

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Kaunakakai School Cafetorium  
Kaunakakai, Molokai

March 22, 1983 - 8:30 a.m.

Approved  
4/27/83

COMMISSIONERS PRESENT: Richard Choy, Vice Chairman  
Lawrence Chun  
Everett Cuskaden  
Shinsei Miyasato  
Winona Rubin  
Teofilo Tacbian  
Robert Tamaye  
Frederick Whittemore

COMMISSIONER ABSENT: William Yuen, Chairman

STAFF PRESENT: Gordan Furutani, Executive Officer  
Carolee Aoki, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
Jean McManus, Court Reporter

HEARING (cont.)

A82-542 - KALUA KOI CORPORATION

Chairman Choy called the meeting to order at 8:30 a.m. and announced that today's proceedings were a continuation of the hearing which had begun yesterday on the above subject petition.

PETITIONER (cont.)

Philip Boydston (cont.)

Cross examination by Mr. Archer----- 3 to 23  
Cross examination by Miss Chock-----23 to 33  
Cross examination by Mr. Tagupa-----34 to 69

At one point, during the cross examination of Mr. Boydston, Mr. Tagupa moved for a summary denial of a portion of the application, or otherwise to defer the entire application until the proper amendments had been made. Chairman Choy declared that the Commission will take the foregoing motion under advisement.

Philip Boydston (cont.)

Redirect examination by Mr. Funaki----- 69 to 72  
 Examination by Commissioner Whittemore-----72 to 76  
 Examination by Commissioner Tacbian-----76 to 78  
 Examination by Commissioner Cuskaden-----78 to 95  
 Examination by Commissioner Rubin-----95 to 97  
 Examination by Commissioner Chun-----97 to 99  
 The Commission was in recess from 12:00 to 1:30 p.m.

1:30 p.m.

OHA's Motion for a Summary Denial of a Portion of the Application

Arguments by

Mr. Funaki-----100 to 101  
 Mr. Archer-----101 to 102  
 Miss Chock-----102 to 104

Response by

Mr. Tagupa-----104 to 106

Commissioner Cuskaden moved to go into executive session to discuss the foregoing issue with the Deputy Attorney General. It was seconded by Commissioner Rubin and carried.

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Chairman Choy stated that the Commission had received advice from the Deputy Attorney General regarding the motion by OHA and was ruling that it will take the matter under further advisement upon further preponderance of evidence and will subsequently render a decision. All parties were requested to submit a written memo regarding the matter within the week.

PETITIONER (cont.)

Erin Hall - Bio Geographer, Earth Watch

Direct examination by Mr. Funaki-----108 to 115

Erin Hall (cont.)

Cross examination by Mr. Archer-----115 to 117

Cross examination by Miss Chock-----117 to 119

Cross examination by Mr. Tagupa-----119 to 122

Examination by Commissioner Rubin-----123 to 125

Examination by Commissioner Cuskaden-----125 to 128

At this time, Commissioners Miyasato and Tamaye excused themselves from the proceedings.

James W. Morrow - Environmental Scientist, American Lung Assoc.

Direct examination by Mr. Funaki-----129 to 135

Cross examination by Mr. Archer-----135 to 136

Cross examination by Miss Chock-----136 to 137

Examination by Commissioner Cuskaden-----137 to 139

David Larsen - Agriculturist, Agrow Industrial Associates

Direct examination by Mr. Funaki-----140 to 153

Cross examination by Mr. Archer-----153 to 155

Cross examination by Miss Chock-----155 to 156

Cross examination by Mr. Tagupa-----156 to 166

Examination by Commissioner Cuskaden-----166 to 167

The hearing was adjourned at 3:30 p.m., to be continued at some future date to be announced.