

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

approved
10/28/87

House Conference Room 310
State Capitol
Honolulu, Hawaii

September 29, 1987

COMMISSIONERS PRESENT: Teofilo Phil Tacbian, Chairman
Frederick P. Whittemore, Vice-Chairman
Richard Choy
Toru Suzuki
Robert Tamaye
Lawrence Chun
Everett Cuskaden
Renton L.K. Nip (Portion of Proceeding)
Sharon R. Himeno

STAFF PRESENT: Esther Ueda, Executive Officer
Benjamin Matsubara, Special Deputy
Attorney General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk
Julie Sorenson Laber, Court Reporter

Chairman Tacbian called the meeting to order.

ACTION

SP87-366 - ISLAND POWER COMPANY, INC. (Kauai)

Chairman Tacbian announced that the Commission would take action on this special use permit.

Ray Young, Staff Planner, oriented the Commission to the area being requested and gave a summary report of the special use permit request by Petitioner to allow construction of a hydroelectric power generating facility on approximately 69.3 acres of land within the Agricultural District at Wailua, Kauai.

After hearing comments from Petitioner, Merv Kimura, and Tom Shigemoto of the County of Kauai, questions were asked by the Commissioners.

Commissioner Cuskaden moved to approve SP87-366 - Island Power Company, Inc. to allow construction of a hydroelectric power generating facility on approximately 69 acres of land within the Agricultural District at Wailua, Kauai subject to the following conditions:

1. Requirements and conditions of the U.S. Army Corps of Engineers, State Department of Land and Natural Resources, Health Department, County Public Works Department shall be complied with and resolved with the respective agency(ies).
2. In order to minimize visual impacts as viewed from the Wailua Falls, the penstock shall be completely shielded from public views during construction. The penstock shall also be completely buried as represented by the applicant.
3. Mass grading, grubbing or removal of vegetation, that will be visible from the Wailua Falls lookout shall not be allowed.
4. Results of the baseline study and post-project studies as required of the applicant by the Board of Land and Natural Resources shall also be submitted to the Planning Department.
5. The Planning Commission shall reserve the right to modify or impose further conditions of this permit should unacceptable impacts, as determined by the Planning Commission occur to the scenic quality of the Wailua Falls subject to further LUC approval.
6. As represented by the applicant, all prime agricultural lands disturbed by the project shall be restored to its former use and condition.
7. Public access to the dam and reservoir shall be provided for recreational purposes. Details for such an access will be resolved between the applicant and Lihue Plantation Company either through an easement, license or permit system.

8. The applicant is advised that prior to and/or during construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)."
9. That the project be completed and operating within two years of the approval of the Special Use Permit.
10. That the Petitioner indemnify and hold harmless the State of Hawaii and all of its agencies and/or employees for any lawsuit or legal action relating in any way to the design, construction and use of the project, including the dam and transmission lines, and whether said use is for generation and conveyance of electrical power or for recreational use by members of the public.

The motion was seconded by Commissioner Whittemore.

Commissioner Chun moved to amend condition number 6, "As represented by the applicant, all prime agricultural lands disturbed by the project shall be restored to its former use and condition except 8.3 acres of agricultural land that will be submerged. The motion to amend condition number 6 was unanimously carried by voice votes.

The motion to approve the petition subject to ten conditions as amended was unanimously carried by the following voice votes.

Ayes: Commissioner Cuskaden, Whittemore, Choy, Himeno, Tamaye, Suzuki, Chun, and Chairman Tacbian.

HEARING

A87-613 - THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

Pursuant to a notice published in the Honolulu Star Bulletin on August 14, 1987 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of

the petition of The Trustees Under the Will and of the Estate of James Campbell, Deceased to reclassify approximately 890 acres of land currently in the Agricultural District into the Urban District at Honouliuli, Ewa, Oahu, Hawaii for a residential and business community.

Appearances

Ivan Lui-Kwan, Esq., Attorney for the Petitioner
Stanley Suyat, Esq., Attorney for the Petitioner

David Laxson, Esq., Deputy Corporation Counsel, City and County of Honolulu
Betsy Marcinkus, Department of General Planning, City and County of Honolulu, City and County of Honolulu

John Anderson, Esq., Deputy Attorney General, Department of Business and Economic Development
Abe Mitsuda, Acting Administrator, Land Use Division, Department of Business and Economic Development

EXHIBITS

Petitioner's Exhibit A through Y were entered and admitted into evidence with State's noted objections.

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the USGS and tax maps.

Commissioner Nip joined the proceeding at this time.

PUBLIC WITNESSES:

1. Sharlyne Palacio, Administrative Assistant for the ILWU, was not present to testify at this time.

2. The Commission approved the Navy's request to testify at the continued hearing on this petition.

PETITIONER'S WITNESSES

1. Herbert Cornuelle

MISCELLANEOUS:

1. The Commission appointed Chairman Tacbian to be hearing officer for the meeting set for October 14, 1987 in Kona on Docket No. A83-554 Farms of Kapua.

2. The Commission authorized Benjamin Matsubara, LUC counsel, to intervene, if appropriate, in Civil No. 87-0403(3), Fred Rohlfing, Corp. Counsel vs. William Kapuni dba Molokai Luau.

3. The Commission approved Benjamin Matsubara's recommendation to accept the Motion to Withdraw Petition filed by Petitioner in Docket No. A87-611 Daniel Tsugio Graham and Charlotte Kobayashi Graham.

4. Adoption of Decision and Orders

The Decision and Order for the following docket was adopted:

SP87-363 Molokai Concrete and Aggregates, Inc.

5. Adoption of Minutes

The minutes for the following meeting dates were approved as circulated: August 26 and 27, 1987; September 9, 1987; and September 17, 1987

A field trip to the petition site was scheduled for this afternoon.

The meeting was adjourned at 12:30 p.m.