

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Conference Room 322 (B & C)
New State Building
Honolulu, Hawaii

September 8, 1977 - 9:00 a.m.

Approved
1/17/78

COMMISSIONERS PRESENT: Stanley Sakahashi, Chairman
Charles Duke, Vice Chairman
Colette Machado
Shinsei Miyasato
Shinichi Nakagawa
Mitsuo Oura
Carol Whitesell
Edward Yanai

COMMISSIONER ABSENT: James Carras

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

Ray P. Russell, Court Reporter

ADDITION TO THE AGENDA

Commissioner Oura moved to add the matter of an executive session to the agenda, which was seconded by Vice Chairman Duke and carried with the following votes:

Ayes: Commissioners Nakagawa, Yanai, Machado, Whitesell,
Duke, Oura, Miyasato, Chairman Sakahashi

CONTINUED ACTION

SP77-272 - ALLIED AGGREGATES CORPORATION

Special Permit application to allow the establishment of a temporary quarrying operation at Kaunaloa, Puna, Hawaii

The Commission continued with its deliberation of the subject Special Permit request which had been continued from the meeting on August 24, 1977.

Mr. Daniel Yasui, staff planner, presented the staff report and pointed out the area under petition on the various maps,

and also elaborated on the location of existing homes in close proximity to the project site.

A short recess was called to permit the Commissioners an opportunity to review the walk-through study of the proposed site which had been conducted by Professor William J. Bonk, submitted by the petitioner.

Mr. Gilbert Hara representing the petitioner responded to questions raised concerning the existence of another quarry in the general area, measures being planned to control dust. etc.

Vice Chairman Duke proposed that condition No. 1 imposed by the County be modified by adding the following: "or upon expiration of all the applicant's contracts to supply rock and gravel for the Kalapana By-Pass Road and Chain of Crater Road, whichever is sooner". He further recommended the addition of 2 more conditions to be numbered 10 and 11 (thereby changing the present condition No. 10 to read NO. 12) as follows:

No. 10 - "That the Planning Director may order a cease and desist order if there is any adverse impact upon the surrounding area by reason of applicant's failure to comply with the State and County regulations and ordinances relative to noise, dust, and other environmental factors, or with these conditions."

No. 11 - "That the Special Permit will not take effect unless the applicant is the successful bidder on either the Kalapana By-Pass Road project or the reconstruction of the Chain of Craters Road; or unless he obtains a sub-contract to supply rock and gravel to the general contractor on either of these two projects."

Much discussion evolved around the sale of quarried material by the petitioner for use on projects other than the aforementioned two contracts. It was generally agreed that side sale to little jobs during the life of the Special Permit and remnant material following the conclusion of the two projects will be permissible.

Deputy Attorney General Marsh advised the Commission of the procedural methods employed by the Department of Health in enforcing its health regulations and standards under varying circumstances.

At Mr. Furutani's request, Mr. Hara agreed that the petitioner will provide the County also with the metes and bounds description and archaeological walk-through report which had been submitted to the Land Use Commission.

Vice Chairman Duke moved that the Special Permit be approved, subject to the conditions imposed by the Hawaii County Planning Commission, and subject also to the modification and additions as discussed earlier. The motion was seconded by Commissioner Oura and carried with the following votes:

Ayes: Commissioners Machado, Miyasato, Oura, Nakagawa, Whitesell, Yanai, Duke, Chairman Sakahashi

CONTINUED HEARING

A76-420 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
(Kawainui Marsh)

Mr. Furutani, Executive Officer, stated that the hearing on this petition had been continued from August 16, 1977 and reviewed for the Commission the record to date.

EXHIBITS

During the course of today's proceedings, the following Exhibits were admitted into the record:

City & County of Honolulu

Exhibits X and Y

Castle, et al

Exhibits 1, 2, 7-A, 7-B, 7-C, 9-A and B (with the green and yellow demarcations, in lieu of the ones previously submitted), 10, 14, 17, 26

Ad Hoc Committee for Kawainui Marsh

Exhibit 44 (over Mr. Higa's objections)

HAROLD L. CASTLE, ET AL

George Houghtailing (cont.)

Cross examination by Mr. Lee-----46 to 84

The hearing was recessed from 11:42 a.m. to 1:30 p.m for lunch.

1:30 p.m.

George Houghtailing (cont.)

Cross examination by Mr. Lee (cont.)-----86 to 91

Examination by Commissioner Whitesell-----91 to 92

Recross examination by Mr. Lee-----	92 to 104
Cross examination by Miss Howell-----	104 to 105
Cross examination by Mr. Kupchak-----	105 to 128
Recross examination by Miss Howell-----	128 to 130
Objections by Mr. Kupchak-----	130 to 132
Examination by Commissioner Nakagawa-----	132 to 134
Examination by Commissioner Whitesell-----	134

Andrew J. Berger, Professor of Zoology, University of Hawaii

Read from prepared testimony-----	135 to 139
Direct examination by Mr. Higa-----	139 to 145
Objections by Mr. Kupchak-----	148 to 153
Redirect examination by Mr. Higa-----	154
Cross examination by Mr. Lee-----	155 to 166
Cross examination by Mr. Kupchak-----	166 to 189
Examination by Commissioner Whitesell-----	189
Examination by Commissioner Yanai-----	190 to 191
Recross examination by Mr. Kupchak-----	191 to 192

CLOSING STATEMENTS

DPED, by Mr. Lee-----	204 to 207
Ad Hoc Committee, by Mr. Kupchak-----	207 to 209
Castle, etal, by Mr. Higa-----	209 to 215

Chairman Sakahashi advised that the petitioner would have 45 days in which to prepare Proposed Findings of Fact, Conclusions of Law, etc. and submit to the Commission; and that the parties will have 30 days in which to respond to the petitioner's proposal.

The hearing on A76-420 was concluded and the meeting was adjourned at 4:45 p.m.