

Approved  
11/4/82

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Honokaa Hongwanji Mission  
Conference Room  
Honokaa, Hawaii

September 9, 1982 - 1:00 p.m.

COMMISSIONERS PRESENT: Richard Choy, Vice Chairman  
Larry Chun  
Shinsei Miyasato  
Teofilo Tacbian  
Robert Tamaye  
Winona Rubin (1:50 p.m.)  
Frederick Whittemore

COMMISSIONERS ABSENT: William Yuen, Chairman  
Everett Cuskaden

STAFF PRESENT: Gordan Furutani, Executive Officer  
Joseph Chu, Planner  
Carolee Aoki, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
  
Renee A. Finley, Court Reporter

HEARING

A82-531 - THEODAVIES HAMAKUA SUGAR COMPANY

Environmental Impact Assessment

In view of the recent Supreme Court ruling requiring compliance with Chapter 343 of the Hawaii Revised Statutes when reclassifying lands within the Conservation District, Chairman Choy recommended that the Commission go into executive session to receive counsel from the Deputy Attorney General regarding this matter.

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

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Chairman Choy explained that the Commission had been advised that it was necessary for the Commission to determine whether the Environmental Impact Assessment filed by the petitioner indicated there was any significant impact to the environment.

Commissioner Tacbian moved that there was no significant impact and that a negative declaration be filed by the Commission. It was seconded by Commissioner Whittemore and unanimously carried.

### Hearing

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on August 6, 1982 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by TheoDavies Hamakua Sugar Company to reclassify certain lands at North Hilo and Hamakua, Island of Hawaii, Docket A82-531.

### Appearances

Gene Aguiar, Davies Hamakua Sugar, representing petitioner

Duane Kanuha, Deputy Planning Director, representing the Hawaii Planning Department

Annette Chock, Deputy Attorney General, representing the Department of Planning and Economic Development

### Requests to Intervene

Clarence Souza, Chairman of Unit 1106, ILWU, Local 142, representing the tenants of TheoDavies Sugar Company

Clyde Imada and Terrance Shumaker, Second Vice President and Vice President of Honokaa Businessmen's Association

Roland Kaneshiro, Vice President of the Honokaa Merchant's Association

Since there were no objections from any of the parties, all of the above were admitted as intervenors to the proceedings.

Upon motion by Commissioner Tacbian, seconded by Commissioner Rubin, a request by Ms. Elizabeth Stone to intervene was unanimously denied. Her intervention request and written testimony were moved into the record. It was also noted that Ms. Stone was not present in the audience today.

Staff planner Joseph Chu oriented the Commission to the parcels involved in the petition and indicated their locations on the USGS and tax maps.

All of the persons who appeared today, having been duly sworn in, testified and were examined as set forth in the transcript.

Mr. Souza submitted that he was withdrawing his motion for continuance of the hearing and wished to continue with the proceedings as scheduled.

Public Witness

Quentin Tomich - Ecologist

Oral testimony-----16 to 21

The Commission was joined by Commissioner Rubin at this time.

Exhibits

Petitioner's exhibits A through K were identified and admitted into evidence.

County's exhibits A through M were introduced into evidence.

DPED's written testimony was admitted into evidence.

PETITIONER

Gene Aguiar - Land Coordinator for petitioner

Oral testimony-----27 to 31

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Due to a request by Mr. Shumaker to change his position from that of intervenor to a public witness, Chairman Choy called on him to present his testimony at this time.

Terrance Shumaker

Oral testimony-----32 to 33

Examination by Commissioner Tacbian-----34 to 36

Examination by Chairman Choy-----36

During the examination of Mr. Shumaker, it was brought to light that it had been his intent to assume the role of inter-

venor rather than as a public witness, and apologized for the misunderstanding.

Commissioner Tacbian moved that the Commission withdraw its earlier action and allow Mr. Shumaker to continue as an intervenor. The motion was seconded by Commissioner Rubin and unanimously carried.

Petitioner (cont.)

Gene Aguiar (cont.)

Cross examination by Mr. Kanuha-----40 to 67  
Cross examination by Miss Chock-----68 to 98  
Cross examination by Mr. Souza-----98 to 101  
Cross examination by Mr. Imada-----101 to 108  
Examination by Commissioner Tacbian-----108 to 111  
Examination by Commissioner Whittemore-----111 to 113  
Examination by Commissioner Rubin-----113 to 116  
Examination by Commissioner Chun-----117 to 120

It was announced by Chairman Choy that the hearing on Docket A82-531 will be continued in Hilo tomorrow, 9-10-82, at 1:00 p.m.

The meeting was adjourned at 4:35 p.m.