

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room - First Hawaiian Bank
Lihue, Kauai

May 25, 1978 - 10:30 a.m.

APPROVED

AUG 15 1978

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

COMMISSIONER ABSENT: Edward Yanai

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

Ray Russell, Court Reporter

CONTINUED ACTION

A76-418 - MOANA CORPORATION

Motion to Amend Conditions in Decision and Order

Chairman Duke announced that the meeting today was being held to continue with the consideration of a motion by the petitioner to amend conditions in the Decision and Order.

Mr. Furutani reviewed the record for the Commission's benefit.

Mr. Hong, representing the petitioner, submitted that the reasons for requesting the amendment to the conditions were as follows:

1. To enable petitioner to apply for rezoning of the site before completion of the entire archaeological and biological studies, so long as actual work does not take place.
2. To permit petitioner to develop 20-acre phases in areas where the archaeologists and biologists can certify that they are free of any significant sites.

3. Petitioner not be restricted to the services of Bishop Museum to conduct the archaeological survey but be permitted to engage the services of any qualified archaeologist to perform the survey.

It was further explained by Mr. Hong that the reasons for the latter request were due to the substantial increase in the cost factor indicated by Bishop Museum, and the lack of a firm starting date. It was stated by Mr. Hong that the Archaeological Research Center of Hawaii and Bishop Museum were the only two firms in contention for the job.

At Mr. Kawada's request, Mr. Hong gave a detailed description of the nature of the work that will be performed on the 20-acre increments for the golf course.

Chairman Duke called on Miss Tico, representing the intervenors, for comments.

Miss Tico cited excerpts from the hearing transcript relative to representations and commitments that were made by the petitioner's principal witness at the hearing regarding the archaeological study.

Miss Tico called on Mr. William Kikuchi, Professor of Archaeology at the Kauai Community College.

Upon motion by Commissioner Pascua, seconded by Commissioner Whitesell, it was unanimously agreed to allow Miss Tico's witness, Mr. Kikuchi, to testify and be cross examined concerning the archaeological study. The petitioner, DPED, County of Kauai all stipulated that they had no objections.

Mr. Kikuchi reported on the archaeological and biological sites he had observed during a walk through the property. It was his recommendation that the survey be conducted by a single contractor for the sake of continuity. Mr. Kikuchi also responded to questions regarding the approximate length of time that will be required to conduct the survey, certification of the archaeologist selected to do the survey (presently there is no guidelines for this), standards for determining what is significant, the existence of any heiaus in the area, interrelationship of sites, etc.

Mr. Hong called on Mr. Francis Ching and Mr. Hallett Hammatt, President and senior archaeologist respectively of Archaeological Research Center of Hawaii, Inc., to offer additional information. Mr. Hammatt testified as follows:

1. If selected to do the survey, his firm proposes to map the area completely with accurate location of all archaeological sites with complete description, cross section drawings, and examine the area for material beneath the ground.

2. Develop a complete evaluation of the parcels of land for significant sites.
3. Prepare interim evaluations of all sites within the parcels.

Miss Tico requested that the Commission keep in mind not only the original conditions that were imposed but also make certain that petitioner follows through with all of his representations in the best interest of the intervenors and other parties.

Commissioner Pascua moved to approve the motion to amend the conditions as requested by the petitioner, and that the recommendation of the County regarding the approval of Bishop Museum be changed to read the approval of the Land Use Commission. The motion was seconded by Commissioner Carras.

Commissioner Whitesell objected to the motion on the basis that she felt the Commission was not qualified to pass on the qualification of any archaeologist.

Chairman Duke countered that although the Commission may not be qualified, it could make a determination based on information which could be solicited from the Bishop Museum.

Commissioner Machado moved to go into Executive Session, which was seconded by Commissioner Pascua.

The Commission was in Executive Session from 12:45 p.m. to 1:00 p.m.

1:00 p.m.

Commissioners Pascua and Carras withdrew their motion and second to the motion respectively.

Commissioner Pascua moved to approve the motion to amend the conditions as requested by the petitioner, which was seconded by Commissioner Carras. The motion was carried with the following votes:

Ayes: Commissioners Carras, Nakagawa, Machado, Whitesell, Pascua, Oura, Miyasato, Chairman Duke

The meeting adjourned at 1:25 p. m.