

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Rooms A, B, & C  
State Building  
Hilo, Hawaii

*Approved*  
*9/20/84*

May 16, 1984 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Richard Choy, Vice Chairman  
Everett Cuskaden  
Winona Rubin  
Teofilo Tacbian  
Robert Tamaye  
Frederick Whittemore

COMMISSIONERS ABSENT: Lawrence Chun  
Shinsei Miyasato

STAFF PRESENT: Gordan Furutani, Executive Officer  
Dora Horikawa, Chief Clerk  
  
Barbara McLean, Court Reporter

HEARING

A83-561 - RICHFIELD OF HAWAII, INC.

Pursuant to a notice published on April 6, 1984 in the Hawaii Tribune Herald and the Honolulu Advertiser and notices sent to all parties, a hearing was held by the Land Use Commission in the matter of the petition by Richfield of Hawaii, Inc., Docket A83-561, to reclassify approximately 74.9 acres of land from the Conservation District into the Agricultural District at Kapoho, Puna, Hawaii.

Appearances

Roy Nakamoto, Attorney representing the petitioner

Duane Kanuha, Deputy Corporation Counsel, representing the Hawaii Planning Department

Annette Chock, Deputy Attorney General, representing the Dept. of Planning & Economic Development

Mr. Furutani, Executive Officer oriented the Commission to the property under petition and identified various surrounding landmarks on the USGS and Tax Maps.

Chairman Yuen noted that the Commission was in receipt of the following five untimely requests to appear as witnesses during these proceedings:

1. Virginia Spencer
2. Aaron Israel
3. Elizabeth Ann Stone
4. Greg Owen
5. Andy Sarhanis

Commissioner Tamaye moved to allow the admittance of all the witnesses who had made untimely requests. It was seconded by Vice Chairman Choy and unanimously approved.

Exhibits

Petitioner's exhibits A through F, H and L were identified and admitted into evidence.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

Public Witnesses

Virginia Spencer - Resident in the adjacent area

Oral testimony-----12 to 14

Aaron Israel - Pahoia Village Resident

Oral testimony-----15 to 17

Cross examination by Mr. Kanuha-----17

Examination by Chairman Yuen-----17

Greg Owen - Pahoia Resident

Oral testimony-----18 to 22

Cross examination by Miss Chock-----22

Examination by Commissioner Tacbian-----22 to 24

Examination by Commissioner Tamaye-----24 to 25

Examination by Vice Chairman Choy-----25

Andy Sarhanis - Pahoia Resident

Oral testimony-----25 to 29  
Cross examination by Mr. Nakamoto-----29 to 30  
Examination by Commissioner Cuskaden-----30 to 31  
Examination by Commissioner Tamye-----31 to 32

PETITIONER

George Kaya - Consultant to Petitioner

Direct examination by Mr. Nakamoto-----32 to 41  
Cross examination by Mr. Kanuha-----41 to 44  
Cross examination by Miss Chock-----44 to 49  
Examination by Commissioner Whittemore-----49  
Examination by Commissioner Tacbian-----50 to 51  
Examination by Commissioner Cuskaden-----51 to 61  
Examination by Commissioner Tamaye-----61 to 63  
Examination by Commissioner Rubin-----63 to 65  
Examination by Chairman Yuen-----65 to 59

Lani Stermmermann - Botanist

Direct examination by Mr. Nakamoto-----69 to 73  
Examination by Commissioner Rubin-----74 to 77  
Examination by Commissioner Cuskaden-----77 to 80

Shizuto Kadota - Landscapè Consultant

Direct examination by Mr. Nakamoto-----81 to 84  
Cross examination by Mr. Kanuha-----85 to 86  
Examination by Commissioner Cuskaden-----87 to 89  
Examination by Commissioner Rubin-----89 to 92

Due to questions which had been posed by Commission members regarding petitioner's financial statement, Chairman Yuen directed petitioner's counsel to prepare a revised financial statement which will be more current than the September 30, 1982 statement, and provide the Commission with relevant details as to the various activities the petitioner and its subsidiaries are engaged in for the Island of Hawaii. He added that all of these matters will be discussed during the continued hearing which will be scheduled in the near future.

The Commission was in recess from 12:00 m to 1:46 p.m.

1:46 p.m.

Commisisoner Tamaye did not participate in the following proceedings.

CONTINUED HEARING

A83-554 - FARMS OF KAPUA

Steve Zuckerman (cont.)

Cross examination by Ms. Lenell-----94 to 113

Exhibits

The short form of the Agreement of Sale was marked as petitioner's exhibit 21 and moved into evidence.

Steve Zuckerman (cont.)

Examination by Commissioner Whittemore-----114 to 115

Examination by Commissioner Cuskaden-----115 to 126

Examination by Commissioner Rubin-----127 to 128

Examination by Vice Chairman Choy-----128

At the Intervenor's request, the following witness was taken out of turn.

INTERVENOR

Dante Carpenter - Senator

Oral testimony-----131 to 135

Dante Carpenter (cont.)

Cross examination by Mr. Takeyama-----135 to 136  
Cross examination by Mr. Fuke-----136 to 138  
Examination by Chairman Yuen-----138 to 141

Exhibits

County of Hawaii Resolution #213 was marked as Intervenor's exhibit I, SB1846-84 was marked as Intervenor's J and admitted into evidence.

COUNTY OF HAWAII PLANNING DEPARTMENT

Norman Hayashi - Planning Division Chief, Hawaii Planning Dept.

Direct examination by Mr. Fuke-----143 to 147  
Cross examination by Miss Chock-----147 to 150  
Cross examination by Ms. Lenell-----150  
Examination by Commissioner Cuskaden-----150 to 152  
Examination by Commissioner Rubin-----152 to 153

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Tatsuo Fujimoto - Head, Land Use Division

Direct examination by Miss Chock-----154 to 156  
Cross examination by Mr. Fuke-----156 to 157  
Cross examination by Ms. Lenell-----158  
Examination by Commissioner Cuskaden-----158 to 159

INTERVENOR - PA'APONO AND ITS INDIVIDUAL MEMBERS

Abraham Kahele - Milolii Resident

Direct examination by Ms. Lenell-----160 to 170  
Examination by Vice Chairman Choy-----171 to 172  
Examination by Chairman Yuen-----172 to 173

The hearing was adjourned at 4:25 p.m. and all parties were advised that it will be continued for two more days at a time and place to be announced.