

STATE OF HAWAII
LAND USE COMMISSION

Approved

Minutes of Meeting

7-24-85

Department of Education Board Room
4th Floor, Liliuokalani Building
Honolulu, Hawaii

April 30, 1985 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy
Lawrence Chun
Winona Rubin
Toru Suzuki
Robert Tamaye
Frederick Whittemore

COMMISSIONERS ABSENT: Teofilo Tacbian, Vice Chairman
Everett Cuskaden

STAFF PRESENT: Esther Ueda, Executive Officer
Raymond Young, Planner
Dora Horikawa, Chief Clerk
Benjamin Matsubara, Special Counsel
Barbara McLean, Court Reporter

CONTINUED HEARING

A83-562 - WEST BEACH ESTATES

Chairman Yuen announced that the hearing on the subject petition was being continued from April 3, 1985.

Appearances

Rodney Fujiyama) - Co-counsel, representing petitioner
David Arakawa)

Jane Howell, Deputy Corporation Counsel, representing
the Department of General Planning

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

Alan Murakami) - Co-counsel, representing intervenors
Michael Davis)

Prior to continuing with the hearing, the following administrative matters were considered:

1. Intervenors' motion to admit new evidence
2. Petitioner's motion regarding the hearing
3. Letter dated April 29, 1985 from petitioner's counsel, agreed to by intervenor's counsel

The Commission unanimously agreed to go into executive session to consult with the Deputy Attorney General.

Chairman Yuen declared that he was denying intervenors' motion to admit new evidence (EIS), essentially for the same reasons that he denied intervenors' motion to continue the hearing on October 18, 1984. He elaborated that the requirements to file an EIS under Chapter 343 did not apply to the deliberations of the Land Use Commission for the reclassification of land from the Agricultural District into the Urban District. Moreover, much of the testimony being presented by the parties was the type of information submitted as part of the EIS.

A letter dated April 29, 1985 to Alan Murakami from the petitioner regarding the video tape presentation by intervenors for their remaining witnesses was marked as petitioner's exhibit 35 and entered into the record. Chairman Yuen outlined the conditions under which he will permit the showing of the video tape. In addition, he directed intervenors' counsel to provide three copies of the video tape and index to the tape, both of which will be marked as exhibits. Since all Commission members who missed any part of the proceedings were required to review the transcripts and any visual presentations, he informed intervenors' counsel that it was his responsibility to make the video equipment available for viewing of the tapes.

On the admission of the video tape presentation, the Chairman made it very clear that intervenors' counsel will have to file sworn affidavits of those witnesses who could not be present to take the oath.

INTERVENORS (cont.)

Eric Enos (cont.)

Direct examination by Mr. Murakami (cont.)-----30 to 76

Cross examination by Mr. Fujiyama-----76 to 84

Eric Enos (cont.)

Cross examination by Ms. Howell-----84 to 88

Examination by Commissioner Choy-----88 to 89

A slide presentation by Mr. Enos was marked as intervenors' exhibit 42 and admitted into the record.

A lunch recess was called from 12:00 noon to 1:30 p.m.

1:30 p.m.

Maynard M. Hufschmidt - Research Fellow, East West Center

Direct examination by Mr. Davis-----94 to 99

Voire Dire examination by Mr. Fujiyama-----99 to 103

Examination by Chairman Yuen-----104 to 105

Direct examination by Mr. Davis (cont.)-----106 to 122

Cross examination by Mr. Fujiyama-----123 to 128

Cross examination by Mr. Wingquist-----128 to 132

Examination by Commissioner Choy-----133 to 134

Examination by Commissioner Chun-----134 to 137

Examination by Chairman Yuen-----137 to 142

Intervenors' exhibits 10 and 11 were admitted into the record.

The following intervenors' witnesses, testifying via video tape, were sworn in by the Chairman:

1. Dr. Fred Dodge
2. Michael Kahikina
3. Liwai Kaawa
4. Ernestine Marfil

Chairman Yuen reminded Mr. Murakami that the Commission will strike any portion of the video tape from the record containing testimony from any witnesses who do not appear for cross examination, or for whom there is no affidavit filed attesting to the veracity of their statements.

The following witnesses testified via video tape entitled "Waianae--Through the Eyes of Her People".

Dr. Fred Dodge - Family Practitioner

Video tape testimony-----150 to 155

Cross examination by Mr. Fujiyama-----155 to 157

Examination by Commissioner Chun-----157 to 159

Michael Kahikina - Employee of Queen Liliuokalani Children's Center

Video tape testimony-----159 to 168

Examination by Commissioner Whittimore-----168 to 170

Examination by Commissioner Chun-----170 to 172

Kaipo Moses - Waianae Resident

Video tape testimony-----173 to 184

The hearing was adjourned at 4:28 p.m.