

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kamehameha Ballrooms
Kona Surf Resort and Country Club
78-128 Ehukai Street
Kailua-Kona, Hawaii

approved
3/19/90

February 23, 1990

COMMISSIONERS PRESENT: Renton L.K. Nip, Chairman
Frederick P. Whittemore, Vice-Chairman
James M. Shinno
Allen Y. Kajioka (Portion of
Proceeding)
Elton Wada
Allen K. Hoe

COMMISSIONERS ABSENT: Eusebio Lapenia, Jr.
Sharon R. Himeno
Lawrence Chun

STAFF PRESENT: Esther Ueda, Executive Officer
Russell Suzuki, Esq, Deputy Attorney
General
Raymond Young, Staff Planner
Darlene Kinoshita, Chief Clerk
Holly Hackett, Court Reporter

Chairman Nip called the meeting to order.

CONTINUED HEARING

A88-630 - PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA
(Hawaii)

Chairman Nip announced that the present matter before the Commission is a continuation of the hearing which had begun on January 27, 1989, March 10, 1989, March 22, 1989, March 23, 1989, April 6, 1989, April 7, 1989, July 13, 1989, July 14, 1989, September 7, 1989, and September 8, 1989.

Commissioner Lapenia did not participate in this proceeding due to a previously declared conflict of interest.

Appearances

R. Ben Tsukazaki, Esq., Attorney for Petitioner

Steven Lim, Esq., Attorney for Petitioner

Duane Kanuha, Director, Planning Department, County of
Hawaii

William Moore, Deputy Director, Planning Department,
County of Hawaii

John Anderson, Esq., Deputy Attorney General, Office
of State Planning

Abe Mitsuda, Land Use Division, Office of State
Planning

Jean Nishida, Land Use Division, Office of State
Planning

Glen Winterbottom, Intervenor

Wilfred Kaupiko, Intervenor, Pa'a Pono Milolii

Shirley Casuga, Intervenor, Pa'a Pono Milolii

Gilbert Kahele, Intervenor, Pa'a Pono Milolii, was not
present to the proceeding at this time.

The letters from Naalehu Senior Citizens Club, Jack
and Dottie Delaney, Naalehu Hongwanji Mission, Rep. Virginia
Isbell, and the news articles from Broaddus Bell were entered
into evidence by the Land Use Commission.

A letter withdrawing as intervenor was filed by
Mr. Gilbert Kahele for Pa'a Pono Milolii and a Petition for
Substitution of Parties was filed by Shirley Casuga and Wilfred
Kaupiko. Arguments on the request and motion were heard from
Mr. Tsukazaki, Mr. Kaupiko, and Ms. Casuga. There were no
objections to the withdrawal and substitution of parties by
Mr. Kanuha and Mr. Anderson.

Commissioner Hoe moved to defer the request for withdrawal by Mr. Kahele, Intervenor, Pa'a Pono Milolii, and allow Ms. Casuga and Mr. Kahele to represent Pa'a Pono Milolii. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Chairman Nip ruled that Mr. Winterbottom's Motion to Compel Petitioner's Compliance with Terms of Qualified EIS is not appropriate at this time and was denied.

Chairman Nip ruled that Mr. Winterbottom's Motion to Correct Transcript was granted. There were no objections by the parties on this motion.

PETITIONER'S WITNESSES

1. Ann Bouslog (Recalled)

ACTION

A89-649 LANAI RESORT PARTNERS, INC. (Manele)

Chairman Nip announced that the Commission would take action on the Petition to Intervene filed by the Office of Hawaiian Affairs; Lanaians for Sensible Growth and Solomon Kaopuiki; Lanaians for Sensible Growth and John D. Gray; and Lanaians for Sensible Growth and Martha Evans.

Commissioner Kajioka did not participate in this proceeding due to a previously declared conflict of interest.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

John Anderson, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Alan Murakami, Esq., Attorney for Potential Intervenors

The County of Maui was not present to the proceeding at this time.

Arguments on the Petition for Intervention were heard from Alan Murakami, James Funaki, and John Anderson.

Commissioner Hoe moved that the Petition to Intervene filed by Lanaians for Sensible Growth be granted. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Commissioner Hoe moved that the Petition to Intervene filed by Solomon Kaopuiki be denied. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Commissioner Hoe moved that the Petition to Intervene filed by John D. Gray be denied. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Commissioner Hoe moved that the Petition to Intervene filed by Martha Evans be denied. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Commissioner Hoe moved that the Petition to Intervene filed by the Office of Hawaiian Affairs be granted. The motion was seconded by Commissioner Shinno and unanimously carried by voice votes.

Chairman Nip announced that the Commission would take action on the Motion to Continue Hearing filed by the Office of Hawaiian Affairs. Arguments on the motion were heard from Alan Murakami, James Funaki, and John Anderson.

Vice-Chairman Whittemore moved to deny the motion to continue hearing. The motion was seconded by Commissioner Wada and unanimously carried by voice votes.

A lunch recess was taken at 11:40 a.m. to reconvene at 12:15 p.m.

- 12:50 p.m. -

CONTINUED HEARING

A88-630 - PALACE DEVELOPMENT CORPORATION AND HAWAII KA'U AINA
(Hawaii)

This is a continuance of the hearing which was held this morning at 8:40 a.m.

Commissioner Kajioka joined the proceeding at this time.

PETITIONER'S WITNESSES

1. Robert Lombardi (Recalled)
2. Ernest Watari

It was announced by Chairman Nip that the Commission may be taking a field trip at the end of the second day of the next scheduled meeting on this petition.

MISCELLANEOUS

1. ADOPTION OF MINUTES

The minutes for the following date were approved as circulated: February 16, 1990.

The meeting was adjourned at 3:49 p.m.