

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Hilo Hawaiian Hotel
71 Banyan Drive
Hilo, Hawaii

Approved

12/13/83

October 26, 1983 - 9:00 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman
Richard Choy, Vice Chairman
Lawrence Chun
Shinsei Miyasato
Winona Rubin
Frederick Whittemore

COMMISSIONERS ABSENT: Everett Cuskaden
Teofilo Tacbian
Robert Tamaye

STAFF PRESENT: Gordan Furutani, Executive Officer
Carolee Aoki, Deputy Attorney General
Dora Horikawa, Chief Clerk

Lawrence Young, Court Reporter

HEARING

A83-554 - FARMS OF KAPUA

Pursuant to a notice published in the Hawaii Tribune Herald and the Honolulu Advertiser on September 20, 1983 and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of the petition by Farms of Kapua, A83-554, to reclassify approximately 6,102 acres of land currently in the Conservation District into the Agricultural District at Kapua, South Kona, Hawaii, for agricultural use.

Appearances

Roy Takeyama, Attorney representing the petitioner

Sidney Fuke, Planning Director, representing the Hawaii
Planning Department

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

Meredith Lenell, Attorney representing Pa'apono of Milolii, Inc.
Rick Warshauer, Legal Assistant

Intervention Request

Chairman Yuen announced that the Commission was in receipt of three timely requests to intervene in the proceedings as follows:

1. Elizabeth Ann Stone, President, Honest Environmental Citizens against Progress
2. Office of Hawaiian Affairs
3. Pa'apono of Milolii, Inc.

It was noted for the record that Ms. Stone was not present and therefore her request for intervention was denied.

It was also announced that the Office of Hawaiian Affairs had withdrawn its intervention request on October 21, 1983.

It was moved by Commissioner Rubin, seconded by Commissioner Whittemore, to allow Pa'apono of Milolii, Inc. to intervene in the matter of Docket A83-554, Farms of Kapua, as an interested party. The motion was carried by voice vote.

Intervenor's Motion to Continue Hearing

Following a brief statement by Miss Lenell in support of the motion, Chairman Yuen declared that Pa'apono's motion to continue the hearing was denied.

Intervenor's Motion to Conduct On-site Visit

The Chairman stated that an on-site visit to the subject lands may be possible in the event the Commission continues the hearing for a third day, some time in the future.

Complaint filed in Circuit Court regarding Negative Declaration

For the Commission's information, Miss Lenell submitted that Pa'apono had filed a complaint in the Circuit Court to appeal the Commission's negative declaration of the impact on the environment.

Exhibits

Petitioner's exhibits 1 through 18 were admitted into evidence.

The County's exhibit 1 was moved into the record.

State's exhibits 1 through 4 were admitted.

The Chairman advised that he will rule on intervenor's exhibits after counsel has had time to distribute them to all of the parties.

Mr. Gordan Furutani, Executive Officer, oriented the Commission to the property under petition with the aid of 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.

Public Witnesses

Rebecca Hagerman - Representing Kona Outdoor Circle

Oral testimony-----32 to 33

Theresa Nakama - Representing Na Ala Hele

Oral testimony-----35 to 37

William Tagupa - Representing Office of Hawaiian Affairs, and also as Intervenor's witness

Mr. Tagupa offered his testimony as a public witness first, was examined by all parties regarding his testimony as a public witness and also as an expert in the area of Hawaiian cultural history.

Oral testimony-----37 to 40

Direct examination by Miss Lenell-----41 to 62

Cross examination by Mr. Takeyama-----62 to 66

Cross examination by Mr. Fuke-----66 to 76

Cross examination by Miss Chock-----76 to 81

Redirect examination by Miss Lenell-----81 to 82

The Commission was in recess from 11:53 a.m. to 1:30 p.m.

1:30 p.m.

Among the people who had requested to appear as public witnesses, those present today were permitted to testify as follows:

Samuel Keola Kaluna, Jr. - Kau resident

Oral testimony-----84 to 85

Sarah Kahele - Former resident of Milolii

Oral testimony-----86 to 87

Cross examination by Mr. Takeyama-----87 to 88

Cross examination by Miss Lenell-----89

Examination by Chairman Yuen-----90 to 91

David Monfort - Milolii resident

Oral testimony-----91 to 93

Cross examination by Mr. Takeyama-----93 to 95

Cross examination by Mr. Fuke-----95 to 96

Cross examination by Miss Chock-----96

Examination by Commissioner Chun-----96 to 97

Lily Ahia - Hawaiian Language Teacher, Kau resident

Oral testimony-----97 to 98

Cross examination by Miss Lenell-----98 to 99

Shirley Ochman - Milolii resident

Oral testimony-----100 to 101

Cross examination by Mr. Fuke-----101 to 103

Cross examination by Miss Lenell-----104 to 105

Examination by Vice Chairman Choy-----105 to 107

Winifred Chang - Milolii resident

Oral testimony-----107 to 110

Cross examination by Mr. Takeyama-----110 to 114

Cross examination by Mr. Fuke-----115 to 116

Gordon Shigeura - Macadamia nut grower, Hilo resident

Oral testimony-----116 to 120

Gordon Shigeura (cont.)

Cross examination by Mr. Fuke-----120 to 122

Cross examination by Miss Chock-----122 to 124

Cross examination by Mr. Warshauer-----124 to 130

Examination by Vice Chairman Choy-----130 to 131

Maile Akim Seu - President, Friends of Kamoo Point, Inc.

Oral testimony-----132 to 136

PETITIONER

Dr. William C. Bergin - Veterinarian, Cattle Raising

Direct examination by Mr. Takeyama-----136 to 139

Cross examination by Mr. Warshauer-----139 to 141

Redirect examination by Mr. Takeyama-----143 to 151

Cross examination by Mr. Fuke-----151 to 153

Cross examination by Miss Chock-----153 to 157

Recross examination by Mr. Warshauer-----157 to 167

Examination by Chairman Yuen-----167 to 170

Francis Oda - Physical Planner and Architect

Direct examination by Mr. Takeyama-----170 to 203

Cross examination by Mr. Fuke-----204 to 217

Cross examination by Miss Chock-----217 to 224

At 5:20 p.m., the hearing was adjourned and the Chairman announced that it will be continued tomorrow, October 27, 1983, in the Rib Room of the Kona Hilton Hotel at 10:00 a.m.