

LAND USE COMMISSION  
MEETING MINUTES

**October 20, 2011 – 9:30 a.m.**  
**Leiopapa A Kamehameha,**  
**Second Floor, Room 204,**  
**235 South Beretania Street, Honolulu, HI 96804**

COMMISSIONERS PRESENT: Napua Makua  
Nicholas Teves, Jr  
Chad McDonald  
Thomas Contrades  
Kyle Chock  
Lisa Judge  
Ernest Matsumura

COMMISSIONERS EXCUSED: Normand Lezy  
Ronald Heller

STAFF PRESENT: Orlando Davidson, Executive Officer  
Diane Erickson, Deputy Attorney General  
Bert Saruwatari, Staff Planner  
Scott Derrickson, Staff Planner  
Riley Hakoda, Staff Planner/Acting Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

**CALL TO ORDER**

Acting Chair Chock called the meeting to order at 9:38 a.m.

**APPROVAL OF MINUTES**

Acting Chair Chock asked if there were any corrections or additions to the October 7, 2011 minutes. There were none. Commissioner Contrades moved to approve the minutes. Commissioner Judge seconded the motion. The minutes were unanimously approved by a voice vote (7-0).

## TENTATIVE MEETING SCHEDULE

Executive Officer Davidson provided the following:

- The tentative meeting schedule for the remainder of the calendar year 2011 was distributed in the handout material for the Commissioners.
- Any questions or concerns- please contact LUC staff.

## ACTION

### A06-771 D.R. HORTON-SCHULER HOMES, LLC., (O`ahu)

Acting Chair Chock announced that this was an action meeting on A06-771 D.R. HORTON – SCHULER HOMES, LLC , a Delaware limited liability company, d.b.a. D.R. Horton-Schuler Division, Honouliuli, Ewa, Oahu, To Amend The Agricultural Land Use District Boundaries Into The Urban Land Use District For Approximately 1,525.516 Acres Of Land at Honouliuli, Ewa District, Oahu, Hawaii, Tax Map Key Nos.: (1) 9-1-17:4 (por.), 059 and 072; (1) 9-1-18: 001 and 004.

## APPEARANCES

Benjamin Kudo, Esq., Naomi Kuwaye, Esq. and Yuko Funaki, Esq., represented  
Petitioner D.R. Horton-Schuler Homes LLC

Cameron Nekota, D.R. Horton-Schuler Homes LLC

Dawn Takeuchi-Apuna, Esq., Deputy Corporate Counsel, represented City and County  
of Honolulu, Department of Planning and Permitting (DPP)

Tim Hata, DPP

Bryan Yee, Esq., represented State Office of Planning (OP)

Mary Lou Kobayashi, OP

Dr. Kioni Dudley, represented Intervenor Friends of Makakilo (FOM)

Linda Paul, Esq., legal advisor to FOM

Tatyana Cerullo, Esq. and Elizabeth Dunne, Esq., represented Intervenor The Sierra  
Club

Eric Seitz, Esq. and Sierra Devine, Esq., represented Intervenor Clayton Hee  
State Senator Clayton Hee

*(Please refer to LUC Transcript for more details on this matter)*

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Acting Chair Chock updated the record and described the procedures for the proceedings. There were no questions or comments regarding the procedures.

Mr. Seitz inquired about the status of administrative rules referred to in a Department of Agriculture brochure regarding Important Agricultural Lands (IAL). Executive Officer Davidson provided his understanding of what administrative process the brochure was referring to and stated that the LUC had not received any related applications and was still examining what rules, if any, might be necessary and that those rules did not pertain to district boundary amendments like A06-771. Mr. Seitz responded that he differed on that interpretation of IAL matters and described how he perceived IAL as an important legal issue and wished to alert the Commission about his position going forward. Acting Chair Chock acknowledged Mr. Seitz's comments. There were no further questions or comments.

Acting Chair Chock asked if there were any Public Witnesses who wished to give testimony.

#### PUBLIC WITNESSES

1. Sam Kalilikane Jr.

Mr. Kalilikane stated that he supported the proposed project and described his personal reasons for wanting to see the Petition granted.

Mr. Seitz asked whether Mr. Kalilikane would support a project being built in Kapiolani Park if he was offered a carpenter job because of it. Mr. Kalilikane responded that he would support it if it were a union job.

There were no further questions for Mr. Kalilikane.

2. Jerrean Kaikaina

Ms. Kaikaina shared her reasons for supporting the proposed project.

There were no questions for Ms. Kaikaina.

3. Gene Awakuni

Mr. Awakuni stated that he was Chancellor of the West Oahu Campus of the University of Hawaii but was testifying on his own behalf. Mr. Awakuni described why he supported the Petition and read his submitted LUC testimony.

Mr. Yee requested clarification on the construction timetable that the West Oahu Campus development was following and how the proposed Hoopili project might impact it. Mr. Awakuni described the various phases of

*(Please refer to LUC Transcript for more details on this matter)*

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construction that he anticipated would occur in the coming years and how it might be affected by the proposed project's development.

Dr. Dudley requested clarification on whether there were plans to include future farming programs at the West Oahu Campus. Mr. Awakuni described how the University was working with local farmers to utilize nearby lands for its farming programs; developing associated areas of studies and incorporating them into the campus. Mr. Yee expressed his concerns that the questioning appeared to be straying from the focus of discussion. Acting Chair Chock asked if there were any further questions and Dr. Dudley responded that he had asked his final question.

The Sierra Club had no questions.

Mr. Seitz stated that though he had questions, he noted that Dr. Dudley might not have finished his final question. Dr. Dudley concurred and asked what the University might do with the farmland remaining on the campus grounds. Mr. Awakuni described how he planned to explore using farmland in an urban environment in the future.

Mr. Seitz asked how plans for the West Oahu Campus had evolved and how the proposed project impacted it. Mr. Awakuni described how the campus idea had developed over the years; and stated that the University of Hawaii had not taken a formal position on this Petition. Mr. Awakuni deferred questions regarding the University's involvement with agriculture to the proper UH administrative authorities.

There were no further questions for Mr. Awakuni.

4. Richard Hargrave

Mr. Hargrave expressed why he supported the Petition.

Dr. Dudley asked where Mr. Hargrave worked, whether he experienced traffic in the Ewa area and whether or not he was on the Hoopili task force. Mr. Hargrave replied that he had worked at the airport and had experienced local traffic; and described his experience as a Hoopili Task Force member over approximately the last two years.

Mr. Seitz requested clarification on whether or not the Hoopili Task Force had members opposed to the proposed project or who were experienced in agriculture. Mr. Hargrave replied that he did not know.

There were no further questions for Mr. Hargrave.

5. Mitchell Shimabukuro

Mr. Shimabukuro stated that he supported the proposed project and shared his reasons why.

Dr. Dudley requested clarification on why Mr. Shimabukuro felt that further development in the area was needed if other projects for the area that had been approved were not being built. Mr. Shimabukuro provided his opinions on how the rail project would affect the area and replied that he did not know why approved projects were not being built.

There were no further questions for Mr. Shimabukuro.

6. Stuart Scott

Mr. Scott expressed why he opposed the proposed project on the basis of food security for Oahu and described how his past education and experience as an educator and his pro bono work in sustainability and climate change had shaped his opinions.

Mr. Kudo requested clarification on what Mr. Scott considered to be “a matter of self-interest”. Discussion ensued on how Mr. Scott perceived the term and how it applied to the proposed project and to homes that had already been permitted but not yet built.

There were no further questions for Mr. Scott.

7. Brian Lee

Mr. Lee stated that he was speaking on behalf of the International Brotherhood of Electrical Workers and provided the reasons why his organization supported the proposed project.

There were no questions for Mr. Lee.

The Commission went into recess at 10:30 a.m. and reconvened at 10:44 a.m.

8. Donovan Lewis

Mr. Lewis stated that he was testifying on behalf of the Plumbers and Fitters Union and provided the reasons why his organization supported the Petition.

There were no questions for Mr. Lewis.

9. Victoria Cannon

Ms. Cannon described why she opposed the proposed project and provided her perception of why the State Constitution and the Hawaii Revised Statutes supported her opinion.

Mr. Kudo requested clarification of what 33,000 permitted homes were being referred to in Ms. Cannon's testimony. Ms. Cannon described the various projects that had been identified in the Ewa Development Plan and other developments in the region.

Dr. Dudley asked if Ms. Cannon was aware that a new Ewa Development Plan had been released and whether she would change her testimony if the number of already approved housing units were higher. Ms. Cannon acknowledged that she was aware of the new plan but had not had the chance to review it yet; and would not change her testimony.

There were no further questions for Ms. Cannon.

10. Tesha Malama

Ms. Malama described her historical perspective of the Petition Area and shared why she supported the proposed project.

Dr. Dudley requested clarification on Ms. Malama's description of how the soils in the Petition Area developed. Ms. Malama described how she believed the soils in the area occurred.

Ms. Dunne asked if Ms. Malama was a trained soils expert and if she would contest the State's rating of the Petition Area's soils. Ms. Malama acknowledged that she was not an expert and would not disagree with how the State had rated the Petition Area for farming. Ms. Dunne also requested clarification on remarks made about employment in the region. Ms. Malama described the type of employment that she thought would occur if the Petition were approved.

There were no further questions for Ms. Malama.

11. Lolita Taketa

Ms. Taketa described how her family had decided to settle in the Ewa area and why she supported the Petition.

Dr. Dudley requested clarification on how Ms. Taketa perceived development in the region. Ms. Taketa shared why she desired to live in the proposed project and how her family would benefit by its development.

There were no further questions for Ms. Taketa.

#### 12. Shannon Wood

Ms. Wood stated that she was representing the Windward Ahupua`a Alliance and described the Legislative efforts that her organization was involved with. Ms. Woods requested that the Commission defer making a decision till pending legislation regarding the cumulative impact of development that her organization had developed could be attended to at the Legislature.

Acting Chair Chock requested that Ms. Wood direct her testimony to the docket at hand. Ms. Wood described why she felt the proposed legislation offered by her organization was related to the decision-making involved with the Petition at hand.

There were no questions for Ms. Wood.

#### 13. Phil Lum

Mr. Lum stated that he represented the Salvation Army and the Kroc Center Hawaii and described why his organizations supported the proposed Petition.

Dr. Dudley asked if the Petitioner had contributed to the matching funds program that the Kroc Center had. Mr. Lum responded that D.R. Horton-Schuler Homes had not.

There were no further questions for Mr. Lum.

#### 14. Sidney Higa

Mr. Higa shared his family's history in Hawaii and his reasons for supporting the proposed project.

There were no questions for Mr. Higa.

#### 15. Pono Kealoha

Mr. Kealoha's testimony did not appear to be related to the subject petition and the witness was declared out of order by Acting Chair Chock.

#### 16. Hannah Miyamoto

Ms. Miyamoto provided her educational and occupational background and described why she supported the Petition and the types of benefits she thought that transit-oriented development proposed by the developer would bring to the region.

There were no questions for Ms. Miyamoto.

17. Alice Fisher

Ms. Fisher stated that she opposed the proposed project and described why she took that position.

There were no questions for Ms. Fisher.

18. Joby North II

Mr. North stated that he represented the Laborers Union Local 368 and described why his organization supported the Petition.

Dr. Dudley asked if the Laborers Union had discussed the lack of development of the Kapolei East project with Campbell Estate. Mr. North described the talks that his organization had with Campbell Estate and noted how it differed from the petition at hand.

Mr. Seitz requested clarification on what extent the Laborers Union would support jobs in Hawaii and whether considering long term consequences were part of the decision-making process. Mr. North responded that his organization supported economic growth in the state and provided his perception of how his organization chose to offer its support for the proposed project.

Mr. Seitz asked how Mr. North perceived the situation of the farmers who were currently leasing land from the Petitioner. Mr. North shared what he cared about in regards to supporting the Petition and how he felt about the relocation and preservation of current jobs in the farming industry.

There were no further questions for Mr. North.

19. Kent Fonoimoana

Mr. Fonoimoana stated that he was co-chair of the Defend Oahu Coalition; shared what his participation was in community matters, and expressed his concerns about the loss of productive agricultural land and why such lands should be preserved.

Mr. Yee asked if Mr. Fonoimoana had presented the position of the Defend Oahu Coalition. Mr. Fonoimoana responded that he had. Discussion ensued to clarify how public testimony could be submitted to the Commission.

There were no further questions for Mr. Fonoimoana.

20. Aliitasi Ponder

Ms. Ponder shared her concerns about the need to preserve agricultural farm lands and protect food resources, and how the impact of granting the Petition would affect all participants in the proceedings.

Dr. Dudley inquired why she was testifying in this docket though she did not reside in the Petition Area. Ms. Ponder responded that she was testifying to oppose the Petition since she considered it to be an unwise choice for Hawaii's future.

There no further questions for Ms. Ponder.

#### 21. Candace Fujikane

Ms. Fujikane submitted written testimony and expressed her concerns regarding edible crop acreage loss if the Petition were granted and stated that she opposed the proposed project. She also described various portions of agricultural expert Bruce Plasch's reports to the State that she felt were overly optimistic regarding the future of Hawaii's agricultural industry.

Ms. Cerullo asked if Ms. Fujikane was aware that Bruce Plasch was testifying as an expert witness on agriculture for the Petitioner. Ms. Fujikane responded that she had recently been made aware of that.

Mr. Seitz asked what Ms. Fujikane's background was. Ms. Fujikane responded that she was an English professor and had taught classes in "land struggles" of Hawaii; and described the methodologies that were taught and used to research and gather information in her area of study.

Mr. Seitz asked whether relocating Aloun Farms to a different locale could productively be accomplished. Ms. Fujikane responded that she did not think it was possible since the differences in elevation restricted the type of crops that could be planted.

There were no further questions for Ms Fujikane.

#### 22. Kapua Ruiz

Ms. Ruiz shared her concerns about the proposed project's impact on Hawaii's future sustainability and why she opposed granting the Petition.

There were no questions for Ms. Ruiz.

#### 23. Alfonso Oliver

Mr. Oliver read written testimony submitted by Business Manager, Peter Ganaban of the Laborer's Union 368 that described why the organization supported the Petition.

Dr. Dudley asked if Mr. Oliver was aware of the many potential jobs that

proposed infrastructure rebuilding could provide. Mr. Oliver replied that he was and described his awareness of associated components involved in job creation.

There were no further questions for Mr. Oliver.

Commissioner Judge excused herself at 12:09 p.m. and returned at 12:11 p.m.

#### 24. State Representative Rida Cabanilla

Ms. Cabanilla described her legislative responsibilities and stated that, based on input from her District 42 constituents, she opposed the Petition. She described the various concerns that her constituents had about the proposed project and how she had made efforts in her state representative position to assure that there would be ample work in the area during the development of the proposed rail system and had allocated funding to address existing urban needs and not to fund new infrastructure development.

Mr. Kudo inquired if Ms. Cabanilla was aware that two adjacent Neighborhood Boards had voted to support the proposed project. Ms. Cabanilla replied that she did not feel that the Neighborhood Boards represented the sentiments of her constituents and described why she took that position.

Dr. Dudley remarked that he agreed with Representative Cabanilla's comments about the Neighborhood Boards.

Mr. Seitz asked how long Representative Cabanilla had served in the Legislature and whether she had participated in bills and resolutions related to the protection of agriculture. Ms. Cabanilla replied that she had served approximately seven years and had been involved a number of times in supporting agriculture protection matters and that protecting agriculture had been a priority ; and that private ownership of the agricultural lands had made protection efforts difficult.

Commissioner Judge requested clarification of the boundary limits of District 42. Ms. Cabanilla used the posted Petition Area map to describe her district area.

There were no further questions for Representative Cabanilla.

#### 25. Adam Bensley

Mr. Bensley shared his opinion of why the proposed project was in the wrong

location for urban development and why the Petition Area better served agricultural needs.

There were no questions for Mr. Bensley.

26. Nathan Ortiz

Mr. Ortiz stated that he was an agricultural student at the University and expressed his reasons for opposing the proposed project.

There were no questions for Mr. Ortiz.

27. Anthony Arlbro

Mr. Arlbro related his experience with development of a Mediterranean resort area and likened it to the proposed project and described the similar negative effects of development that he recognized to be occurring locally. Mr. Arlbro shared that he was opposing the proposed project to protect the natural assets that Oahu needed to preserve and what his expectations of the Commission role were.

There were no questions for Mr. Arlbro.

28. State Representative Kymberly Pine

Representative Pine described her district of representation and stated that she supported the development process that had been followed and that she supported the proposed project.

Mr. Seitz asked if Representative Pine had been present during Representative Cabanilla's testimony. Discussion ensued before the response to the question began to clarify whether potential conflicts existed since State Representative Della Au-Bellati was affiliated with Mr. Seitz's law firm. Mr. Seitz stated that he was aware that a situation could develop in the Legislature involving the two Representatives but did not believe that a potential conflict would arise since Representative Della Au-Bellati was not working on this case.

Mr. Seitz commented that Representative Cabanilla's testimony had described situations in which the Legislature had acted on its concerns to preserve agricultural lands and asked whether Rep. Pine agreed with those actions. Rep. Pine acknowledged that she did and why, if the proposed project was located on land that was other than prime agricultural land, it would not be consistent with the development of a second urban center. Representative Pine stated that she had not

been present during earlier testimony on remaining available food crop acreage and described how she had been present during a State Legislative presentation on all available State agricultural lands.

Mr. Seitz requested clarification on Representative Pine's awareness of potential residents that might reside in the Petition Area. Rep. Pine provided her understanding of her constituents' housing needs and the type of residents that might occupy the proposed project upon its completion.

There were no other questions for Representative Pine.

Commissioner Teves excused himself at 12:45 p.m. and returned at 12:48 p.m.

29. Kahu Manu Mook

Kahu Mook described his personal interests in the Petition Area and expressed his reasons for opposing the proposed project.

There were no questions for Kahu Mook.

The Commission went into recess at 12:55 p.m. and reconvened at 1:58 p.m.

30. Juanita Mahienaena Kawamoto Brown

Ms. Brown stated that she represented the Environmental Caucus of the Democratic Party and described why her organization opposed the proposed project.

Commissioner Judge requested clarification on who Ms. Brown was representing; and what kind of organization the Environmental Caucus of the Democratic Party was. Ms. Brown replied that she represented the Environmental Caucus of the Party and described the origin, composition and mission of her group.

There were no other questions for Ms. Brown.

31. Vernon Ta`a

Mr. Ta`a provided his reasons for supporting the proposed project and shared how he raised crops on his house lot on DHHL property.

There were no other questions for Mr. Ta`a.

32. Pearl Johnson

Ms. Johnson stated that she was representing the League of Women Voters and described why her organization opposed the proposed Petition.

There were no questions for Ms. Johnson.

### 33. Kika Bukoski- Hawaii Building and Construction Trades Council

Mr. Bukoski provided his understanding of plantation soil accumulation since he was aware of the techniques used by plantations to handle their soils from work he had been involved with on renewable energy; and voiced his opinion why arguments against the development of the proposed project were not valid.

Dr. Dudley requested clarification on how the soils of the Ewa Plains evolved and how Mr. Bukoski perceived the phased development of the region. Mr. Bukoski responded that he had merely shared what knowledge he had about plantation soils and was aware that an approval of this Petition would complete the conversion of the remaining agricultural portion of the region to urban use.

Mr. Seitz requested clarification for the record on which "high paid" attorneys Mr. Bukoski was referring to in the early remarks of his testimony. Mr. Seitz stated for the record that he was a volunteer and was not being compensated for his efforts. Mr. Bukoski apologized for his remark.

There were no further questions for Mr. Bukoski and no further Public Witnesses.

## MAP ORIENTATION

LUC Staff Planner Derrickson provided the LUC with a map orientation. There were no questions.

## ADMISSION OF EXHIBITS

### Petitioner

Mr. Kudo stated that Petitioner's Exhibits 1-85 had been already been admitted in prior proceedings and offered new exhibits 86B-100B. Mr. Kudo added that there were also updates that had been added to the exhibits admitted to the record in prior proceedings which included Exhibits Nos. 6B, 7B, 11B, 12B, 13B, 14B, 26B, 31B, 31.1B, 43B, 74B, 79.1B, 81.1B, and 82.1B.

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There were no objections to the admission of these exhibits to the record.

DPP

Ms. Dawn Takeuchi-Apuna offered DPP's exhibits 1B-10B.

There were no objections to the admission of these exhibits to the record

OP

Mr. Yee withdrew OP's prior exhibits submitted in 2009 except for Exhibits 5, 6, 7, 20 and 25, and offered new Exhibits 1B-11B.

There were no objections to the admission of the new exhibits to the record

FOM

Dr. Dudley commented that he would like to have all his formerly submitted 2009 exhibits admitted to the record that were not struck and Exhibits 1B-34B.

Mr. Kudo commented that he had no objection to the exhibits that were already submitted and OP, DPP, The Sierra Club and Senator Hee also had no objections.

Acting Chair Chock questioned whether there were any objections to Exhibits 1B-34B. Mr. Kudo expressed his concerns and objections to several exhibits and argued why they should not be admitted.

DPP stated that they had no objections to FOM's exhibits.

Mr. Yee stated that OP had no objections but had not received Exhibit 34B and would have difficulty having it admitted into evidence without knowing what it was.

The Sierra Club and Senator Hee had no objection to FOM's exhibits.

Acting Chair Chock requested clarification on what Exhibit 34 B was. Dr. Dudley stated that Exhibit 34B was a photograph that failed to be copied and included in his submittal and added that more time was required by the Intervenors to compile and coordinate their exhibit and witness lists for more orderly presentations.

Mr. Yee clarified the conditions under which OP would accept Exhibit 34B into evidence and suggested that it be dealt with at a later time.

Acting Chair Chock noted Mr. Kudo's concerns and deferred accepting FOM's exhibits till a later time with the understanding that they needed to be timely with the LUC proceedings. All parties agreed to the deferral of FOM's exhibits.

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## THE SIERRA CLUB

The Sierra Club offered Exhibits 40B-52B, with the exclusion of 45B and described how the exhibit and witness lists of FOM and Senator Hee would jointly reflect all of their exhibits and witnesses, and that they wished to add the documents from the DOT and DOA that OP was seeking to withdraw.

Discussion ensued to clarify the methodology that the Intervenors would use to get their exhibits admitted. Mr. Kudo suggested that the admission of the witness and exhibit lists of the Intervenors be deferred to a later date to allow them time to coordinate and combine their materials. Acting Chair Chock asked if The Sierra Club was amenable to the deferral. Ms. Cerullo acknowledged that The Sierra Club was agreeable to the deferral.

There were no objections to the deferral of admitting exhibits by the Intervenors.

## SENATOR HEE

Mr. Seitz commented that he was concerned over OP's withdrawal of certain exhibits and would like to have them included in the proceedings. Mr. Seitz also stated that since Senator Hee had only one exhibit to offer, that he would like to have it admitted at this time.

Acting Chair Chock declared a recess in place at 2:45 p.m. and reconvened the meeting at 2:47 p.m. Commissioner Contrades moved to enter into Executive Session. Commissioner Judge seconded the motion. By a unanimous voice vote (7-0), the Commission elected to enter Executive Session and exited from the meeting room at 2:49 p.m. The Commission reconvened at 3:03 p.m.

Acting Chair Chock clarified how the Commission would handle the admission of the exhibits to the Parties and stated that with the exception of admitting Senator Hee's exhibit (Governor Ariyoshi's brochure), the Commission would defer the admission of intervenors' exhibits until the Intervenors' re-stated list of exhibits was ready. Acting Chair Chock further clarified that in regards to OP's exhibits, the

Commission had acted only on admitting OP's exhibits and would take the withdrawal of OP's exhibits under advisement.

Mr. Yee remarked that OP would not object if the Intervenors wanted to include any of OP's prior exhibits and clarified what OP's intentions were and why the exhibits were withdrawn.

DPP commented that it had withdrawn all previous exhibits and only had the exhibits that had been admitted at this hearing. Acting Chair Chock acknowledged OP and DPP's comments.

## PRESENTATIONS

### PETITIONER WITNESSES

Mr. Kudo updated the Commission on Petitioner's efforts and activities since they were last before the LUC and described how Petitioner had prepared for its presentation and added details to supplement its initial Petition.

1. Cameron Nekota

Mr. Nekota described Petitioner's efforts in other projects in the state and utilized a PowerPoint presentation to describe features of the proposed project, how it would follow a phased development plan and what expected benefits the region could realize if the Petition were granted.

Deputy Attorney General Erickson excused herself from the meeting at 3:12 p.m. and returned at 3:18 p.m.

## Questions

### DPP

Ms. Takeuchi-Apuna requested clarification on the cost for the "steward farm option" that Mr. Nekota described in his presentation. Mr. Nekota responded that he did not have a price and that this option was under study to determine its costs.

## OP

Mr. Yee requested clarification on the representations that Mr. Nekota had made in regards to discussions and correspondence with the State DOA regarding Petitioner's "Agriculture Sustainability Plan". Mr. Nekota replied that the contents of his presentation and the representations made by Petitioner were accurate but that he was not authorized to bind his company to them; and deferred further questions on binding Petitioner to Mike Jones. Mr. Yee also inquired about the status of Department of Education (DOE) agreements and the location of the schools. Mr. Nekota expressed his understanding of the current status of the DOE agreements and that the locations of the schools were subject to change.

Mr. Yee requested further clarification regarding the Petitioner's compliance with the proposed "Sustainability Plan" that had been submitted to the LUC and how mixed-use projects would be utilized in the proposed project; and what Petitioner meant by the term "planned to" in its representations. Mr. Nekota deferred answers to these questions to Mr. Jones.

Mr. Yee asked what type of assistance Petitioner was providing to relocate the current farmers in the Petition Area was. Mr. Nekota described the ongoing negotiation efforts between the farmers and Petitioner and commented that there were still no permanent agreements in place.

## FOM

Dr. Dudley requested clarification on properties and projects that D.R. Horton-Schuler had in Hawaii. Mr. Nekota described the ownership and construction activity on properties that Petitioner was involved with; and deferred questions regarding the status of Kailua development property to Mr. Jones.

Commissioner Teves excused himself from the meeting with the approval of Acting Chair Chock at 4:00 p.m.

Dr. Dudley requested clarification regarding Petitioner's involvement with providing future community services and infrastructure. Mr. Nekota responded with his understanding of what Petitioner would be responsible for as the developer of the Petition Area.

Dr. Dudley requested clarification on how the viability and location of agriculturally designated areas within the Petition Area had been determined. Mr. Nekota described the methodology and efforts that Petitioner had made to determine the suitability of various areas and what contingency plans were in place if the selected agricultural areas were not acceptable to State and county authorities.

Dr. Dudley requested clarification on how the number of jobs that were anticipated to be created and the total population expected to reside in the Petition Area could be reconciled. Dr. Dudley inquired why, since businesses were not being attracted to Downtown Kapolei, they would locate in the proposed project area. Mr. Nekota provided his perception of how jobs were being created in the area and how he anticipated future development would attract additional business.

Dr. Dudley requested clarification on how the calculation for job creation was derived. Mr. Nekota responded that he thought that Ms. Bouslog could better answer his question and shared his perception of what jobs would be involved in the proposed project's development. Acting Chair Chock noted that Mr. Nekota had deferred answering further details of the question to Ms. Bouslog and requested that further questions be directed towards her.

Dr. Dudley requested clarification on the affordable housing component of the proposed project. Mr. Nekota provided his understanding of what Petitioner's plans for affordable housing and market rate houses were. Dr. Dudley also inquired about "Federal Farmland Conversion Impact Rating" efforts for the Petition Area. Mr. Nekota responded that he was not aware of the document or any related activity to it.

#### SIERRA CLUB

Ms. Cerullo requested clarification on the size and scope of Petitioner's business ; how market prices for the proposed development were determined and whether there was an awareness that some of the State's best agricultural land would be lost. Mr. Nekota provided his understanding of Petitioner's business background and disputed the assertion regarding the use of agricultural land and remarked that Petitioner's witness Bruce Plasch could provide better information on this matter; and how the 159 acres that were selected and designated for agricultural use were being evaluated.

Acting Chair Chock asked what map was being referred to by Sierra Club in its questioning. It was clarified that it was Petitioner's Exhibit 89B, page 9.

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Commissioner Makua excused herself from the meeting with the approval of Acting Chair Chock at 4:07 p.m.

Ms. Cerullo requested clarification on traffic levels of service. Mr. Nekota deferred the question to Petitioner's Traffic Expert, Keith Niiya.

Ms. Cerullo asked a question regarding job creation numbers and the anticipated working population for the Petition Area. Discussion ensued to determine the number of jobs that would be necessary in the Petition Area to employ the anticipated number of residents in the future. Mr. Nekota responded with his understanding of how the number of jobs and the anticipated population for the Petition Area would develop in the future; and how transportation plans for the area facilitated the expected working population.

#### SENATOR HEE

Mr. Seitz asked if Mr. Nekota was aware of why Senator Hee was intervening and what concerns he had about the proposed project's impact on existing agriculture. Mr. Nekota responded that he was aware of Senator Hee's stance and provided his understanding of the agricultural productivity of the Petition Area and the lease arrangement and terms that tenant farmers had.

Mr. Seitz requested clarification on how supportive Petitioner was in helping to ensure the continued business survival of Aloun Farms. Mr. Nekota replied that he could not make a determination on whether or not Aloun Farms could survive as a business in the future. Discussion ensued to determine which witness could best address this line of questioning. Mr. Nekota continued to describe the efforts that Petitioner had made to address agricultural concerns and stated that he was unable to predict the viability of future farming since there were many factors that made doing so unpredictable.

Mr. Seitz requested clarification on Petitioner's efforts to support agriculture and provide information to the Commission about how farming could remain viable if the Petition were granted. Mr. Nekota shared his perception of what Petitioner had and would be doing for agriculture and what Dean Okimoto's relationship was to this matter.

Mr. Seitz inquired whether jobs or homes for the Petition Area would be first. Mr. Nekota described how he envisioned both homes and jobs would develop in the region.

Mr. Kudo expressed concerns with the manner in which the Intervenors were questioning the witness. Acting Chair Chock acknowledged Mr. Kudo's comment and recognized that Mr. Nekota's current answers were providing information that the Commission was interested in hearing; and allowed Mr. Nekota to finish answering the question.

There were no further questions for Mr. Nekota.

Acting Chair Chock stated that the meeting would continue with Petitioner's redirect on October 21, 2011 and adjourned the meeting at 4:40 p.m.