

LAND USE COMMISSION

Minutes of Meeting

Church Hall  
Kalaiakamanu Hou Congregational Church  
Kalamaula, Kaunakakai, Molokai

May 7, 1997

COMMISSIONERS PRESENT: Trudy K. Senda  
Merle A.K. Kelai  
M. Casey Jarman  
Lawrence N.C. Ing  
JoAnn Mattson  
Lloyd Kawakami

Approved  
6/12/97

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.  
Herbert Kaopua, Sr.  
Rupert K. Chun

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Deputy Attorney General  
Leo Asuncion, Jr., Staff Planner  
Darlene Kinoshita, Chief Clerk

Lynn Ann Nicely, Court Reporter

Chairperson Senda called the meeting to order.

ACTION

DR97-20 - PONO, ET AL (Molokai)

Chairperson Senda announced that the Commission would take action to consider the following:

- a. Motion to Dismiss Petition for Declaratory Ruling or Order, or in the Alternative, for Leave to Appeal filed by Paul Mancini, Esq., Attorney for Molokai Ranch, Ltd., and to consider County of Maui's Partial Joinder in Molokai Ranch's Motion to Dismiss Petition for Declaratory Ruling filed by John Rapacz, Esq., Deputy Corporation Counsel, County of Maui; and
- b. Whether "The Great Molokai Ranch Trail" Project, consisting of a complex of fifteen (15) commercial "overnight campgrounds" are permissible uses in the Agricultural District lands rated C, D, E, & U.

Appearances

Isaac Hall, Esq., Attorney for Pono, Et Al

Alan Murakami, Esq., Attorney for Pono, Et Al

John Rapacz, Esq., Deputy Corporation Counsel, County of Maui

Paul Mancini, Esq., Attorney for Molokai Ranch

Kenneth Kupchak, Esq., Attorney for Molokai Ranch

The following letters were admitted into evidence by the Land Use Commission:

- a. Amicus Curiae Brief filed on May 6, 1997 by David L. Callies
- b. Letter dated May 6, 1997 to Trudy Senda, Chair, and Members of the Land Use Commission from Jane Howell, Esq., Deputy Corporation Counsel, City and County of Honolulu
- c. Letter dated May 7, 1997 to Land Use Commission from K. Mahealani Davis
- d. Letter received May 7, 1997 to Chairman and Commissioners from Barbara Haliniak

At this time, Mr. Kupchak requested the Commission to decide whether Pono has standing in this action meeting. Chairman Senda ruled that Pono has standing in this action meeting. An objection to the ruling was made by Mr. Kupchak, Esq., Attorney for Molokai Ranch.

PUBLIC WITNESSES

1. Barbara Haliniak
2. Billy Buchanan
3. James Berg
4. Julie Lopez
5. Ernie Kanekoa
6. Zhantal Dudoit
7. Judy Meyer
8. Walter Ragsdale
9. Lyle Otsuka

10. Doris Miller
11. Richard Egged, Jr.
12. Pilipo Solatorio
13. Elizabeth L. Berg
14. Kaeo Adolpho

Arguments on the Motion to Dismiss were heard from Mr. Kupchak, Mr. Rapacz, and Mr. Murakami. After hearing arguments, questions were asked by the Commissioners.

Commissioner Ing moved to deny Molokai Ranch's Motion to Dismiss. The motion was seconded by Commissioner Jarman and unanimously approved by voice votes.

Arguments on the Motion to Continue Hearing were heard from Mr. Kupchak, Mr. Rapacz, and Mr. Hall. Additional arguments were heard from Mr. Kupchak.

Commissioner Ing moved to deny Molokai Ranch's Motion to Continue Hearing. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

Arguments on the question of whether overnight camps are permitted on Agricultural lands rated C, D, E, & U were heard from Mr. Hall, Mr. Rapacz, and Mr. Mancini. Additional arguments were heard from Mr. Hall.

The following documents were admitted into the record by the Land Use Commission:

- a. Letter dated September 3, 1997 (Op. No. 75-8) to John Farias, Jr. from Maurice S. Kato, Esq.
- b. Handout by Mr. Mancini, Questions and Answers.  
Handout by Mr. Mancini, 1963 Statutory Enactment: 98H-2;  
1976 Statutory Enactment: Act 199; and 1985 Statutory  
Enactment: Act 298

Commissioner Ing moved that overnight camps are not permitted uses on Agricultural lands rated C, D, E, & U. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the following meeting dates: March 21, 1997 and April 25, 1997. The motion was seconded by Commissioner Mattson and unanimously carried by voice votes.

The meeting was adjourned at 4:26 p.m.