

Approved
SEP 5 1979

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room C
New State Building
Honolulu, Hawaii

March 21, 1979 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinichi Nakagawa, Vice Chairman
James Carras
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: Colette Machado

STAFF PRESENT: Gordan Furutani, Executive Officer
Daniel Yasui, Planner
Allan Kawada, Deputy Attorney General
Dora Horikawa, Chief Clerk

Ray Russell, Court Reporter

CONTINUATION OF HEARING - II

A78-449 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Chairman Duke called the meeting to order and announced that Counselor Schweigert had a point of order to bring before the Commission.

Mr. Schweigert requested that the Commission cease the continuation of this hearing today until clarification can be obtained from the Supreme Court regarding the provisions contained within the Con-Con amendment, Article 11, Section 3, dealing with moratorium on agricultural lands.

Chairman Duke replied that until such time as the Con-Con provisions are implemented by the Legislature, the Commission will proceed with the hearing as mandated by the existing statutes. He added, however, that an opinion will be sought from the State Attorney General regarding this matter.

Mr. Schweigert advised that Mr. Edward Cooper Brown, his co-counsel on the case, will conduct the cross examination today.

Exhibits

DPED's Exhibits 22 through 25, 28 and 29 were admitted into evidence. Admission of Exhibits 26 and 27 were held in abeyance.

County's Exhibits 1-A and 2-A (excerpts from population projections by DPED) were identified and admitted into evidence.

PETITIONER (cont.)

Charles Oscar Swanson (cont.)

Cross examination by Mr. Moseley-----180 to 183

(The Chair directed that Miss Chock make available the necessary number of copies of the studies on which witness relied during the cross examination, and which were not presently a part of the record.)

Cross examination by Mr. Moseley (cont.)-----188 to 191

Cross examination by Mr. Brown-----192 to 221

The meeting was in recess from 11:55 a.m. to 1:35 p.m.

1:35 p.m.

Chairman Duke noted that Deputy Attorney General Kawada, assigned to the Commission, was being temporarily replaced by Deputy Attorney General Gerald Yoshida.

Charles Oscar Swanson (cont.)

Cross examination by Mr. Brown (cont.)-----225 to 233

Examination by Commissioner Whitesell-----233 to 240

Examination by Commissioner Carras-----240 to 243

Examination by Vice Chairman Nakagawa-----243 to 244

Examination by Commissioner Yanai-----244 to 245

Reexamination by Commissioner Whitesell-----245 to 247

Reexamination by Vice Chairman Nakagawa-----247 to 248

Exhibits

DPED's Exhibits 26 and 27 were entered into evidence.

Frank Skrivanek - Deputy Director, DPED

Direct examination by Miss Chock and
presentation of highlights of relevant
information contained in petition-----252 to 268

Cross examination by Mr. Moseley-----269

Cross examination by Mr. Brown-----269 to 272

Redirect examination by Miss Chock-----272 to 274

Recross examination by Mr. Brown-----274 to 276

Chairman Duke announced that the hearing on this petition will be continued until March 28, 1979 at 1:30 p.m. in the DLNR Board Room, New State Building, Honolulu, Hawaii. It was also noted that the Commission will conduct a field inspection of the lands involved in subject petition during the morning of March 28, 1979.

The hearing recessed at 4:10 p.m.