

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kealakehe Elementary School
School Cafetorium
Palani Road
Kailua, Kona, Hawaii

Approved
JAN 31 1980

August 2, 1979 - 9:30 a.m.

COMMISSIONERS PRESENT: Charles Duke, Chairman
Shinsei Miyasato
Mitsuo Oura
George Pascua
Carol Whitesell
Edward Yanai
William Yuen

COMMISSIONER ABSENT: Shinichi Nakagawa, Vice Chairman

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

Ray Russell, Court Reporter

ACTION

SP77-265 - GEOTHERMAL EXPLORATION AND DEVELOPMENT CORPORATION
TO AMEND CONDITIONS NOS. 4 and 5 OF SPECIAL PERMIT FOR THE
DRILLING OF EXPLORATORY GEOTHERMAL WELLS AT OPIHIKAO, PUNA, HAWAII

Mr. Daniel Yasui, staff planner, oriented the Commission to the location of the subject property and elaborated on the details of the amendment request by the petitioner. The reasons for the petitioner's inability to commence with the drilling as stipulated in the Special Permit were also cited by the Planner.

Upon motion by Commissioner Oura, seconded by Commissioner Pascua, it was unanimously carried to approve the two time extensions, subject to the conditions stipulated by the Hawaii County Planning Commission.

HEARING

A79-458 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT,
STATE OF HAWAII

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on July 3, 1979, and notices sent to all

parties, a hearing was called by the Land Use Commission in the matter of the petition by the Department of Planning and Economic Development to amend the land use district boundaries for approximately 224 acres of land presently in the Conservation District into the Agricultural District at Ke-ahole, North Kona, Hawaii, Docket A79-458.

Appearances

Annette Chock, Deputy Attorney General, representing petitioner
Keith Kato, Planner, Hawaii Planning Department
Duane Kanuha, Deputy Planning Director, Hawaii Planning Dept.

Exhibits

Petitioner's exhibits attached to the petition were admitted into evidence

County's exhibits A through G were admitted into evidence

Ms. Elizabeth Stone's letter dated July 24, 1979, requesting permission to appear as a witness was marked as Land Use Commission Exhibit 1 and admitted into evidence

All of the witnesses appearing on behalf of all the parties were duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

Although Commissioner Yuen's law firm represented Hilo Electric Light Co. and the Huehue Ranch, which firms have easements running across the subject property, Chairman Duke ruled that Commissioner Yuen was not in conflict to participate in this hearing.

PETITIONER

Paul Schwind - Chief Planner, Department of Agriculture

Direct examination by Miss Chock-----23 to 31

Cross examination by Mr. Kato-----31 to 33

Cross examination by Mr. Kanuha-----33 to 35

Examination by Commissioner Whitesell-----35 to 36

Examination by Commissioner Yuen-----36 to 40

Examination by Commissioner Pascua-----41

Examination by Chairman Duke-----41 to 42

Petitioner (cont.)

Stanley Tomo - President of the Kona County Farm Bureau

Direct examination by Miss Chock-----43 to 44
 Examination by Commissioner Yuen-----44 to 45
 Examination by Commissioner Pascua-----46 to 47
 Examination by Chairman Duke-----47 to 49
 Examination by Commissioner Whitesell-----50

Clyde Kobayashi - Truck Farmer

Direct examination by Miss Chock-----51 to 55
 Cross examination by Mr. Kanuha-----55 to 56
 Examination by Commissioner Yuen-----56 to 59
 Examination by Commissioner Pascua-----59 to 60
 Recross examination by Mr. Kanuha-----60

Hallett H. Hammatt - Archaeological Research Center of Hawaii

Direct examination by Miss Chock-----61 to 67
 Cross examination by Mr. Kato-----67 to 68
 Examination by Chairman Duke-----68
 The Commission was in recess from 12:15 p.m. to 1:45 p.m.

1:45 p.m.

HAWAII PLANNING DEPARTMENT

Keith Kato - Planner

Summary of written testimony-----70 to 72
 Cross examination by Miss Chock-----72 to 73
 Examination by Commissioner Whitesell-----73 to 74

Gary Kawasaka - Engineer, Hawaii Dept. of Water Supply

Direct examination by Mr. Kato-----74 to 76
 Cross examination by Miss Chock-----76 to 77
 Examination by Commissioner Yuen-----77 to 78

WITNESS

Commissioner Whitesell moved to waive the time requirement of allow Ms. Stone to testify, so long as she confined her remarks to the subject matter. It was seconded by Commissioner Oura and unanimously carried.

Elizabeth Stone

Oral testimony-----80

Counselor Kawada advised that the two little shells submitted by Ms. Stone as exhibits be accepted for purposes of illustration only.

CLOSING ARGUMENTS

Based on the presentations of the witnesses, Miss Chock and Mr. Kato both recommended that the petition be favorably considered.

Chairman Duke instructed all parties to file proposed findings, conclusions of law, within 30 days after the completion of the transcript; that this be served upon all parties and that the parties respond within 15 days.

Mr. Kato requested and the Chair waived the requirement for the County to file a proposed finding, inasmuch as the County's position was similar to that of the State.

ADOPTION OF MINUTES

Commissioner Whitesell moved, seconded by Commissioner Oura to adopt the minutes of February 23, 27, 28, 1979 and March 6, 1979. It was carried.

Following a discussion of the meeting schedule, the meeting adjourned at 2:25 p.m.