on how the Ewa Development Plan's need for adequate freeway capacity/facilities to the primary urban center would be supported by the DOT and what level of service would be considered "adequate". Mr. Takeshita stated that \$760 million in planning, design, and construction of improvement projects on the H1 corridor were being performed and that a "D" service level was considered acceptable.

FOM asked whether Mr. Takeshita was aware that "F" service levels in different segments of the highway system would continue to exist even with the proposed rail system. Mr. Takeshita replied that he was not aware of those situations.

FOM requested clarification on whether traffic generated from the proposed project would be able to have access closer to the H1 freeway and how the highways modernization plan (FOM Exhibit R5) derived its calculated results. Mr. Takeshita acknowledged that by its proximity to the freeway that traffic emanating from the Petition Area would be ahead of and intercept traffic coming from the more established communities in the area and that he was familiar with the delay costs addressed in Exhibit R5, but not with those mentioned in a recent OMPO report of the traffic conditions.

FOM asked if social costs associated with longer commute times were considered in evaluating proposals for new or existing projects. Mr. Takeshita described how quality of life was considered when evaluating highway improvements.

FOM requested clarification on whether a study on improvements to the portion of Fort Weaver Road approaching Farrington Highway to accommodate local traffic flow was going to be conducted. Mr. Takeshita acknowledged that a study would be done.

FOM had no further questions.

The Sierra Club

Ms. Cerullo asked if Mr. Takeshita was aware of what the previous administration's stance was on the proposed project. Mr. Takeshita replied that though he was not involved with the DOT position at that

time, he was familiar with the previous DOT position and the mitigation measures that had been initiated since. Mr. Takeshita described how his department assessed and evaluated conditions to make decisions but could not guarantee their results.

Ms. Cerullo requested clarification on how DOT's 20 year traffic projections were used in its decision making criteria and what the estimated future traffic flow might be for the area. Mr. Takeshita responded that he could not be sure that an increase in traffic volume would occur in the future since alternative transportation modes could be developed in that span of time and described how the DOT did its planning for the future.

Ms. Cerullo asked what might occur after the 20 year period. Mr. Takeshita described other plans that were being drawn that went beyond the 20 year horizon and how his department used their information. Mr. Takeshita also opined how future planning in the 50-100 year range was not productive since progress and changes in that time frame could render them useless; and why 20-30 year planning was more relevant.

Ms. Cerullo requested clarification on when the DOT would determine there was too much traffic on the roadways and restrict additional volume. Mr. Takeshita described how DOT took actions to mitigate and prevent traffic gridlock from happening; and stated that DOT did not have an analysis that prevented more traffic from being added to existing roadways.

The Sierra Club had no further questions.

Clayton Hee

Mr. Seitz requested clarification on how the problems identified by the past DOT administration had been mitigated to alter the position taken by the current DOT administration. Mr. Takeshita described how the Petitioner had been very cooperative and supportive of the DOT recommendations for the proposed project in the interim and how Petitioner's actions had altered the DOT stance. Mr. Seitz asked if the DOT had ever conducted a survey of the area residents to determine what

the residents felt traffic conditions were like. Mr. Takeshita replied that the DOT had not conducted such a survey and had been unable to solve 100 percent of the traffic problems.

Mr. Seitz asked if it would be more prudent to wait for the latest TIAR and analyze its findings before the LUC were to consider it and that a formal agreement for highway improvements should be in place before any zoning changes were to occur. Mr. Takeshita responded that he believed a condition existed where the TIAR would need to be reviewed and approved by the DOT prior to any zoning changes and that a memorandum of agreement (MOA) was being drafted to formalize the terms and conditions that had been agreed upon.

Mr. Seitz had no more questions.

Redirect

Mr. Yee requested clarification on whether the DOT reviewed the TIAR submitted by the Petitioner and considered the impacts that might be caused by the proposed project. Mr. Takeshita acknowledged that the DOT had done that.

Commissioner questions

Commissioner McDonald requested clarification on whether the DOT had any concerns that the April 2011 TIAR only had a projection to the year 2020 which just covered Phase I of the proposed project. Mr. Takeshita responded that the DOT had asked for an implementation plan that was more comprehensive and would address the project in its entirety.

Commissioner McDonald requested clarification on whether the TIAR would include the Waiawa Interchange; and what improvements were included in the 2020 TIAR. Mr. Takeshita was unsure of how much of the Waiawa Interchange would be evaluated, and stated that only certain portions would be included but not the entire interchange; and that the H1 Freeway assessment report had identified the improvements for the entire proposed project.

Commissioner McDonald requested clarification on when the DOT expected completion of the improvement projects. Mr. Takeshita responded that the major improvement that would have the most immediate impact would be the afternoon contra-flow lane since planning had started in December, 2011 and construction was estimated to begin in early 2013; and the Ola Lane improvements were targeted for 2014.

Commissioner McDonald also asked if there were any schedule to the revised TIAR to the DOT. Mr. Takeshita replied that he did not have a schedule but the Petitioner needed the TIAR reviewed and approved by the DOT before the Petition could proceed; and described why the Petitioner needed to provide the DOT with the revised TIAR in a timely manner for processing.

Commissioner Judge requested clarification on the terminology of "adding a lane". Mr. Takeshita provided his perspective of how an additional sixth lane of travel would be provided between the Kunia and Waiawa Interchanges and how a roadway shoulder would be provided for in the plans.

Commissioner Judge requested clarification on why mitigation measures were not mentioned in the DOT conditions and why there were no timing restrictions on reaching an agreement... Mr. Takeshita described how the conditions needed to be formalized using the TIAR and in the creation of an "MOA", and why Condition 5 of the MOA was part of the Petitioner's "fair share" in the regional improvements agreement process; and why the "MOA" was drafted at the end of the DOT approval process.

Commissioner Heller requested clarification on whether the DOT traffic mitigation plan had contingency plans if the proposed rail project did not proceed as planned. Mr. Takeshita could not answer and acknowledged that plans for that would have to be worked out later.

Commissioner Chock requested clarification on what costs were involved in the addition of an extra lane in the highway segment that was described during the DOT testimony. Mr. Takeshita estimated that adding a lane might cost \$9-\$10 million and that the Petitioner would solely pay for this improvement.

Commissioner Chock requested clarification on what portion of the \$760 million designated for highway improvements would be for the West O`ahu region; what amounts were in planning and design and construction; and when area residents could expect the improvements to occur. Mr. Takeshita stated that he believed West O`ahu would have the majority of the funds since most of the scheduled improvements were between Downtown Honolulu and the Kapolei area. Mr. Takeshita also stated that there were numerous ongoing projects and described how the Ola Lane to Vineyard project was estimated to cost \$101 million and was in its planning stage; the H1 PM contra-flow lane was scheduled to begin construction in 2014, and the Waipahu off-ramp was starting design work. Mr. Takeshita stated that the most immediate improvement was expected to the PM contra-flow lane.

Commissioner Chock requested clarification on whether the proposed additional lane was a condition that the Petitioner had offered. Mr. Takeshita stated that the additional lane proposal was his idea and that he wanted the additional lane as a TIAR condition and described how difficult "fair share" contributions were to calculate.

Chair Lezy requested clarification on the completion date for the additional lane between the Kunia/Waiawa Interchanges. Mr. Takeshita responded that the DOT still needed to review the implementation plan for the proposed project and determine what the various alternatives and outcomes might be; how the proposed improvements might impact existing conditions; and that he did not know how much the range of options for improvements might cost.

Chair Lezy requested clarification on Mr. Takeshita's past positions in the DOT and whether Mr. Takeshita was aware of who had prepared the prior administration's position statement. Mr. Takeshita described his past positions and stated that the DOT planning office had prepared the position statement.

Redirect

Mr. Yee requested clarification on the specific time periods that the DOT was studying relative to the TIAR during and after full build out of

the proposed project. Mr. Takeshita replied that it was typical for a TIAR to look at the impact after full build-out and described how the Petitioner's 2011 TIAR was flawed since it only had an outlook at the conditions to the mid-point of the proposed project and described how the 2011 TIAR appeared to be an attempt to serve as an implementation plan for the phasing of the proposed development. Mr. Takeshita stated that the DOT was interested in having the 2008 TIAR revised and updated to address the full build out. Mr. Yee clarified that Mr. Takeshita's testimony described how the 2008 and the 2011 TIARs differed.

Mr. Yee requested clarification on the freeway assessment report that identified the potential mitigation that could occur to the H1 corridor. Mr. Takeshita described how the freeway assessment report was a separate piece of information provided by the Petitioner and how the 2011 mid-point TIAR and the freeway assessment report were done for different reasons. Mr. Takeshita provided his perspective on whether the H1 corridor improvements would include a combination of re-striping and additional construction and described how an engineering analysis still needed to be done and how his financial estimate of costs was based on probable re-striping and construction costs; with more detailed study yet to be done for more accurate figures.

Commissioner Questions on Redirect:

Commissioner McDonald requested clarification on how the added lane was anticipated to function. Mr. Takeshita responded that it would operate as a general purpose lane.

Commissioner Heller requested clarification on how capital and maintenance costs for an added lane and a "zipper lane" differed; and how the different operating and maintenance costs were assessed and evaluated by the DOT to determine "fair share" portions. Mr. Takeshita described why the DOT did not use "forever costs" and stated that future maintenance costs were not part of the "fair-share" calculations.

There were no further questions for Mr. Takeshita.

The Commission went into recess at 11:12 a.m. and reconvened at 11:27 a.m.
(Commissioner Chock returned at 11:28 a.m.)

OP Witnesses (continued)

2. Mary Lou Kobayashi, OP Planning Program Administrator

Ms. Kobayashi stated that OP recommended the approval of the Petition with conditions to mitigate project impacts and described how OP had reviewed and evaluated the proposed project to determine its position; and how the Petitioner had participated in providing the necessary information requested to facilitate the review process.

Ms. Kobayashi described the representations made by Petitioner to OP and how the Petition met various legal criteria and conformed to State/County plans and urban growth requirements by agreeing to a condition of phasing the development of the Petition Area to allow existing farming operations to continue as long as possible, and implementing an “urban agricultural initiative” within the proposed project area that would retain pockets of land acreage for commercial and residential agricultural activities. Ms. Kobayashi stated that the DOA had participated in the development of this condition and would be evaluating and approving the lands offered by the Petitioner for this purpose.

Ms. Kobayashi also described how the DOT had engaged the Petitioner over traffic concerns and had obtained an agreement from Petitioner to pay for the design and construction for a specific improvement to the H1 corridor and how OP had proposed a condition that would provide for a revised and updated TIAR that “shall identify” mitigation measures for potential project related traffic impacts on State facilities. Ms. Kobayashi added that OP had proposed additional conditions that would require Petitioner to fund the planning, design and construction of traffic improvements to mitigate local or direct project generated impacts and their “fair-share” for improvements to mitigate regional project generated impacts.

Ms. Kobayashi stated that the proposed conditions also required that a “MOA” be established between the Petitioner and the DOT documenting the improvements required to mitigate transportation

impacts to State highway facilities; and described the potential economic benefits that the new proposed project could provide during and after its construction; how the project met the criteria for growth and development in State and County plans with its phasing scheme over the next 10-20 years till full build-out; and how OP's "supplemental testimony" added a condition regarding the "sustainability" plan to memorialize the statements made in Mr. Jones' oral testimony before the LUC regarding the plan's implementation and made changes to the conditions regarding storm water and best management practices conditions.

Ms. Kobayashi stated that the Airports and Highways nuisance conditions had been updated to be consistent with the DOT's amended testimony and described the corrections to errors made when copying DOT's proposed conditions into OP's supplemental testimony that needed to be made; and how the wording of conditions in DOT's amended testimony took precedence.

Ms. Kobayashi further described how the Petition met all the considerations for compliance with State and County plans; provided affordable housing and positive economic impacts; used energy and water conservation measures; and how the OP conditions mitigated areas of the State's concerns including but not limited to agriculture and transportation.

Questions for Ms. Kobayashi

Petitioner and County had no questions.

FOM

Dr. Dudley requested clarification on what the concept of a second city was and what had been done to further develop city-like features instead of "bedroom communities". Ms. Kobayashi provided her perception of the elements that comprised a second urban center and described features that had been constructed in the region that supported the concepts of a city-like development.

Dr. Dudley requested clarification on how the proposed rail system would impact the proposed project and how State agencies might render

assistance to the area residents. Ms. Kobayashi replied that OP did not look at the rail system stopping short of the downtown Kapolei district and described planning agencies within the State government that could address the concerns that Dr. Dudley had.

Dr. Dudley requested clarification on what type of criteria was used to evaluate the “urban agricultural initiative” proposed for the Petition Area. Ms. Kobayashi described how the DOA and OP had sought assurances that the Petition Area would provide for viable agricultural practices; and how the lands would be identified.

Dr. Dudley requested clarification on how “buffer zones” had been determined and how the loss of jobs caused by the closure of farms in the Petition Area were considered during the OP evaluation of the Petition. Ms. Kobayashi described the methodology and considerations that were made during the OP analysis.

Dr. Dudley requested clarification of Ms. Kobayashi’s understanding of the DOA letter from Ms. Kunimoto regarding agricultural easements, the affordable housing component, and adequate facilities requirement in the Ewa Development Plan (“EDP”). Ms. Kobayashi replied that she was working in OP at the time Ms. Kunimoto’s letter was received and was aware of it and was familiar with the affordable housing component of the proposed project but did not know detailed specifics regarding the adequate facilities requirement of the EDP.

Dr. Dudley requested clarification on how public concerns about the poor levels of service for transportation might reflect upon OP. Ms. Kobayashi described the efforts that had been made to respond to public complaints and mitigate the conditions that were generating them regarding traffic; and how OP relied on the DOT to handle its affairs.

There were no further questions by FOM.

The Sierra Club

Ms. Cerullo requested clarification on Ms. Kobayashi’s familiarity with the Hawai’i State Plan’s policies and objectives with regard to agriculture. Ms. Kobayashi stated that she was aware of the State’s policy

to preserve land that was identified for diversified agriculture and described how her department had assessed and weighed the preservation of agriculture with other considerations involved in determining what position OP would take on this docket.

Ms. Cerullo requested clarification on how OP had calculated the jobs that would be generated by the proposed project. Ms. Kobayashi replied that there would be an estimated 7000 direct operational-related jobs at build out and described the various components that comprised that job number and how existing agricultural jobs were factored into the calculations.

Ms. Cerullo had no further questions.

Senator Clayton Hee

Mr. Seitz requested clarification of Ms. Kobayashi's understanding of Hawai'i's constitutional provision in article 11, section 3. Ms. Kobayashi provided her understanding of how OP's actions were consistent with the Constitution's intent to conserve and protect agricultural land; and how DOA had testified with information that supported OP's position statement.

Mr. Seitz had no further questions.

Commissioner questions

Commissioner Judge requested clarification on OP's understanding of the traffic mitigation measures that Petitioner had agreed to for funding the design and construction of the traffic improvements in the Kunia and Waiawa Interchange areas. Ms. Kobayashi described what the Petitioner had agreed to accomplish and stated that the MOA would contain additional mitigation measures that had yet to be determined

Commissioner Matsumura requested clarification on whether OP had a statewide population distribution plan. Ms. Kobayashi replied that the State did not have a specific distribution plan but that the State Plan was a broad policy document that called for encouraging economic growth on the neighbor islands.

There were no further questions.

The Commission went into recess at 12:18 pm and reconvened at 1:18 p.m. (Commissioner Makua left the meeting with the approval of the Chair and did not return. Commissioner Chock returned at 1:27 p.m.)

Sierra Club Witnesses

Ms. Cerullo offered Michael Lee as her first witness.

1. Michael Lee- Cultural witness

Ms. Kuwaye objected to Mr. Lee's appearance as a lay witness because Mr. Lee had initially been identified as an expert witness and was later changed to a lay witness; and that Petitioner had not been provided any information as to the scope or substance of his testimony. Ms. Cerullo replied that Mr. Lee was a lay witness who would testify about cultural resources and that information had been circulated to the Parties regarding his testimony.

Discussion ensued and Chair Lezy determined that copies of Mr. Lee's testimony and demonstrative materials would be provided to the Parties and the Commission by Wednesday, January 25, 2012 and that this witness would be deferred from appearing till the March meeting on this docket.

2. Gary Maunakea-Forth- Farming and Sustainable Agriculture Expert

Mr. Maunakea-Forth described his education, work history and involvement with organic farming and associated youth and work development programs in the West O'ahu area; and provided his perspective on job opportunities and "green jobs" associated with the agricultural industry.

Mr. Maunakea-Forth described obstacles that he thought prevented local residents from succeeding in the agricultural industries; food security concerns; and what was needed to develop future farmers in the community.

Mr. Maunakea-Forth also expressed why he felt it was necessary to preserve prime agricultural lands on O'ahu and continue farming in the Petition Area.

Questions for Mr. Maunakea-Forth
DPP

County had no questions.

FOM

Dr. Dudley stated that he had no questions.

Chair Lezy announced that Mr. Maunakea-Forth's remaining testimony would be deferred so that public testimony could begin.

Chair Lezy asked if there were any Public Witnesses who wished to give testimony

PUBLIC WITNESSES

1. Peter Lee

Mr. Lee described his community service and stated his support of the Petition. Dr. Dudley asked if Mr. Lee belonged to the Waipahu Neighborhood Board and if he was present when the Board voted to support the Petition. Mr. Lee replied that he was present and the Waipahu Neighborhood Board meeting and described the composition of the audience members in attendance when the vote was taken.

There were no further questions for Mr. Lee.

2. Alan Gottlieb- Manager, Second City Property Management.

Mr. Gottlieb described why he supported the proposed project and submitted a letter from Aloun Farms and DLNR inter-departmental correspondence to the Commission.

Mr. Seitz objected to the materials that Mr. Gottlieb was submitting and discussion ensued to clarify the nature of the objection. Chair Lezy noted that the Commission had to observe "Sunshine Law" protocol during its proceedings and could not refuse testimony materials from public witnesses. Mr. Seitz requested permission to ask questions of the

witness and Chair Lezy concurred that he could after the other Parties had their turn to question Mr. Gottlieb.

There were no other questions from the other Parties.

Mr. Seitz requested clarification on whether Mr. Sou of Aloun Farms was prevented from testifying by the terms of his lease. Mr. Gottlieb responded that he was familiar with the lease terms but was not aware that Mr. Sou could not testify.

Mr. Seitz restated his objection to any letter from Mr. Sou being received by the Commission from a third-party without Mr. Sou being present to question. Chair Lezy acknowledged Mr. Seitz's concerns and described the difference between evidentiary issues and "Sunshine Law" issues and how public testifiers are allowed to submit whatever materials they choose to. Mr. Seitz opined why offering exhibits and other evidence without being able to examine them was different from public testimony.

Chair Lezy noted Mr. Seitz' objections.

Dr. Dudley requested clarification on the terms of the lease that prevented lessees from opposing development of the leased property. Mr. Gottlieb stated that he believed the lease terms stated that tenants would support development of the property.

Dr. Dudley asked if Mr. Gottlieb was aware that Mr. Jones had testified before the LUC that there was no such clause in the lease. Mr. Gottlieb responded that he was not aware of Mr. Jones' statement. Discussion ensued to clarify what Mr. Jones said during his testimony and Chair Lezy asked Dr. Dudley to rephrase his question. Dr. Dudley replied that he would leave it to the recollection of all who were in attendance during Mr. Jones' testimony.

Commissioner Heller requested clarification on current market rent values and what existing farming tenants were actually paying. Mr. Gottlieb described the economic factors that were involved in the farm land rental market and stated values for different situations. Commissioner Heller restated his question to determine what the differential was between what was actually being paid and what the fair market value would be. Mr. Gottlieb responded that the Ho'opili area farmers were paying about \$250/acre per year and that the differential was

approximately four times or one quarter of the economic value of the agricultural land.

There were no further questions for Mr. Gottlieb.

Chair Lezy announced that Mr. Maunakea-Forth's remaining testimony would be deferred till the next meeting on this docket due to the number of remaining public witnesses and asked Ms. Cerullo to release her witness for the day.

3. Alicia Maluafiti

Ms. Maluafiti submitted written testimony and described why she supported the proposed project.

There were no questions for Ms. Maluafiti.

4. Sean Newcamp

Mr. Newcamp stated that he represented the Hawai'i Carpenter's Union and expressed why his organization supported the Petition.

There were no questions for Mr. Newcamp.

5. Ana Tuiasosopo

Mr. Tuiasosopo provided his perspective of why the Petition should be granted.

There were no questions for Mr. Tuiasosopo.

6. Glenn Ida

Mr. Ida submitted written testimony and read his testimony in support for the proposed project to the Commission.

There were no questions for Mr. Ida.

7. Al Lardizabal

Mr. Lardizabal stated that he was a staff lobbyist for the Laborer's Union and described why his organization supported the Petition.

There were no questions for Mr. Lardizabal.

8. Pele Lui-Yuen

Mr. Lui-Yuen stated that he was a Kapolei resident and described why he supported the Petition.

There were no questions for Mr. Lui-Yuen.

9. Jim Schuler

Mr. Schuler expressed how he had founded his construction business and described why the proposed project should be approved.

There were no questions for Mr. Shuler.

10. Ron Sexton

Mr. Sexton described why he felt the proposed project needed to be reviewed.

There were no questions for Mr. Sexton.

11. Thad Spreg

Mr. Spreg described why the proposed rail project would not provide traffic relief and why the Petition should not be granted.

There were no questions for Mr. Spreg.

12. Victoria Cannon

Ms. Cannon stated that she opposed the Petition and expressed her concerns about how the proposed project might negatively impact tourism and the loss of valuable agricultural land.

There were no questions for Ms. Cannon.

13. Alice Fisher

Ms. Fisher shared her reasons for opposing the proposed project.

There were no questions for Ms. Fisher.

14. Annie Suite

Ms. Suite stated that she was an advocate for small farmers and described her opposition to the Petition.

There were no questions Ms. Suite.

15. Pamela Bouyar

Ms. Boyar echoed Ms. Suite's opposition to the Petition and described why the existing farm operations in the Petition Area should be preserved.

There were no questions for Ms. Boyar.

16. Pearl Johnson

Ms. Johnson stated that she was speaking for the League of Women Voters of Honolulu and described why her organization opposed the proposed project.

There were no questions for Ms. Johnson.

17. Shaunagh Robbins

Ms. Robbins shared her reasons for opposing the Petition.

There were no questions for Ms. Robbins.

18. Judith Flanders

Ms. Flanders submitted written testimony and described that she was a descendant of the Campbell Estate family and why she opposed the Petition.

There were no questions for Ms. Flanders.

19. Councilman Tom Berg

Councilman Berg described his concerns about the Petition Area and why the construction of the proposed project should be contingent upon construction of an East-West connector road.

There were no questions for Councilman Berg.

20. Candace Fujikane

Ms. Fujikane submitted written testimony and stated that she opposed the proposed project. Ms. Fujikane described how her calculations and findings for the amount of available land for edible crop production differed from the DOA figures and resulted in Petition Area representing 42 percent of the edible crop acreage on O`ahu.

Dr. Dudley requested clarification of how Ms. Fujikane had derived her figures. Ms. Fujikane described the assumptions and methodologies that she had used for her calculations.

There were no further questions for Ms. Fujikane.

21. Choon James

Ms. James described why she opposed the proposed project.

There were no questions for Ms. James.

22. Kahumanu Mook

Kahu Mook encouraged the audience to work together for a better future.

There were no questions for Kahu Mook.

23. Elaine Kam

Ms. Kam shared her concerns about the proposed project and her reasons for opposing the Petition.

There were no questions for Ms. Kam.

24. DeAngelo McIntire

Mr. McIntire shared his perspective on self-sustainability and corporate greed and why he opposed the Petition.

There were no questions for Mr. McIntire.

25. Stuart Scott

Mr. Scott described his concerns about climate change and the need to preserve the Petition Area in agriculture.

Dr. Dudley requested clarification on what Mr. Scott had done on his trip to Durban, South Africa. Mr. Scott described the work that he had been doing in the field of climate change and the global impact it will have on food security.

There were no further questions for Mr. Scott.

26. Nicole Ferguson

Ms. Ferguson stated that she represented a University of Hawai'i group called "Sustainable UH" and shared why her group opposed the Petition.

There were no questions for Ms. Ferguson.

27. Kauaoa Fraiola

Mr. Fraiola stated that he opposed the Petition and submitted written testimony to support his oral presentation.

There were no questions for Mr. Fraiola.

28. Buzzy Hong

Mr. Hong shared his reasons for supporting the proposed project.

There were no questions for Mr. Hong.

29. Yvonne Williams

Ms. Williams stated that she represented her family and the Hawai'ian Civic Club- Malama `Aina and described why she opposed the Petition.

There were no questions for Ms. Williams.

30. Natalie Katz

Ms. Katz expressed her reasons why she opposed the Petition.

There were no questions for Ms. Katz.

Chair Lezy declared a recess at 3:50 p.m. ; reconvened the meeting at 3:52 p.m. and moved for an Executive Session. Commissioner Judge seconded the motion. By a unanimous verbal vote (6-0), the Commission entered Executive

Session at 3:53 p.m.; and reconvened at 4:37 p.m. Chair Lezy adjourned the meeting at 4:37 p.m.