

STATE OF HAWAII
LAND USE COMMISSION

Approved
6/29/83

Minutes of Meeting

Hoaloha Room
Sheraton Molokai Hotel
Kaluakoi, Molokai

April 7, 1983 - 9:30 a.m.

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

COMMISSIONERS ABSENT: William Yuen, Chairman
Everett Cuskaden

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 announced that today's proceedings were a continuation of the hearing for the above petition which had been conducted previously on March 21 and 22, 1983. However, he noted that there were some administrative matters which the Commission needed to dispose of prior to continuing with the proceedings.

OHA's Motion to Strike the 23 acres Sought to be Reclassified from the Agricultural District into the Urban District

Both the County and the State submitted that they had nothing further to add to their oral presentation at the hearing of March 22, 1983.

Arguments by Mr. Tagupa----- 4 to 7

Response by Mr. Funaki----- 7 to 8

Upon motion by Commissioner Chun, seconded by Commissioner Tacbian, the Commission went into executive session.

Chairman Choy explained that the Commission had gone into executive session to discuss OHA's motion for partial summary denial of the subject petition.

The Chairman also noted that Commissioner Cuskaden had declared a conflict of interest relative to the subject petition and had disqualified himself.

Commissioner Rubin moved to deny the motion by OHA for partial summary denial of the petition, which was seconded by Commissioner Whittemore. The motion was unanimously carried.

Mr. Tagupa requested that when the Commission continues with the proceedings tomorrow, a site in central Molokai be selected for the convenience of the Molokai residents. Chairman Choy pointed out that the Commission had already held two hearings in the central area of Molokai, and will continue the proceedings at the present site tomorrow.

With respect to Mr. Tagupa's motion for an on-site inspection by the Commission, Chairman Choy stated that it will be dealt with at the conclusion of the hearing.

Mr. Tagupa stated it was his understanding that the Commission had requested a legal opinion from the Attorney General's office regarding OHA's status as a state agency. He questioned the necessity for such a request when in fact the Commission had already admitted OHA as an intervenor. Commissioner Chun countered that none of OHA's rights as an intervenor had been jeopardized by this action of the Commission.

Commissioner Rubin added that the Commission had been aware of OHA's status as a state agency; however, it had sought written confirmation of this fact from the Attorney General's office for the record.

Mrs. Aoki, Deputy Attorney General, advised that regardless of the opinion that may come out of the Attorney General's office, for the purposes of these proceedings, OHA's status as an intervenor would not be affected.

PETITIONER (cont.)

Ming Chew - Consulting Real Estate Economist

Direct examination by Mr. Funaki-----18 to 45

Ming Chew (cont.)

Cross examination by Mr. Archer-----45 to 56
Cross examination by Miss Chock-----56 to 70
Cross examination by Mr. Tagupa-----71 to 103
Examination by Commissioner Rubin-----104 to 108

William Barrera, Jr. - Archaeologist, Chiniago, Inc.

Direct examination by Mr. Funaki-----108 to 118
Cross examination by Miss Chock-----118 to 121
Cross examination by Mr. Tagupa-----121 to 153
Examination by Commissioner Rubin-----153
Examination by Commissioner Tacbian-----153 to 154

Chairman Choy announced that there was a request from Mr. Degray Vanderbilt, President of Pacific Bay Corporation, to appear as a public witness.

Commissioner Tacbian moved, seconded by Commissioner Rubin, to allow Mr. Vanderbilt to testify as a public witness, and the motion was carried.

The hearing was recessed at 5:20 p.m., to be continued tomorrow at 8:30 a.m.