

LAND USE COMMISSION

Minutes of Meeting

Nahale Room
Sandalwood Clubhouse
2500 Honoapiilani Hwy.
Waikapu, Maui

April 24, 1998

COMMISSIONERS PRESENT: Rupert K. Chun
JoAnn Mattson
Peter Yukimura
Merle A.K. Kelai
M. Casey Jarman
Isaac Fiesta, Jr.

Approved
5/14/98

COMMISSIONERS ABSENT: Lawrence N.C. Ing
Herbert Kaopua, Sr.
P. Roy Catalani (Excused)

STAFF PRESENT: Esther Ueda, Executive Officer
Jon Itomura, Deputy Attorney General
Bert Saruwatari, Staff Planner
Darlene Kinoshita, Chief Clerk

Rachelle Primeaux, Court Reporter

Chairperson Chun called the meeting to order.

Commissioner Mattson moved to go into executive session to consult without Deputy Attorney General on litigation matters regarding Civil No. 97-0258(1) - Molokai Ranch vs. LUC. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

After the executive session, Commissioner Mattson moved to accept the stipulation regarding Civil No. 97-0258(1). The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

CONTINUED HEARING

A97-722 - MAUI ELECTRIC CO., LTD.

Chairperson Chun announced that this proceeding was a continuation of the hearing which was adjourned at 4:24 p.m.

Appearances

B. Martin Luna, Esq., Attorney for Petitioner

Randall Endo, Esq., Attorney for Petitioner

Kelly Cairns, Esq., Deputy Corporation Counsel, County of Maui

Colleen Suyama, Planning Dept., County of Maui

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Mark Sheehan, for Intervenor, Maui Tomorrow

Scott Crawford, for Intervenor, Maui Tomorrow

At this time, Mr. Endo withdrew Maui Electric Co.'s motions in Limine #2, 4, & 5. Mr. Endo also submitted a letter dated April 24, 1998 clarifying that his witnesses Robert Paull and Tom Schroeder are not testifying as UH professors and that the Commission should strike any and all references to their position with the University of Hawaii contained in the record to make it clear that they did not testify in the capacity as professors of the University.

Commissioner Mattson moved to strike any and all references to their position with the University of Hawaii contained in the record and moved to grant the motion to withdraw the motions 2, 4, and 5. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

EXHIBITS

1. The letter dated March 31, 1998 from Herb Squires to Mark Sheehan was accepted into evidence as Intervenor's Exhibit No. 22.

INTERVENOR'S WITNESSES

1. Roy Smith
2. Erik Frye
3. Ian Chan Hodges (cross examination by the parties)

A lunch recess was taken at 12:00 p.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

COUNTY'S WITNESS

1. Richard Haake

INTERVENOR'S WITNESSES (Continued)

4. Richard Mayer

Chairperson Chun instructed all parties of the post-hearing procedures. Proposed findings from the parties are due on May 15, 1998 and the parties of until May 22, 1998 in which to respond.

MISCELLANEOUS

Commissioner Kelai moved to approve the minutes for the following meeting dates: March 19, 1998, April 8, 1998, and April 9, 1998. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

The meeting was adjourned at 3:30 p.m.