

LAND USE COMMISSION

Minutes of Meeting

Conference Room 405  
State Office Tower, Leiopapa A Kamehameha  
235 South Beretania Street  
Honolulu, Hawaii

July 17, 1997

*approved  
7/31/97*

COMMISSIONERS PRESENT: Rupert K. Chun  
Merle A.K. Kelai  
M. Casey Jarman  
Lawrence N.C. Ing  
JoAnn Mattson  
Peter Yukimura  
P. Roy Catalani  
Isaac Fiesta, Jr.

COMMISSIONERS ABSENT: Herbert Kaopua, Sr.

STAFF PRESENT: Esther Ueda, Executive Officer  
Jon Itomura, Deputy Attorney General  
Russell A. Suzuki, Deputy Attorney  
General  
Leo Asuncion, Jr., Staff Planner  
Bert Saruwatari, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Evelyn Miyata, Court Reporter

Presiding Officer Chun called the meeting to order.

Presiding Officer Chun welcomed new Commissioners Peter Yukimura, P. Roy Catalani, and Isaac Fiesta, Jr. to the Commission.

Commissioner Kelai moved for an executive session to consult with the Commission's Deputy Attorneys General about our powers and duties provided by the open meeting provisions of Chapter 91 and 92. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

DR97-20 - PONO, ET AL. (Molokai)

Appearances

Jeffrey Schmidt, Esq., Corporation Counsel, County of Maui  
Kenneth Kupchak, Esq., Attorney for Molokai Ranch Co., Ltd.  
Paul Mancini, Esq., Attorney for Molokai Ranch Co., Ltd.

Gregory Kugle, Esq., Attorney for Molokai Ranch Co., Ltd.

Isaac Hall, Esq., Attorney for Pono

Alan Murakami, Esq., Attorney for Pono

Walter Ritte, for Pono

Argument on issues raised by County of Maui and Molokai Ranch regarding the rehearing were heard from Mr. Schmidt, Mr. Kupchak, and Mr. Hall.

Mr. Kupchak's Exhibit entitled, "LUC May Not Hear Anew" was accepted into evidence by the Land Use Commission.

After hearing arguments, questions were asked by the Commissioners.

Commissioner Kelai moved to not proceed with the re-hearing. The motion was seconded by Commissioner Ing and polled as follows:

Ayes: Commissioner Kelai, Catalani, Fiesta, Ing, Jarman, Mattson, Yukimura, and Chun.

#### MISCELLANEOUS

##### 1. ADOPTION OF MINUTES

Commissioner Jarman moved to approve the minutes for the following meeting date as amended: June 26, 1997. The motion was seconded by Commissioner Mattson and unanimously approved by voice votes.

##### 2. ADOPTION OF DECISION AND ORDER

Commissioner Ing moved to adopt the Decision and Order for SP94-387 - Fong Construction Co. (Maui). The motion was seconded by Commissioner Kelai and carried by seven votes.

Commissioner Ing moved to adopt the Decision and Order for SP97-390 - County of Maui, Dept. of Public Works and Waste Management, Solid Waste Division. The motion was seconded by Commissioner Kelai and unanimously carried by voice votes.

3. A status of the following dockets concerning litigation matters were presented by the Commission's Deputy Attorney General: A89-649 - Lanai Resort Company; A93-701 - Kaupulehu Developments; and DR97-20 - Pono, Etal.

The meeting was adjourned at 11:30 a.m