

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Koloa Neighborhood Center
Koloa, Kauai

January 12, 1977 - 9:00 a.m.

APPROVED
4/5/77

COMMISSIONERS PRESENT: Eddie Tangen, Chairman
Stanley Sakahashi, Vice Chairman
Charles Duke
James Carras
Colette Machado
Shinsei Miyasato
Mitsuo Oura
Carol Whitesell
Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer
Michael Marsh, Deputy Attorney General
Dora Horikawa, Clerk Reporter

Ray Russell, Court Reporter

HEARING

A76-418 - MOANA CORPORATION

Pursuant to a notice published in the Garden Island and the Honolulu Advertiser on December 8, 1976, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Moana Corporation to amend the land use district boundaries for approximately 457 acres presently in the Agricultural District into the Urban District at Poipu, Koloa, Kauai, for residential, commercial, outdoor theater, cultural center, and recreational uses; Docket No. A76-418.

The property under petition was identified and located on the various maps by the Executive Officer.

Petition for Intervention by Ohana 'O Maha'Ulepu

Upon Chairman Tangen's recommendation, Commissioner Duke moved to admit Ohana'O Maha'Ulepu as a party to the proceedings, on the condition that Miss Tico will represent them and conduct the examinations, and service also to be on Miss Tico. The motion was seconded by Commissioner Whitesell and the Commissioners were polled as follows:

Ayes: Commissioners Duke, Whitesell, Oura, Machado,
Miyasato, Sakahashi, Carras, Yanai, Chairman Tangen

The motion was carried.

Request for Continuance of the Hearing

Miss Tico requested a continuance of the hearing for Ohana'O Maha'Ulepu's portion of the presentation since they were granted leave to intervene at such a late date.

Both the County and the State concurred with Mr. Hong's objections to the request on the basis that since Miss Tico will also be counsel to Ohana'O Maha'Ulepu, no prejudice had been shown.

Commissioner Duke moved to deny Miss Tico's request for continuance, seconded by Commissioner Carras, and the motion was carried with the following votes:

Ayes: Commissioners Sakahashi, Oura, Miyasato, Carras
Duke, Yanai, Whitesell, Machado, Chairman Tangen

Report on the Prehearing Conference

Mr. Michael Marsh, Deputy Attorney General, reported on the pre-hearing conference which had been held on January 11, 1977 on Kauai.

Requests to Appear as Witnesses

Chairman Tangen called off the names of persons who had made timely applications to appear as witnesses before the Commission today as follows:

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|-----------------|--------------------|
| Joel Oyama | Laura Chang |
| Melvin Sanehira | John Emery |
| JoAnn Yukimura | Stanley G. Griep |
| David Chang | Francis G. Howarth |
| Stanford Achi | Charles Trembath |
| Ron Clark | Suzanne Kashiwaeda |
| Tamara Wong | |

It was moved by Commissioner Duke and seconded by Commissioner Whitesell that all of the above be admitted as public witnesses. The motion was unanimously carried as follows:

Ayes: Commissioners Duke, Miyasato, Machado, Yanai, Oura, Carras, Sakahashi, Whitesell, Chairman Tangen

Request for Issuance of Subpoenas

Miss Tico submitted a request for issuance of subpoenas to various witnesses with special expertise to attend the hearing (see copy on file), to present testimony relevant to the issues which will be discussed during the proceedings.

Mr. Hong objected on the basis of the untimeliness of the request and the subsequent delay in the hearing procedure. He also argued that the record would indicate that the areas of Miss Tico's concerns were adequately covered.

Request for Continuance of Hearing to Require Attendance of Subpoenaed Witnesses

Miss Tico requested a continuance of the hearing for two weeks in order to require the attendance of the subpoenaed witnesses.

Chairman Tangen recommended that both the request for issuance of subpoena and request for continuance of hearing by Miss Tico be taken under advisement for the present.

Swearing In Oath

All those testifying during today's proceedings were sworn in by the Chairman.

Public Witnesses

The following persons, having been duly sworn in, were called as witnesses, testified and examined as set forth in the transcript on -----Pages

Melvin Sanehira, Waiter at Kauai Surf----- 29 to 31
JoAnn Yukimura, Kauai Councilwoman----- 31 to 59
Tamara Wong, Resident of Kauai----- 59 to 69
Francis G. Howarth, Entomologist, Bishop Museum---- 70 to 75
Charles Trembath, Resident of Koloa----- 77 to 84
Suzanne Kashiwaeda, Resident of Kalaheo----- 84 to 87
Martha Elpern----- 88 to 94

The meeting was recessed for lunch at 11:55 a.m. and reconvened at 1:40 p.m.

PETITIONER

Exhibits

The following documents were marked for identification and introduced into evidence as Petitioner's Exhibits:

Exhibits A through Z, C-2 and AA, AA(as amended), BB, CC, CC(as amended), DD through LL

Miss Tico questioned the validity and adequacy of the petitioner's latest balance sheet.

None of the parties objected to the petitioner's representation that the area as described in Exhibit A was the metes and bounds of the subject property under petition.

Robert Harmon - Witness

Mr. Robert Harmon, President of Moana Corporation, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on -----Pages

| | |
|--|------------|
| Direct examination by Mr. Hong----- | 97 to 131 |
| Cross examination by Mr. Michael Belles, County Attorney's Office, Kauai----- | 131 to 137 |
| Cross examination by Mr. Lee----- | 137 to 142 |
| Cross examination by Miss Tico----- | 142 to 162 |
| Redirect examination by Mr. Hong----- | 162 |
| Questioned by Vice Chairman Sakahashi----- | 163 to 164 |
| Questioned by Commissioner Machado----- | 164 to 169 |
| Questioned by Commissioner Whitesell----- | 170 to 173 |
| Questioned by Commissioner Duke----- | 173 to 174 |
| Questioned by Commissioner Yanai----- | 174 to 190 |
| Questioned by Mr. Marsh----- | 190 to 194 |
| Redirect examination by Mr. Hong----- | 195 to 196 |
| Recross examination by Miss Tico----- | 196 to 198 |

Jack E. Larsen - Witness

Mr. Jack E. Larsen, industrial consultant, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on-----Pages

| | |
|---------------------------------------|------------|
| Direct examination by Mr. Hong----- | 198 to 200 |
| Cross examination by Mr. Lee----- | 200 to 201 |
| Cross examination by Miss Tico----- | 201 to 204 |
| Redirect examination by Mr. Hong----- | 205 |

James Bell - Witness

Mr. James Bell, Belt, Collins & Associates, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on ----- Pages

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|--|------------|
| Direct examination by Mr. Hong----- | 206 to 210 |
| Cross examination by Mr. Lee----- | 210 to 211 |
| Cross examination by Mr. Tico----- | 211 to 212 |
| Recross examination by Mr. Lee----- | 212 to 213 |
| Questioned by Vice Chairman Sakahashi----- | 213 to 214 |

Geraldine Lopez - Witness

Ms. Geraldine Lopez, resident of Kalaheo, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

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|---|------------|
| Direct examination by Mr. Hong----- | 215 to 216 |
| Questioned by Commissioner Machado----- | 216 to 217 |
| Questioned by Commissioner Whitesell----- | 217 |

Larry E. Eldreth - Witness

Mr. Larry Eldreth, Instructor at the University of Hawaii on Tourism, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

| | |
|---------------------------------------|------------|
| Direct examination by Mr. Hong----- | 220 to 221 |
| Cross examination by Mr. Belles----- | 221 to 224 |
| Cross examination by Mr. Lee----- | 224 |
| Cross examination by Miss Tico----- | 224 to 228 |
| Redirect examination by Mr. Hong----- | 228 to 229 |

Steve Takahashi - Witness

Mr. Steve Takahashi, Comptroller for Moana Corporation, having been duly sworn in, was called as a witness, examined and testified as set forth in the transcript on----- Pages

| | |
|--|------------|
| Direct examination by Mr. Hong----- | 229 to 230 |
| Cross examination by Miss Tico----- | 230 to 231 |
| Questioned by Commissioner Machado----- | 231 to 232 |
| Questioned by Vice Chairman Sakahashi----- | 232 |

Chairman Tangen announced that the hearing on Docket A76-418, Moana Corporation, will be continued until tomorrow morning. Further, that the hearing on Docket A74-422, Clinton I. Shiraishi, etal, scheduled to be heard tomorrow will be opened and continued until later in the day.

The meeting was adjourned at 5:45 p.m.