Meeting of the Planning Commission Minutes November 24, 1981

The Planning Commission held a meeting on Tuesday, November 24, 1981 at 1:40 p.m. in the Conference Room, City Hall Annex. Chairman William Pacheco presided.

PRESENT:

William Pacheco, Chairman
Leslie Hirahara, Vice Chairman
Martha Cairl
MaryAlice Evans
Randall Kamiya
Harriet Kane
Yukio Kitagawa
Shigeyuki Nakatani

DEPARTMENT REPRESENTATIVES: Gail Baron, Executive Secretary Steve Lim, Deputy Corporation Counsel Calvin Ching, Staff Planner

PUBLIC HEARING
ZONE CHANGE REQUEST
R-6 RESIDENTIAL AND B-2
COMMUNITY BUSINESS TO
B-1 NEIGHBORHOOD BUSINESS
DISTRICT
HALEIWA
LEE MARTIN, MASATO &
CURTIS MATSUURA
AGENT: LINCOLN J. ISHIDA
(FILE 81/Z-12 EY)

A public hearing was held to consider a request for a change in zoning from R-6 Residential and B-2 Community Business District to B-1 Neighborhood Business District for approximately 42,224+ sq. ft. of property located at 66-457 Kamehameha Highway (existing Haleiwa Theatre site), Tax Map Key: 6-6-17: 29 and 30.

Publication was made in The Honolulu Advertiser and Star Bulletin on Saturday, October 31, 1981.

Mr. Calvin Ching presented the Director's report recommending approval of the request. There were no questions of staff regarding the Director's report.

TESTIMONY IN SUPPORT

Attorney Lincoln Ishida representing the applicant, acknowledged receipt of the Director's report and agreed to the conditions therein. He stated: "There is one thing I would like to submit to the Commission which I should have submitted to DLU. Mr. Martin has the property under an agreement of sale. I was informed by DLU that to make the record perfect, I should have the consent of the fee owners. I have that and would submit that at this time."

TESTIMONY AGAINST

None

The public hearing was closed, on motion by Mr. Kamiya, seconded by Mr. Hirahara and carried.

ACTION:

The Commission suspended its rule for deferral and recommended approval of the request, on motion by Mr. Kamiya, seconded by Mrs. Kane and carried.

AYES:

CAIRL, EVANS, HIRAHARA, KAMIYA, KANE, KITAGAWA,

NAKATANI, PACHECO

NOES:

NONE

ABSENT: NONE

UNFINISHED BUSINESS STATE SPECIAL USE PERMIT (STOCKPILING OF CORAL DREDGED FROM BARBER'S POINT HARBOR) EWA JAMES CAMPBELL ESTATE

(FILE 81/SUP-6 EY)

10, 1981 were continued.

A transcript of the proceeding follows.

Public hearings held September 15 and 29, 1981, October 20, 1981, and November 3 and MR. CHAIRMAN: The meeting is now reconvened. At this time we'd like to take up some unfinished business.

Number two item, Ewa State Special Use Permit. Tax map keys 9-1-14, Portion of 2 and 9-1-15, Portion of 1. The applicant James Campbell Estate. The area is 170 acres plus or minus and of course existing land use is coral quarry operation and vacant lands. The request, the applicant requests the state special use permit to allow stockpiling of dredged coral from the Barbers Point deep draft harbor in Ewa.

At this time I'd like to call up both counsel, Diane and Alan. Diane, do you have anything further before we go on to, on with the cases:

COUNSEL KISHIMOTO: Yes, Mr. Chairman. Two matters that (Unintelligible). Last year you submitted an affidavit attached with a transcribed letter dictated over the telephone and I've got here with me the actual letters addressed to the Planning Commission. I wasn't sure how to label it, whether it should be Petitioner's exhibit or what so I just have them here, the original and a number of copies.

MR. CHAIRMAN: We'll accept that. Anything further.

COUNSEL KISHIMOTO: Yes, and the Commission expressed an interest in reviewing the written position of the District Engineer of the Armed Corps of Engineers in response to the various peer reviews of the archaeological report and so we have Mr. David Sox of the Corps here who will provide some background to that and we

will submit the District Engineer's written memorandum directly into evidence.

MR. CHAIRMAN: We'll accept that. Okay, Mr. Sox. Give us your name again and your position, Mr. Sox.

DAVID SOX: I'm David Sox. I'm a social and environmental specialist for the U.S. Army Corps of Engineers, Pacific Ocean Division.

COUNSEL KISHIMOTO: Mr. Sox, I have before you -- I have before you two documents labeled for identification, Petitioner's Exhibit 21 and 22. Are these two letters that were submitted in connection with your review of the archaeological report for stockpiling use?

MR. SOX: Yes, they are.

COUNSEL KISHIMOTO: If these letters are submitted to the Planning Commission will all of the peer reviews of the archaeological report have been submitted either by the Petitioner or by the oppostion?

MR. SOX: To my knowledge, yes. I can't speak for the opposition.

COUNSEL KISHIMOTO: Mr. Chairman, we offer into evidence Petitioner's Exhibits 21 and 22.

MR. CHAIRMAN: That's accepted by the Commission. Will you please mark them 21 and 22?

COUNSEL KISHIMOTO: Mr. Sox, I have before you Petitioner's exhibits or document labeled for identification Petitioner's

Exhibit 23. Is this the District Engineer's official position regarding the peer reviews of the archaeological report?

MR. SOX: Yes, it is.

COUNSEL KISHIMOTO: Mr. Chairman, I offer into evidence Petitioner's Exhibit No. 23.

MR. CHAIRMAN: Commission accepts it.

COUNSEL KISHIMOTO: I have no further questions.

MR. CHAIRMAN: No further questions. At this time we go over to Counsel Murakami.

COUNSEL MURAKAMI: Mr. Sox, I have just got this letter today --

MR. CHAIRMAN: I see.

COUNSEL MURAKAMI: -- so I apologize, I haven't really read it thoroughly. But as long as you have on Mr. Sox, it is the Corps of Engineers position at this point that despite the negative peer reviews of the various archaeologists' concern with the peer review that were submitted to the Corps, in addition to those submitted by Dr. Emery, that the Corps of Engineers will be doing nothing further to prevent any further potential harm to these sites on Barbers Point?

MR. SOX: Yes, that's what the District Engineers say, says that based on the procedures followed and on the view of the peer review comments by the Advisory Council of Historic Preservation no further studies are -- it is our considered opinion based on peer review letters and a few others, no further studies are necessary

to cover archaeological data.

However we are planning to, we have requested a contractor to provide additional paleontological data in the form of (Unintelligible) analysis and also the additional datings in the form of a radiocarbon dating of marine shell and bone materials.

And this was, these two items we were promised for a future delivery in the final report.

COUNSEL MURAKAMI: Did Col. Spraig consider the fact that the State Historic Preservation Office would not in fact approve the ARCH report itself?

MR. SOX: He made his decision based on whatever information we have received at the Corps of Engineers.

MR. MURAKAMI: Was it not a part of his consideration that they did not approve the report?

MR. SOX: He was aware at that time, I told him that.

But his decision stands. I've offered all of my tests, I've provided information based on questions asked by both you and Miss Kishimoto and this document stands by itself and represents the opinion of the District Engineer. I can't offer any additional information.

COUNSEL MURAKAMI: Could you clarify something for me?

Does this letter state then that the position of the Corps of

Engineers is that they are satisfied with your procedural protections
that were met by the various agencies?

MR. SOX: Yes, they were.

COUNSEL MURAKAMI: That does not necessarily say that they are satisfied with any of the substantive requirements?

MR. SOX: Yes, that does say that we -- we said on this page below, we mention here in Paragraph 4 that five or six of your letters are strongly critical and recommended various additional studies and that however the Advisory Council of Historic Preservation, the ACHP, which the Corps is required to cope with, did approve the final report on this basis. I, meaning Col. Spraig, believe that the reports did meet the recording requirements of the U.S. Department of Interior.

COUNSEL MURAKAMI: And just to be clear again --

MR. SOX: Meanwhile, we have accepted the final report as previously indicated.

COUNSEL MURAKAMI: Col. Spraig -- let me -- but Col. Spraig is not an archaeologist, is he?

MR. SOX: He's a District Engineer representing the U.S. Army Corps of Engineers.

COUNSEL MURAKAMI: So he has no expertise in archaeology?

MR. SOX: No.

COUNSEL MURAKAMI: And you testified earlier that you do not have expertise in archaeology:

MR. SOX: That's right.

COUNSEL MURAKAMI: Is there anybody else that has any expertise in archaeology on the engineering staff.

MR. SOX: Not in the Corps of Engineers, no.

COUNSEL MURAKAMI: And so the only basis upon which they approved this report was the approval, so-called approval by the Advisory Committee on Historic Preservation.

MR. SOX: The Advisory Council of Historic Preservation. The decision is based on more than archaeological concerns, but based on evidence of fact, too. But I again, I must say that the statement stands, states for itself and I cannot speak for the District Engineer.

COUNSEL MURAKAMI: Is there any particular reason why Col. Spraig is not here today?

MR. SOX: He was not requested to come. I don't know.

I can't speak -- I believe at the previous meeting we stated that
we would prepare and submit a written document representing the
opinion of the District Engineer and it's the document that you
have before you.

MR. CHAIRMAN: I think that suffices. It's not necessary to have the presence of the gentleman if he's unable to make it,

COUNSEL MURAKAMI: Oh, I only asked the question because apparently Mr. Sox cannot testify as to the basis for Col. Spraig's opinion.

MR. CHAIRMAN: Well, I think they're written. He submitted a written report on that.

COUNSEL MURAKAMI: Well I can believe no reason other than reliance on the Advisory Council on Historic Preservation.

So I'm just questioning Mr. Sox about whether or not he has any further information that may not appear on this letter.

MR. CHAIRMAN: Well, I think had he had that information that you're seeking at this point, I think he would have written it down; wouldn't you think so?

COUNSEL MURAKAMI: I don't know. That's, I'm speculating.

MR. CHAIRMAN: I think that counsel at this time will have to accept that written -- you're out of order -- you're out of order. Counsel, we'll have to accept that written recommendation by Spraig.

COUNSEL MURAKAMI: Okay, fine.

MR. CHAIRMAN: Proceed.

COUNSEL MURAKAMI: Have you discussed this letter with Col. Spraig?

MR. SOX: Prior to -- prior, yes, I have discussed it prior to (Unintelligible). It does represent him and he signed it, represents the, all of it was concurred with all my supervisors and the Chief of the Environmental Section, Chief of the Planning Branch and our lawyers, Chief Engineering Division as well as, in addition to District Engineering.

COUNSEL MURAKAMI: Is it -- I'm a little confused here.

Second sentence, Paragraph 5 states, "I have considered the opinions expressed in the peer review letters and feel that no further studies are necessary to recover or interpret archaeological or paleontological data." Okay, this is based solely on his discussion

with the staff through persons like you?

MR. SOX: He actually read the peer review letters. These are based on his own interpretation.

COUNSEL MURAKAMI: And you're the -- you are the only one that provided any input as to the archaeological value of significance of these particular studies? Is that not true?

MR. SOX: No, as I say we relied on the Advisory Council of Historic Preservation --

COUNSEL MURAKAMI: Well, I mean on the staff, on the staff.

MR. SOX: ... (Unintelligible) we asked, but again all of my, any statement I have made is concurred with my supervisors. And in particular this document does represent the opinion of the District Engineer.

COUNSEL MURAKAMI: All right. Thank you. That's all I have for this witness.

MR. CHAIRMAN: Okay. Thank you, Mr. Sox, for testifying today.

Diane, do you have a rebuttal before we let him go? COUNSEL KISHIMOTO: No.

MR. CHAIRMAN: Okay. Thank you, Mr. Sox.

Alan, you have other witnesses?

COUNSEL MURAKAMI: Yes, Mr. Chairman, at this time I believe that the decision of the Commission was to hold continued public hearing on this matter for today and there was some concern

expressed by the Commissioners that there have been previous opportunities for people to appear; as you recall I made a motion to move the hearing to Waianae in order to encourage as much public participation in this process but the Commission decided not to hold such hearings and instead scheduled the hearings for today. There are a number of people who are ready to testify today and I believe that it's, at this point I'd like to turn over the podium or microphone to them in order for them to make their views known about the lack of hearings in Waianae as well as the nature of the scope of these proceedings up to this point.

MR. CHAIRMAN: Okay. Could we have Eric Enos who's testifying against --

COUNSEL STEVE LIM: Excuse me --

MR. CHAIRMAN: Mr. Enos, come up please, have a seat.

COUNSEL LIM: Before we start I didn't get that last statement as to what they're going to testify to.

MR. CHAIRMAN: Counsel Murakami, they're testifying on behalf of the anti-group of the, on this subject; is that correct? They're against the request but --

COUNSEL MURAKAMI: I believe they'll speak for themselves as to what they are testifying to.

MR. CHAIRMAN: All right.

COUNSEL LIM: I was just, wanted to clear up what they were going to speak on. If the subject that they're going to speak on is why we should go out to Waianae to hold public hearings, the

decision has already been made by the Commission. We would like to hear however about the concerns about the special use permit area in question.

A VOICE: Can't hear you back here.

COUNSEL MURAKAMI: Well, I'll let the speakers speak for themselves but I believe that this is a public hearing and this kind of testimony is relevant.

MR. CHAIRMAN: That's right, Counsel. Mr. Enos, give us your name and your position in this case, please.

STATEMENT OF ERIC ENOS

Aloha, my name is Eric Enos. I'm from Waianae. Lifetime resident of Waianae. I'm representing a variety of community groups.

The reason we're here today is_because we are concerned that we feel that Waianae residents, most of you people here are from Waianae, that we really have not been informed totally about the real impact of this harbor. There is new and additional information that is coming out from the Bishop Museum (Unintelligible) and we have various organizations who came to you folks to say that we need this hearing moved to Waianae, we need it moved to Waianae because this project impacts directly upon Waianae. And it is the process of the democratic system that the people get involved. It's one of the great (Unintelligible) of our constitution, that our people understand the issues. We've taken a poll of the community and find out very little people know or even have heard of the deep draft harbor. And we would like to request, we don't

have to testify, we'd like to testify and we'd like to move this hearing to Waianae. This is the testimony that I would like to include today.

MR. CHAIRMAN: Mr. Enos, you say that your people out there are uninformed. You as a group leader of many, many different community associations, haven't you passed the word on to them? We've been going on this thing since September 15th.

It's been publicized in the newspapers. Haven't they been informed through your organization and you as a leader, have you passed the word on to them?

MR. ENOS: There's a lot of implication in this thing. We haven't even begun to scratch the surface, and I am not an expert on the issue. What we're saying is we have professional expert testimony, some additional information and the best place to have it is in the community where it's impacting. There's new information.

MR. CHAIRMAN: Mr. Enos, I'd like to inform you that we took two votes as to whether we wanted to hold this out in Waianae and both times it was negative for Waianae. We're staying in Honolulu. We took two votes on that.

MR. ENOS: We're asking you folks to consider the wishes of the Waianae people. We've got, I don't know -- How many people are in favor of moving this hearing to Waianae so we can get it, how many of you are in favor?

(Response from audience.)

MR. CHAIRMAN: I'm sorry, I'm sorry. We're not going to take any action on that today. Let's have order here. Let's have order.

GEORGETTE MEYERS: We do have the right --

MR. CHAIRMAN: Try to restrain yourself from any outburst, please.

MS. MEYERS: We do have the right --

MR. CHAIRMAN: You're out of order. Now, you're out of order. You had your turn -- you had a turn to -- you will sit there --

MS. MEYERS: You are out of order, okay. This law says that public participation --

MR. CHAIRMAN: We'll have a recess.

MS. MEYERS: No, you're not going to leave us --

MR. CHAIRMAN: Let's have a recess.

(Outburst from audience.)

MR. CHAIRMAN: Let our counsel say a few words.

COUNSEL LIM: I don't know if you can hear outside there but, Georgette, I understand your feelings, I know you want to be heard. I know your feelings but what we're trying to do is we're trying to run a orderly public hearing, yeah?

MS. MEYERS: So are we, we're not getting heard.

COUNSEL LIM: Mr. Pacheco is trying to run a orderly public hearing. We have to do it one by one like Mr. Enos is doing right now. You can have your chance afterwards, so if you could

please hold on until Eric is pau.

MR. CHAIRMAN: Mr. Enos, are you through, Mr. Enos?

MR. ENOS: Yes, I'm through. I would like to bring up one of the people to talk about this.

MR. CHAIRMAN: We got, we got other people here to talk. Frenchy Desoto and some others.

MR. ENOS: Thank you.

MR. CHAIRMAN: All right. Let's do it orderly. We'll get all the facts in. If you can't get the facts to us we can't consider the problem. We've got to know what you're thinking. We've got to know both sides so that we can make a determination how the decision will come up, but if you jump up in the room like that we're confused -- you confuse us. And you don't want to confuse us. You want to have us a striaght line right down the aisle and see what both sides are saying. Isn't that true? So all the yelling ain't going to help us 'cause we don't know where we're going to go. We can't decide; we can't make up our minds.

All right. Desoto, is Frenchy here? Come up, please.

STATEMENT OF FRENCHY DESOTO

Mr. Chairman, members of this Commission, my name is Frenchy Desoto. I am the Chairperson for the Office of Hawaiian Affairs.

I come before you this afternoon because there seems to be a great need in our community and that need is to communicate to you, this Commission, what their manao is. And what Eric has

said about, it isn't Eric's responsibility to inform the community. But those people who have that -- he has been talking with he informs as best he knows how. You know and I know that the layers of bureaucracy are such that spot information is given to any one community. That in a community such as ours that is destitute, quote unquote, impoverished, quote unquote, that even those kinds of resources of information are very minimal to the extent that you receive firsthand the hostility for all government bureaucracies. And I know that this may be boring a couple of you, but I beg you to reconsider your actions. It cost us big money to come up here. All of you are getting mileage I assume, as I get for going on my city business. ...

Well, anyway, I think that I come before you to plead that meeting in Waianae where the people there can come when they have time to follow the facts. We cannot buck big businesses, you know that, I know that. I'm not testifying for or against the boat harbor. Only to come before you and beg you all to reach into your hearts. You young bureaucrats as well as us old bureaucrats to look into your hearts, to allow for the free flow of true and meaningful citizen participation. Only then can you walk away from this project or with this project knowing full well in your naau that you have done the best that you can to satisfy the most needs.

I ask you to please give serious thought to this request by our young people and by myself as a Waianae resident to please have a hearing in Waianae in the evening where we can come. We

guarantee you safe journey in and safe journey out.

(Applause.)

I'm very serious. I ask you to search your souls and your hearts to afford this for us in Waianae. You know a lot of people say you Hawaiians in Waianae are apathetic except that when we try to bring the manao then we become radical. We're not apathetic if we're strumming ukuleles down in Waikiki and singing for the tourist industry. Then we're good little Hawaiians. So you know there is a lot of frustration.

I don't need to tell you, Randy knows, you know. And
I ask you to please consider it's not, it's not a love affair.
I will guarantee you if I am there we would encourage the opiopio
to use that very tool that they have always from their kupuna time,
that spirit of aloha. I beg you to consider moving the meeting
to Waianae.

Mahalo, mahalo a nui loa. If you have any questions, I'd be glad to answer them.

MR. CHAIRMAN: You should have any questions for Mrs. Desoto? Thank you very much.

MRS. DESOTO: Mahalo.

(Applause.)

MR. CHAIRMAN: The next speaker I'm going to kind of maybe fumble it. It's written here, it's pretty hard.

Daniel Hanakahi. Come on up, Danny.

Give us your name and your position in your community.

STATEMENT OF DANIEL HANAKAHI

Kupuna, I come here and I'm very old. I am Daniel Hanakahi and I am a senior citizen, senior citizen of the (Unintelligible).

I am one of the kupunas where our people up in that area look for cultural fragments (Unintelligible). We felt, our people in our area mo betta come here to help our people to ask you Commissioners in your heart to please take this meeting out at Waianae and ask ana hui, ana hui is people. And then -- ask for people to people. And out there you can express manao and they can express their manao. (Inaudible) As it is, our people out there, they know what is giong on. They're not against what is going to go on out there but there are some things that have to be brought out ... (Unintelligible) ... And that is one thing I need, is to ask you all, Commissioners on this Planning Commission, to reach in your hearts, search in your hearts as human being to please take the meeting out to those people and take this hearing, go with it properly. And I think there are, I think the presence may come to everyone. That is the only thing I'm thinking of ... (Unintelligible) ... See my Hawaiian name is ... (Unintelligible)

So I come before you to ask you at least open your hearts and take this meeting out ... (Inaudible) ... Mahalo a nui loa.

MR. CHAIRMAN: Aloha, Mr. Hanakahi.

(Applause.)

MR. CHAIRMAN: Forgive me if I don't pronounce this right.

I got a hard time reading it. It's Aki Sinoto. Is that a name pretty close? Because of the writing it's --

MR. ENOS: He's on his way down.

MR. CHAIRMAN: Walter Kitte -- Ritte. Walter, come on in.

Have a seat, Mr. Ritte. Give us your full name for the record and your position on the case.

STATEMENT OF WALTER RITTE

Walter Ritte. I'm speaking today as Chairman of the Culture Committee from the Office of Hawaiian Affairs.

My concern here this morning is archaeological sites.

And archaeological sites as it could be in this project. If we talked about archaeological sites of ten years ago or five years ago, the kind of treatment that this site is having now would pass without any kinds of comments. But because of the great interest now in the Hawaiian community for our sites because these sites represent ways in which we are looking for our past and our culture.

If you go into our libraries today, you will find history written about the Hawaiians by non-Hawaiians. Not only are they written about Hawaiians by non-Hawaiians but they are few in number. If you want to find out the history of Western culture you'll have libraries full of information. What I'm trying to get at is the importance we are now feeling for our sites and the importance of these sites for us Hawaiians. And the importance of our kupuna

to us as Hawaiians. All of these things are now becoming extremely important because we now have a vehicle in which we as Hawaiians can express our manao at a much higher level and I'm talking about the Office of Hawaiian Affairs. Our Culture Committee has become very interested in archaeological sites especially because of some of the things that we have found out that are happening in the field.

If you graduate from the University of Hawaii, there's no special board that you have to go through, there's no special entity that you have to go through in order to become certified and to work in this state.

You can come right out of school and go right into the field and you get out into the field, there are no set standards, the state has no set standards by which archaeologist follows.

Each archaeological team can do what they please as far as how they're going to treat the site.

If you have complaints in the community, there is no set organizations to which you can take your complaints. I know this firsthand because I had to go through all of that as Chairman of the Culture Committee and found out that there is nothing there. Because some of the recent things that have happened in the archaeological field their main recommendation is to DLNR to come up with state standards and they have implemented this idea and they are trying to set it up.

Now from what I've heard today and I'm not really briefed

as to exactly what the findings were with ARCH versus what the findings are coming out of the Bishop Museum. But I've heard that there are new findings. Because of the importance of our sites to us as Hawaiians today, we are asked to give our sites away for tourism, we're asked to give our sites away for housing; now we're being asked to give our sites away in order to stockpile things.

I feel right now, after talking with Eric and finding out some of the information, that I do support your position, but I think there should be a hold on this archaeological site paper that came through ARCH.

I think we should hear out what the Bishop Museum has to offer, 'cause once we destroy the sites, that's it, it's gone, And I do support that position and I do support the position that the community is saying today and that position is that this hearing should be held in Waianae. We have the same problems on Molokai. We always want to be participants in the growing process and the planning process and we're always being left out and they only come to us when everything is planned and ready to go and we're faced with confrontations. And there's two things we can do. We can fight for what we think is right or we can just lie down and let people step all over us. But I think the point being, people do want to participate in the planning process and that's the point that was being made here today and it's very difficult to be involved when you live out in Waianae or you live out in Molokai and the planners who are few in number and the people are

large in number can't get together for one reason or another.

So I'm here to urge you to reconsider and to go out to Waianae for the hearing.

Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Ritte. Is there any questions by the Commission. Randy -- just a moment, Walter.

COMMISSIONER KAMIYA: We've heard a lot of testimony about archaeological sites at Barbers Point. At what point could we satisfy you that it would make this available for the stockpile?

MR. RITTE: If you're talking to me personally --

COMMISSIONER KAMIYA: Well, you mentioned earlier that you should wait for the Bishop Museum reports. Besides that, do we have anything to go on that could satisfy?

MR. RITTE: If you're talking to me as a Culture Committee Chairman of the Office of Hawaiian Affairs who represents the Hawaiian community, we needed not get involved in this. We have not been consulted, no reports have been sent to us, we've been ignored. So for me to give you an answer as to the very specifics of this problem, I cannot, because we have been ignored in all of this.

MR. CHAIRMAN: In other words it would have to come from people in the area; that answer would have to come from --

MR. RITTE: People in the area and also in -- of the Office of Hawaiian Affairs to be involved in this whole process. We are talking about the culture of the Hawaiian people and we

are extremely interested in that.

MR. CHAIRMAN: Okay. Any other questions?

COMMISSIONER HIRAHARA: Why didn't Mr. Murakami comment?

MR. RITTE: You'll have to ask Mr. Murakami that. I don't know.

COUNSEL MURAKAMI: I'm not planning to say what I said or didn't say at this point.

MR. CHAIRMAN: Okay.

COMMISSIONER CAIRL: Mr. Ritte, one of the other -- one of the archaeologists that was, wrote on an adverse report to the ARCH report that ... that there was about -- he would estimate six weeks more of archaeological research to be done before the area could be, you know, really thoroughly looked at plus what, what's done before and material taken out to be preserved so that enough would be removed from the site to really preserve all the things that you want preserved and then that the site would be, he felt, a suitable spot to dump coral on. Do you agree with that?

MR. RITTE: At this point I believe that the people of the Bishop Museum throughout the years have been sort of the people that we go to when we have archaeological site problems or we have artifacts that we find and in this particular case they have become, I guess, the lone descentor and made recommendations as to what they feel would be proper and acceptable and I would have to put myself in to position to agree with them and say --

because I don't know all of the details, but knowing their background I would have to go along with them because that's the last people that are experts in this area.

Now, there's another point that comes out of all of this and this, there's this new kind of archaeology called contract, contractual archaeology in which the developer now comes along and he pays the archaeological firm to do a study on his land.

So the question arises who, who are you working for?

Where is your loyalties? These questions come up automatically

because of the high costs now for archaeological work. We're talking

hundred thousand dollars, you know, we're not talking ten -- excuse

me -- \$10,000 anymore. That's another point that is coming up.

And because we have no standards, there's a lot of question. So if there are qualified people that have concerns, what is six weeks? Six weeks versus forever gone -- six months. I don't know --

COMMISSIONER CAIRL: You do know that the, that the Archaeological Research Center of Hawaii that did the report that most of the archaeologists who did peer reviews of that report said that the report was not adequate so Bishop Museum is not, in fact, the only one that could be considered to be, quote unquote, on your side. It was one of those archaeologists who made that point that there would be six weeks more of digging. I guess what my basic question was, if the archaeologists could come up, is it the site, per se, or the material that's on it. You know, if we

can remove the material that's on it so that it can be held, that it can be studied, that it can be evaluated by the archaeologists and the Hawaiian people then would you still have an objection to dumping on the site if all those archaeological remains, the paleontology, you know, all those things were removed?

MR. RITTE: At this point, like I said earlier, they did not have a chance to, you know, nobody consulted us or anything like that. If we were to make a -- take a position like that, it would be an injustice because I just haven't had an opportunity to go through the report. In fact, I didn't -- I have never had an opportunity to see the site myself. It happened in many of scraps on Molokai concerning archaeological sites but the main message is these sites are very, very few in number. They're all being destroyed every day and because the numbers are going down they're becoming even more and more valuable.

And ten years ago we could have gotten many things that, than we have here today.

MR. CHAIRMAN: Thank you, Walter, for appearing today.

I would like to call up --

(Applause.)

MR. CHAIRMAN: Is this Barbosa. I'm trying to read the writing, Mr. Barbosa. Ron Barbosa, please come up.

Ronnie, give us your name and your position on this case.

STATEMENT OF RON BARBOSA

Aloha, my name is Ron Barbosa and I'm an archaeologist for the Bishop Museum and I came to answer some of your questions.

COMMISSIONER CAIRL: Barbosa.

MR. BARBOSA: Some of your questions that you seem quite negative on in the sense that you don't have the relevance of knowing what this whole situation will bring about which is -- your answer Mr. --

MR. CHAIRMAN: Pacheco. Who?

MR. BARBOSA: -- to their significant relevance is historical preservation that you will, you know, totally destroy, which is a situation where our settlement of pattern was to manipulate a cultural in a sense that we can live together and our archaeological findings is that it's a way of life. Where -- if you destroy this, you know, it's a,it's a lost preservation that you have destroyed when nationally historic preservation is an upswing. And we all as local people feel the same way but we have other disruptions -- interruptions, you know, and like you, like you said to Walter, you're not sure, you know. If you moved the material away like you said, if you move the material away then what significance will it have? Could we do it? No, you couldn't. You'd be destroying the whole value of culture that we try and preserve.

I mean they send me to college to be archaeologist to come and find out about my culture and I'm coming back and finding

out that they're destroying it, something that we can be proud of.

And that's where I feel that I should make my presence here today.

That we should preserve the culture that we had with this evidence that we have found.

I wish your questions would come to me in that sense, too.

MR. CHAIRMAN: If you were to excavate that further, that property, I think we're talking about Lot No. 3 now.

MR. BARBOSA: Yes, I understand Lot No. 3.

MR. CHAIRMAN: Would you be able to discover further other --

MR. BARBOSA: Yes.

MR. CHAIRMAN: How long would it take you to do that, Ron?

MR. BARBOSA: I think it would take as far as research maybe another two months to really get the determining factor.

But the written report, you know, it should be longer because of the quantity, the correlation of information that you would have.

You would have so much things to document, you wouldn't have even time to lay any material on it because you would just destroy all of the evidence that we --

MR. CHAIRMAN: I see. So after say, say about a month you picked up a lot of various things that you could document and you continued for another month and you found out you're picking up the same things, that wouldn't --

MR. BARBOSA: Anything you pick up is relevant to

historical preservation.

MR. CHAIRMAN: But I mean if it's the same bird bones or human bones or whatever, if it's the same thing as you analyze it that came out to be the same thing, would that, would that cause you to say well let's forget about it, we got that already --

MR. BARBOSA: No, that would never cause me because the land itself, sir, you are interrupting an agriculture area that we can utilize. In a sense that that's not relative to the area, a harbor is not relative to the area. Agriculture can be perpetuated there. And so if we look and share our manao in that sense, well, we can produce the land instead of destroy it.

I think laying any material on that property is just -- it's not where we're coming from in other words.

MR. CHAIRMAN: In other words, you're --

MR. BARBOSA: Archaeologists from Bishop Museum and the Hawaiian people as Hawaiians, they're not coming from that situation. Okay.

MR. CHAIRMAN: Any questions from the Commissioners? Thank you, Ron. Thank you for appearing today.

(Applause.)

MR. CHAIRMAN: Germaine -- I have a -- I can't read this, so please forgive me if I pronounce it wrong. Maybe I just have Germaine give us her name up here. Take the seat, please.

STATEMENT OF GERMAINE KUDIKOA (Phonetic)

Mr. Chairman and Commissioners, my name is Germaine I'm the Civic Affairs Chairman for Waianae Valley Homestead. We are among the newest of communities in the Waianae Coast and as we organized our preamble it stood for betterment of our people. And our people includes Hawaiians and others since we are of such a mixture. We have brought before our organization people in education, law enforcement, Hawaiian homes, people from the state and there are any issues that were of importance to the Hawaiian community. We have read about a deep draft Harbor. have heard of the many controversies involved and I am before you today to ask that the Commissioners consider coming to Waianae to extend your services beyond Honolulu Hale to our people on the coast so we may better understand what it is about. So that our citizens will be able to participate whether it is just on the hearing purposes. A lot of our families are working people. They can't afford to give up the time they need to become involved and this is where we stand. We like to participate, we do participate in the different levels of government. We'd like to also become effective in the planning of our community. So we'd appreciate your kind consideration to come to Waianae to allow us to learn of what is going on and how our future will be affected, that we should have a say in what goes on in our neighboring communities.

(Applause.)

MR. CHAIRMAN: Again, I might foul up on reading -- the

next name, is it Lynn or Wayne? Wayne Gagne. Please come up Mr. Gagne.

STATEMENT OF WAYNE GAGNE

Mr. Chairman, I am Wayne Gagne. I am the State Board
Chairman of the Conservation Council for Hawaii which is the state
affiliate of the National Wildlife Federation which with four and
a half million members it's the largest conservation oriented
organization in the world.

Our organization prefers to present what we feel are the sustenant aspects of our testimony on the location in Waianae which is more conducive to the attendance of those people which would be most immediately and directly and long-term impacted by this project.

Thank you very much.

(Applause.)

MR. CHAIRMAN: Thank you, Mr. Gagne. At this time I'd like to call up Mike Kahikina, or Mickey, Mike. Come right up and have a seat. Give us your name and your position.

STATEMENT OF MIKE KAHIKINA

My name is Mike Kahikina. I'm a lifetime resident of Nanakuli, Maui, Waianae. I'm one of the few Hawaiians that are trying to be an independent farmer, that we still cannot get help from either state or city levels, yeah.

I'm here to testify that I also concur with the previous statement that I'd like to have this, this community hearing out

in Waianae.

We've been focusing only on the archaeological aspect or impact of this, of this project and I'd like to get our community more informed on the other areas such as educational, such as housing, such as jobs and I'm pretty sure you folks are aware of that, too.

As you can see our people are emotional, yeah. We're getting frustrated to the point where, you guys know, we lick our own old ladies, we lick each other. We go down, we rip off the haoles, we lick them. But it's going to come to a point where who else we going to lick. We tired of licking each other already. And this thing is impacting us not only in archaeological sense but in a sense of just surviving, yeah.

And all those places is where I pick up my crab and my limu when I get luau, and I no more money for buy from outside island.

And again I want this public hearing out in Waianae.

(Applause.)

MR. CHAIRMAN: Mike, do you appreciate new businesses going out in your area, you know, for jobs for people? Do you appreciate having that out in your area?

MR. KAHIKINA: Jobs that is relevant to what we want, yes --

MR. CHAIRMAN: Like what, like what?

MR. KAHIKINA: We've been doing agriculture, we've been doing aqua culture, we haven't had any help from you folks. We are --

(Applause.)

We don't need the help, where the help -- you talk about this dreding, the mineral rights belong to us as native Hawaiians.

(Applause.)

There's many more things that we got to talk about and we got to inform our community. How long do you take to study something that happened thousands of years? Archaeological, two months, two weeks, that took a lifetime to build and in one 24 hours destroyed and the more you destroy that the more you destroying the young Hawaiian roots. Tree no can grow without roots. We need our roots, we frustrated. We don't want to be fighting each other anymore. So we want to educate each other, we want to get involved with planning our future. We going to be here for mighty long many more years. We want to get involved.

I'm not going to say sorry from how the way we act, we forced to act like that. Come live with us and try see some of the -- like higher taxes my mom has to pay, yeah. Both mom and dad have to go work, yeah. Come live like us. But yet it's a beautiful place and I love it and I'm tired of seeing desecration.

(Applause.)

MR. CHAIRMAN: Angel, is this Angel Kilago (phonetic)?

Is he here, please come up,

Give us your name and your position.

STATEMENT OF ANGEL KILAGO (Phonetic)

My name is Angel Kilago and I'm a resident of Waianae.

I find it really funny you guys get plenty microphones over here
and the people get ... (Inaudible) ... and the guy behind tell you,
"Hey, I cannot hear." That's kind of strange.

But I not going to talk about the issues and stuff but personally I'm against the harbor (Inaudible) but I get really upset not only because the speakers before me, but -- because this seem like a scam, you know.

MR. CHAIRMAN: A what?

MR. KILAGO: A scam. We got to come in, you know, we got to work too but we got to come in and accommodate you guys, 1:30 like that. We got to work too, you know. Hard for us, we got to bring -- for every one of you over here, you guys got five, six, seven people, you know, got to come here. Why you guys don't go down?

(Applause.)

We got people on the floor, people outside, you guys can't even accommodate this size here and that piss me off.

(Applause.)

Public hearing, what kind of public hearing? You guys come in, this is Mickey Mouse 'cause they hold it in a small room here. Hard time even you guys scrunch around this small time work and we got to come here. You know, public hearing. This is really --

MR. CHAIRMAN: Mr. Kilago, you know, most of us just got appointed recently. This building was here before we came. We can't build another building. Whatever facilities we have, they're here.

MR. KILAGO: That's what I say, you guys suppose to be servants of the public. Why you guys not go out to the impacting communities? In this case, go out to Waianae, talk to the people there.

(Applause.)

We got auditorium, we can set up speakers. If your microphone all screwed up we got microphones.

You guys got to really reassess your priorities. I mean, you know. You guys got to schedule, schedules that fit the impacting community, in this case us here. It's a -- if you're going to discuss Waianae or the deep draft harbor and its impact on the Waianae community, then have it out in Waianae with the Waianae public. You know, we got to come here, chee -- we got maybe 50, 60, 70 people over here. Go down there, we'll count 'em three-four hundred.

And they're going to say the same thing to you. You guys scared. You guys no like come down. Microphones, count how many microphones you guys got no work. This is shame. You guys got to get some chairs too -- go up and down the hall. You guys, you guys take picture of all this group. Look at all the people standing. My goodness.

MR. CHAIRMAN: Okay, Angel, thank you for appearing today.

(Applause.)

MR. CHAIRMAN: We got Kaheo Akao. Kaheo, is that right?

RAY CATANIA: I going to speak for Kaheo 'cause he can't speak right now. I'm with the same group he is Na Opio Aloha Aina.

STATEMENT OF RAY CATANIA

I not going to talk too long except to say that we support the demand that everybody else does here, you know, saying that we should have the hearing --

MR. CHAIRMAN: Excuse me. Before you go, give us your name, could you?

MR. CATANIA: My name is Ray Catania.

MR. CHAIRMAN: Ray Catania.

MR. CATANIA: C-a-t-a-n-i-a.

We support the demand that everybody been putting out this afternoon that we should have the hearing out in Waianae. See, this past week us guys done pass out over 5,000 leaflets in our community about this hearing and everybody that we talked to support the demand that we should have 'em out there. You know, so I think you guys been listening to a lot of testimony already. Maybe you can give us an answer right now since we all here if we going to have 'em in our community --

(Applause.)

MR. CHAIRMAN: Thank you, Ray. The next speaker is

Mabel Decambra.

MR. CATANIA: You going to give us an answer or what because we been talking long time, you know.

MR. CHAIRMAN: Who's Mabel Decambra? Come on up, please. Give us your name, Mabel, and your position.

STATEMENT OF MABEL DECAMBRA

My name is Mabel Decambra, lifetime resident of Waianae.

I am presently working with the Maryknoll Sisters and the American
Friend Service Committee in Waianae doing Waianae projects.

I'd like to express, I believe from what I've heard, we are extending the hospitality for you to join us in Waianae. We welcome you, we will provide you with a place and all that's necessary. We would like for you to participate in letting us enter into the process of self-education. We would like to very much understand what you are involved in, but we have a high rate illiteracy on the coast. I work twice a week, couple hours a night tutoring nonadult readers and I think it would be a beautiful form to have you come up there and allow people to join in the process by being present to hear in spite of the fact that they have a difficult time reading the literature, the data, the statistics and the information.

With that consideration, I ask the Commission to take a second reflection on your vote, consider our potential in participating in government, and join us. We extend the invitation to you.

MR. CHAIRMAN: Thank you very much.

(Applause.)

MR. CHAIRMAN: Harriet, did you want to ask her a question?
No. Okay.

COMMISSIONER KANE: May I ask you a question?

MR. CHAIRMAN: Yes.

COMMISSIONER KANE: Would you entertain a motion,

Mr. Chairman?

MR. CHAIRMAN: Who else is going to speak? Diane, you all through? How about Alan?

COUNSEL MURAKAMI: We're missing one major witness.

MR. CHAIRMAN: Is that Mr. Aki that we're missing.

COUNSEL MURAKAMI: I think somebody else wants to speak.

MR. CHAIRMAN: I'll tell you what we'll do. Commission will take a recess and maybe he'll be coming in --

COUNSEL MURAKAMI: But maybe --

MR. CHAIRMAN: Is he out there?

COUNSEL MURAKAMI: Can you take one more?

MR. CHAIRMAN: What?

COUNSEL MURAKAMI: Can somebody else --

MR. CHAIRMAN: Yeah, all right, sure. What's his name?

STATEMENT OF POIPUNA PREJEAN (Phonetic)

Good afternoon. My name is Poipuna Prejean. I'm with an organization called United Hawaiian Aloha and I too would like to support the unanimous choice of the people to have this meeting

conducted in Waianae.

I again think this council should look behind you and see on the ledger that you have there that no land is set aside for native Hawaiian use, and yet all of this council here are not native people that have no sentiment, no sensitivity to the call of the indigenous people to stop screwing up historic sites that are sacred and important to our culture and to our person and to our spirit. Congress who has gone broke and government who continues to go broke and the Army Corps of Engineers who will be responsible for damaging much of the equal system in these Hawaiian Islands and also throughout the lands claimed by the United States which actually was built by indigenous people's land.

So I'd like to see again this council be a little more courageous, I'd like to see the guy on the corner over there don't fall asleep, and remember that we are here to insure that the future of Hawaii isn't sold three or four times like they already did with the spoils that are being dredged or proposed to be dredged by the Campbell Estate. We question in terms of their legitimacy to the ownership of all of these minerals that they claim.

Again, the failure to carry out the intent of another compact that created the State of Hawaii in Section 5(a) of the Admission Act is something that continues to be a bridge even by this council and their ignorance to the fact that the native Hawaiian is crying for justice with dignity so we don't have to come here and kiss your ass to have you protect our rights that is

ours by birth and not give for charity. So we know that we're not going to let you destroy what our civilization gave to us and belongs to our future regardless if you get angry or not.

So we hope you will again not close the door and go and hide in the closet and decide to ignore the call of the people to come out there and give them a reason why you going to allow the destruction of their neighborhood for somebody else's selfish interests.

Thank you.

(Applause.)

MR. CHAIRMAN: Thank you, Poipu. We got three more speakers. I think that Aki hasn't come yet. Right now we're going to take a short recess. We'll be back in 15 minutes.

MR. CATANIA: Wait a second. Maybe you guys can make a decision right now because, you know, we got a lot of people --

MR. CHAIRMAN: We're not through yet, pal. We're not through.

MR. CATANIA: You've heard a lot of our testimony already.
(Recess.)

MR. CHAIRMAN: The meeting is now reconvened. At this time the Commission has heard many of your concerns very emotionally expressed. I heard Mr. Frank Torres tell me why don't we go out to Waianae. I heard many other speakers, the Commission has heard. The Commission will now entertain a motion to meet at Waianae.

(Applause.)

MR. CHAIRMAN: We're waiting for the motion. Harriet.

COMMISSIONER KANE: I so move, Mr. Chairman.

COMMISSIONER KAMIYA: Second.

MR. CHAIRMAN: It's been moved and seconded that we have the meeting in Waianae and I'll give you the date and see if this is okay with you folks to satisfy. On Tuesday, the 1st of December at 7:00 o'clock, is that sufficient or 7:30.

(Response from audience.)

MR. CHAIRMAN: Is that good aloha? All right. December first? All right it's been moved and seconded that we meet on December 1st, Tuesday, at Waianae. Where at over there? Waianae High School? Nanakuli Intermediate or what? We're going to accommodate you folks.

COMMISSIONER KANE: Mr. Chairman, there seems to be some concern that December 1st might be a little early. Would you like to discuss the possibility of meeting December 8th assuming that it's okay with the rest of the Commissioners?

MR. CHAIRMAN: Yes, we could discuss that. Is there any observation or opinion from other Commissioners on the date? Yes, Les.

COMMISSIONER HIRAHARA: Yeah, I'm willing to go along meeting at Waianae but now I'm having this feeling of -- I guess I have this gut feeling that somebody's trying to delay us. I want to listen to the community. Now I'm hearing too early, too

early, too early.

MR. CHAIRMAN: Just a second, Counsel.

COMMISSIONER HIRAHARA: So, I'd like to have it as early as possible.

MR. CHAIRMAN: As soon as possible.

COMMISSIONER HIRAHARA: As soon as possible.

MR. CHAIRMAN: All right, Counsel Murakami.

COUNSEL MURAKAMI: Mr. Chairman, it is the concern of Na Opio Aloha Aina is that time is needed not for delay but to prepare for the hearing. It took much time to get these many people here in the two weeks that has expired since the last hearing. And there's going to be a substantial amount of work to be done to get people out, to come to the hearing in a matter of a little over a -- 10, 15 days. So there is desire to have sufficient time to provide some sufficient (Unintelligible) organization to educate the people about the hearing and to bring them out there with sufficient knowledge so we can have a meaningful hearing. It's not being interposed for delay that we have the meeting at a later date.

And I would agree that there has been a substantial amount of work done in the last two weeks that were very rushed and it's surprising to see this many people here today.

MR. CHAIRMAN: What's your timetable then for the next meeting with Waianae folks? You're telling us you want more time. How much time are you asking for, Counsel? Next year? Is that

a better time, next year? January 12th, Tuesday, January 12th.

Come up with some dates.

COMMISSIONER KITAGAWA: I move that this meeting be held on December 8th.

MR. CHAIRMAN: December 8th.

COMMISSIONER NAKATANI: I'd second --

MR. CHAIRMAN: It's been moved and seconded that the date for the hearing to be held in Waianae be held on December the 8th, it's a Tuesday.

COUNSEL MURAKAMI: Mr. Chairman, believe me that's still insufficient time. I believe also too that when this public hearing is held we do need sufficient time and we -- as a guideline, Chapter 91 allows a certain amount of publication prior to the hearing.

MRS. BARON: This will be a continuation of the hearing, we don't have to advertise all over again.

COUNSEL MURAKAMI: I'm asking, I'm saying as a matter of guidelines for an amount -- of reasonable notice to be given to the public.

MRS. BARON: There's been plenty of notice.

MR. CHAIRMAN: There's been a motion made; it's been seconded. Any further discussion from the members here.

COMMISSIONER NAKATANI: What's the other motion?

MR. CHAIRMAN: It's been moved and seconded. All in favor to hold a meeting in Waianae, location to be decided. Now,

where can we hold it? Waianae High School, Nanakuli? Where is the central location between Waianae and Nanakuli?

(Response from audience.)

MR. CHAIRMAN: Waianae Intermediate School. Is that satisfactory.

COUNSEL MURAKAMI: Mr. Chairman, before there's vote on this motion, may I have at least Mr. Enos speak about the amount of time that's left over.

MR. CHAIRMAN: All right.

MR. ENOS: Mr. Chairman, we feel it's very important --

MR. CHAIRMAN: Have a seat.

MR. ENOS: We feel it's very important that you allow us to get the information out to the community. This is a long process, using all our own time, all our own resources. We're all working people. It's very easy for you folks to sit and wait for information but we have to go out and hustle, we have to get material together and there's a lot of archaeological information at the Bishop Museum that has to be looked at.

We have to have a lot of organizations to get in contact with. We really do need the time. It's not like we're all full time activists who all have, you know -- so we need this opportunity. It's not meant to stall. This is a legitimate request that we have some time. Give us at least a month.

MR. CHAIRMAN: Well, we've got a motion on the floor and it's been seconded for December 8th unless the motion wants to be

withdrawn. Extend the date or what?

Ready for the vote?

about there has been no public hearing on this, this issue or the Barbers Point issue in the Waianae area ever, in the 15 or 20 years since its conception. And I'm really urging this Commission as a matter of fairness to the community to extend that time of fair play. At least a matter of seven, well ten days beyond what's being considered right now.

MR. CHAIRMAN: Counsel, you got to understand that these people are working people, too. We're just citizens like you.

Only thing, we're appointed to a chair, you know, to be Commissioners.

We're just citizens, working people.

COUNSEL MURAKAMI: I understand that. I think that it's responsibility of the Commission to consider the schedules and responsibilities of the people out in Waianae also. I don't think that ten days would be too long a period to ask.

COMMISSIONER CAIRL: So what date are you suggesting, Alan?

COUNSEL MURAKAMI: I don't have a calendar --

COMMISSIONER CAIRL: Well, we suggested the 8th and you said ten days, so does that make it the 18th?

Actually we can't tell --

COUNSEL MURAKAMI: It's a Friday.

COMMISSIONER CAIRL: No, but I mean -- so 14 days.

Because it's --

COUNSEL MURAKAMI: The 17th.

COMMISSIONER CAIRL: I mean is that what you're saying?

COUNSEL MURAKAMI: Yes.

COMMISSIONER CAIRL: That's not what they're saying.
(Response from audience.)

COUNSEL KISHIMOTO: Mr. Chairman, we'd like to point out that this has been going on since mid-September. We realize that the opponents would like more time but, of course, the delays are jeopardizing my clients' interests and so we would urge you --

COUNSEL MURAKAMI: Well, beyond that generalization what is the prejudice to the James Campbell Estate?

MR. CHAIRMAN: I can't hear you. Let's give the opposition a fair chance. We're giving you folks of Waianae an equal chance so please let them speak and let's be fair about it, okay.

going on since mid-September. We are concentrating just on the stockpile and we're not reopening the harbor issue so maybe I can point that out. You know, we urge the Commission to -- the Commission has graciously agreed to move the hearing to Waianae. Of course, we urge that the public hearing be concluded as expeditiously as possible and so, of course, we'd like to have it heard on the first. But realizing the concerns expressed by the opponents I think that December 17th, if the Commission is agreeable will be an acceptable compromise date between the January date by Na Opio and the December 1st date --

A VOICE: How about December 25th?

MR. CHAIRMAN: Counsel, we're not talking about the harbor for one thing; that's for sure. Now what do you suggest from your point of view.

COUNSEL KISHIMOTO: Well, December 17th would be an acceptable compromise position.

MR. CHAIRMAN: December 17th. Is that on a Tuesday?

COUNSEL KISHIMOTO: I believe that's a Thursday.

MR. CHAIRMAN: Thursday? How does that sound with you, Counsel Murakami? That's an equalizer there.

A VOICE: Too close to Christmas.

COMMISSIONER KANE: Could we have order, Mr. Chairman?

MR. CHAIRMAN: Let's have order from the gallery, please.

COUNSEL MURAKAMI: May we have a brief recess to settle

this?

MR. CHAIRMAN: Yeah, all right, okay. We'll have a short recess.

(Recess.)

JOHNNIE TORRES: ... and I'm very concerned of what goes on in our world.

MR. CHAIRMAN: Mr. Torres, would you be happy if we said we're going out to Waianae and set a date? Is that it, is that all of it?

MR. TORRES: No, no. The thing I want to say is right now, you know, right now the people, half the people here and for

you people coming over for the first time, this is the first time that you people are, you know, going to go to Waianae as pertaining to that deep draft harbor.

Now, the last time that I was here I came here as one of the lobbyists; you wasn't here then, Chairman, but I come because of the Hawaiian people. As I (Unintelligible), but now I'm speaking for myself, and my family and my grandchildren that are small and cannot speak for themselves. So we want to see you people out there and get the date set but we're sure that we will have a meeting there when the meeting's supposed to be held.

MR. CHAIRMAN: Thank you, thank you yery much. (Applause.)

MR. CHAIRMAN: Shige, Kit has withdrawn his motion for the 8th. Do you withdraw your second?

COMMISSIONER NAKATANI: Yes.

MR. CHAIRMAN: Both are withdrawn so at this time the Chair will entertain a new motion to meet on December 17th at Waianae Intermediate School Auditorium.

COMMISSIONER CAIRL: So move.

MR. CHAIRMAN: It's been moved. Is there a second?

At 7:00 o'clock was the time. Is there a second?

COMMISSIONER KAMIYA: Second.

MR. CHAIRMAN: It's been moved and seconded that we meet at Waianae, December 17th and it's going to be at 7:00 o'clock at Waianae Intermediate Cafetorium. Unless changes are made, we'll

get back to you.

0.00

Any discussion? All in favor of the change in location raise you right hand. Opposed. Passed unanimously.

(Applause.)

Aloha. Thank you.

Anybody here that would want to testify for or against? Aloha. Thank you.

ADJOURNMENT:

The meeting adjourned at 3:50 p.m.

Respectfully submitted,

Henrietta B. Lyman

Secretary-Reporter

Special Meeting of the Planning Commission Minutes December 17, 1981

The Planning Commission held a special meeting on Thursday, December 17, 1981, 7:00 p.m., at the Waianae Intermediate School Cafetorium. Chairman William Pacheco presided.

PRESENT:

William Pacheco, Chairman Leslie Hirahara, Vice Chairman Martha Cairl MaryAlice Evans Harriet Kane Yukio Kitagawa Shigeyuki Nakatani

ABSENT:

Randall Kamiya

DEPARTMENT REPRESENTATIVE:

Gail Baron, Executive Secretary

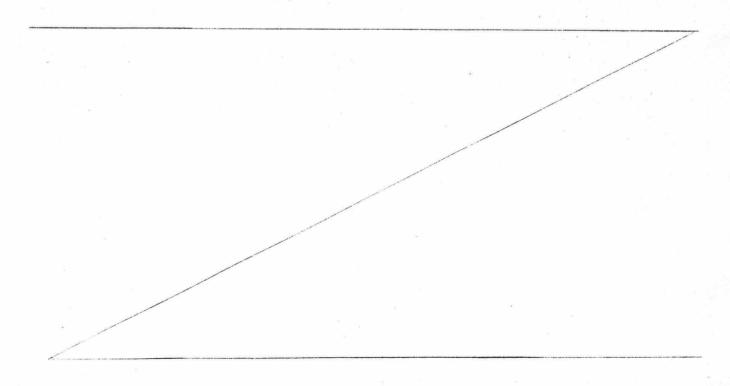
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STATE SPECIAL USE PERMIT
(STOCKPILING OF CORAL
DREDGED FROM BARBER'S
POINT HARBOR)
EWA
JAMES CAMPBELL ESTATE

(FILE 81/SUP-6 EY)

Public hearings held September 15 and 29, 1981, October 20, 1981, November 3, 10, and 24, 1981 were continued.

Based on testimony received at the last hearing, the Commission continued the public hearing on this matter for a special evening meeting in Waianae.

A transcript of the proceeding follows.



HEARING FOR THE

CORAL STOCKPILING SPECIAL USE PERMIT

FOR

BARBERS POINT DEEP DRAFT HARBOR

Held at Waianae Intermediate School, Waianae, Hawaii, commencing at 7:00 p.m. on Thursday, December 17, 1981.

STATEMENT OF MARIE OLSEN

Kama'ainas and friends of Waianae, my name is

Marie Olsen. Everybody seems to be calling me now Auntie Marie
or Auntie Olsen. And I am a Kupuna to Na Opio Aloha Aina and
moderator for this hearing this evening from the people's side.

And our Chairman of the Commission has so graciously allowed us
tonight to speak our hearts out. They have had a time setting
of three minutes but he has extended it to five minutes. So
therefore tonight's public hearing is a carry-over of the City
Planning Commission's unfinished business of getting to Campbell
Estate's request for a special use permit for stockpiling dredged
coral from the Barbers Point deep draft harbor development on
173 acres of agricultural land.

But through the past five years or so requests for public hearings to be held in Waianae or Nanakuli were totally ignored by the past commissions. Until November the 24th, 1981, public hearing held in Honolulu City Annex, Chairman Pacheco and his Commission finally complied. Recognizing the law governing the city and state procedures to provide public hearings for public understanding and participation this particular public hearing is structured to deviate somewhat from the usual Commission's agenda for tonight.

Therefore we take this opportunity so we may provide our Waianae people with a better understanding of the Barbers Point deep draft harbor development progress and its horrendous impact

on the quality of our life style on the Waianae Coast.

Grateful for the divine guidance and mindful of our
Hawaiian heritage and uniqueness of our island's state, its
natural beauty and its natural spirit of aloha the life of the
land, water, sea and people, Na Opio Aloha Aina and concerned
Kupa O Ka Aina and supporting friends have dedicated their
efforts, dedicated the efforts of their struggle for the preservation of the aina to fulfill the philosophy decree of the Hawaii
State motto, Ua mau keea O Ka aina ika pono, the life of the land
is preserved in righteousness.

And I'll mention in the beginning we really have a real preacher who's here and I kind of went ahead and jumped the gun.

However, I know the presence of devine guidance is here with us so at this time I would like to call upon the three ministers,

Bishop Kealoha, Papa Makua, Rev. Makua and our Uncle Dan from the group. Kupuna to Na Opio Aloha Aina, will you please come forward.

For this affiliation (Unintelligible) I believe in all the way through. But nevertheless, Ua mau eea O Ka aine ika pono. That was given to us by our alii and so we have these three gentlemen with us who carries out the word of the Lord in their congregation and in our community of Waianae with our opio. Bishop Kealoha, Uncle Danny Hanakahi and Rev. Makua, of Na Kupuna of Waianae, aloha.

(Applause.)

(Prayer by Bishop Kealoha.)

(Prayer by Uncle Danny Hanakahi.)

(Prayer by Rev. Makua.)

MR. CHAIRMAN: Thank you Kupuna.

MRS. OLSEN: God is love. For those of you who wish to testify at the testimonial issue of facts please see the young lady on my right over there and sign up with her.

On (Unintelligible) agenda the format is set to the issues of concern surrounding the Barbers Point deep draft harbor development. Anyone may cross-examine the speakers on issues they represent but stick to the issues so we may be able to hear other testimonials after the presentation of testimonials on issue factors.

The major factors will be on stockpiling, Hawaiian heritage, fishing, water, jobs, urban impact, alternative subsistence, political focus.

In (Unintelligible) again as they say the stockpiling is as it is. But some of the things that come up, so we have put her as the speaker for that on the top. One more word please.

We have this emphasis Na Opio Aloha Aina. We will not tolerate any harassing or bad mouthing of the Commission or of anyone else present or absent. This is a business meeting.

Stick to the issues and then we won't get into any problems at all.

Is that all right? Do you all agree?

(Response from audience.)

MRS. OLSEN: Kind of soft, huh? I suppose you all got the message. So our first speaker on the testimonial issue of facts will be Billie Hauge. All of you --

FROM THE AUDIENCE: The slide show. The slide show comes first.

MRS. OLSEN: Who?

FROM THE AUDIENCE: The slide show.

MRS. OLSEN: The slide show. Oh, I'm sorry. We'll have the slide show and then representation of issues by the, these are from (Unintelligible). Okay, we'll have the slide show with John Kelly. He is also open for cross-examination.

STATEMENT OF JOHN KELLY

Thank you Auntie Marie, members of the Commission, brothers and sisters, aloha --

(Response from audience.)

MR. KELLY: My name is John Kelly. I'm a member of the Aloha Aina of the Na Opio Aloha Aina, Nanakuli. I don't live in your community. George, keep them on just for a second for a couple of introductory remarks. Thank you.

But I've been surfing here since 1934 and I feel very much a part of your community. Our community, committee asked me to prepare some views of your community and the impact of the deep draft harbor and urban development that will go with the harbor may have on your life-style and your children's futures. So I've taken a few of these slides, put them together for you and we will

now present them. All right, George, thank you.

We're looking at the beauties of Waianae. Waianae means the mullet waters. Long ago that the waters from Barbers Point to Kaena Point, as you see here, were teaming with mullet. Today the mullet are hard to find, if you can find them at all on this coastline because the home of the mullet and Keehi Lagoon was dredged out of existence not too many years ago by local dredging companies on the spawning grounds and the habitat of the baby mullet, the pua and kaaa were destroyed.

Can you hear? In the back.

A VOICE: Speak up louder.

MR. KELLY: All right, thank you. I'll do that.

Today the mullet, the prime protein food supply for many fishing families in Waianae, are very hard to find. We're going to try to relate to you some of the relationships between the systems of the ocean and of the land and see how they will be impacted upon by the deep draft harbor.

We're looking at the beauties of the Kaena Point coastline. And now a few of the brief scenes of that lovely, magnificent coastline.

The rugged cliffs of Keaau.

The beautiful beaches of Yokohama of Keaau.

And coming on down past Makua surfing sites of people's parks. The undeveloped inlands, the uplands to the Waianae Range and suffering Makua Valley bombed weekly by the U.S. Army. Once

a thriving farming village and fishing coastline. Today you can see type of the U.S. Army for bombing practice and ordinance disposal.

The uplands of Waianae, magnificent mountains. The undeveloped midland area between the mountains and the sea. Our country life-style. Where else on Oahu or in all of Hawaii will we find these beautiful rural features?

Once upon a time plantation existed in Waianae. Today some of the old plantation houses are still there, the farmlands are there and the people engage in subsistence farming in Waianae. And they dearly seek to preserve the rural character of their community.

Beyond the farmlands at the sea we have fishing. Crab, awa, lobster, kala and the giant kala. Those of us that surf frequently see them at Makaha where our youth have mastered the sea to learn to ride our break waves and master the currents, the tides and the ocean.

In the uplands some of our young people have turned to the past while keeping our feet in the present. They're reviving the magnificent terrace na opios of the uplands in Waianae. Here along the right is educating, teaching them at the colleges, happens to be my daughter and my wife here, about these ancient terrace na opios. They are bringing back the past to the present. We live in a world of starvation today where millions of people haven't enough food to eat, where our own American economy is rocking and

reeling with inflation and conflicts and our young people of Waianae are looking to the past for subsistence practices that may hold answers for the security for themselves, their community and their children. Here in (Unintelligible) there's teaching (Unintelligible) and other (Unintelligible) at the colleges of the Pacific area what makes this taro soil so good. Water is the key. Waiola, the water of life. Today water is very scarce and the deep draft harbor will impact greatly on our water supply.

Now next to Waianae district is a district, the Ewa district with another way of life. One big land owner. Campbell Estate owns and controls 60,000 acres of land on Oahu and Hawaii. And they have chosen to develop the Ewa plains and the now Ewa district so that when the estate dissolves in a few years upon the death of the last heir of the Campbell Estate, Mrs. Wrigley who lives in California, the estate will dissolve a few years after that and they would like to hold that land down with the highest earning industrial enterprises that will guarantee that they will never have to work for a living and they can profit over millions of dollars from the profits of Campbell Estate's investments. This land goes to the first stage, notice the orange segment here, which are listed as urban for the current days and the Wolbrink plan of several years ago prepared for Campbell Estate.

In this frame work plan you see that they are aiming for the urbanization of the entire Ewa district. The deep draft harbor is that little segment over on the left, the lower left quadrant or corner of this map and the network of roads and the best

(Unintelligible) ways which happened in our major urban facilities
in Ewa somewhat like downtown Honolulu. You'll notice that the
deep draft harbor is very close to Nanakuli, it's only a mile and
a half or so away. It's less than a mile from Honokai Hale. Its
nearest village or small residential community is about six miles
away from the center of Ewa Beach Town. So the people of Na Opio
Aloha Aina and we think most of the people of Waianae are concerned
about the impact this harbor will have not so much on the Ewa
district but upon the coastline of Waianae.

The two major currents that go around the coastline, one are the currents of the sea and the others, the currents of human beings that will be flooding the beaches of Waianae when the Herbert Horita West Beach Resort facility goes in which is planned to share the harbor facility at the deep draft harbor. The harbor has been controversial since it was first announced and so has the whole plan for the development of the Ewa district.

Looking at it from the air we see the industrial facilities that the heirs and trustees of Campbell Estate have already planted on the land. The Navy Air Field, some of the world's largest oil companies are trenched there. Huge cement companies produce pouring cement, mixing cement that's pouring all over the Island of Oahu. Here are some of the refineries and in the upper left corner, the big cement company, Hawaiian Cement which will be using much of the coral dredged from the deep draft harbor.

Now at the other end of Waianae they plan to put a road around Kaena Point. Here is the State Department of Transportation plan for the highway around Kaena Point to link up West Beach Resort and the resorts that are now being planned, the Mokuleia and Puaena Point in Haleiwa district, Haleiwa area. We already see the signs of this urbanization coming along through the rural Waianae district. Here is Farrington Highway being widened and the facilities are moving across our flood control projects.

We're having a little trouble with the mike, we're getting some help on it.

The cement continues to pour and we see threatening signs of development entering into our communities. High-rise buildings on our beaches and a close-up look shows by the poverty signs beaches that were once used by local people of the 30,000, 31,000 people of Waianae, over half of them Hawaiian, today they are threatened as they were at Waikiki by big money coming in. Hotels on the best beaches and best property, joined properties and the local people getting squeezed out.

Already we see Kaena Point under extreme stress from the Kaena Point power plant. The pollution from the power plant, the hot water and the silt generated by the intake has destroyed 30 or more acres of valuable fishing grounds, the limu and the fish and the wana, and the other food supplies of this area are now under stress or no longer, no longer exist.

Here's the pipeline extension pipe going in a few years ago. The local fishermen and children lost a famous fishing site and recreational beach at (Unintelligible) camp due to this urbanization.

Up and down our undeveloped coastline we see signs advertising lands for sale to the highest bidders. Here's Waikiki Realty offering Waianae lands for sale to the highest bidders. What are these signs to bring for us?

And now the harbor itself.

We have to apologize for the microphone system.

Okay. The deep draft harbor is already beginning to cause great quantities of silt, the sands there. As the silt comes down the coastline from other industrial activities in the Waianae, rather in the Barbers Point industrial park area. These waters used to be all clear. Today they are brown and are threatening the coast, the coastal marine life.

Barbers Point harbor was questioned by many people in and outside of government. The mayor of the past administration addressed Congress and raised various objections to the development of the deep draft harbor. Under pressure from Campbell Estate the Legislature then changed the law which made it impossible for the city to have a, any influence over the decisions about developing harbors in the State of Hawaii.

I took the largest skippers, Matson Navigation Company and the United States lines which said they will not use the harbor

at Barbers Point. And still Campbell Estate and the State of Hawaii are pressing ahead. They still contend that the harbor is needed because of congestion in Honolulu Harbor.

I'll try to reach you with my voice. Can you hear me in back now?

FROM THE AUDIENCE: Yes.

MR. KELLY: I'm sorry about the microphone problems.

The Honolulu Harbor congestion has been offered as an excuse by the State and Campbell Estate for the building of the Barbers Point deep draft harbor. But recent aerial photographs and other studies have proved that the Honolulu Harbor is not crowded or congested. It is practically naked most of the time. And the reason for that is because containerization and mechanization using big machines to off-load the cargo has taken the place of many ships and many stevedores and warehousemen. So today Honolulu Harbor is rather a quiet harbor and there is no evidence at all in the data that's put out even by the State itself that the Barbers Point deep draft harbor is needed because Honolulu Harbor is congested. It is not. These pictures show it. picture is made several years ago by ... of Oahu. It showed the practically still waters of Honolulu Harbor. There was no shipping activity going on at all. Anyone that goes down there can see it for themself.

So quiet is the harbor that the Ariyoshi Administration is now proposing an Aloha Tower complex which is really a rich man's

R and R center for businessmen from foreign countries coming here to spend a few days or a few weeks making business contacts and so they plan to put up a, an expensive hotel for them at Honolulu Harbor and these facilities shown in these next two pictures show a promenade and the falsified ships and other entertainment facilities in the harbor that the same Ariyoshi Administration claims is overcongested and therefore they must build the deep draft harbor at Barbers Point.

This is part of the Aloha Tower complex brochure put out by Governor George Ariyoshi. And it's a lie to their claim that the Barbers Point deep draft harbor is necessary. Here they claim that it's necessary because of congestion of the back shore area, not the harbor itself. They're saying that the shore side facilities. Well if that were the case, and it is not the case because the State just spent \$16 million to put a new container facility on Sand Island so Matson has just completed moving all its facilities over from here too. It's now estimated for a foreign trade zone here to this.

And if it was necessary to have some back shore area in a nearby harbor what's wrong with Pearl Harbor, it's available, and as we see here there's plenty of space for back shore facilities. These are the container ships and the containers that are causing Honolulu Harbor not to be a busy harbor these days. They're very efficient; they use machines instead of workers. Not only do they quiet the harbor but they also help to generate unemployment.

Where the Honolulu Harbor once offered jobs to several thousand workers, stevedores and warehousemen, and I was once one of them myself, today there are only a few hundred as you may discover if you read the panel when the lights go on on this side of the room. This is one of the large cranes that does that work.

Now harbors generate cities and the Barbers Point deep draft harbor is going to generate a massive industrial and urban complex around Barbers Point as you see Honolulu has done itself around its own harbor. Is this the kind of an urban mess we want in Waianae or Nanakuli?

(Response from audience.)

MR. KELLY: Now looking at the coastline and still from the air we see these drifting currents of pollutants from the industrial complex. These currents carry the silt generated by dredging and shore side work up and down the coastline. As they settle on the ocean bottom they kill the limu and the corals which is the basic food supply for marine life that we use like fish and squid and so on and they don't disappear. When it's calm the silt is laying on the bottom and the water looks clear. But don't be deceived by it. The silt is laying on the bottom and as soon as the surf comes up it stirs it up, the surf generated currents carry the silt back and forth on the coastline and it just continues to make damage to the marine life for years and years to come. This is an example of where the pollution of Hawaii Kai has destroyed thousands of acres of marine life in the sea and the same thing

happened at the reef runway at Honolulu Harbor. Here is the reef runway under construction and you can see how the blue waters are turned muddy brown by that dredging project.

In spite of all this evidence, in spite of the knowledge that scientists and others have brought forth about the danger of dredging in Hawaii shorelines we see that the County Council, the City and County Council of Honolulu has given a shoreline permit for the deep draft harbor.

Just next to the harbor is planned a 13,000 hotel room and condominium unit resort. They're called West Beach. will be built by Herbert K. Horita. Horita lied to the State Land Use Commission a couple of years ago when the hearing was held in the Ewa district on this resort project which of course will impact on Waianae's beaches when he said in answer to a question by one of the attorneys of the opposing side no one has ever been scolded or never been fined by any government agency for any of the projects that I have built. But his Waialae Ridgeline Estates generated mud, they took bulldozers and tore off the mountaintop. The mighty rain washed all the dirt down through this causeway into the sea at Waialae-Kahala and destroyed much of the marine life along the Kahala-Waialae reef land. In this picture taken from a housetop there shows how bad it is. Whenever it rains it's this way. And this was years ago when he did that project. That mud is still stirred up. Mr. Horita lied to the Commission and nobody called him on it because he was fined \$15,000 for this

act of pollution and paid the fee and yet he told them no, he had never been caught in anything like that. Now that's the way developers behave and that's the way much of the testimony has gone in past years on the Barbers Point deep draft harbor.

Here is an example of the kind of thing that is happening between developers and politicians. This is the site of Kewalo Basin and I know this whole story intimately and I'm going to share three slides with you that show something that you'll be very surprised to hear. At Kewalo Basin the State of Hawaii in 1970 planned to build a 550 foot long stone wall. When we discovered this we said, "Hey, that's going to destroy a famous surfing site." The State said, "No, no, we have to build that wall because of the current flows across the reef there into the channel making it very dangerous when the surf is up." We said, "This will destroy our famous surfing site. We don't believe you, we surf there all the time, swim in that current, it's never that bad." They said that there was major loss of life and property damage in the channel.

Now, the two yellow lines you see there on the board, the State wanted to build this big stone wall. It was to be built in three feet of water. It was to be 15 feet high which is almost as high as this room. It was to have been 550 feet long, twice the length of this room and it was to be 120 feet wide at the base. Just to contain a mild current that goes across the reef flats there.

So we talked with the middle management engineers who told us the truth and they said, first we said let's see the

blueprints or here's the blueprints for this wall, this is in 1970, and we talked with the middle management engineers, and they said all the truth of this is the State is building this wall as a retaining wall for landfill for Dillingham Corporation for their three high-rise hotels they're planning to build on the reef. Here's the State plans for it. This is public domain land like Barbers Point (Inaudible). Then we asked to talk to the man who's one of the leading federal judges in this district or state and he told me that Governor Burns, Governor Jack Burns in the 1970 election received \$300,000 under the table, illegally from Lowell Dillingham and the payoff to Dillingham was that Burns would help the Legislature mobilize the Democratic party to get the Legislature to let that land, that submerged land that belonged to the people of Hawaii be turned over to Dillingham for these high-rise hotels.

Now that's the kind of deals that are going on. Big buyers buying its way into our communities and into our shoreline and public resources, corrupting them and destroying them and taking them away from the people. The State did a study, we need to save our -- force the State to do a study of the currents on that beach, and after two years' study they found that if they had built that wall it would have cost a half a million dollars, it would have doubled the speed of the current that the wall was designed to eliminate. This only proved that they were lying all the time. The expose of this by a state officer meant that Dillingham had to

drop the project, the Legislature cancelled the authorization at that time in great embarrassment and our surfers are still surfing there, at the shark hole, I'm glad to say.

Now Dillingham also dredged right through that in the 1920's and we have Hawaiians' grounds here in Waianae and Nanakuli and the homestead areas. We're living on homesteads today because their taro fields and their homes in Waikiki were destroyed by the Waikiki reformation project in the 1920's. And here's Dillingham's dredge ripping up the reefs for profit, for money, not for advantages to the people and you can see all that white silt. They destroyed thousands and thousands of acres of open reefs and inland farms with the dredge claw. And these were the taro gardens in Waikiki before 1920 reformation project started and the picture you just saw and this one shows how they all came in by Dillingham's dredging operations in that terrible project called the Waikiki Reformation Project. And they condemned this area as malaria infested swamp which it was not. And today these hotels stand there and this is the threat that faces Waianae today.

This is a possible type of dredge that might be used to dredge the deep draft harbor at Waianae. It's a big machine operated by just a few workers. It sits there day after day on a three-shift basis. Slips up a pole about 42 feet, puts the coral in a big stockpile and Campbell Estate under an agreement they have already with the State will net at least \$30 million of profit from the sale of it over the next 30 years. That coral will be dredged

out of the ground and out of our Waianae coastline with your and my tax money at the cost of ____ million from federal and state tax funds. And all of that is for the profit of the trustees and heirs of Campbell Estate.

At Kawaihae on the Big Island they did the same thing. They did it in this big harbor and destroyed almost a square mile of historic fishing and surfing areas. Many of you know that Kawaihae area, you know what I'm talking about. And there's a coral stockpile that is being sold out on a regular basis to developers.

The undersea, the sealife there used to look like this with great schools of manini, ..., you name it, uhu, the akule grounds were right there. Today it's been destroyed and no more fish. The only things that grow there on the coral is (Unintelligible) deposit the silt lays on top of the coral and the limu and the coral life form cannot get a footing any longer because of the silt.

And this is the undersea picture and this is what will happen at Waianae as soon as the deep draft harbor gets underway, if it does.

Now there are, there will be extensive testimony tonight by two of our archaeologists who have been studying recently some new discoveries in the Hawaiian heritage sites that exist at Barbers Point in the area where the stockpiling will take place, which is an issue before the State Planning Commission tonight. Here are some of the pictures (Inaudible) ... on tours of the area into these great underground caverns of fresh and brackish water.

(Inaudible) and they dived in the water and found bones of animals, birds particularly that existed for tens and tens of thousands of years earlier. Many of us believe that some of these ancient caverns where Hawaiians lived in prehistoric times almost a thousand years ago should be preserved as a shrine of the civilization that once lived here. And if we do not stop this project, within a few days these tens of thousands of years old natural life caverns and the records of human habitation there will be destroyed for all time. That is what we face in this decision and we say pau, enough. And thank you very much.

(Applause.)

MR. CHAIRMAN: Could I have the microphone, please?

Auntie Marie. Just one moment, please.

Testing, testing. Nothing here. Testing, testing.

The mike's dead. How's the one over there on the stand? Auntie,

Auntie Marie. How's Auntie's mike? Is that dead too? Is that

mike dead?

A VOICE: This one seems to be working.

MR. CHAIRMAN: Let me have it please. I need it. Thank you. Nothing here. Dead.

A VOICE: Nothing here.

MR. CHAIRMAN: I think when you said lawa keia that thing was enough, I think.

MRS. OLSEN: I think so.

MR. CHAIRMAN: I'll read it out loud and I hope that you

people back there will hear me. I have to announce that this is the December 17 meeting starting here at 7:00 o'clock at Waianae Intermediate School for the record. We have to put this on the record.

It's the Ewa state special use permit, the tax map keys are 9-114, Portion 2, and 9-1-15, Portion 1. The applicant land owner is James Campbell Estate and the agent Walter P. Thompson, Incorporated. The area 177 acres give or take and of course the request is, the applicant requests a state special use permit to allow stockpiling of dredged coral from the Barbers Point deep draft harbor in Ewa. And any person may submit written or oral testimony at the hearing. Any party may retain counsel if so desired or may appear on his own behalf. A member of a partnership may represent the partnership or an officer or authorized employee of a corporation, trust or association. Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of facts and shall have the right to submit rebuttal evidence. Thank you.

Now, Auntie Marie, go right ahead. But before you do that, I think we have somebody circulating a petition for people who want to speak. Will you please get us the names of that petition so we can call the people up? And I'd like to add also that Auntie Marie said that we're allowing five minutes. Listen, if you want to go beyond five minutes, aloha. Do that. Five minutes may not be enough.

(Applause.)

Maybe I'll say one more thing. You're such a tremendous crowd in here tonight. Hereafter, if we have any programs or anything that's affecting Waianae Coast and the city that applies to you people and you request us to come back, we will be here.

(Applause.)

Thank you, Mary. Go ahead. Marie.

MRS. OLSEN: Isn't this wonderful? All we wanted to set the time for was to kind of adjust it according to them. So now that they have given us the full privilege, let's do it right.

Stick to the issue. (Unintelligible). That was the past till the present. Now, the what will be, see that was that which is present. Now, the what will be is dependent on us, the people. As to what quality of life we desire.

Isn't this great now? I don't have to yell loud, loud, loud. Okay. Now, you know that, so everything depends on all of you, so here we go.

Now, the displays you have seen, aloha, no. So, we will now have Billie Hauge as the first speaker on our testimonial issue of facts.

(Applause.)

MR. CHAIRMAN: Thank you, thank you. Excuse me one moment. Those of you who are going to testify and have written material be sure that we get it for our records, please. All of those who want to testify. Thank you.

Go right ahead.

STATEMENT OF BILLIE J. HAUGE

Mr. Chairman, Members of the Planning Commission. My name is Billie Hauge and I am testifying on the behalf of the Waianae Land Use Concerns Committee, an organization that is dedicated to the promotion of sound land use decisions for the Waianae Coast and the adjacent Ewa plain.

We object to the consideration of a special use permit for this project. The stockpiling of coral is a permanent, high intensity urban use and should be subject to the regular -- did I do that -- the regular District Boundary Amendment procedures of the Land Use Commission. It is not a temporary use that will revert to agricultural use in a year or two, nor is it the minor land use change that the special use permit was intended to cover. It is, instead, a thirty-year project covering 177 acres with piles of coral up to forty feet high. It will never return to agriculture.

We have seen this circumvention of the District Boundary
Amendment procedure more frequently in recent years. We have
appealed the decision which granted a special use permit to the
proposed Kahe Theme Park and the issue is now before the Hawaii
Supreme Court; the same issue was argued this week in the Lahaina
Airport case before the Second Circuit Court of Maui.

The test for a special use permit of "reasonable and unusual" provides no clear standards by which to decide a project of this magnitude. The more clearly articulated standards for a District Boundary Amendment should apply here, in particular the

following parts of the State Land Use Commission District Regulations:

Section 6-1, Subsection (1). Land use amendments shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon --

MR. CHAIRMAN: Turn it off. Cut it, cut it. (Pause.)

MS. HAUGE: Subsection (1). Land use amendments shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

Subsection (3). Maximum use shall be made of existing services and facilities, and scattered urban development shall be avoided.

Subsection (5). Preference shall be given to amendment petitions which will provide permanent employment, or needed housing accessible to existing or proposed employment centers, or assist in providing a balanced housing supply for all economic and social groups.

The testimony which will follow addresses the magnitude of the impact of this project and therefore questions the propriety of this procedure. The speakers will be raising issues which clearly show that a procedure must be adopted that will more clearly provide more clearly established guidelines for making a decision.

We believe that the testimony will show very clearly that the City Planning Commission should not hear this matter. We ask that you refer the applicant to the State Land Use Commission, the proper agency to hear this request.

Thank you for this opportunity to testify.

(Applause.)

MR. CHAIRMAN: Wait just one minute. I would like to state that Counsel Diane Kishimoto, would you like to examine each speaker after they finish or would you like to just have it continued?

COUNSEL KISHIMOTO: If I have any questions, Mr. Chairman, I'll pool it.

MR. CHAIRMAN: All right. How about Counsel Alan Murakami?
COUNSEL MURAKAMI: No questions.

MR. CHAIRMAN: No questions. Thank you. Proceed. Auntie Marie.

MRS. OLSEN: Thank you. (Unintelligible) with these speakers after they're finished, would you wait a second and ask if there is any questions so you can, you know, have a group rapport with everybody? Okay. And thank you, Billie.

Our next fellow speaker will be Mililani Trask.

(Applause.)

MR. CHAIRMAN: Do you have a copy of your speech?

MS. TRASK: No, I don't have one.

STATEMENT OF MILILANI TRASK

Good evening. My name is Mililani Trask. I'm a 1969

graduate of the Kamehameha School for Women and an attorney practicing in Honolulu and a friend of Waianae Coastline. I'm a friend of the Waianae Coastline.

I am here tonight to urge you to deny this special use permit that is being sought by the Campbell Estate. And I think that's where this Commission can really consider whether or not to give the special use permit to these alleged dredge spoils. That there should be something said about the history of how these spoils came into being.

Now it appears that we're at the end of the line talking about where we're putting them. But the actual transfers was accomplished under federal law, Section 221 of the Flood Control Act which provided that the federal government would pay about 95 percent of the cost of the project if the state were to get into a written agreement or contract with them. That would show that the state had viability and prepared to pay their share; that the community would benefit, one of the requirements of the Flood Control Act; and also that the federal government would benefit.

To this end the federal government and the State of Hawaii through the Ariyoshi Administration entered into a contract whereby the state showed viability to pay; they borrowed the provision from the Water Resources Act in order to be able to pay in installments. And the state put in writing with the federal government that 50 percent of any of the excess profit, if any, from the sale of the coral spoils, would go to the federal government. This was done at

a time when both the federal and the state governments knew that the state would in fact not raise any claim against the ownership of the dredge spoils which Campbell Estate Alleged.

Legal position of Campbell Estate was put together by Ashford & Wriston Corporation, Law Corporation, for the Bishop, excuse me, for the Campbell Estate in 1977. It was transferred to the Department of Land and Natural Resources and became the official position of the DLNR, and that position was the coral spoils are not defined as minerals from the mineral reservation clause and that the deeds covering the lands did not contain mineral reservation for the state and so the state gave up claim of these trusts absent to the public domain which since 1959 had been held under Section 5(f) of the Admissions Act would better make the conditions of native people and also for the public, for the use of the public.

It's a very strange history that brings us here tonight with the Campbell Estate asking now that this Commission allow them to take 117 acres of agricultural land in order for them to stockpile temporarily these spoils so that they can later enter into contract for sale either to private people or to state or federal agencies for use as ground materials for freeways. This is happening in a community where I think it's clear that there are agricultural needs and that these needs are famished. The Campbell Estate would like to see this Commission set aside agricultural land for purchase that could only go to benefit them in the private market. And I have to

say as a citizen that I don't think it's fair either that the federal government and the state pay, use my taxpayer's money to buy these public assets back. And so I think that this Commission should deny the request of the Campbell Estate.

And I think that there is something else that this

Commission could do. This Commission is the last public commission
that will hear testimony on this. I know that it is not really
within the scope of the hearings tonight to ask this but there are
some ramifications with regards to the effect that the deep draft
harbor will have on the (Unintelligible). These were to a certain
extent gone over in the Environmental Impact Statement but at this
state the department, the Board of Water Supply has not come in
and done a public inquiry. Now this is not an area where we can
rely upon the report from an engineer or a hydrologist that is
being paid for by either the people that write the EIS or those
that criticize it. This is an area of public concern on an island
where we are already drawing up salt from some of our wells and in
an area where we have a serious water problem.

This is the last public commission that can take testimony on this point and I really think that there is an obligation here to at least contact the Board of Water Supply and some of the hydrologists that work at the university and have them look into this question.

The Environmental Impact Statement said only that there would be four million gallons of runoff going mauka-makai. They did

not inquire into nor did they conduct too many studies by state agencies of salinity increase going makai-mauka.

I think that in closing I would like to say this: A lot is said about dredge spoils, coral dredging, backfill, but the bottom line of this whole thing is regardless of what you call it, you cannot convince these people or myself that this is something other than kalailoa. This is kalailoa land. If you dig it up in spoonfuls and put it down in ag land, you don't make it become a coral spoil or a mineral or anything else. It is still a place that is an integral part of this community, and I hope that this Commission can hear that and understand what these people are saying. It's part of what the movie said and part of what the kupunas have said earlier. It's a part of a way of life that is Hawaii Nei and we all love it very much and we hate to see it vanish from this coastline.

Thank you.

(Applause.)

MRS. OLSEN: Are there any questions for Mililani?

MR. CHAIRMAN: Go right ahead. Proceed.

MRS. OLSEN: And now we'll begin with our testimonial issue of facts. Beginning with Hawaiian heritage.

Pat McCoy. Is Pat McCoy here?

(Inaudible.)

MRS. OLSEN: Aki Sinoto.

STATEMENT OF AKI SINOTO

Good evening, Members of the Commission and members of the community.

MR. CHAIRMAN: Excuse me. Mr. Sinoto, are you speaking also for Mr. McCoy?

MR. SINOTO: Yes.

MR. CHAIRMAN: I see, okay.

MR. SINOTO: A lot of us archaeologists got together and compiled some information. We thought it would be best if one person gave the testimony because a lot of it is duplicated.

However, at the end if there are any questions, we'll be all available to deal with questions.

I'm sure during the previous testimony there's been a lot of discussion regarding the significance of archaeological sites out at Barbers Point. So today I'm not going to stick to too many minute details. I know you've seen some of our reports. They can be very long and sometimes boring but I'm going to try to stick to some of the more significant issues.

So first of all I'll go over some broad, general importance type statements.

MR. CHAIRMAN: One moment please. You are an archaeologist?

MR. SINOTO: Yes. My name is Aki Sinoto. I'm an archaeologist presently employed at the Bishop Museum. My involvement with Barbers Point has been off and on with the past eleven years.

My first experience out there was in 1970 with Mr. Ernest Lewis.

He was one of the graduate students that first started research out there. At that time I was an undergraduate student at the university and we used to go out and do weekend surveys.

Since then, my first official involvement as field director happened in 1976 when I was contracted by the Army to do a Phase 1 reconnaissance type project out there.

My very last involvement in the area has been in 1980 in the disposal site area, so that's the point that I'll be discussing most in detail about a little later on.

First of all, I'm also required to say that my testimony here tonight is as an individual.

A VOICE: Would you repeat that?

MR. SINOTO: Repeat that? Okay.

I'm required by my employers to say that my testimony here tonight is as an individual and not as a representative of the Bishop Museum.

The Barbers Point area is a unique and important natural and cultural resource. With both local and international significance. Particularly from archaeological, historical, paleontological, and biological viewpoints.

One of the reasons it's important is because it's already surrounded by large agricultural, industrial and military and also residential development which have wiped out the sites. The Barbers Point deep draft harbor site then is the largest of the remaining least disturbed portions of the Ewa coral plains. And

if you've ever walked out there, you know that if you just go in a little from the existing roads into the kiawe you can already start seeing a lot of remaining archaeological sites.

Another reason that the Barbers Point area has only recently been brought to importance through archaeology is largely in the past archaeologists have neglected these unfavorable type areas. If you look at some of the older publications regarding Hawaiian archaeology, you notice most of the sites that were recorded back in the twenties and thirties are heiaus, large very prominent sites and they've neglected these marginal areas which have maybe just agricultural terraces, smaller sites and Barbers Point point unfortunately fell into one of these categories. So not even until 1970 when I mentioned earlier about Ernie Lewis doing a survey, did we even have an inkling about the extent of prehistoric exploitation in the area. So from our point of view we've only had like ten to eleven years to study the area.

Within the eleven years, not only the Bishop Museum has conducted work but also another firm, Archaeological Research

Center of Hawaii has done several projects in the area both for the State of Hawaii Department of Transportation, Harbors Division, and the Army Corps of Engineers.

Both of these studies together have amassed about 300 of archaeological sites in the area. And these sites include not only prehistoric sites but also some early historical sites.

However, only about 16 or 20 percent of the total number of sites

has ever been investigated archaeologically in terms of excavations and some subsurface information, subsurface data recovery. So the rest of the sites, all we know about them are the surface remnants, what kind of condition they're in and what kind of shape they're in, what kind of structures they are. We don't really know anything about how old these sites are, what the people that inhabited these sites did. And available information indicates that the Ewa coral plains once harbored a population much greater than imagined. So perhaps back in the old days, prehistorically that area wasn't really considered that uninhabitable or that unfriendly an area to live.

Also another important aspect of Barbers Point scientifically is not only the archaeological sites but we've discovered very interesting questions regarding paleontological remains there. Maybe when I say paleontological a lot of people won't understand that. So I'll say there are actually remains of very old animals, specifically birds. So you say "Birds!" But actually according to the records you find in the ground at Barbers Point there are a lot of interesting large birds that once inhabited the Ewa coral plains that you won't even find, you know, anywhere else in Hawaii anymore because they've become extinct.

One other interesting question is did prehistoric man have a role in the extinction of these birds. Previously biologists have thought that the birds were, became extinct way before man even arrived in these islands because according to archaeological data

that we have up till today we have Polynesians coming into Hawaii possibly at the earliest maybe around 1500 years ago. And that's kind of pushing it with the amount of data we have today.

There has been more than 20 previously unknown species of birds discovered at Barbers Point including a large plateless goose. Maybe some of you are familiar with the goose that was found on Molokai at Moomomi a few years ago. These are very large, almost turkey-sized birds that lost the ability to fly after they got there and evolved because Hawaii before man appeared had no natural predators for these birds. They didn't have to have the ability to fly in order to survive so somehow their wings became vestigial and they were terrestrial birds. So here we're kind of creating this scenario that it's perfect for man to come in, perhaps start using some of these birds as an extra food source. We don't know this yet and that's part of the reason the Barbers Point record is so significant because we have a chance here to find out whether man indeed did have a role in the extinction of these animals.

Another thing that I should mention about the paleontology is these very minute mullets called land snails. When you look at land snails underground they are very small, they're like grains of sand. They look very insignificant. But from the scientists' point of view they're very important. Oahu in itself has a very varied distribution of various kinds of land snails and the smallest kinds are the type that can tell us a lot about the environment.

For instance some land snails will only live in a very wet environment and for some reason we're even finding some of those out at Barbers Point within some of these sinkholes. So we can tell that perhaps back in the past there was more water there than is apparent today so maybe it wasn't that kind of a barren, dry area as it is today.

So although these separate scientific discoveries are important in themselves, the chance that we have at Barbers Point to study these things together and perhaps the discoveries aiding each other in coming out with some kind of result is one of the unique aspects of Barbers Point, the Barbers Point area. So I think it would be a very great loss if that area or even a small part of that area is wiped out.

Maybe some of the questions we can close out, I know I'm running out of time so I'll go through these as quickly as I can.

What is unique about Barbers Point? It is one of the least disturbed portions of the largest raised coral, coral reef in the Hawaiian Islands. The numerous sinkholes in the area offer ideal conditions for the preservation of bone. The quantity and variety of faunal remains, especially the bird bones, is unparalleled to elsewhere in Hawaii from an archaeological context.

What was the nature of the Hawaiian adaptation to the Barbers Point environment? The area appears to have been occupied perhaps on a seasonal basis from the late 1500's and possibly

earlier. And here I might add that very recently we got results of a carbon dating back from a very recent study we did out there and it's pushed Hawaiian occupation date back even further to about the 1200's. So you can see that we're getting pretty early dates from the area that Hawaiians were indeed occupying that area as way back as, you know, 1200 and there's a good possibility that it might even be older than that.

Subsistence was based on the exploitation of varied marine researches until lesser and many traditional food plants were purposefully adapted to seemingly unfavorable soil and water conditions. Since the Barbers Point environment is largely coral it very much resembles a coral atoll like a lot of those in the South Pacific. But since Oahu is a volcanic island, a coral environment, a totally coral environment is very unique and to study how the Hawaiians adapted to this new and unique environment is very interesting.

I have another question posed here. What is the future of the past at Barbers Point? The construction of the deep draft harbor will contribute to the already significant loss of fragments of Hawaiian prehistory and history, including the opportunity to fully understand man's role in the date of widespread faunal extinctions, especially the birds. The alternative is preservation of selected sites and areas for future scientific research and public education on varied aspects of local cultural heritage.

And lastly, what is the importance of the dredged

material disposal area? If you look at the panel back there, it shows mostly in detail the dredge disposal area three. The reason we sort of focused on that area is because dredge material areas one and two have already been quarried out by the existing cement pouring out there. So there's no archaeological resources left in this first two areas.

If the harbor project goes through, massive amounts of dredged coral will be stockpiled in large areas. Two of the three proposed stockpile sites have been quarried in the last two years, totally destroying the natural and cultural resources. Only the third remains in tact. Although this is only a portion of the total project area, all of the points discussed previously are relevant here. Also, this area is especially important because my studies during the 1980 disposal area study has shown that this area has possibly the largest percentage of natural sinkholes. These are just pukas in the ground which acted as natural traps for these birds. So we have possibly the highest percentage and the highest potential for studying the extinct species in this area.

So tonight I'd like to urge upon the Commission members and interested members in the community as well that perhaps we're well past the time where we can be looking at these projects from a point of view of, you know, what a few people can gain from them but what a lot of us stand to lose if a project like this goes through.

Thank you.

(Applause.)

MR. CHAIRMAN: Mr. Sinoto, Aki, Counsel Kishimoto would like to ask you a question.

Do you need the mike?

COUNSEL KISHIMOTO: Are you then urging that all the stockpile areas be kept undisturbed forever or is it your position that archaeological salvage would be sufficient to preserve what you're interested in?

MR. SINOTO: I don't know if all of you heard the question. The question was if I'm urging the preservation permanently of the total stockpile area three or if an archaeological salvage project would be adequate? My answer to that is I think too much in the past even we as archaeologists have been guilty of just saying salvage excavations or salvage activities are adequate to mitigate the impact of something of similar projects but I think more and more we're finding that even the current investigative techniques and methods that we have in the sciences today aren't, you know, really enough in that we have to preserve a certain amount of records untouched so that future generations can study them using newer techniques as they are developed and recover and perhaps have more efficient and effective data recovery from these sites. I don't think we're at a position where we can say, you know, we know everything about the area so we can go ahead and salvage these sites and let them be destroyed.

COUNSEL KISHIMOTO: But are you saying you want the entire

stockpile areas left as is or are you talking about portions of it only?

MR. SINOTO: We could, yeah, I think we could come to an understanding about preserving portions and perhaps going ahead and investigating certain areas as well. But what my stand is, is that the ideal thing for I think scientists and for the, you know, the community who is to have a certain amount of preservation there.

COUNSEL KISHIMOTO: How much time would you need, do you estimate would be needed to conduct archaeological salvage of stockpile areas to be?

MR. SINOTO: Are you talking about the whole area? COUNSEL KISHIMOTO: Yeah.

MR. SINOTO: That really depends because let me bring out another point. Okay, if I may.

In 1974 the United States Government passed an act called the Archaeological and Historic Preservation Act of 1974, previously known as the Moss Senate Act of 1964. What happened in that act was whenever a project, a project of this nature happened on either federal lands or with federal monies, 1 percent of the construction funds could be allocated towards archaeological or historical preservation programs or mitigation, salvage programs. And at this point, you know, certain people are already saying that you guys had all this time to do research or go jot enough information, but what I'm saying is I think, you know, we haven't even gotten near, anywhere near that 1 percent figure. You know, if you people are

going to talk to us about how much time and money we can spend we can certainly, you know, talk to you about how much money the government allocates for its archaeology for doing research on this project. And for my understanding, I think there's only perhaps less than 20 percent of that 1 percent figure expended including both ARCH and Bishop Museum projects.

COUNSEL KISHIMOTO: You don't answer my question, how much time do you think you'd need?

MR. SINOTO: Like I said, you know, it's nothing that I can stand here tonight and say, "Oh, I can get that place cleared for you in three weeks, four weeks, five weeks," and I think if we seriously sit down and discuss it it's going to be something like a matter of years, seriously.

(Applause.)

MR. CHAIRMAN: Counsel Kishimoto, any further questions?

COUNSEL KISHIMOTO: No further questions.

MR. CHAIRMAN: Okay.

MR. SINOTO: Thank you.

MR. CHAIRMAN: Thank you.

Counsel Murakami, have a question for your speaker there?

COUNSEL MURAKAMI: There are members of the public who

want to speak tonight but I do have to ask one of the chief important questions. Mr. Sinoto, how many actual potential sites, you said there are only 20 percent that have been looked at, but what are the, what's your estimate of the number of actual sites

in stockpile area three that are, would be useful for research potential?

MR. SINOTO: Okay. There in my research there I found 40 individual sites in the stockpile area three. These 40 sites represent 12 structural or site types. I know a lot of times even archaeologists don't go ahead and excavate everything they have. We take a sample of what's out there so if we go with representative sampling of those 12 types, maybe as little as 12 or perhaps more, but I would set the minimum at 12.

MR. CHAIRMAN: Any further questions? Is that it? Thank you, Mr. Sinoto.

MR. SINOTO: Thank you.

(Applause.)

MR. CHAIRMAN: All right, leave it over there I think, leave it for Counsel Kishimoto over there, please.

MRS. OLSEN: We'll try to get through this as fast as we can. We've had a little obstruction so we'll go to the fishing now. Is Walter Paulo here? Walter Paulo.

(Applause.)

STATEMENT OF WALTER PAULO

MR. CHAIRMAN: Give us your name.

MR. PAULO: My name is Walter Paulo.

MR. CHAIRMAN: What is your position in the case, please? What is your, what is it you are speaking for?

MR. PAULO: Oh, I'll be talking about fishing. The fish

I'm talking about will be concerning opelu. That's alongside the coast of Waianae, actually all around the island just off the reef.

Dreding this deep draft harbor we're talking about, which we will I think, will cause white silt from the dredging of the coral and this fishery out in Waianae here, it's a great fishery, it's a big fishery. I'm talking about fishing opelu with net, not with hook. This is with net. This is traditionally it's our culture, Hawaiian culture. Now you find it as you're fishing off Milolii, Kona and Lahaina, but like I said you have a big fishery out here. With all this dredging and white silt that you just pollute the coastline and when you pollute the coastline, I mean when you pollute this area here, like now, what I'm doing is I'm trying to revive this fishing. All right, this fishing at one time was a great fishery. I'm talking about in 1944, '45, '46, up to the sixties. And because our elders, I guess they're deceased, and nobody has picked it up.

And right now what I'm doing is reviving these fishes.

I started in '79 and expect worth a few dollars, few thousand dollars. I'm out here really, come down for the weekends. I've been out here the last four, five days and trying to find ko'a.

Ko'a is the home of the fish, the home of the opelu fish. And in order to find this fish you must find the opelu kala and you cannot find opelu kala if the water is polluted, you cannot find it. So, like I say again, you'll destroy these fishery.

Right now I'm fishing off Honolulu with another person

and we've been bringing in a good amount of fish. In the past

I've been having boys from the rec center, Eric Enos and his gang,

assist. Actually I'm teaching them how to do it because in the

future we're thinking on this method of catching opelu will help

other people in Waianae, especially small hunters of the beach and

stuff like that.

I don't really, all I can say, you going to have dirty water, you just going to kill these fisheries, that's all I got to say, because like I said again these fishery are in order to find the area, they out here but you have to find the home, the home of the fish. And to find this you have to find the opelu kala. And again, if you pollute this area, you won't be unable to find useful opelu kala and then you won't be able to find this opelu. So, again I ask you people, I mean, consider, you know, what this dredging will do to these fisheries. And as I say again, we try to revive this fishery. Like I say in the past, it was a big fishery and there's plenty of fish out there, plenty opelu. And again I say that you can put a lot of people back into the fishing, opelu fishing.

MR. CHAIRMAN: Thank you.

(Applause.)

MR. CHAIRMAN: No questions, no questions?

A VOICE: A question. Auntie Marie, could you ask Walter what experience he had in teaching in other areas besides Hawaii.

A little of his background.

MR. PAULO: I've been a fisherman for 40 years. I work for National Marine Fisheries. (Inaudible) I've fished in all the Pacific, all the Polynesian Islands, Marquesas, Tuamoto, Tahiti, Western Samoa, American Samoa, Tonga, all around that area, off the coast of California, Central America, Alaska. I also worked for the World Bank as a consultant, fishery consultant, just returned from the Indian Ocean from the Republic of Maldives. Also worked for an outfit in California called American Tuna Commission. And like I say I've been fishing from when I was a kid from Milolii to a young boy.

(Applause.)

I was out here in 1944, fishing out here in a boat, fishing opelu nearly every day. I also did a lot of research work up in Waianae.

(Applause.)

MR. CHAIRMAN: Auntie Marie, go ahead. You have another speaker?

MRS. OLSEN: Also on the fishing, is Joe Kamanaha here?
Or is it Kamamaha?

STATEMENT OF JOE KAMANAHA

Good evening, ladies and gentlemen. My name is

Joe Kamanaha and I was born and raised in the Waianae area. I

come from a fisherman's family, my whole family was brought up on

fish and that's how come I want to talk about this. I'm deeply

concerned about this.

You know, when the family was young and the whole family used to walk along the beachline, nobody stop us. Campbell Estate two years ago, a few years ago you have to buy, we have to buy a license in order to fish there. If you didn't have a license then they kick you out of there. Going back to (Unintelligible) seeing the previous, that is true. I have seen it. I have seen the kind of grounds that all this dredging and coral has destroyed the fishing grounds down Barbers Point. I witness with my two eyes. I have seen all these things. The fish don't even come back. They won't even feed there. They will move out into the deep, stay there for a couple of years until everything start to grow back again, then move back into it. Then start feeding off the limu, the new growth particles, whatever is growing on the reefs.

Like I always do, I'll try to make my testimony short and sweet. Thank you.

(Applause.)

MRS. OLSEN: Any questions for Mr. Kamanaha. Goodbye and thank you.

(Applause.)

MRS. OLSEN: Still on the fishing, is Sherwood Maynard here?

MR. MAYNARD: Yes.

STATEMENT OF SHERWOOD MAYNARD

My name is Sherwood Maynard and I'd like to speak about the fishing issue from a little different orientation. By training

I'm a biological oceanographer. I'm presently employed at the university as an instructor in marine programs and oceanography.

Again, I have to speak as an individual and not as a representative of the university tonight.

I've been conducting research off of Waianae for a little over ten years now. Most of it's been way off shore for four miles on the university's research vessel, some of it's been in close to shore. And I'd like to say that this is some of the cleanest water in the state right now. Diving off the coast is a real treat compared to some of the other areas on Oahu. It's still really nice and clear. Some very unique marine life lives in this section of the island.

There are many provisional ocean resources in this area that will be damaged if the harbor is built. And I'd like to point out kind of two phases of this impact.

First of all, during the construction phase when the dredging is going on, there'll be the physical destruction of the reefs, the habitats, the home of the fish of the hee, the limu.

Secondly, as previously a person mentioned, the silt, the small fine particular matter that goes into suspension in the water clogs up the filtering apparatus, the animals that grow attached to the bottom such as the coral, such as sponges, it'll clog up the breathing apparatus of the fish. It can smother coral, it can smother limu.

In addition as a couple of previous speakers have mentioned,

the cloudy water is going to cause fish and animals that can get out of the way to move to other areas of the coast. There may not be room in other areas of the coast to accommodate them, so they may be gone forever.

In the long-term picture we have to look at what the harbor is going to do on a continual basis. First of all, it's going to increase the fresh water into it into the ocean in this area. As you excavate the coral you increase the service area through which fresh water can enter the ocean. Most ocean animals and plants are adapted to live in very narrow range of salt content of the water. If you go into Honolulu Harbor and take a sample of the water, it's got less salt in it than if you go off Sand Island. One of the reasons we don't we see as much marine life in the harbor as outside is that the living conditions are not as good for ocean animals there.

Secondly, with the harbor there we're going to see an increase in boat traffic. This is going to cause fish schools which are used to moving up and down the coast unmolested to stay away from that area.

We'll probably also see some pollution in the harbor.

It's inevitable when you have ships around that discharge from the ships; things thrown overboard, things leaking and whatnot will enter the water. Marine animals are not adapted to handle this kind of toxic and unhealthy substance.

Finally, if we look at the channel that's going to connect

the harbor to the deeper waters of the ocean, if this is going to be dredged to a depth of 40 feet and kept at that depth, it's going to have to be dredged periodically. That a lot of sand is transported offshore and along the coast, this channel which comes out of the harbor is going to be a natural trap for that. In order to keep the channel deep enough for ships to enter and leave the harbor, the dredge, I don't know if it's going to have to be a continuous operation, but it's going to be dredging fairly regularly, so we're not talking about silt in the water just at one phase of the harbor construction. It's going to be of regular presence there.

The harbor is going to change the ocean in that area. I think we're going to lose a lot of the natural beauty and the natural resources that are there right now. And I don't think it's worth it.

Thank you. Any questions?

(Applause.)

(Inaudible question.)

MR. MAYNARD: Possible. The circulation off the coast is basically driven by the tides and probably as the local fisherman know, know it better than I do, but it's possible for it to go either way.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Maynard.

(Applause.)

MRS. OLSEN: Our next speaker will be Charles Lau of the Nanakuli Fishing Village. Charlie?

(Applause.)

STATEMENT OF CHARLES LAU

Ladies and gentlemen, my name is Charles Lau and I've been with the Nanakuli Fishing Village now for about three and a half years. I've been trying to organize a group of youths down here to go into commercial fishing. I've worked on the dredge and I know what the dredge can do. I work 15 years on the dredge, Hawaiian Dredging. I've been around the world too.

I'll give you an example of what can happen if they dredge this. What the dredge does is this, when they cannot dig (Inaudible). And when it's ... (Inaudible) this scares the school of fishes off. You're killing this (Inaudible) fishing right there. You're killing the whole ground. There is no way, like these person ahead claim, keep telling you that the limu will grow back on the edge. But it won't (Inaudible). We see all these fishes turning over and after a while we get to a point where we couldn't eat the fish at all.

Now I am disturbed about the waters running from the site of our dredge area, running back into the ocean because that water is polluted. I don't give a darn if the guys says that 175 acres that water is going to seep into the ground. It's not. It happend in Midway. And we were sending home fish. The industry the people here is trying to build, the children. We are trying hard to get these kids back in an economical thing, then turn around, something like this comes up. I mean it have to be that deep. I don't think we need it that deep.

Transportation is the big thing from here to Honolulu

(Unintelligible). The traffic already is bad in this area. I don't think any of you live here. At one time I stand for one of my representatives. I could stand on the corner of Kahe Point at 5:00 o'clock to 6:00 o'clock, I count every cars that's going by. You can't do that anymore, and this is a period of five years.

I mean jobwise, I know the dredge. I know the people tell me that the people getting more work on the dredge but this is machinery working and not people. There's a lot of machinery working. The dock people will be higher echelon, your engineers, your excavators and that's it. On the dike itself you're going to have four or five laborers. The rest will be all handling machinery. And really I am against dredging that water going into the sea.

I'm talking softly, calling from the culture. Telling them this is where you can find limu. And Barbers Point area, the people are around here. There's a lot of limu kohu out there. And like the university person talking earlier, what he say is true because what you got there is like a mud silt. And it can be up to five to six inches. So I mean there's no way that anything will grow. And all I'm saying is do it carefully because I don't think we need something like that in that area. If there's anything to be done I think do it right where the fisherman are, right in town. I don't see why they have to do elaborate thing at Aloha Tower. Why don't they repair the damn thing.

(Applause.)

(Unintelligible) Everybody's coming down here

(Unintelligible). What's going to happen to the poor people here?

(Unintelligible). All I'm saying is think about the children

going in that water. It is going to kill the fish. And number

two, you are the persons that's going buy from us.

(Applause.)

MR. CHAIRMAN: Thank you, Charlie.

MRS. OLSEN: Any questions? No questions.

(Applause.)

MRS. OLSEN: Now we'll get into the water area. Is Steven Aipa here or Aipa? Steven?

STATEMENT OF STEVEN AIPA

My name is Steven Aipa. I came from town to be here in Waianae to farm. And I've been finding out since --

MR. CHAIRMAN: Steven, you going to speak on water?

MR. AIPA: Yes.

MR. CHAIRMAN: Oh, I see.

MR. AIPA: Water. Pollutants to water. Because that's the biggest problem I have. I won't have water. I cannot plant my taro. And this is what I say, you want to sell people. What about food? You got to eat. I rather give you my crops and you be happy than to see a lot of people starve. And I'd like to work. Cut down the prices that we have to pay in our supermarkets. And a lot of people enjoy my cucumbers that I grow. I grow oriental cucumbers, the Japanese type and I grow the American crossbreed of Japanese.

(Laughter.)

We do all of our things on our own. We do our own marketing because we eliminate the middle man because I don't think he deserves it. And I work with Eric Enos and the brothers down at the rap center and the sisters down there. (Inaudible) to work the aina. Because if you going to dump all that coral on top that land, give it to me, I work it.

(Applause.)

I stick one income with my bare hands, with just pick and shovel. I ask the state for help ... (Inaudible) ... And my wife is sitting here like this, tell me you cannot talk like that. I said well, I speak what I want to speak. But then she in a little while through some help, then my uncle help me and (Inaudible) this people up there from this (Inaudible). Then they came up (Inaudible). Working inside and harvesting, carrying the boxes on my own so we can do this cheap. But that didn't stop me, I just kept on going because my two children got to eat. And all I wanted to do is to work to cut down the prices, that's all I wanted to do. And water is my biggest problem because I don't have enough to work.

Mahalao.

(Applause.)

MRS. OLSEN: Steven is one of our, only I think, Hawaiian farmers that we have out here in Waianae. Now we go to jobs.

Ray Catania.

STATEMENT OF RAY CATANIA

My name is Ray Catania and I'm a member of Na Opio Aloha Aina and I'm also printer and a member of the (Unintelligible)

Local 501. And I'm going talk about jobs. Now this thing is true.

Gets me here too because I'm employed right now and this is the first time in Christmas in about ten years that I'm not working so the thing hurts. But there's a reason why get the unemployment today. Not because we lack hotels but because get too much. We'll talk about the harbor construction,

Now we are, we did some investigation and we are talking some sources that we had in the Army Corps of Engineers and they told us that this project will take about five years to build and approximately they'll only employ about 300 workers every year. Now within that 300 workers, only 40 to 50 will be hired. that don't mean 40 to 50 of us Waianae brothers and sisters will be hired. That means 40 to 50 of workers around Hawaii in this close to 22,700 who no more work who will be waiting in line for those jobs. But the brothers who going to get those jobs are the ones who are already inside of construction, construction unions. And that's a fact, everybody know that. You gotta get in there while the union, you gotta get skilled. You no can get one brother on the beach, you know, they gonna come, they just not going to pick you up like that. You gotta get the training, you gotta get your training in it.

Now, when the harbor going be in operation by 1990 now.

This is the old facts from the Department of Transportation and from the Army Corps of Engineers, by 1990 all they going to need is tell 12 workers for operate the harbor. That's the guy who's moving up the gate when we like come in. You know, they check this and check that around the harbor, you know. So not going to take many guys, so don't believe them when they tell you oh, those guys gonna get work.

Now, how come there's so few jobs. They can make many jobs out there. \$121 million. Hey, we need hospitals in this community, we got 31,000 people. When us guys get sick, by the time we go town, "make" already. No need hospital.

(Applause.)

I live up Hakimo Road and right on the bottom was supposed to be one housing development. There's a lot of people in our community that need house. Why can't they put that money for housing?

Also, now, Honolulu Harbor in the 1930's used to get at least 5 to 6,000 workers, a lot of stevedores, yeah? But with all this mechanization that is coming a lot of the jobs have been eliminated so where today, 1980, almost 1982, we have less than 1,000 workers. Less than 1,000 stevedores. My uncle's a stevedore, you know. And he told me story, used to have many workers but now no more. But this don't guarantee us there's going to be plenty jobs because we always gotta remember that we got to compete with the rest of the island, not just in Waianae.

Now, in 1940 there used to be 302,000 people in Hawaii

that was in working age. That's around the ages of 16 to say 64. Okay. But in 1981, from the recent figures that we have just gotten from the Labor Department, it comes to 630,000 that are now of the working age. Keep in mind that 40 to 50 percent of our young people between the ages of 19 and 25 in Waianae no more work. Okay. But, okay, the working age has doubled, yeah, from 302,000 to 630,000, okay. When we see the 7,200 workers who was unemployed in 1940, today, in 1981, we have 22,700 brothers and sisters no more work. Okay. But that doesn't include a lot of the people, you know, who don't go down to the unemployment office. Now when my unemployment will run out in a few weeks, when the stuff come out, they're not going to count me in the 22,700 and there's thousands of brothers and sisters in this community that not being counted on this unemployment. Okay. And also the figures are kind of screwy and conflicting. You have to take a close look at it because if you minus 302,000 from 630,000, that's how over, you know, 300 -- you know, over 200,000 people. Where are they? You know they're not counting 300,000 people. They're not counting them, where are these people. You see.

So, what happens is that in the past years with all these developments coming up, they've hired a lot of skilled labor from the Mainland who came at the neglect of us local people and also, you know, a lot of people coming to Hawaiian countries who they exploit with cheap labor, you know.

So, what has happened is that, you know, the unemployment

rate in our islands has tripled from 1940 to 1981. So in other words, you know, when all these developments come in, it's not going to just be us guys working but they will be bringing in labor from the outside.

So, what I'm saying is that you gotta be real careful and when they tell us jobs, you know, we gotta listen to what they say.

Also, one more thing, Peer, Kewitt Corporation, the one that has the bid to build the harbor, they have just been stopped by the federal court to build this harbor because they have been found to be involved in price fixing. In other words, it's another great example of how the government, you know, fooling around with the crooks. So, the thing is that there's a good possibility here that this project can be stalled a little bit longer which can give us a lot more time to smash the harbor.

Now the way I feel, I don't like this harbor come up.

I'm born and raised in these islands and I seen enough of this land destroyed. My family's from here and I'm gonna die over here. And I want to make sure that I gonna die and see Waianae stay the way it is.

(Applause.)

MRS. OLSEN: Are there any questions for Ray?

MR. CHAIRMAN: Go right ahead.

MRS. OLSEN: All right, thank you, Ray.

Now we go to Walter Ritte from OHA, are you here?

(Applause.)

STATEMENT OF WALTER RITTE

Aloha, everybody. My name is Walter Ritte. I'm from Molokai and tonight I speak to you as a trustee from the Office of Hawaiian Affairs and as Chairperson of the Culture Committee.

There's several things that bring me here tonight. And, the first of which is the archaeological sites. Now I remember way back when archaeological sites were just archaeological sites. Historical sites were just historical sites. They didn't mean much to me as a Hawaiian. I knew that there were religious practices that were done there and our ancestors sweated and toiled and did magnificent things with their hands and they built all of these historical sites. Then I wanted to find out more about myself as a Hawaiian. So I went to the library. And I walked into this room that was filled with books. So I figured I'm going to learn plenty about myself as a Hawaiian. So I asked the librarian where is the section of Hawaiian things. And she said, "Oh, come, I'd rather show you."

So, we went off in the corner someplace with very little books. Then I realized that many of the things that our ancestors did were not written down because they didn't have a written language. But they chanted, they did their olis and they passed it down by word of mouth. Many of the kupuna now are gone. And many of the secrets of our kupuna have gone with them. So I started listening to the songs and trying to find out the chants in order to learn

about kupuna because I didn't believe what they told me. They told me that the Hawaiian was lazy, they didn't want to work, that we had pagan gods and many, many more negative things. So I said well, I better not be Hawaiian. But then when I started listening to the chants I began to find out that they could sail to all parts of the world without any instruments. They knew the names of all of the winds in all of the different districts. They knew what the weather was going to be two days from now because of how the clouds formed that day. They knew many, many things. Then I began to feel proud about myself being Hawaiian.

This brings me to the point, archaeological sites. I never cared about them. Then I began to find out that all these haoles running around digging up these sites was actually finding out about my kupuna and how they lived and what they did. So then this became a very important thing to me as a Hawaiian.

Here is another chance that we can learn about my history. So to the natives they said I'm sorry we're going to have to move your site because we need to plant sugar cane, or we're going to have to destroy this site because we're going to plant pineapple, or we're going to have to destroy this site because we need to put up some buildings over here. And the Hawaiians were very accommodating. All sites, not all of them, thank goodness. Many of them are destroyed.

Then we get all these archaeologists, come here on digging, salvaging. What is that salvage; salvage means to dig 'em up, tear 'em apart, examine them. How can you put 'em back? Very difficult.

So we're losing them as we are learning from them.

So, when we heard about this project, we had one of our staff members go and do some research about what these archaeologists are doing. And the archaeologists are fighting over this project.

One say it's good, one say it's bad, one say he did, the other say he doesn't do a good job. Controversy about this project.

I'm the Hawaiian, we seem to always get in fight. Well, what is the information? Not enough time. We can't give you all the information. How does this project relate to the whole attupuaa? What is this, what is that? Many questions are left unanswered.

So, we did a study and the staff report that we got back was that the study was unacceptable and that's what they have here on this palapala. To put many, many big words, which I think I can pronounce about half of the words. But I know the word unacceptable. If you ask a Hawaiian, you'll get a different answer. You ask an archaeologist, you'll get a different answer. All I know right now is that even the archaeologists are not satisfied. And I don't have all of the background necessary on this specific project. But our staff support says that the study done so far is unacceptable.

And when I think, speak of myself as a Hawaiian, you know,
I want to say to you ladies and gentlemen that before you allow
another site that represents a great deal to us as Hawaiians as far
as where we're coming from, a kind of pride that we need as a people,
don't speak too fast in destroying our sites.

Thank you very much.

(Applause.)

MRS. OLSEN: Let's go into now the urban impact. Georgette Meyers.

(Inaudible discussions.)

You're not going to talk?

MS. MEYERS: Yes, I am after her. She's a student from Waianae High School. She speak to all these people for Waianae School.

(Applause.)

STATEMENT OF LEILANI MCNEIL

Hello. I am speaking for, I going against --

MR. CHAIRMAN: Leilani, give us your full name, please.

MS. McNEIL: Leilani McNeil. McNeil.

I going against deep draft harbor because I feel that if you put cement on our land, where we going grow our food? Where we going to eat and where we going live. 'Cause the people out here, we not rich. We cannot live in high-rise apartments in another Hawaii Kai. We cannot afford it. And where would we live? You guys going to push off our land. Where we suppose to stay?

So I just speaking for everybody in the Waianae Community to say that if you let us have our land we can grow our fruit and survive.

(Applause.)

MRS. OLSEN: Georgette, are you going to speak or not?

STATEMENT OF GEORGETTE MEYERS

I'm very sorry and greetings to all of you. I just felt

that, I was at Waianae High School today and I talked to about 665 students and all the students told me that they were against the harbor. So I made sure that they went up first before me.

(Applause.)

I'm Georgette Meyers and I'm with Na Opio Aloha Aina and I'm very proud to be here to see a lot of our Waianae brothers and sisters and our people here to be very, very concerned because this harbor is very, very important and it's not for us.

Now I'm talking about urbanness. See I used to work for Hawaiian Airlines and I did a lot of promotion and I've traveled all over the East Coast. I've been all over Canada, New York, Baltimore, Washington, D.C. You name it, I was there. And I was doing promotion. I was promoting, I was selling Hawaii to the haoles and to all the rich people who didn't know a single thing about what I was dancing and what Hawaii was all about.

So what I saw in New York wasn't green. It was all gray.

Okay. And the way I feel about this deep draft harbor, it's not going to give us jobs. It's just going to create more crimes in our community. I work with a lot of our groups, a lot of the youths and I'm a youth too. I'm proud to say I'm still young and going for it. And I want to say that I work with a lot of the youth in my community, I talk to the Nanakuli High School kids just about two days ago and I talked to about twenty something students and there was a hundred something students said they

was against the harbor. They don't want another Waikiki in Waianae and they're not for urbanness. They're for the land. They want to be able to be farmers. They want to be able to have jobs, permanent jobs as farmers. And (Unintelligible) to marine life learning about Waianae. In Waianae we have a lot of resources right in Waianae. A lot of our people don't even know how much resources we have right in Waianae. And we're learning from many of our kupunas like Auntie Marie and the brother over there and many, I see many old faces in our community in this hearing and I'm proud to say that I'm glad our kupunas is backing us opios 'cause we're going to be here for another hundred years.

(Applause.)

I also want to say that we printed about 50,000 papers and we went down the coast and the feeling that we got from our people is that we don't want this harbor, we don't want another Waikiki in our community, we want to keep it rural, we want to keep it ag. so our Hawaiian and our people in this community will be able to survive.

Thank you.

(Applause.)

MRS. OLSEN: Okay, the next person, is Steve Boggs here? (Applause.)

STATEMENT OF STEVE BOGGS

My name is Steven Boggs. I'm a professor of anthropology

at the UH Manoa. And for the past fifteen or so years I've had the privilege of conducting studies here in Nanakuli and on the Waianae Coast of Hawaiian people and Hawaiian life-style and I'd like to share with you tonight a couple of the results of the information that was obtained in two of those studies and then make some comments of my own about what I think it means.

Back in 1967 the Bishop Museum, a community study project, studied a random sample of a hundred households on the Nanakuli homestead. One of the things that surprised us, although it shouldn't have, but being outsiders we don't know that much about Hawaii at that point. One of the things that surprised us was that nearly half of the households on the homestead indicated that they got some of their food by fishing and by growing their food. Now this was important in a practical sense to them because at that time their total gross household income averaged \$600 per month which was in 1967. But it was important to them in more than a practical sense too because as we came to find out more subsequently, it meant that they had this access, this freedom to go out and use the resources which were available to them at that time. And it came as a great value to them to have this sense of being able to go out and support themselves in ways that were traditional to them.

I knew then that subsequently a number of men who in Nanakuli who would work full 40 hour weeks and go out and spend all night several nights a week fishing and then would turn around and give away all the fish because that was the traditional style of life.

In 1970 we conducted a very unusual study out here. Four young people in Nanakuli, two boys and two girls, 14 and 15 years of age, went out and interviewed with tape recorders some several score of their friends of their age. These young people were completely apolitical. Politics was nothing that ever entered their minds.

They were talking very freely to one another. There was no outsiders present. They came back and we listened to some twenty or more hours of these tapes that they made asking their friends what they wanted in their community. What they wanted to see. And basically what they said was exactly what you've heard Georgette say here tonight, these young people. That they didn't want Nanakuli and Waianae to turn into another Kalihi. They regarded Kalihi as being a place that was unfriendly and violent. They didn't even want to go there. They above everything else wanted their beaches, their land and so on to be kept free of development. They wanted jobs. They wanted a limit to the amount of recreation facilities. I remember one of the things they mentioned was having a roller skating rink.

But the important thing was that they were able to, that somehow or another the country would be kept country and they would not be overwhelmed.

Now I want to conclude by giving you my observations to what has happened since that time. I think it's obvious to all of us who lived here during these years that what has happened in the

Waianae Coast area has been a tremendous amount of development, a tremendous amount of crowding. Waianae is much more like Kalihi now than it was in 1967 or 1970. And when I come back here and talk to some of the same people that I knew back in 1967 and 1970, Hawaiian people, the overwhelming impression that I get is that people feel much more pressured. They feel like things are coming down on them much more heavily than they did at that time.

There has been development, yes, but the jobs that were supposed to come along with the development, as you've heard tonight, did not come along. And this has led to a very deep sense of frustration, a sense of suspension about any kind of development, a sense that people were out there planning all the time to sell their resources and take the profit and leave them with nothing. And this creates a very deep level of bitterness which reawakens all kinds of historic memories as you know among Hawaiians as to what has happened to them in the past.

I don't want to finish this on a negative note. I think another thing that you've heard tonight is very a positive thing. That is that the young people here are actively involved to a degree that, that I think people would never believe four or five years ago in rediscovering the ways to live off the land and they're very much interested in developing their marine options here in the high schools, developing a marine program here. So that in the future they can carry out this dream which their parents and which their grandparents live by which was to be self-sufficient and live

off the land and off the sea and if this development is put in and leads to the eventual organization of this post you will forever cut off that dream. And I think that would be a tragedy of unimaginable proportion.

(Applause.)

MRS. OLSEN: Are there any questions?

Our next speaker will be Joe Tassel of Kona. Joe.

(Applause.)

STATEMENT OF JOE TASSEL

First of all, I'm a resident of Waianae for the past six months --

MR. CHAIRMAN: Joe, give us your name.

MR. TASSEL: My name is Joe Tassel. I come from Kona but a resident of Waianae at this time. What brings me to Waianae is Leeward Community College.

If you no can hear in the back let me know.

My name is Joe Tassel. I come from Kona. Originally I come from Oahu, from the other side of the islands, Waimanalo. Right next to the late great Uncle Gabby Pahinui's house, where I come from. But my grandmother came from Waianae. So somewheres along the line I came home too and it's real nice to be home. I wish my grandmother was here to see the mess that's taken place ever since she left. But I'm not here to talk about that. I'm here to talk about now and I'm here to talk about something that we fail to recognize every day.

Because we're busy on the roads driving and thinking about getting home, thinking about going through the traffic, thinking about our families. Because we caught up in the system. And the thing we fail to see is the big dark clouds that hang over Waianae every day.

I'm talking about air pollution. I'm talking about that oil heater over there. That they burn off and they bring down here. How many of us see that cloud every day? Put up your hand.

How many of us fail to see that cloud, put up your hand, no shame.

Look tomorrow, you're going to see one. I guarantee.

In the latest edition of the National Geographic's Magazine there's an article about air pollution and it brings 'em down to acid rain. How many of us are aware of acid rain? ...

Clean mountains, we get up on that hill up there because of our nice clean rain. We see that every day. So because we caught up in the system we no see the mountain turning brown, we don't see the air change color and we don't see the color turning black, because we caught up in the system.

And what contributes to that? How is it going to affect that. Going take more water. We're seeing different jobs like was talking about earlier. But those jobs will be for specialists which we not. And they're going to teach them someplace else, not here. But we got to be aware of, we must be aware of are the lives, Brother Charlie's fish that he going to try to sell to you folks. Not going to be at your table.

For some of us who depend on the island for half our food the ice trucks won't be there, because our food not going to be there. Because all that pollution that come over every day will drop off on that hill and we all know what acid rain can do. We all know what polluted water can do. And we all know because of the situation that we in this magnificent place called Waianae will become even more dreadful to live in.

But what can we do to prevent that from happening? We got to tell the man how we feel and the man got to search in his heart to feel the feeling that we feel. More so because the man no drive down me and see the black clouds. And the man don't come down here and watch the water turn white. And in many cases the man buy his fish from someplace else anyway.

I was privileged to see a book over the weekend called Waianae and over there I see Lahilahi, and I went on this mountain and I beg your pardon because I don't know this aina's name. And I see beauty that no stay here today. The people from Honolulu come down here and tell me wow, you live in one beautiful place because they so far away from beauty that they recognize this as being beautiful. I mean that's how far gone them.

All I like do is tell people over here come down within a day and watch that cloud go across the sky and I hope 20 years from now the acid never destroy everything.

Thank you.

(Applause.)

MRS. OLSEN: Robi Kahakalau, are you here? This young lady is also from Waianae High School and she is going to give her testimony in music.

STATEMENT OF ROBI KAHAKALAU

Thank you very much. My name is Robi Kahakalau and Auntie Marie made a mistake, I'm not in Waianae High School. I'm pau school already. But I came here to testimony in a song that I wrote against the harbor, maybe not against the harbor but against everything else that's going to be going on after they start building the harbor.

(Song by Robi Kahakalau.)

(Applause.)

MRS. OLSEN: This is one of our young people.

(Inaudible) As long as we have kupunas out here we'll try to support them and guide them in the right way I'm sure.

They are out there and they've come a long, long ways and I can sit back then. Thank you, Robi.

We have another youngster from Waianae High School. All of the kids here really learning. Carmela Semana.

(Applause.)

STATEMENT OF CARMELA SEMANA

(Inaudible) I wanted to cut it short somehow, but my name is Carmela Semana and I'm from the high school. So, we wanted to know how much of you is against building the harbor, will you stand now?

Everybody here is against the harbor. (Inaudible).

(Applause.)

MRS. OLSEN: Guy Nakamoto.

(Applause.)

STATEMENT OF GUY NAKAMOTO

Chairman, thank you for bringing up the fact that the three minutes is all open. And brothers and sisters of Waianae, I bring aloha and salutations from Waiahole/Waikane.

(Applause.)

I see many faces that was involved with us in this struggling in Waiahole. It was a long hard hassle. Every inch of the way we fought and you folks helped us. I want to from the bottom of our hearts thank you folks again. You folks really helped us and the moral support and the bodily help that you folks gave us really made Waiahole what it is today. (Inaudible) say no way they going to push you guys out under the bulldozer. That didn't happen with your support (Inaudible).

So, remember people united shall never be defeated and that is the bottom line of it. Over here, with due respect to these fine gentlemen and ladies over here, it's not the real answer because we can't do anything really. You folks, Mr. Pacheco said, "We'll come if you folks want us to." Now, you got to watch this. Politically this is a pacifier. I've experienced this.

(Applause.)

(Inaudible) but experience tell us listen. I want to share this experience with you and I don't want to presume that you

folks don't know, but I just want to share that experience with you. There's a danger in this. Thinking that they're going to do something, they cannot. So, that's the system. What we want to tell you folks is about the system and what is happening to the water information. I've been watching this water situation since 1975 and I see some real interesting happens.

First, I heard the rumor that the Board of Water Supply was instructed to operate quietly when they go in and drill wells in Kahaluu Valley. Well, it is a public record. It came out in court that Mr. Watson was hired in 1972 to tell the Board of Water Supply to operate quietly. Don't tell the people over there. You know, what you heard in the newspaper and the TV is altogether different so be careful. We also learned that the newspaper worked against us. You got to be careful because you can't believe everything what the paper says. All right.

So now, take a look at the water situation. They spent big money to print this kind of stuff. Very impressive. We're talking kala very nice. And that's all your tax money, but be careful. And the kind of language they use. See they make beautiful hydraulic charts like this. And in the Pearl Harbor area they say 245 million gallons a day is sustainable. Watch that word sustainable. You see, Mr. Robert Chuck of the DLNR got on the same program with me and I said, hey, when you say sustainable, dictionary tells me something that you can support. That means if you pump 245 million gallons a day the water level stays the same. But it doesn't.

You see though, when Mr. Chuck explained what he was saying about this, what they mean is the average pumpage. They don't tell you that the water level is going down. You see the water level has gone so far down, if you look around the island, the streams are drying up. I'm not an engineer, you're not an engineer.

Now, how about the engineers, are they accurate?

You folks remember who Hirata is, Mr. Ed Hirata is.

This is a newspaper article. Let me see, it was April 16, 1980.

He go out of the Water Department. Then he can speak little

bit more freely, you see. So he says 225 million gallons has to

be taken with a grain of salt, Hirata said recently. We all know

that this is a guesstimate, you know, engineers guessing. Yeah.

So your guess as good as his guess.

(Applause.)

How is guesses important now? If you look at what we just showed you, if you look at the mountains, waterfall, no.

You watch the waterfall after a big rain, one week, steady. And you watch on the Kaneohe side. One day after the rain stop all the waterfall drys out. You know what that tells me. That that system inside is dry. Okay.

So now, you try to look at what the state is telling you indirectly. They took over the Pearl Harbor water aquifer one year ago. Recently they took over the Waialua water aquifer. They took over the downtown water aquifer. What does that mean when

they say controlled area. That means it is in danger of overpumping, salination, you know. Water level coming up. Now this is the stuff that they are hiding. Just like what happened in 1972 operate with minimum of publicity is the translation, okay. You gotta watch this,

So, for a long time Waiahole/Waikane is sending something like 30 million gallons of water every day to the Waipahu plantation. Now that water has been reduced down to 20 million gallons. The mountains are drying out. Now, if all of you folks want water rationing life-style you let all the development go, you know.

I want to explain to you what the word bait means. You know when the fisherman goes up and all the expert Waianae fishermen, you put a little meat on that so you can feed the fish, but you don't tell the fish I have a hook in there. Right?

(Applause.)

You look at the word bait and you look at the word progress. Now the fisherman, his progress is to bring the fish out and put him in a frying pan.

Now, if you look at development, the bait is we're going to provide jobs for you because that's our survival. But you watch out; you bite that bait. Because every time they build a building it's progress and progress for them. You know, John showed you a film on Waikiki with taro patches. They never had unemployment, they never had welfare lines. Today as progress goes on we get more unemployment and more welfare lines. Does that sound progress

to you? That don't make sense.

You gotta watch this water and the water situation.

That and we're not getting the information. You gotta look at it and the bottom line is they cannot help you. You got to organize and get this thing together, because this is, it's a pacifier and that is the political system. That's the reality. No thanks, gentlemen, please. With due respect, this is the system, they are the victims of the system, so are we.

(Applause.)

Okay. It's late, and thank you again. All the Waiahole people say thank you, thank you very much. You helped us and we're here to help and we will close this harbor any which way, we're with you folks.

(Applause.)

MRS. OLSEN: We are having another Waianae High School student, Donna Mahiai.

STATEMENT OF DONNA MAHIAI

Aloha. My name is Donna Mahiai and I've been living in Waianae for 19 years. I represent the students of Makaha Rap Center, I'm also the vice-president of the school.

We, the Makaha students, work on an agriculture and academic project. We are against the boat deep harbor, that's the harbor, we're against it. I am here tonight to speak for the young folks as well as the older ones and again we are against the deep draft harbor.

Mahalo.

(Applause.)

MRS. OLSEN: Before I go any further is Derrick Kawamura here? You're wanted.

Our next speaker will be another student, Derrick Dean Moses.

(Applause,)

STATEMENT OF DERRICK DEAN MOSES

Hi, my name is Derrick Moses, I came from Waianae High School and I have a statement here I want to say to you folks.

(Inaudible.)

MR. CHAIRMAN: Speak louder please.

MR. MOSES: We have to make our own choices. The people of Waianae and keikis don't need this kind of things happening in Waianae 'cause we want Waianae to be just like how Waianae is.

Because our early ancestors, Hawaiians, built heiaus, taro patches and other things like Camp Kaala has right now. I think that it is wrong because (Unintelligible) because it's just, you know, wrong.

That's all I have to say. (Unintelligible.)

(Applause.)

MRS. OLSEN: Gerardo Learned, another high school student from Waianae.

(Applause.)

MRS. OLSEN: This young man has been asking a testimonial, but he was given up his chance tonight.

MR. LEARNED: I have talked to you guys about the --

MR. CHAIRMAN: Hey, give us your name, please. Give us your name. Talk in the mike and tell us your name. Are you a student so it goes into the tape recorder.

STATEMENT OF GERARDO LEARNED

I'm a student of Waianae High School; Gerardo Learned and I protest against the deep draft harbor.

MR. CHAIRMAN: What was your name again, please?

MR. LEARNED: Gerardo. I know some of you guys went down to the hole and some of you guys never but, you know, the reason why you guys don't go down to the hole is because those guys at Campbell got it covered up, and no can see and some of you guys go down there check it out; maybe you guys think that's cheap or something and they talk about the farmers over there, you know. Like the lease running out, right. What we going to eat, man? We going eat cement. If you guys think cement, you know, it might be ono, I don't mind trying.

(Applause.)

I guess that's it. I'm against the deep draft harbor.

(Applause.)

MRS. OLSEN: See what it means to have a lot of children. So we'll go now to our (Unintelligible) subsistence, Eric Enos.

(Applause.)

STATEMENT OF ERIC ENOS

Aloha.

(Response from audience.)

I'd like to speak out against the granting of the special use permit for the deep draft harbor. One of the reasons why I'm against it is because I feel that if you're taking a look at our economy and what we want Hawaii to be in the future, what kind of picture do we have in store for Hawaii. It's very hard, you know, like in Hawaii 1982, they're selling Hawaii on the Mainland, the paradise. And it's very hard when our own people basically are landless, do not have access to water and out of that grows frustration and out of that frustration we pay the price, the social price or crime.

I feel that the land base in Hawaii must change. We have too much land in the hands of too few people.

(Applause.)

The jobs are very, very important, very important that we create the jobs. I'm just looking at the rationale, you know, you have \$121 million put into a harbor project and yet there is not one cent that I know of which has been put into agricultural development in areas especially out in the Waianae area.

If you look at the deep draft harbor, there's no plans for commercial fishing at present, you know. And you look at the boats at Kewalo. This guy Paulo goes down there. Most of them are foreign fishing boats and they say hey, the boys down there, local kids, they don't want to fish. The reason why they don't want to fish, there's no training program to go into fishing.

Look at the schools. Look at those schools, what can they teach

us. When you come out of school, what kind of skill do you have. How can you survive in today's world, you know. If you don't have land and you don't have water and you don't have skills, you become strangers. We have to develop skills and have to look at a different type of economy called subsistence.

If you have access to land, if you have access to water and if you can develop our educational system to teach our young people how to use the hammer, how to use the saw, how to fix the upena, how to build a boat, how to get involved, how to make cesspool, we can do it. It's a little different system than what we have now. It's called subsistence. If you got land you can build one roof over your head, you can put food on the table. It can be done. It's basic. People have been doing it for thousands of years.

The alternative we have now is unemployment and crime.

Those kids out there, you know, okay, you going to build one big tourist thing for real, you know. This funding is going to come from Japanese, just like Amfac, you know. It's going to be foreign investment.

You're going to get people frustrated, you know, and you're going -- This tourism industry is a very fragile industry and if you're going to push it, we're going to be in a lot of trouble. A lot of trouble because we are about 95 percent dependent on the Mainland for our foods. And that makes us very vulnerable to the oil system. But what that means is that we're creating a

harbor to become more dependent on outside, on outside goods.

So what happens, as the price of oil increases, yeah, the price of the goods that the people have to buy increases. If that happens, we're in a very vulnerable position especially those that are just making it right now. I don't know how people survive. It's very difficult, but we've got to take a look at that land base, you know. It's sorry. The (Unintelligible) you know, it has a big problem. They're landless, you know, and we're just beginning to understand what that means, you know. It's going to come a time; it's going to have to come a time going to have to take a look at it.

And you know what's going to happen is that we're going to send our boys over to Arabia to fight for that oil. When right in our backyards we have some of the richest lands available. It's going to take a lot of hard work. You ask any farmer, it's no cruise up there, you know, and it's seven days a week and bust okole, you know. It's just the fishing is hard work to run that ocean three or four days. Somebody said to be a fisherman you have to have salt water in your yeins.

But only way you're going to learn with lot of training, lot of training, got to start small. Start from the beginnings.

No one asks that, 'cause the state has not put their money where their mouth is. We've got to train people. We're going to train our kamalii to get back to the land and you've got to make that land available. Because the argument is why teach you kids how to

farm and fish, you know, no more land. Now that's bull, there's land all around us that's rich and productive. We've got to change that system.

Two things I have questions about. Okay, there's Amfac and Oahu Sugar. You know Amfac is looking at (Unintelligible).

My question is how much of that money that federal subsidy has goes into crop research. There's a lot of money, federal money that goes into crop research. How much of that money has been put into alternative crops for sugar?

We were up at Castle & Cooke once, they had a seminar, and they put that question, that question was put to the guy who was at the head of the pineapple/sugar research. He said that's a very easy question to answer; nothing.

So you see there's no attempt to keep it to agriculture. They want top dollar for that land. That means they got to put it into the resort.

Question. We have put down the feed. We've got a lot of people who want to get into baby pigs, raising animals. Animal feed is so high it squeezes out the small farmers. You see what's already happened to the chicken growers out in Ewa. They were squeezed out. The Commission came down and marked all the pullets at a lower price. So that's a gimmick. They come in, they drop their price, they wipe out competition, and bingo, they come back up over their prices. Very efficient use, agri business. It pushes out the small family farm. The small family farmers is a good

working family unit. You know, they learn responsibility, learn how to work together and you learn how to be an ohana.

The system we have now separates people, it creates static among them, puts them on the street. And we stuck with the problem. We got to deal with the kids. We got to build up prisons to house them, you know. And that's where the breakup of the family begins. So we're asking that you take a look at land and how the land can best be utilized, the beginning of the family unit and working out those subsistence in common. If nothing else, food and the ability to build and create things for ourselves. It's not an impossible dream, and it can be done. It's going to take a lot of hard work.

And you opios out there, you're on the line. You know it's easy to come up and talk but now we've got to go, you know. We discovered the land is sitting there, we're going to use it then we going to have to adversely possess it back.

That's all. Mahalo.

(Applause.)

MRS. OLSEN: Hayden Burgess, are you still here?

STATEMENT OF HAYDEN BURGESS

... I'm also known as Hayden Brugess, my haole name. I was raised in Waianae and being told over and over again to be proud that I am a Hawaiian, and I am proud. I've been trained through the system as an attorney and I now practice law up in Waianae. So in appearing before you I appear in a sense wearing

two hats I would say.

How does a Hawaiian speak with regards to the law in respect to this particular question? And I want to do it this way. I want to talk about a law which is a basic Hawaiian law which still (Unintelligible) all of the society of Hawaii that we are in. And you've heard that term over and over again, too often we don't pay attention to it. It is Ua mau keea o ka aina ika pono. A very deep term if you really stop to analyze it and think about it.

But if the life, the essence of Hawaii must be preserved in righteousness, that is law that is basic law. And you break that law, we suffer the consequence. There's no avoiding it. You don't deal with the land properly, we suffer the consequences.

Now, I've sat here and I've heard about the pleas out in this area Kawanui. I'm sorry Kalailoa. And I did very small research on this cave and I found that they were a special type of people who used to live in this area. They were called omaomao, or olehe. They were hairless people who were skilled in the art of bone breaking. They were known to live in these caves. I also learned from living in Waianae that there were tunnels going through all Oahu. We had tunnels from Makuu going all the way out to the other side of the island. The exit was called kohe lepelepe (phonetic). That place is no more now. The exit is not there anymore because so-called progress came into Hawaii and they blocked it up.

The archaeologists simply made a mistake. They didn't

investigate long enough. So that exit is closed. With all these caves out in Kalailoa how do we know that there is still tunnels not yet discovered. Recently we found structures, man-made or human-made structures in these, these caves. Have we really explored all of these caves to find out whether or not we still have human life in these caves or any other life forms? Have we completed all of these investigations? How long will it take to complete these investigations as counsel for, I believe, the petitioner asked. Well, we don't know. The archaeologists haven't decided yet.

But let me suggest one way that we can be more certain about whether or not we have tunnels running through these areas. Let the kids go out. Give them ten years. Let kids play in that area, and let them discover what really is in Hawaii. What I'm saying is don't go ahead, dump all of this coral on this area and perhaps lose for the rest of our existence the secrets of our people.

The second point I'd like to talk about is this term temporary, this termporary permit. Temporary for a period of approximately what, 30 years. To us 30 years is not temporary. Our average life span is 30 years of the whole future, right, at our age. Well, but of course we have some younger. But the point is it's a very long, long period of time. It's not temporary. It's playing with semantics.

Another way of looking at it is that you talking about

two generations of our young people who will grow up in this area, who will not know the fishing grounds as we have had the opportunity to know it, opportunity to know it. This is what we call temporary? These are permanent things.

There's a third point, point I'd like to talk about.

And that is this: You folks make decisions but we will be hit by

it. You will leave Waianae; we have our children to raise here,

our grandchildren and on and on and on. We will be the victims

of your mistake and here you see tonight the people are asking you

not to do it. You have the public opinion. There's no question

about it what is the wish of the people here.

And then finally let me say one more thing which is not very often said, but I will say it. As a descendant of the people of Hawaii, let me point out that most of you who are in decision-making capacities today, in fact even the counsel that they hire, are basically guests to the Hawaii culture, the host culture.

Don't come in and ruin, ruin the host culture. The culture of those people who gave many of you dignity, gave you identity.

Previously you were known merely as numbers when foreigners came and hired you to work on their plantation. It was our queen and it was our king who gave you all these things, and now over 50 percent of those who now live in Waianae are the people of Hawaii. (Unintelligible).

Thank you.

(Applause.)

MRS. OLSEN: Mark Suesso.

STATEMENT OF MARK SUESSO

My name is Mark Suesso. Today or this evening I'm going to have a board member of the Life of the Land and I have a couple of statements here and I've given copies to the members of the Commission.

And let me just read it. It says here, "This request for a special use permit is incorrect and should not be used to circumvent the requirement of district boundary amendments on such a proposed use of some 177 acres of land in the Waianae area. The correct procedure, according to the Hawaii Revised Statute 205-6 mandates that the County Planning Commission and the Zoning Board of Appeals of the City and County of Honolulu may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified.

"Rule 205-5(b) mandates that within agricultural districts, uses compatible to the activities described in 205.2 as determined by the Land Use Commission shall be permitted.

"This project is unusual. However, it is not reasonable in that it is clearly incompatible with the intended agricultural use. This project is a long term/permanent urban/intense industrial use on a large scale. Such intense use on a large scale requires an urban boundary amendment change. This is not a temporary use --

and as such requires a zoning change and not a special use permit.

Remember, this project contemplates stockpiling coral on 177 acres

of land over 30 years.

"Furthermore, 205-2 mandates that in the establishment of boundaries of agricultural districts, the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation. The choice of procedure is clearly improper. Boundary amendments deal with intense use of this kind of land... and special permits cannot be granted to authorize uses which have the effect of making boundary changes or creating a new district.

"The threshold question is whether Campbell can go this route for a request for special use permit to stockpile the dredged coral. The law is clear on this subject and if the zoning board permits this incorrect procedure to determine the merits of this case, the city will be liable.

"In 1978, the revised EIS for the proposed Barbers Point deep draft harbor stated that the objective of the Barbers Point harbor is to complement the existing and planned facilities at Honolulu Harbor. The EIS stated that an evaluation of present and future Oahu Waterborne Commerce has indicated that the existing shoreside facilities at Honolulu Harbor are inadequate to handle projected containerized cargo needs beyond 1980 and even with state improvements, the harbor facilities will be unable to provide for the long term commerce needs beyond 1990-1995.

"The EIS -- that's the Environmental Impact Statement

by the way -- also stated that the construction of a second commercial harbor at Barbers Point would not only provide for the long term harbor needs for Oahu but also increase the efficient flow of goods and result in considerable savings in overland hauling to Leeward Oahu.

"It is now a known fact that Matson Lines testified that they do not plan to use Barbers Point harbor facilities as they have already have their own facilities. Furthermore, the cost is prohibitive of barging goods 10 miles from Honolulu to another port.

"And, testimony from those who intend to use it is conspicuously missing. Until a demonstrable public need for the harbor is proven, this project should not be imposed upon the Waianae Community simply because it is a federal 'white elephant' project."

This project has been the responsibility of an independent decision and should do so without the rationalization, or rationalizing of the project. If it is unwise to go ahead with the project, for whatever reasons, the board should be willing to face up to this.

(Applause.)

MRS. OLSEN: Our next speaker will be ... Prejean.
(Applause.)

STATEMENT OF GAIL PREJEAN

My name is ... Prejean (Unintelligible). I'm here to

echo the sentiments of denying the special use permit for the harbor.

I'd like to know when you talk of the environmental damage that will be irreparable, irreversible for the generations that again will feel the ill effects of a move that in fact would enhance only the special interests of a company that's named after a soup. And this soup company again is creating a lot of havoc, not only here, because the questions of the ownership of the spoils have never been settled.

You know, I look at these very nice, at this table of people sitting at this desk and I know that they have no concern for my destiny. I'm very concerned for the indigenous people, the people that will follow us and again ... in correlation with the State of Hawaii (Unintelligible) insensitive officials have never yet satisfied the promise of 1959 for the fact the State of Hawaii became the 50th state.

Many of you may be aware that Congress has also set up a sham study commission which is going to take place in January. It's going to be the first round of a circus that has already cut out the integral part of the language that talks about restitution for violations that took place, the violations that took place in 1893. Why again I question the legitimacy of this group is because they have no use for native people. They have no use for the realization that the native people in this area, 60 percent of them do not have any reportable income. Many of our people have no kind of health services, no jobs, no affordable houses and yet you

continue to give away resources that belong to everyone.

And these people that are attempting to sell what they call the spoils, the spoils is part of the environment system. I also would like to speak for my relatives that swim, for the mano that are acting erratic, that are now biting people, that I blame because it has done damage to the environment. And who's to say the other fish and the other creatures that depend on human beings to speak out so that this kind of stupidity cannot continue. I for one saw with my own eyes these people stand up and tell this group over here that we don't want the harbor. But I'll tell you one thing, next year in '82 you going to have to reach beyond this particular process of sitting down very comfortably. You going to have to get away from the TV sets and because I see that destruction of booze, get away from the beer (Unintelligible) the damage it's done to the civilization of Hawaii. I'd rather see the draft beer than the harbor.

(Applause.)

I hope for all of you to see your friends of Hawaii, your friends are the first people of this land. Do not become hypocrites, and turn your backs, and turn your eyes at the violations that are going now, the continued breaching of trust and continued violations of law. I ask all of you to look in your hearts very deep and look with a clear conscience and a clear mind because you going to have to stand up for your rights, you going to have to dig in and you going to have to consider the

positive aspects of civil disobedience. Because this kind of people's martialized thinking needs to be shaken and all laws need to be broken to make good laws that in fact will respond to the future of these children here that are going to be the leaders.

And to be leaders you have to be in the front, you have to be able to make sure that the people are protected especially the elders and the children. So be sure that you understand your responsibility to yourselves, to this moment and to the future for people that are not concerned for the protection of aboriginal rights and the welfare of aboriginal people. That is E Hawaii makou. Be strong for Hawaii, be strong for the kupunas and opios and be ready to struggle and really get it on in '82.

Mahalo.

(Applause.)

MRS. OLSEN: Wayne Gagne.

STATEMENT OF WAYNE GAGNE

I'm Wayne Gagne, I'm the State Board Chairman for the Conservation Council of Hawaii which is the state affiliate of the National Wildlife Federation which has four and a half million members. It's this largest national resource organization in the world.

Earlier in this year our organization in conjunction with the National Wildlife Federation identified Barbers Point deep draft harbor as one of the eleven most wasteful projects in the nation. We're fighting what we call pork barrel politics.

This is taking money from you and me and putting it in the hands of a few big corporations. Pork barrel politics, it used to be a big thing in commerce. No trouble in getting pork barrel politics through. But over the years an increasing number of young Congressmen and Congresswomen, Senators and Representatives are getting fed up with playing this game of pork barrel politics.

I want to tell you how close we're coming to seeing the end of this and that you shouldn't be sure that this project is going to go through. The biggest pork of the bunch in these water projects was the Tennessee Town Bigby Waterways.

Congress is being asked to go to billions of dollars for this. It's one that our organization is particularly pinpointing because if we can defeat this one the rest will fall like a house of cards, Barbers Point along with it. In the crucial vote in the House of Representatives in August we lost by only ten votes. Out of 409 voting we only lost by ten.

It came over to the Senate. The crucial vote on Tennessee Town Bigby Waterway, two votes, only lost by two votes. Had Matsunaga and Inouye gone to our side it would have been the end of Tennessee Town Bigby and maybe the rest along with it. We've got to let those people know, Matsunaga and Inouye, how badly we feel about that. We have another chance though, because every year the U.S. Corps of Engineer has to come to Congress and ask for these appropriations, these big moneys to spend for Tennessee Town Bigby. They're asking for 189 million this year. They have to come and

ask for the money for Barbers Point, 10 million. They don't get that money, the project don't go.

Now right now Reagan's man in the Office of Management and Budget is drying up the budget for these projects Mr. Cadury (phonetic). They'll have to put that in the budget somewhere.

You people are going to have to tell Mr. Cadury and the Office of Management and Budget don't put it in there.

(Applause.)

There's several pressure points along there. Local politicians may be lined up in favor of this project but in Washington it's a different story. That's why we're fighting there, 2,000, 3,000 miles away.

Next summer, again, the Army Corps goes before Congress, ask for the handout, ten million for Barbers Point. You've got to let those Congressmen and Representatives know don't spend that money. That's where we hit them, is that the feds are paying most of the bills on this.

Now Mr. Reagan is telling the nation that he wants the users of these harbors to pay for them. Well very well and good, and he's even got some legislation lined up, this user fee legislation, but unfortunately Barbers Point is grandfathered through. It doesn't come under this user legislation, so we have to try to get it there.

I noticed in this morning's paper, advertisement hidden in the massive print Governor Ariyoshi is asking for 4.4 million

for Barbers Point in the coming administration. Vote, better let Mr. Ariyoshi know that we don't want that 4.4 million poured down this hole and Barbers Point also. We got to be aware of this political process every step of the way because that's where the money is getting spent, our money.

Thank you very much.

(Applause.)

MRS. OLSEN: Okay, now our next speaker will be Charlene Keaulana.

(Applause.)

STATEMENT OF CHARLENE KEAULANA

Aloha poe o'Waianae and the Planning Commission. I feel the people we have to address tonight is the people on our Planning Commission.

I realize the severity of this coral stockpiling issue on the Barbers Point deep draft harbor. I am a concerned resident and a community worker. I come from Waimanalo, I've lived in Nanakuli and raised in Waianae as a young child. As a people our goals in our lives are to become a prosperous as well as perpetual nation. Ua mau keea o ka aina ika pono, as our motto has been for many years. It means to be the righteousness of those who are the caretakers of our land. They determine the amount of life any given land can provide or give back to our future.

For the Hawaiians success, for the Hawaiians, success is a never ending effort to help those who need help, not by money for

a few but by the survival of all. Not by (Unintelligible) either, how much you have of it. Our needs are basic. We need our heritage, medical care for those who can't afford to pay for medical, we need water which gives us life and land to grow our vegetables and fruits for everybody.

We haven't had all these needs satisfied and yet our tax money will be used to build this. Why not a hospital, why not a house (Inaudible).

(Applause.)

We share on weekend the working hands, not our hired hands. But a hand with loving, willingness to expect nothing in return for your service. Because for its success, our success is to gain the respect of each other, to trust and share a sincerely neighborly love. This price is more valuable than money can ever buy. (Inaudible).

(Applause.)

My question is, are you so sure that this project will have no negative effect on the perpetuation of our poe, our people that live here. Don't we have a voice? Can we not listen too? Cannot we participate or have a bearing on what you decide or an alternate, that possibly it might not be good? (Unintelligible) see what you folks can do. I don't know about that. I know about what I can do.

Our people are strong, intelligent and of a special culture built and fed on the thought that we do not, do not own

the land. Who owns the land? Us may kees o ka sins ika pono.

God. What happened? How did some people get all this land and we don't have any? How come? Our motto: Us may kees o ka sins ika pono. Who believes in it nowadays? He never charge us for water and he never charge us for rain or shine. All of a sudden we charged; we have to pay the Water Public Board of Supply.

I am fortunate. I happen to live in a place where it still remains water rights. We have to provide people with a reason, we have to grow something in order to keep the water coming. What if we don't keep it up? What if we don't have money to, to pay for the tax on our land. Will we be pushed out because we cannot pay the tax? Isn't this deep harbor draft attracting more, more business in the area and abusing us?

He never made us pay for tax on our land or to move to another place because it's overcrowded or because there's no farming land. But he does give to all an even share of elements to use in our, to use in order for us to survive.

To my people, my humble heart and my utmost strength and my foolish pride to the Hawaiian nation, we will endure, we will endure. ...

(Applause.)

MRS. OLSEN: Now we have Johnnie Torres.

STATEMENT OF JOHNNIE C. TORRES, SR.

Mr. Chairman and members of this City Commission. My name is Johnnie C. Torres, Sr. I'm a resident here of Nanakuli,

Waianae for plus 31 years, for plus 31 years. I am a, plus 31 years.

I am now retired. I worked for 23 years of my life and now retired from the state government and Pearl Harbor Shipyard, for about 20 years.

I'm here before you today (Inaudible). People don't know me (Inaudible). And I'm here pleading to you who are sitting here, the ones that are supposed to make the decision on whether or not we should have this harbor. I'm going to read something from the newspaper that ... (Inaudible) ... there was no newspapers, there was no TV coverage, there was nothing. The next day I called the paper and find out that (Inaudible). We need the deep draft harbor like the way you and I need a hole in our head because that deep draft harbor is putting an extra dollar in your hearts something that will never get used.

I was a Merchant Seaman about 12 years. We went to all parts of this world (Inaudible) United States Marines, and I tell you that the most beautiful harbor here is in Honolulu. It's a harbor that holds forty ships from one Pier 1 to Pier 40. And it's a deep draft harbor ... (Unintelligible) ...

What's a deep draft harbor? We have a deep draft harbor here in Honolulu. Again, I think was at the last meeting that we had at the City Council in City Hall, I went there and I checked. There was only two ships in there, one was a Matson ship, and that ship there wants nothing to do with the deep draft harbor. They

moved their facilities over to the Sand Island side (Unintelligible) ship clear across the bay in Pier 2. It's been there, sitting there for about two months. So now we have representatives that represent us in the Congress of the United States to lobby and say we need money, more money so then they can build a deep draft harbor. Why ... (Unintelligible) ... I thought a man who we were supposed to respect. Yes. Now we're supposed to respect that we needed that harbor ... (Unintelligible) ... I hate like hell to mention his name because he's a man that we're supposed to all respect. A man that we're supposed to respect because he's one that's supposed to be representing us in the Congress of the United States.

But coming back to that harbor there, if you take a look, some of us it would be good to take a walk, do the body good. Go down there and take a look for yourself and see how many ships are in there. According to figures that they have that 2,486 ships came in this year. ... (Unintelligible) ... and where did he get his figures from? Does he come for the same (Unintelligible) because I am concerned. My grandchildren are all sitting out here tonight to get home because they all fell asleep, because I'm concerned for what's going to happen ten years from today and if this deep draft harbor goes through what will my grandchildren say, "Grandpa, what happened to our swimming beaches, what happened to our fishing grounds, why can't we go swimming anymore?" And it's

shame.

Anyway, coming back to the testimonial I have written I think I lost a page or two. Because a lot of you talk about jobs, jobs and jobs and more jobs. (Unintelligible) they are concerned (Unintelligible) because there is more harbor we are out and they like to be working, but not at the expense of the Hawaiian people of (Unintelligible) stockpiling of mud and They are trying to discover a history, a heritage and a culture and not to bury. So before you people make any kind of a decision, you better take a long, long talk with your people that know more about what the really needs of the Hawaiian people, particularly in the Waianae Coast. Like housing, if the construction, the hard-hats are worried about work, why can't our state government take that Honolulu Harbor and make it look like a harbor. The way I remember Honolulu Harbor in the days of aloha, when the people used to go there and put in leis, exchanging leis. Now that's those days of aloha and this is what I want to see. I'm not (Unintelligible) down here at Barbers Point (Unintelligible). What if everything happens like what happened in Santa Barbara where the ship exploded and (Unintelligible). We've got the oil, 126 miles of beach (Unintelligible). the abalone (Unintelligible) it can but cannot be harbors for another hundred plus years. Try think about that, John. And if you have any questions, I'll be happy to answer them.

Any questions?

COUNSEL KISHIMOTO: No questions.

(Applause.)

MRS. OLSEN: Neileka Jackson.

STATEMENT OF NEILEKA JACKSON

I know how it is late and I'm going to limit myself to three minutes.

Mr. Chairman, Members of the Planning Commission, my kupunas, opiopios, (Unintelligible) community, aloha.

I come here before you tonight --

MR. CHAIRMAN: Give us your full name, please, for the record.

MS. JACKSON: My name is Lucille Neileka Jackson but I prefer Neileka, thank you.

I come here as a Hawaiian, na poe o'Waianae, a mother, and a grandmother of two lovely young mo'opunas in Waianae. And I'm going to speak on a purely emotional level, there'll be no time to have figures, no more oratory.

I was born in Hawaii Kai, but my folks used the old ways. When you went looking for limu, you went to the Kahalawai for the limu eleele. (Unintelligible) right off of Ala Moana. And if you wanted the manawea or limu kohu we went down to Ewa and along the coast where Barbers Point now is. Nanakuli has the sweet lipoa. For you that are familiar with limu know what I'm talking about.

For you that do, not get a new lesson in a little bit of Hawaiiana.

If you persist in this kind of destruction of shoreline we will have no kinds of beach things for our generations to come, our children. But in the long-run, what should I care what they're doing. But I want them to be able to swim in the shimmering waters of this coast, to fish, to play and bask in the warm unclouded skies of Waianae.

I told you I wasn't going to take more than three minutes. I detest the deep draft harbor. I say no to it and I say enough of the destruction of our land, the pollution of our shoreline, the disagreement of the life that I am accustomed to and I say this in behalf of my next generation.

(Applause.)

MRS. OLSEN: Eric Enos. Will you come up with that letter?

MR. CHAIRMAN: You have a letter, Eric?

MRS. OLSEN: Yes, he has a letter from Margaret Apo.

STATEMENT OF MARGARET APO

By Eric Enos

I'm reading testimony for Margaret Apo.

To Chairman William Pacheco and Members of the Planning Commission, City and County of Honolulu.

I thank you for the opportunity to present my thoughts on the issue of the Barbers Point deep draft harbor.

I am Margaret K. Apo, resident of Makaha, Waianae,
Oahu for thirty years. I am also a public official and as such
do realize that your task is not an easy one. I speak, however,
as a citizen.

Try as I might to find reasons which in my mind justifies the building of this deep draft harbor at Kalaeloa at Ewa Beach, Oahu, with reasons and benefits which would outweigh the destruction of the sea bed and the ultimate loss forever of the fishing grounds and sea life, coral, limu, and so forth for the survival of humans on land, I have not been successful. To concede to the wishes of the land owners and the state in this plan which was fashioned since 1953 even when the need was not known, would be easy. I have trouble even today justifying the need for this deep draft harbor.

We have not been told as yet why the available deep draft harbor docking spaces in Honolulu proper are not being fully utilized; or why the deep draft harbor docking spaces (Piers 39 and 40) at Kapalama is not fully utilized. These piers formerly used by both commercial and Army freighters and Army passenger ships are now under state control. The shed of Pier 39 is now a trade zone. Pier 40 is leased to the state by the Army. My question is, why have these piers not been considered by the state during this process of considering the so-called need for a deep draft harbor at Barbers Point? How can our state government

in good conscience not consider this fact instead of continuing to pursue the very controversial construction of the Barbers Point deep draft harbor? Based on the availability of these piers, I must question the validity for spending some fifty to over sixty millions of our taxpayers' money for a deep draft harbor that is not needed.

We have been told, we have not been told which ships, commercial or military will use this harbor when the others located closer to their areas of operation are available. The present commercial carriers will not use it.

I feel strongly that this Commission should look into the usage of Piers 39 and 40 before a decision on this matter is rendered. The Commissioners may find that other than harbor operational usage is ongoing. The Army ships I understand are now using the docking facilities at Pearl Harbor. The shipment of military cargo has been drastically reduced and so have the movement of military personnel; hence the reduction of shipping to and from Hawaii.

Gut feeling tells me that economics is once more rearing its ugly head, where once it was a godsend, today it has taken on a new purpose, a new motive not necessarily conducive to the welfare of Hawaii's taxpayers.

I have personally witnessed the destruction of seafood areas which this harbor will cause, with the building of the

Waianae Boat Harbor. Lost to us forever, and personally to my family are our favorite and readily available fishing grounds, limu grounds, limu or seaweed being a natural source of iodine required for health; turtle grounds, shellfish and others.

These products have become luxury items for the Hawaiian table.

As such, I cannot in good conscience support the construction of this deep draft harbor, the harm to the ocean products of which would be far, far greater than that now being felt by residents of this and other communities who frequent our shores.

Realizing that the construction of this deep draft harbor will be the basis from which the building of a second city of Honolulu as planned at Ewa Beach, then I must say, this proposed city with unaffordable homes for the local market renders it even more undesirable for our children. Then, the justification as to the needs of this harbor for shipping purposes is false, deceitful and an insult to the people of Hawaii considering the fact that state funds are being used also. As such it borders on the abuse of federal funds for a project not needed as claimed. As such, it may be advisable for President Reagan to review this project in his attempt to balance the national budget. I hope he does, for in the final analysis, the Barbers Point deep draft harbor is not needed. Again, Mahalo. Margaret Apo.

(Applause.)

MRS. OLSEN: Thank you all for waiting. Now we come

to the end, so I would like to say a few words also.

When I was a teen I used to come out here to Waianae and my family. It was just nice to come out from the city. I was raised in Kalihi. Then, but today, then in '31, '32 rather, my parents moved out here in Waianae to the Nanakuli Homestead Lands.

So I've seen this place as it was and through the years as it is today. But when I think about when I see as I've heard and see what is being planned as Barbers Point, I'm frightened, because I watch the TV and I see the same thing happening in other areas of the United States of America. Who suffers; the poor. In here in Waianae today we have a very good number of our population. It reminds me of the population of how Honolulu was, we have every nationality represented. But today I think we can find this over in Waianae. We have all the different nationalities, ethnic groups represented here.

Many things have happened throughout our islands also.

One outstanding one is the one they call Damon Tract, it's

Kaloaloa. The Damon Tract people were moved out of there to

develop the area for an airfield. But that didn't happen that way.

It's businesslike. So I pray the same thing will be happening

here. Our oceans will be flowing with pollution. Our roads and

our beaches will be flowing with human beings.

In Nanakuli-Waianae some years ago when the state came

out to, the state or the city came out to develop the whole place, nice beaches there. What happened? There was no more children on the beaches. All they could do was to get down to the ebb tide. Why? Because our beaches were just loaded with outsiders.

And then several years ago there was a gay turnout from here, Waianae, to stop the Waianae surf sites. Because our mayor then, he was very happy because we were going to have a green lane around Oahu. But through some manipulation he gave us for exchange of land, with the holes. And so you see we have a couple of surf sites.

So, so many things have happened that you need to be aware of, not only sit in your house and watch the TV, the tube, get out into your community and find out what's going on. I know none of us cannot afford a paper. It's difficult, 'cause it's just too hard. So what you can do is to get out in your community and find out what's going on. And that is the only way we can help preserve the quality of life we desire here. Look around you all over and work together.

I thank you. I now direct our acts by the Nanakuli
Hawaiian Homesteaders Association to relay to the Commissioners
and to the community members that it's bad with Na Opio Aloha Aina,
no deep draft harbor at Barbers Point.

(Applause.)

Thank you.

We've come to the end of this night and I want to thank all of you for really concern. I can see that because there has been many meetings that I have gone to where we get past the hour of 9:30, we are laughing about a handful of people. But tonight you really stuck with us. And I take this opportunity to thank our Chairman, William Pacheco.

(Applause.)

You really have been very gracious with us.

MR. KELLY: Auntie Marie, 28 speakers opposed the harbor, not one spoke in favor of it. 28 speakers opposed the harbor.

MRS. OLSEN: You're keeping track, huh?

A VOICE: The meeting is adjourned, yeah?

MR. CHAIRMAN: No, now, she's still talking.

MRS. OLSEN: So to all of you kama'ainas, also, I give my mahalo to you. I want to ask the Lord to bless you; above each one of us that He will guide and direct us all to our homes safely. In the name of Jesus Christ, Amen.

MR. CHAIRMAN: How about a nice hand for our lovely lady hostess.

(Applause.)

One more announcement: There will be a decision rendered within the next 30 days. Okay?

(State anthem sung by audience.)

MR. CHAIRMAN: One moment please. One moment. Is there anybody else here who would like to speak? Are you all satisfied?

(Response from audience.)
(Meeting adjourned.)

ADJOURNMENT:

The meeting adjourned at 11:30 p.m.

Respectfully submitted

Henrietta B. Lyman Secretary-Reporter

with that McCoy 11-15-81 THE NATURAL AND CULTURAL RESOURCES OF BARBERS POINT

The Barbers Point area is an unique and important natural and cultural resource with both local and international significance particularly from archaeological, historical, paleontological, and biological viewpoints.

- Surrounded by agricultural, industrial, military, and residential developments, the Barbers Point Deep Draft Harbor Site is the largest of the remaining, least disturbed portions of the Ewa Coral Plain.
- Largely neglected, in the past, by scientists due to the seemingly unfavorable conditions for prehistoric Hawaiian settlement, scientific investigations initiated only in the last decade have revealed significant information and intoduced many wet unanswered, intriguing questions relating to cultural and natural sciences which ultimately will alter our current understanding of the prehistory of this region. 20 year lang of public understanding
- More than 300 archaeological and early historical sites have been recorded during investigations dealing with the Deep Draft Harbor Site. However, only about 60 or 20% have been excavated with less than 30 completely salvaged. Available information indicates that the Barbers Point and the wider Ewa Coral Plains once supported a human population far greater than ever considered previously.
- Due to their sheer numbers, even a smaller percentage of the paleontological sites have been investigated. More than 20 previously unknown species of extinct bird remains (including: Hawaiian eagle, hawk, long-legged owl, crow, flightless geese, rails, and small finch-like birds) have been recovered from excavations at only about 50 mixthexrecorded (less than 10%) of the recorded sites. The potential for more species is extremely high, in view of the probability that somewhere in excess of 5000 paleontological sites are present.

Euphorbia skottsbergii var. kalaeloana (akoko), an lendemic Hawaiian plant species previously thopught to be extinct, was rediscovered and found to exist only in the Barbers Point Harbor Project Area was to date entered on the National Endangered and Threatened Species List (Federal Register) in 1976. Additional investigations have revealed the presence of 6 extinct species of land snails which are highly sensitive indicators of past environmental conditions. Of the 15 native species recorded to date, only 4 still occur in the Barbers Point

area.

Although \(\Lambda \) separate scientific discoveries are significant in themselves, the opportunity to study the interrelationships among the natural and cultural elements man, makexxthex& testifies to the far-reaching significance and uniqueness of the Barbers Point resources.

Tour Walle School Bervice Panahi Bishop Museum
P.O. Box 19000-A
Honolulu, Hawaii 96819

WHAT IS UNIQUE ABOUT BARBERS POINT?

It is one of the least disturbed portions of the largest raised coral reef in the Hawaiian Islands. The numerous sinkholes (puka's) in the area offer ideal conditions for the preservation of bone. The quantity and variety of faunal remains, especially the bird bones, is unparalleled elsewhere in Hawai'i from an archaeological context.

WHAT WAS THE NATURE OF THE HAWAIIAN ADAPTATION TO THE BARBERS POINT ENVIRONMENT?

The area appears to have been occuppied, perhaps on a seasonal basis, from the late 1500's and possibly earlier. Subsistence was based on the exploitation of ourposely varied marine resources and to a lesser extent, many traditional food plants were adapted to seemingly unfavorable soil and water conditions. Hawaiian occupation contributed in some as as yet unknown fashion and time to the extinction of numerous species of previously unknown birds.

WHAT IS THE FUTURE OF THE PAST AT BARBERS POINT?

Construction of the Deep Draft Harbor will contribute to the already significant loss of fragements of Hawaiian prehistory and history, including the opportunity to fully understand man's role in and the date of widespread faunal extinctions, especially birds. The alternative is preservation of selected sites and areas for future scientific research and public education on varied aspects of local cultural heritage.

WHAT IS THE IMPORTANCE OF THE DREDGED MATERIAL DISPOSAL AREA?

If the Harber Project goes through, massive amounts of dredged coral will be stockpiled in large areas. Two of the three proposed stockpile sites have been quarried in the last two years, totally destroying the natural and cultural resources. Only the third area remains intact. Although this is only a portion of the total project area, all of the points discussed above are relevant here. The extremely high number of sinkholes gives this area particular importance to the bird/man question.

Mr. Chairman, Members of the Planning Commission.

My name is Billie J. Hauge and I am testifying on behalf of the Waianae Land Use Concerns Committee, an organization that is dedicated to the promotion of sound land use decisions for the Waianae Coast and the adjacent Ewa plain.

We object to the consideration of a Special Use Permit for this project. The stockpiling of coral is a permanent, high-intensity urban use and should be subject to the regular District Boundary Amendment procedures of the Land Use Commission. It is not a temporary use that will revert to agricultural use in a year or two, nor is it the minor land use change that the Special Use Permit was intended to cover. It is, instead, a thirty-year project covering 177 acres with piles of coral up to forty feet high. It will never return to agriculture.

We have seen this circumvention of the District Boundary Amendment procedure more frequently in recent years. We have appealed the decision which granted a Special Use Permit to the proposed Kahe Theme Park and the issue is now before the Hawaii Supreme Geurt; the same issue was argued this week in the Lahaina Airport case before the Second Gircuit Court of Maui.

The test for a Special Use Permit of "reasonable and unusual" provides no clear standards by which to decide a project of this magnitude. The more clearly articulated standards for a District Boundary Amendment should apply

here, in particular the following parts of the State Land Use Commission District Regulations:

Section 6-1, (1). Land use amendments shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

- (3). Maximum use shall be made of existing services and facilities, and scattered urban development shall be avoided.
- (5). Preference shall be given to amendment petitions which will provide permanent employment, or needed housing accessible to existing or proposed employment centers, or assist in providing a balanced housing supply for all economic and social groups.

The testimony which will follow addresses the magnitude of the impact of this project and therefore questions the propriety of this procedure. The speakers will be raising issues which clearly show that a procedure must be adopted that will provide more clearly established guidelines for making a decision.

We believe that the testimony will show very clearly that the City Planning Commission should not hear this matter. We ask that you refer the applicant to the State Land Use Commission, the proper agency to hear this request.

Thank you for this opportunity to testify.

December 17, 1981

TESTIMONY

on

BARBER'S POINT DEEP DRAFT HARBOR

To: Chairman William V. Pacheco and Members of the Planning Commission, City and County of Honolulu

I thank you for the opportunity to present my thoughts on the issue of the Barbers' Point Deep Draft Harbor.

I am Margaret K. Apo, resident of Makaha, Waianae, Oahu for thirty years. I am also a public official and as such do realize that your task is not an easy one. I speak, however, as a citizen.

Try as I might to find reasons which in my mind justifies the building of this deep draft harbor at Kalaeloa at Ewa Beach, Oahu, with reasons and benefits which would outweigh the destruction of the sea bed and the ultimate lost forever of the fishing grounds and sea life, coral, limu, etc. for the survival of humans on land, I have not been successful. To concede to the wishes of the land owners and the State in this plan which was fashioned since 1953 even when the need was not known, would be easy. I have trouble even today justifying the need for this deep draft harbor.

We have not been told as yet why the available deep draft harbor docking spaces in Honolulu proper are not being fully utilized; or why the deep draft harbor docking spaces (piers 39 and 40) at Kapalama is not fully utilized. These piers formerly used by both Commercial and Army Freighters and Army Passenger ships are now under State Control. The shed on Pier 39 is now a Trade Zone. Pier 40 is leased to the State by the Army. My question is, "Why have these piers not been considered by the State during its process of considering the so call "Need" for a deep draft harbor at Barbers Point? How can our State government in good conscience not consider this fact instead of continuing to pursue the very controversial construction of the Barbers Point Deep Draft Harbor? Based on the availability of these piers, I must question the validity for spending some fifty to over sixty millions of tax payers money for a deep draft harbor that is not needed.

We have not been told which ships, commercial or military will use this harbor when the others located closer to their areas of operation are available. The present commercial carriers will not use it.

I feel strongly that this Commission should look into the usage of Piers 39 and 40 before a decision on this matter is rendered. The Commissioners may find that other than harbor operational usage is ongoing. The Army ships I understand are now using the docking facilities at Pearl Harbor. The shipment of military cargo has been drastically reduced and so have the movement of military personnel; hence the reduction of shipping to and from Hawaii.

Gut feeling tells me that Economics is once more rearing its ugly head, where once it was a God-send, today it has taken on a new purpose, a new motive. not necessarily conducive to the welfare of Hawaii's

I have per ally witnessed the destriction of sea food areas

(2)

which this harbor will cause, with the building of the Waianae Boat Harbor. Lost to us forever, and personally to my family are our favorite and readily available fishing grounds, limu grounds, limu or seaweed being a natural source of iodine required for health; turtle grounds, shell fish and others. These products have become "Luxury items" for the Hawaiian table. As such, I cannot in good conscience support the construction of this deep draft harbor, the harm to the ocean products of which would be far, far greater than that now being felt by residents of this and other communities who frequent our shores.

Realizing that the construction of this deep draft harbor will be the basis from which the building of a second city of Honolulu as planned at Ewa Beach, then I must say, this proposed city with unaffordable homes for the local market renders it even more undesirable for our children. Then, the justification as to the need of this harbor for shipping purposes is false, deceitful and an insult to the people of Hawaii considering the fact that state funds are being used also. As such it borders on the abuse of Federal funds for a project not needed as claimed. As such, it may be advisable for President Reagan to review this project in his attempt to balance the National budget. I hope he does, for in the final analysis, the Barbers Point Deep Draft Harbor is not needed. Again, Mahalo.

Margaret K. Apo Margaret K. Apo 84-930 Lahaina St.

Waianae, Hi, 96792

Phone: 695-9332

OFFICE OF HAWAIIAN AFFAIRS

TO: The Planning Commission DATE: December 17, 1981 City and County of Honolulu

FROM: Walter L. Ritte, Jr. OHA Trustee and

Chairperson, Culture Committee

RE: Testimony -- EWA -- State Special Use Permit - 81/SUP-6.

In its current form the "archaeological and Paleontological Investigation at Kalaeloa (Barber's Point) Honouliuli, 'Ewa, O'ahu" (Hammet-Folk) is unacceptable in its current form. Fundamentally, the study concludes that:

None of the habitation sites or miscellaneous features such as <u>ahu</u> or agricultural sinks tested or excavated are appropriate for preservation either from a display or an interpretive viewpoint since their architectural and other physical characteristics are not unique or impressive. In addition, they do not illustrate any particular theme in Hawaiian archaeology that cannot be better presented elsewhere. For these reasons and because their scientific potential has been addressed in the salvage excavations, complete archaeological clearance is recommended for the entire project area. (Hammet-Folk, p.28.)

Curiously, however, the Hammet-Folk investigation noted in passing:

Many questions about the prehuman and prehistoric ecology of the 'Ewa plain and its associated avifauna are still unanswered and could justify further investigation. This work should be continued, either in the present study areas or in surrounding areas logically by the appropriate federal or state agency, subject to the intent terms of the National Historic Preservation Act of 1966. (Hammet-Folk, p.28.)

Planning Commission Testimony - Ewa Special Use Permit December 17, 1981 Page Two of Three

The indecisiveness of these two observations are manifestly difficult to reconcile. There are, however, more important considerations. It is standard procedure for archaeologists working on sites in the United States to evaluate the significance of prehistoric cultural resources in terms of local, state or national significance. In the instant case, there is no commentary on the 'Ewa plain in this recommended procedure. The demonstrated association of the admittedly lone extinct avifauna with human settlement sites with the corresponding implications that native Hawaiians contributed to the extinction process of such avifauna makes the 'Ewa plain of singular importance with related fields of scientific inquiry on a global basis. In addition, the nature of native Hawaiian settlement has only been examined in parochial terms, confined to the project area. Previous recommendations emphasized the need to study the prehistoric settlement remains in tandem with a much larger settlement sequence in the Honouliuli ahupua'a. It is only through such a methodology that the significance of pre-contact human settlement on the 'Ewa plain can be better understood. In brief, the issue of scale relevant to the Hammet-Folk investigation has largely been unsatisfied.

Aside from the archaeological observations, the question of appropriate methodology is apparent. What is lacking is a reasonably detailed work analysis which would include data such as work hours expended on each site, the number of persons involved in the excavation of each site.

Most disturbing, however, is the history of the 'Ewa plain. Though the Hammet-Folk investigation clearly stated that the post-contact to the present day history of the area would be studied, only the World War II years are studied with any significant attention. It would be logical to assume that there is considerably more in the way of significant human history on the 'Ewa plain than what is contained in the present study.

Planning Commission Testimony - Ewa Special Use Permit December 17, 1981 Page Three of Three

In summary, and in view of the aforementioned defects, it is recommended that the Hammet-Folk investigation be declared unacceptable. Consequently, any application to allow the stockpiling of dredged coral in the area should be suspended until the defects in the Hammet-Folk investigation are corrected.

Respectfully submitted,

Walter L. Ritte / Jr. Trustee and Chairperson

Culture Committee

Office of Hawaiian Affairs

WLRJ: 1m

. . . .

TESTIMONY

by Marion Kelly

Members of the City and County Planning Commission and Friends:

You have heard our scientists give compelling testimony on the importance of preserving our Hawaiian culture-history remains at Barber's Point. I would like to support their testimony with a few reasons from a cultural anthropologist's point of view, that is, from my personal point of view.

Anthropologists are scientists who study mankind. They study how human beings adapt their culture to their environment, and also how people adapt the environment to their own needs.

World-renown anthropologists such as Margaret Mead, Alfred Kroeber, and Lewis Henry Morgan, to name only a few, have pointed out that the Islands of the Pacific are a most unusual scientific laboratory for such studies. The Hawaiian Islands are particularly important because of their long period of isolation.

For millions of years before human beings arrived here, plant and animal life in the Islands developed naturally, without the intrusion of humans. Hawai'i developed many plants, shells, birds and other animal life that are found nowhere else in the world, species that are endemic to Hawai'i.

There are at least 80 known species of Hawaiian birds that are endemic to Hawai'i. The many varieties of the Hawaiian flightless goose were unknown just a few years ago. Only in the last five years have their remains been discovered on Hawai'i Island and at Barber's Point on O'ahu. We must learn as much as we can from their remains at Barber's Point. This important scientific evidence must be preserved for study by future generations of scientists, as well as for our own present enlightenment.

In addition to endemic birds, thousands of species of insects are endemic to Hawai'i and hundreds of species of plants are found no other place in the world. Some of them established themselves in the Hawaiian Islands, perhaps five to ten million years ago.

The Hawaiian blackberry, for example, doesn't have thorns. The reason is that for millions of years the blackberry plants in Hawai'i had no enemies, so it didn't need thorns for protection. Thus, the Hawaiian species of blackberry is thornless and is different from blackberry bushes found in the rest of the world. Other plants, such as Sumach and Nettle, are poisonous elsewhere in the world, but in Hawai'i, they have lost their poisonous qualities. One endemic plant, the 'akoko (Euphorbia spp.), a native of O'ahu's mountains, has adapted to the dry coral plains of Kalaeloa, known today as Barber's Point. It is still growing there, although it is one of Hawai'i's endangered species, and it needs to be protected and preserved in its adaptive environment.

So, after millions of years of natural development, human beings finally arrived about 1,500 years ago from the South Pacific Islands. They were Polynesians, and they found a good home here in the Hawaiian Islands. Some of them went to live at Kalaeloa, perhaps about 700 years ago, or perhaps earlier.

Today we have discovered the cultural remains of Hawaiians who adapted themselves to life in the dry environment of Kalaeloa. We do not have the right to destroy the evidence that will give us, and future generations, a better understanding of how mankind lived in this type of environment, why they went there to live, and how they modified the land there to provide for their own needs.

In the world today are millions of people starving because they don't have enough food. Hawaiians came here 1,500 years ago and they thrived. From a few, the Hawaiian population grew in 1,500 years to 300,000, or perhaps 500,000 people. They discovered some answers about how to live within the boundaries of their environmental resources, to provide for themselves without destroying the ability of the earth to feed them. Hawaiians developed an economic and social base of cooperation and sharing between the people living mauka and those living makai. We need to learn more about the relationship between the people living makai at Kalaeloa and the people living inland. Hawaiian culture may have some important contributions to make to the world today. We must not destroy the possibility of retrieving such information. With much of our world in deep crisis, we cannot afford to limit our options.

In the past 50 years science has made great strides in the technology of analyzing materials and revealing their relationship to the development of culture. Radiocarbon dating of charcoal and other materials, hydration-rind dating of basaltic glass, collagen dating of bone, soil analysis, pollen analysis, and electro-microscopic analysis of plant and animal remains that permit identification and comparative studies, are only some of the highly technical and sophisticated analytical tools that have been developed in recent years.

We can look forward to the next 50 years as a period of even greater technological advancement with new and more sophisticated analytical techniques. Undoubtedly, they will permit us to understand many more things about the cultural remains at Barber's Point. But not if we destroy these remains now. We do not have the right to destroy for future generations, for all time, information that has already provided scientists and you and I with important data. If you commissioners do make a decision to permit the dumping or coral spoils that will destroy these Hawaiian cultural remains, the burden will rest on your shoulders, and the world will know it is yours.

17 December 1981 MR. Thomas KNAHULU 84-708 FARR. Hwy. WAIANAE, Hi 96792

City PLANNING COMMISSION City&County of Honolulu.

DEAR MEMBERS of the Commission: Debuton 30 MM.

MY NAME IS Thomas KNAHULU & T. 1. AM AI-OHANA MRS LENA GUEITERD AND MY SISTER IN-LAW, MRS Geneviere NAHULU, All property owners IN LUAlualei Valley. I have six Acres, the GUERTERO OHANA have Seven Acres, MY Sister IN-LAW have # Eleven Acres, OUR FAMILY, OUR DHANA, has a TOTAL of 24 Acres. Of Prime AGRICULTURE LAND Which is currently being USED FOR FARMING.

I AM NOT OPPOSED TO the propose of the HARBOR, however, I AM OPPOSED, IF the use Permil Current pressing NEED of ADDITIONAL WHATER Supply INTO the COMMUNITY IS NOT Full Filled FIRST.

LUALUATEI IS MY DIRTH PLACE. BORN The EARLY TWENTIES, I WAS RAISED IN LUALUATEI AND have Lived in the WAIANAE district All my Life. ALThough our OHANA ARE NOT DEISONALL FARMING RIC ARE LOUR IND ARE LEPRING TERMICRITH

Of DUR LAND TO FARMERS.

Since My retirement Almost Two years, Myself AND Members of OUR OHANA have been Cultivating OVER TWO AND ONE-HALF Acres of Vegetables, Fruits AND FLOWERS. USING A HOUSE HOLD SIZE WATER METER.

IN LOOKING OF PAST PRACTICE AND PREPARING FOR the FUTURE, MAY I present MY STATEMENT.

1. ABOUT TWO GEARS AGO, The BOARD of WATER SUPPLY IN THE SUPPLY IN THE WATER SUPPLY IN THE WATER SUPPLY IN THE WATER SUPPLY IN THE WATER SUPPLY IN THE DEVELOPMENT CAN NOT be build. ALSO, ALL FUTURE request FOR WATER Supply, will be Limited to House hold size water meter, which is 5/8" IN DIAMETER, This INCLUDE FARMERS. This decision will remain in Effect until Such Time Additional water. Become Available to the Community.

2. There ARE MANY YOUNG HOWALLAND, CURRENTLY FARMING FOR A LIVING, AND MANY MORE WANT'S TO TORM, BUT held back because of the WATER Supply. The Size of WATER METER VESTRICT THESE FARMERS TO THE TYPE OF Crop TO PLANT AND THE SIZE OF ACREAGE TO PLANT.

3. Jo Build AND operate the propose

HARBOR WIll require Milliams of GALLONS OF WATER

BY. AVAILABLE OF All TIME. I have NOTICED, that A

CONSTRUCTION OF ANOTHER Similiam Size WATER TANK

DEING BUILT, ON the hill OT CAMPBELL INDUSTRIAL

PARK TURN OFF, Which I Assume (Correct me if

I'M WRONG) To Support the propose HARBOR.

This is Five, but shouldn't the WATER (again I Assume

is aithen Currently Available or will be Available in

the very near Future) be First MADE Available

To the pressing NEED To the Community of

the WALANAE DISTRICT? Other Wise, Why build

this WATER TANK?

4. Without WATER, What would happen to the Prime Africulture LAND AND especially to the Future Howairan FARMENS IN the WAIANAE DISTRICT COMMUNITY.

IN CONCLUSION, MQY I THANK The Members of
the loannission to + Their Time AND CONSIDERATION
IN hearing me out. For the SAKE of our OHANA
AND the FUTURE of WAIANAE DISTRICT AND MOST IMPORTANT
TOR the FUTURE HAWAIIAN FARMERS, AND the preservation
Of Prime Agriculture LAND, I AK THAT Your
Decision be A JUST ON a.

Property OWNER & FARMER

12/17/81

mark Surso

THIS REQUEST FOR A SPECIAL USE PERMIT IS INCORRECT AND SHOULD NOT
BE USED TO CIRCUMVENT THE REQUIREMENT OF DISTRICT BOUNDARY AMENDMENTS
ON SUCH A PROPOSED USE OF SOME 177 ACRES OF LAND IN THE WAIANAE AREA.
THE CORRECT PROCEDURE, ACCORDING TO HRS 205-6 MANDATES THAT THE
COUNTY PLANNING COMMISSION AND THE ZONING BOARD OF APPEALS OF THE
CITY AND COUNTY OF HONOLULU MAY PERMIT CERTAIN UNUSUAL AND REASONABLE
USES WITHIN AGRICULTURAL AND RURAL DISTRICTS OTHER THAN THOSE FOR
WHICH THE DISTRICT IS CLASSIFIED.

205-5(b) MANDATES THAT WITHIN AGRICULTURAL DISTRICTS, USES COMPATIBLE TO THE ACTIVITIES DESCRIBED IN 205.2 AS DETERMINED BY THE LUC SHALL BE PERMITTED.

THIS PROJECT IS UNUSUAL. HOWEVER, IT IS NOT REASONABLE IN THAT IT

IS CLEARLY INCOMPATIBLE WITH THE INTENDED AGRICULTURAL USE. THIS

PROJECT IS A LONG TERM/PERMANENT URBAN/INTENSE INDUSTRIAL USE ON A

LARGE SCALE. SUCH INTENSE USE ON A LARGE SCALE REQUIRES AN URBAN

BOUNDARY AMENDMENT CHANGE. THIS IS NOT A TEMPORARY USE--AND AS SUCH

REQUIRES A ZONING CHANGE AND NOT A SPECIAL USE PERMIT. REMEMBER, THIS

PROJECT CONTEMPLATES STOCKPILING CORAL ON 177 ACRES OF LAND OVER

30 YEARS.

FURTHERMORE, 205-2 MANDATES THAT IN THE ESTABLISHMENT OF BOUNDARIES

OF AGRICULTURAL DISTRICTS, THE GREATEST POSSIBLE PROTECTION SHALL BE

GIVEN TO THOSE LANDS WITH A HIGH CAPACITY FOR INTENSIVE CULTIVATION.

THE CHOICE OF PROCEDURE IS CLEARLY IMPROPER. BOUNDARY AMENDMENTS

DEAL WITH INTENSE USE OF THIS KIND OF LAND...AND SPECIAL PERMITS CANNOT

BE GRANTED TO AUTHORIZE USES WHICH HAVE THE EFFECT OF MAKING BOUNDARY

CHANGES OR CREATING A NEW DISTRICT.

THE THRESHOLD QUESTION IS WHETHER CAMPBELL CAN GO THIS ROUTE OF A REQUEST FOR A SPECIAL USE PERMIT TO STOCKPILE THE DREDGED CORAL. THE LAW IS CLEAR ON THIS SUBJECT AND IF THE ZONING BOARD PERMITS THIS INCORRECT

DESCRIPTION OF DEMEDIATIVE MILE MEDITIC OF MILE CACE. MILE CITY WILL DO LIADIE

IN 1978, THE REVISED EIS FOR THE PROPOSED BARBERS POINT DEEP DRAFT HARBOR STATED THAT THE OBJECTIVE OF THE BARBERS POINT DEEP DRAFT HARBOR IS TO The Control of the Co COMPLEMENT THE EXISTING AND PLANNED FACILITES AT HONOLULU HARBOR. THE EIS STATED THAT AN EVALUATION OF PRESENT AND FUTURE OAHU WATERBORNE COMMERCE HAS INDICATED THAT THE EXISTING SHORESIDE FACILITIES AT HONOLULU HARBOR ARE INADEQUATE TO HANDLE PROJECTED CONTAINERIZED CARGO NEEDS BEYOND the state of the s EX-1980 AND EVEN WITH STATE IMPROVEMENTS, THE HARBOR FACILITIES WILL BE UNABLE TO PROVIDE FOR THE LONG TERM COMMERCE NEEDS BEYOND 1990-1995. THE EIS STATED ALSO THAT THE CONSTRUCTION OF A SECOND COMMERCIAL HARBOR ATEBARBERS POINT WOULD NOT ONLY PROVIDE FOR THE LONG TERM HARBOR NEEDS FOR OAHU BUT ALSO INCREASE THE EFFICIENT FLOW OF GOODS AND RESULT IN CONSIDERABLE SAVINGS IN OVERLAND HAULING TO LEEWARD OAHU. IT IS NOW A KNOWN FACT THAT MATSON LINES TESTIFIED THAT THEY DO NOT PLAN TO USE THE BARBERS POINT HARBOR FACILITIES AS THEY ALREADY HAVE THEIR OWN FACILITIES. FURTHERMORE, THE COST IS PROHIBITIVE OF BARGING GOODS 10 MILES FROM HONOLULU TO ANOTHER PORT.

AND, TESTIMONY FROM THOSE WHO WOULD INTEND TO USE IT IS CONSPICUOUSLY MISSING. UNTIL A DEMONSTRABLE PUBLIC NEED FOR THE HARBOR IS PROVEN, SIMPLY THIS PROJECT SHOULD NOT BE IMPOSED UPON THE WAIANAE COMMUNITY BECAUSE IT IS A FEDERAL "WHITE ELEPHANT" PROJECT.

THIS BOARD HAS THE RESPONSIBILITY TO MAKE AN INDEPENDENT DECISION AND SHOULD DO SO WITHOUT THE RATIONALIZING THE PROJECT. IF IT IS UNWISE TO GO AHEAD WITH THE PROJECT, FOR WHATEVER REASONS THE BOARD SHOULD BE WILLING TO FACE UP TO THIS.



PUBLIC HEARING ON THE DEEP DRAFT HARBOR********

DECEMBER 17,1982 WAIANAE INTERMEINIATE SCHOOL

Mr. Chairman and members of this city planning commission. My name is John Torres Sr. and a resident of the Waianae Coast for some 31 plus years.

First of all I would like to thank God for giving me the strength to be able to testify in the behalf of my children, grandchildren**** that can not speak for themselves, about this Harbor that we don't need.

MY GREIVENCE OF PARAMOUNT: (Concern that should be taken in to consideration, under AFFIRMATIVE ACTION)

We have here on this island one of the most beautiful Harbors in the U.S.A.

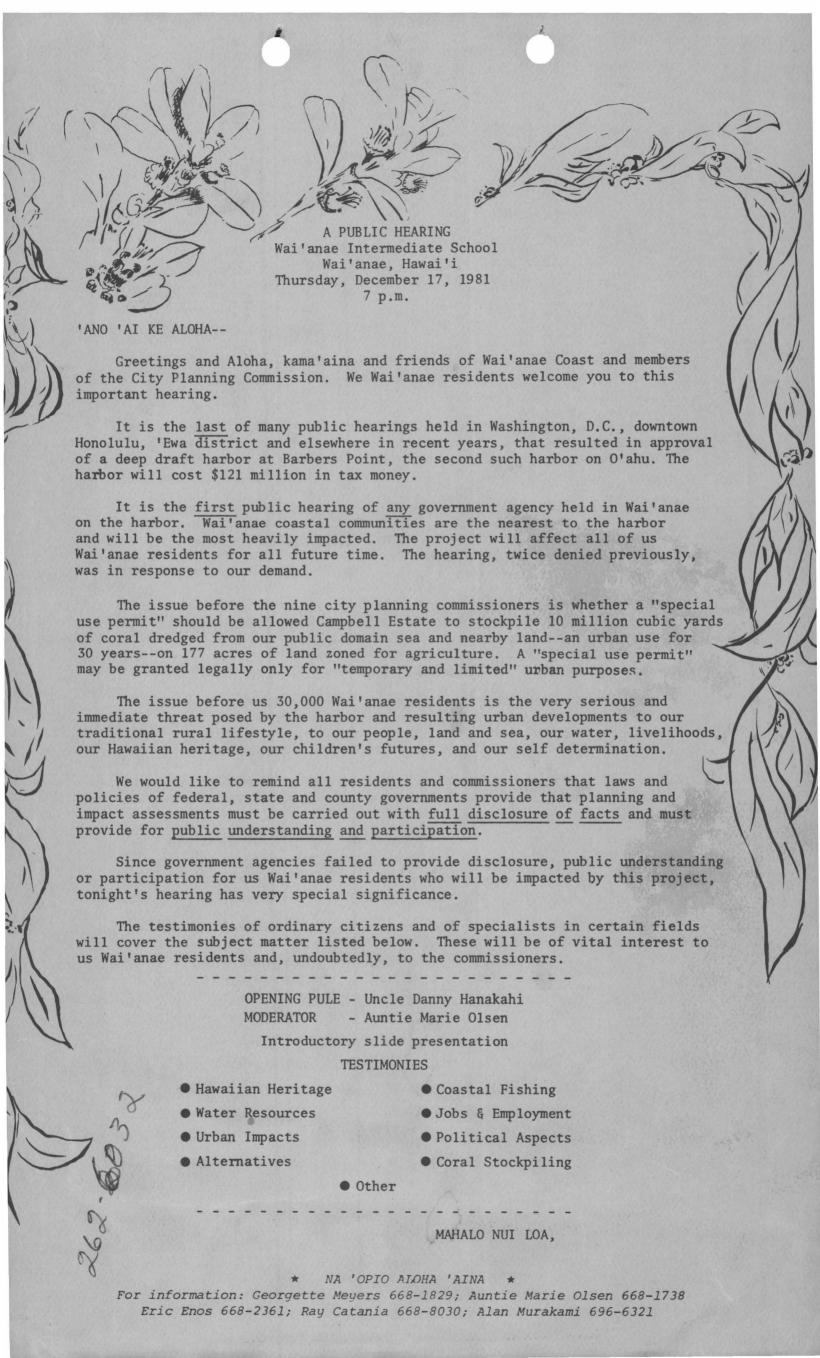
- 1. With the city of Honolulu in the front and Sand Island public park in its back fronting the Pacific Ocean.
- 2. I do sympathize with Labor Union on wanting more work. But why at the expense of the Hawaiian people. They are trying to discover their History-Culture Heritage. NOT BY BURYING IT UNDER THE STACKPILING OF CORAL AND MUD.

Johnnie C. Forres, Sr.

87-1740 A-1 Farrington Hwy.

Jamie (loses si.

Wai anae 96/92



ERRATA SHEET

nning Commission Minutes December 17, 1981

MR. CHAIRMAN: One moment please. One moment. Is there anybody else here who would like to speak? Are you all satisfied?

(Response from audience.)

* * * * *

There being no further testimony, Commissioner Evans moved, seconded by Commissioner Hirahara and carried, that the public hearing be closed. Action was deferred to the next Commission meeting on January 12, 1982.

AYES: CAII

CAIRL, EVANS, HIRAHARA, KITAGAWA, KANE, NAKATANI,

PACHECO

NOES:

NONE

ABSENT: KAMIYA

ADJOURNMENT:

The meeting adjourned at 11:30 p.m.

Respectfully submitted,

Henrietta B. Lyman

Secretary-Reporter

Meeting of the Planning Commission Minutes January 12, 1982

The Planning Commission held a meeting on Tuesday, January 12, 1982 at 1:38 p.m., in the Conference Room of the City Hall Annex. Commissioner Leslie Hirahara, Vice Chairman, presided. He welcomed the members to their first meeting of 1982 and announced the birth of a son to Commissioner MaryAlice Evans.

PRESENT:

2 ... 5

Leslie Hirahara, Vice Chairman Martha Cairl Randall Kamiya Harriet Kane Yukio Kitagawa Shigeyuki Nakatani William Pacheco

ABSENT:

MaryAlice Evans

MINUTES:

The Minutes of November 3, 1981 were approved, on motion by Mr. Pacheco, seconded by Mrs. Kane and carried.

UNFINISHED BUSINESS
ZONE CHANGE REQUEST
AG-1 RESTRICTED
AGRICULTURAL TO
A-2 APARTMENT
WAIPAHU
PEARL HARBOR HEIGHTS
DEVELOPERS

(FILE 81/Z-15 WE)

Public hearing held December 29, 1981 was closed and action deferred to the next meeting.

No discussion followed.

ACTION:

The Commission accepted the Director's recommendation for approval of the request, on motion by Mr. Kitagawa, seconded by Mr. Pacheco and carried.

AYES:

CAIRL, HIRAHARA, KAMIYA, KANE, KITAGAWA, NAKATANI,

PACHECO

NOES: NONE ABSENT: EVANS

UNFINISHED BUSINESS
CZC AMENDMENT BY ADDING
A NEW SECTION OF 21-2.23,
REGULATING REFLECTION
OF SUNLIGHT
(FILE 81/CZC-5 JG)

The Commission at its December 29, 1981 meeting had deferred this matter for further study.

Mr. Jack Gilliam gave the following report:

GILLIAM: This is the bill that had previous drafts which came before the Commission several months ago. After it

UNFINISHED BUSINESS
STATE SPECIAL USE PERMIT
(STOCKPILING OF CORAL
DREDGED FROM BARBER'S
POINT HARBOR)
EWA
JAMES CAMPBELL ESTATE
(FILE 81/SUP-6 EY)

The subject matter was considered on the following dates:

Sept. 15 - Public hearing held and continued for an evening meeting on Sept. 29.

29 - Public hearing continued to Oct. 20 for readvertisement.

Oct. 20, Nov. 3, 10 - Continuation of public hearings (examination of witnesses).

Nov. 24 - Continuation of public hearing; request hearing be held in Waianae.

Dec. 17 - Public hearing held at Waianae Intermediate School was closed. Matter deferred to Jan. 12, 1982.

CHAIRMAN: Counsel Steve Lim?

LIM: The reason why we're here today is to go through the Administrative Procedure Act, Section 91-11 examination of the evidence by the agency. Some of the commissioners have missed some of the public hearings so what we did was they listened to the tapes. What we're going to do now is listen to the arguments by the two parties, Campbell Estate and Na Opio Aloha Aina.

We've also received and digested proposed decisions and orders including post Findings of Fact and Conclusions involved. We've also recieved exceptions to each other's proposed Findings. What will happen is the counsel for the applicant will present her final arguments first following by counsel for Na Opio Aloha Aina. Counsel for Campbell Estate will have a short rebuttal after which the Commission will take action today. Any questions?

MURAKAMI: My name is Alan Murakami. I'm Counsel for Na Opio Aloha Aina.

KISHIMOTO: I'm Diane Kishimoto, Counsel for the applicant.

MURAKAMI: The matter that I wanted to bring forth before the arguments begin is that I recently received a letter from the Waianae Neighborhood Board dated January 11th which basically summarize action taken on this very issue before the Board last week. I believe it's highly relevant and should be included, if not in the record, prior to the vote on this permit then it should be forwarded to the Land Use Commission. I have copies here for circulation. It's addressed to the Planning Commission.

KISHIMOTO: Mr. Chairman, I object to the acceptance of this letter as part of the record. The hearing was closed on the 17th.

MURAKAMI: May I say one more thing? For one thing, I'm not quite certain that the hearing was closed on the 17th. I was present when the so-called vote was taken. I think half of the Board was not even present. Secondly, I believe that this letter is highly relevant in terms of the evidence of the community's disapproval of any action to approve the Special Use Permit in this area.

BARON: Exactly who was present, we could check into that but the hearing was closed. To my recollection all the members that were present there for the rest of the period were in attendance.

CHAIRMAN: Commissioner Kamiya was absent and the other seven commissioners were there. The motion was to close the public hearing. Mr. Pacheco took the Chair.

PACHECO: Mr. Chairman, absolutely. The majority of the members voted to close the hearing.

MURAKAMI: Well, I believe this is an important piece of information that should be before the Commission before it makes its decision.

KISHIMOTO: If as Mr. Murakami represents that letter is evidence of the community's opposition to the Special Use Permit, it's repetitive. We've already got testimony to that effect. I see no further reason.

MURAKAMI: It shouldn't prejudice the applicant to have it entered.

KISHIMOTO: Except that, in fact, it's in violation of the procedural rules of this body.

MURAKAMI: What rule is that?

LIM: Excuse me. The Commission will take a vote on the ruling. What I'll do is I'll let them rebut. I feel that my opinion on the matter is because the public hearing was closed, the APA requires that no evidence in the form of letters or oral testimony or whatever comes in after the public hearing is closed unless the Commission reopens the public hearing by vote and also makes public notice that the public hearing is going to be held. Because that was not done, in my opinion we shouldn't accept the letter at this time. In addition I think you're talking about this is the letter that was introduced from the Waianae Neighborhood Board on the 24th?

MURAKAMI: Yes it is.

LIM: Right, and the subject petition area is in the Ewa Neighborhood Board although I understand there are considerations that the Waianae people have in terms of the possible impacts on the project, we I think have to go back cause the public hearing was indeed closed. But how the Commission makes its decision I guess that has to be determined.

CHAIRMAN: I'll leave this to the Commission.

PACHECO: Mr. Chairman, I move that we go according to the APA here that we do not accept the letter.

FROM THE AUDIENCE: Mr. Chairman, this is a public hearing and it's an open hearing. Therefore, we are the public, the taxpayers and we want to hear what is said here.

CHAIRMAN: We have a motion on the floor.

KANE: Mr. Chairman, before we look for a second or discuss the motion, maybe we'd like to invite the gentleman to come sit over here next to the camera. I'm sure he could hear very well when our microphones are not functioning.

FROM THE AUDIENCE: I accept the invitation, Ma'am.

KITAGAWA: I second the motion.

CHAIRMAN: It's been moved and seconded. Discussion? All right, no discussion. All those in favor of the motion?

AYES: CAIRL, HIRAHARA, KAMIYA, KANE, KITAGAWA, NAKATANI, PACHECO

NOES: NONE ABSENT: EVANS

MURAKAMI: Mr. Chairman, at this point I would move that the letter be forwarded under separate part of the evidence to the Land Use Commission, nevertheless.

PACHECO: That is your job.

CHAIRMAN: It would be if the Commission approved this Special Use Permit. If it does not, it is moot. Anything else, Mr. Murakami?

MURAKAMI: That was the matter I had.

CHAIRMAN: Counsel Kishimoto.

KISHIMOTO: Yes, Mr. Chairman and members of the Commission. Thank you very much for your patience during the many hours of public hearings we've had, we've just completed on the Campbell Estate's application to stockpile coral. In this my closing argument, I will be making three points.

The first point is that the question before you is a narrow one—will Campbell Estate be allowed to stockpile coral on its land. The second point is that the testimony and other evidence submitted to you amply shows that Campbell Estate's application meets the five or seven, depending on which one you're looking at, criteria for special use permits. Thirdly, the special use permit is the appropriate means for allowing the proposed use of the property.

Now first and foremost, the question that you are deciding now is a narrow one. Will Campbell Estate be / to stockpile coral on 177 allowed

acres of land at Barber's Point? Now, attempts have been made to reopen the question of whether or not there should be a deep-draft harbor at Barber's Point. But this issue has already been decided.

One of the policies of the General Plan of the City and County of Honolulu is the development of a second deep-draft harbor. In proceedings before the Land Use Commission and the City Council in 1979 and 1978, the Barber's Point site was approved. At the public hearings on the harbor itself, all interested parties, including those who opposed the harbor, were given an opportunity to present their positions.

It is in the nature of a democratic form of government that there be a free and open discussion of issues of public importance. But once the decision is made, we've all got to abide by it. The decision to build a deep-draft harbor at Barber's Point has been made. There will be a harbor at Barber's Point. Since the harbor will be there, the only question that we're dealing with is where the coral from the harbor will be stored.

It was observed earlier in these proceedings that all of you had the capacity to distinguish what is relevant from what is irrelevant, and you will have to use that capacity in making your decision. In this case, however, you have a very simple rule of thumb to follow. Everything relating to the harbor is irrelevant—all that is relevant is whether the coral should be stockpiled on the three parcels of property covered by the application. This brings us to my second point that the evidence clearly shows that Campbell Estate's application meets the criteria for special use permits.

Now, under the Land Use Commission Rules, there are five criteria that that the use is not contrary to the land use law and regs, that there be no adverse impact on the surrounding property, that there be no unreasonable burden on public agencies, that unusual trends, conditions, and needs have arisen since the property was classified, and that the property is not unsuited for uses permitted within the district that it is in. This Commission has in addition, two additional criteria that it looks at.

One is that the proposed use not substantially alter or change the character or the use of the land, and the last criteria is that the use is the highest and best use of the land. Satisfaction of three of these criteria is not challenged, and as we shall see, the opposition's challenges to the remaining four criteria are without foundation.

Our opposition's major objection to the proposed stockpiling, at least judging by the length of time spent on the subject, is the impact of the stockpiling on the archaeological resources of Parcel 3. In preparing for the hearing and all through the hearing, I've never really been 100% sure exactly which of the seven criteria archaeology comes under. But, we recognize that it is an important consideration so we did address it in our presentation. And for purposes of my own analysis, I've classified it as a component of the first criterion

whether the proposed use is in keeping with the objectives sought to be accomplished by the land use laws and regulations. Now, viewing with this criterion, first of all, it is undisputed that because of the past quarrying on Parcels 1 and 2, whatever archaeological or other resources that were there, aren't there anymore. And so, we're really, as far as archaeology goes, only talking about Parcel 3.

Now as the testimony indicates, several archaeological studies of varying degrees of intensity were done in Parcel 3. The earlier studies which were primarily for the purpose of locating possible archaeological sites, I did indicate that there was a need for further study. Therefore, in compliance with Federal Law, the U. S. Army Corps of Engineers hired the organization referred to in our hearings as ARCH, the Archaeological Research Center of Hawaii, Inc., to do a more detailed archaeological study of the property to excavate sites to record and preserve anything of archaeological value that they found.

The ARCH team doing the work was headed by Dr. Hammatt, a man with impressive credentials. You spent a better part of an evening listening to Dr. Hammatt describe his training as an archaeologist as well as his experience in doing archaeological work in Hawaii and on the mainland. Dr. Hammatt and his crew spent four months out there on Parcel 3 relocating the sites, testing those to determine whether or not any further work needed to be done and then excavating those sites that were determined to be of value. Dr. Hammatt has testified that in the course of his field work, everything of archaeological significance that needed to be preserved was, in fact, recorded and removed for preservation. Upon completion of these four months of field work, Dr. Hammatt and ARCH came up with this study. The U. S. Army Corps of Engineers was satisfied with this study and on the basis of the study concluded that it had, it meaning the Corps, had satisfied its responsibilities for archaeological preservation under Federal Law.

Dr. Hammatt and his report unfortunately were criticized by a number of Dr. Hammatt's fellow archaeologists, but as Dr. Hammatt testified in the course of one evening here, many of these attacks were really based on lack of understanding of the work that he did out there either from a misunderstanding of his report and therefore, misunderstanding of what it was, in fact, that he actually did or because for editorial considerations he was not able to put everything that he had found into this fairly lengthy study. Some things were left out of the study but that didn't necessarily mean that they weren't done or that he didn't have the information and it wasn't available to other archaeologists should they desire it.

Again Dr. Hammatt testified under oath that he recorded, removed and preserved everything of archaeological value on the property. Now, it seems that really the basis for these criticisms from the other archaeologists boil down to I guess, it's a disappointment that Dr. Hammatt didn't find on the property what they hoped he would find.

Now, we have testimony that the Barber's Point area generally or Kawailoa generally is of major archaeological significance because of the possibility of their being evidence somewhere in Barber's Point that would show linkage between extinction of some prehistoric birds with the arrival of man. Now just because something is true generally for an area, doesn't mean that it's going to be true for every specific site. There's really nothing that links this generalization to this particular site. When I was trying to figure out why it was troubling me so much, I started thinking it was Swiss cheese actually, cause you look at a piece of Swiss cheese and you say it's Swiss cheese but it doesn't necessarily mean that every bite that you take will come up with cheese. Swiss cheese bites got holes in it. Similarly, all of Barber's Point is not going to be, there's not going to be an archaeological site in every square foot of Barber's Point, and Dr. Hammatt, an eminently qualified man, looked and couldn't find anything. I think the record is justified or you justify it in finding that he looked and didn't find anything, and that means that nothing, in fact, is there.

Moving on to some other aspects of the resources of the property, we've got rebutted testimony that there are no endangered plants or animals on those three parcels. Also that the proposed stockpiling is an ancillary use for the harbor, and this harbor has gone through all of the planning steps provided under state and county law, and that harbor has been approved.

Another criteria which is related to archaeology is whether or not the proposed use would change the essential character or present use of the property. Now, again I think the major concern is Parcel 3 because I don't think anybody can really say that a vine-covered coral mound is really all that much different from the bare coral plains that Parcels 1 and 2 are where quarrying activities are ongoing. The opposition's basis for contending that the stockpiling would represent a significant change in the use of Parcel 3 is that, of course, again the impact of the archaeological sites. But then we stated, if everything of value there has been removed, all we have left is a kiawe grove and again a coral vine-covered coral mound is again not going to be that much different from the unused fallow kiawe grove.

Moving on to the third criteria, whether or not the property is suited for the uses permitted in the agricultural district, it is undisputed that the property is not suited for cultivation. Parcels 1 and 2 are as we stated time and time again, a bare coral plain. And Parcel 3 is a kiawe thicket. The soil of all three parcels, and that's where there is any soil, is thin and rocky. It's rated "E" on the soil ratings which is the worst possible soil for agriculture. I mean, these are not agricultural lands—growing agricultural lands, prime or otherwise.

Now, as for the possibility of using the lands to raise animals, let's be realistic--look at where the property is. I'm sorry the maps aren't up because I think that will illustrate it a lot better, but

the parcels are adjacent to the harbor. They're adjacent to the industrial park. I mean it's hardly a likely place to put a farm and considering the cost developing this land, especially Parcel 3 for animal husbandry, we're talking as Mr. Stender testified, about a quarter of a million dollars per acreage just to get the land leveled and usable for any use, agricultural or otherwise. And I think of what started cost like that would do for the price of pork, I mean, it would be more economical and feasible for a pig or chicken farm to go to a place like the agricultural park planned at Kahuku than to try and start a farm on any of these 3 parcels. Thus, it's clear that in light of soil conditions, location and just plain economic common sense, this property is not suited for agricultural use.

Moving on to what I think is my fourth criteria, there will be no adverse impact on the surrounding property from the coral stockpiling. Now, let's take a hypothetical neighborhood immediately adjacent to one of the stockpile sites. The vine-covered coral mounds that the applicant plans to put there wouldn't be any worse than what's there already in the dusty coral plain that's being quarried for an overgrown kiawe thicket, but there are no neighbors living nearby. The nearest residential development is over half-a-mile away. Now there are two or three farmers mauka of the property but the leased farms have expired and will not be renewed for reasons totally unrelated to the coral stockpiling. Therefore, the only remaining neighbors are Campbell Industrial Park and the harbor and these certainly aren't properties that will be adversely impacted by being next door to some mounds of vine-covered coral. This is clear from testimony presented that the proposed use will have no adverse impact on the surrounding property.

Turning to the remaining three criteria, these can be disposed of very quickly. The proposed use will not impose any unreasonable burden on public agencies to provide roads, sewers, police and fire protection. The opposition does not even dispute this nor does the opposition dispute the fact that using the property to stockpile coral is the highest and best use of the property at this time. Certainly it's a higher and better use than letting the land lie there fallow and unused.

And finally, the opposition does not seriously contend that there have been no unusual trends, conditions and needs that have arisen since the land was originally classified agricultural. These unusual trends, needs, and conditions are evidence. These are the development of Campbell Industrial Park and of the development of the Barber's Point Deep-Draft Harbor.

Now this brings me to my third and last point and that is that a special use permit is the appropriate means for allowing the proposed use. Now, this question was addressed at length in the memorandum in opposition to the motion to dismiss as well as in argument before the Commission so I'll just summarize very briefly. This is not an attempt to evade land use planning or logical land planning. We've got here a very unusual use. I mean, coral stockpiling—it's granted it's not your typical agricultural use but I think a typical urban use either. I mean,

it's just plain unusual. It doesn't involve the kind of permanent or intensive development that is present in many of the other cases that have been challenged. We're not putting in roads and sewers that will be a little bit hard to remove once we're done with it all. We're not putting in houses, we're not putting in any commercial development but all we're talking about is a coral stockpile. Therefore, a special use, and we're talking about a use that is estimated to run about 30 years and even if portions of the property may still have some coral there at the end of 30 years, it also may mean that within ten years all that coral will be gone. So 30 years is a best guess and 30 years is still not forever, and therefore in light of a temporary use and low intensity of use that's planned for the property, a special use permit is the appropriate means for a long proposed use.

So in summary, the question before you is again a very narrow one. It is, will Campbell Estate be allowed to stockpile coral on those 3 particular pieces of property, and testimony and other evidence submitted shows you amply that all of the criteria for determining whether or not this use should be permitted have been met, and again its extensive argument both written and oral have shown that the special use permit is the appropriate means for allowing the coral stockpiling. Therefore in light of all of that, we respectfully submit that the application to stockpile coral on these 3 parcels of property be granted. Thank you very much.

CHAIRMAN: Mr. Murakami, before you give your presentation, I would like to give an opportunity to the commissioners to ask questions. Are there any questions? No questions, go ahead.

MURAKAMI: Again for the record, my name is Alan Murakami and I represent Na Opio Aloha Aina. We are here to oppose the granting of a Special Use Permit to stockpile 10.6 million cubic yards of dredged coral on 177 acres of land. Our purpose, as I believe, of the closing arguments is to summarize and decide trends in the evidence and testimony that you have heard through many, many days and many, many hours together. I'm happy to say that I've gotten to know a lot of you better and I appreciate your patience and the opportunity to talk to you.

I think there are a couple of things that this Commission should remember is assessing this testimony and evidence. The two themes that I gather from the mountains of evidence basically that's been before you, is that I think the applicant is confused about what the burden of proof is. You've heard talk today about what we haven't shown as Na Opio Aloha Aina, the intervener. The burden of proof, members of this Commission, is on the applicant. You should not confuse that with what we haven't shown. It's what they have to show, not what we have to show. Okay, so two things—(1) Who's burden is it anyway—it's on the applicant. (2) Was the evidence sufficient to pass the various tests mentioned? Answer to the first question is of course, the applicant. The second is that no, the evidence is not sufficient. And the second theme that I've seen throughout these proceedings on part of the applicant in presenting testimony is that

they snow you with a bunch of evidence, they rely on quantity, but the question really here before the Commission is what is the quality of that evidence?

Miss Kishimoto sat here and piled the thick document on this table and said that is what we've done and this is what Dr. Hammatt's done with all his impressive credentials. Well, that's all fine and well. We're not going to dispute what was done, but the question is how well did he do it? And so, I think you should be very cognizant of the quality of the testimony and evidence that's before you. Utilizing those two themes, I would like to go over the various points that we contend had not been shown by the applicant. I think the overall theme is that there is insufficient evidence even if Na Opio Aloha Aina concedes that this is the proper hearing.

There is insufficient evidence to pass the various tests which must be passed by the applicant before it is granted this Special Use Permit. Na Opio Aloha Aina for one thing adamantly opposes and takes issue with the statement that there will be a harbor. If, in fact, there will be a harbor then there is no need to go through these proceedings today and for the past four sessions of this Commission.

Now the first objection mentioned whether this particular use is compatible with the objectives of the Land Use Law. Now this brings back primarily our argument about the propriety of a Special Use Permit in these proceedings. Now it is true as the applicant said that the Land Use Commission did contemplate as the applicant did present evidence of a Special Use Permit back when the boundaries were redesignated in 1979. However, if one reads the decision of the Land Use Commission, you will note that one of their Findings of Fact was that this use was going to be for 17.5 years. Today we find out that this use is contemplated for 30 or more years. I submit that that's a very critical factor in determining whether or not a Special Use Permit is appropriate.

Secondly, they maintain that there has been an unusual trends and conditions which have arisen that is one of the tests of the Special Use Permit. In fact, the Land Use Commission decision back then points out, James Campbell Estate with all its resources, was able to project that the harbor will be built in three phases, and that construction would take 50 years. If they can take that kind of planning and project that far to the future as to what kinds of uses that land will have, then I see no problem in the kinds of uses they will project for the use of this particular property. And if, in fact, you turn to this record, you will note that Mr. Stender has testified that there is no agricultural use contemplated for this property. The only use contemplated in the immediate future is operations, and possibly for the expansion of the James Campbell Estate Industrial Park.

Now I think we have to take all these things into perspective. We can't be led blindly by the decisions of past bodies who had different information before them in making certain decisions and granting certain permits. On record with the Land Use Commission is the Honouliuli Master Plan which envisions 300,000 people eventually

residing in this area. I think that is an important piece of information that this Commission should consider.

Now, we made a big deal about the proceedings for a Special Use Permit. And the reason why we did that is because we don't get the right to ask the proper questions for you to make a proper decision if we go through these proceedings. This Commission should remember the various features of this project, (1) that it's contemplated for 30 or more years of use in terms of time, (2) that this area that is covered is 177 acres of land, (3) that the stockpile itself will reach somewhat upwards of 30-35 feet, and (4) that they are contemplating installing approximately\$2 million worth of rock crushing equipment to perform the operations they envision over the next 30 taking that into account, I think this Commission will agree that this major use that is being contemplated cannot be so idly passed over, and that we need to look more deeply into the various factors and features that are involved. James Campbell Estate has said that the social issues decided by the Land Use Commission and the City Council preclude our raising at this time. Ignoring the fact that certain conditions have changed as they indicate that they have in terms of development of the industrial park and the approval of the harbor, but if you will look at the Land Use Commission decision, there is no mention in there of any of the social impacts of this particular project. In fact, the only hearing ever held in Waianae was held by this Commission on December 17, 1981. If this Commission denies the applicability or irrelevance after all that testimony, then the entire record of the deep-draft harbor will be devoid of any consideration of the social impacts.

So, it is not true as has been stated that the social issues has been decided by the Land Use Commission, if one reads the record. Secondly, James Campbell Estate says that environmental concerns addressed were addressed in previous hearings by the Land Use Commission. Once again if this Commission reads that record, you will note that while there is some mention of the technological features of the dredging operations, that is that the ... will be sucked in by certain equipment as it is being dredged, there is really no clear examination of the disastrous and widespread effects that dredging can have, has had in the past in Hawaii. There's been no examination specifically of the impacts that may have on fishing grounds for Waianae Coast residents. So, it is not true as it has been contended that the significant effects of this particular project have been addressed previously in terms of its environmental effects.

Finally, the questions that we are precluded from asking in proceedings of this particular permit hearing are more properly addressed in Land Use Boundary redesignation process, and those are critical questions. They include the adverse effects on environmental, agricultural, historic and natural resources of the area and includes the availability of existing urban land and the reasonableness of allowing additional acres to be turned over from agricultural use into urban use.

Finally that there was a question about whether it was reasonable to accommodate more urban development. These are the crucial questions that are going to be avoided.

Now a second factor that has to be examined in a Special Use Permit proceeding and know, in fact, that we are not contending that this Special Use Permit is the proper proceeding but even if we assume that, we do not believe that the tests that have been identified by the Land Use Law and the regulations of this Commission and the Land Use Commission would allow for the granting of this Permit. The primary factor I think that has been considered in terms of length of testimony, as has been stated, is the adequacy of the archaeological survey report.

Now much has been made about the fact that the Advisory Council for Historic Preservation has approved the termination of no adverse effect. Now the critical thing to remember about that particular contention is that if this Commission, in fact, looks at the exhibits before it, in particular Exhibit N-8, it will note that the Advisory Council has conditioned its finding of no adverse effect or its concurrence of no adverse effect on an adequate data recovery program. If the data recovering, in fact, is inadequate then that concurrence means nothing. In fact, that's what the issue was before this Commission. Besides, the letters that were cited and submitted as evidence by the petitioner are dated for 1977 and 1979, up to three or four years predating the final draft of the ARCH report. Now whether concurrence can be made on the basis of information that is not presently before the Council, is pretty obvious.

So the issue as to the archaeological and paleontological resources, really concentrates on the adequacy. Again we go back to quality and not the quantity of the evidence with respect to archaeological resources. And, I think based on the numerous peer reviews that were submitted to this Commission, I cannot help but agree that the report is inadequate, data recovery and preservation, so-called preservation that is recommended, is totally inadequate to mitigate or to avoid any adverse impacts that an adequate data recovery program would accomplish.

I've cited numerous sections in my proposed findings in which the peer reviewers have totally devastated the results of the ARCH report. I will not belabor those points. I think that has been pretty clearly demonstrated in the hearings. However, I think this Commission once again should not be deluded by the contentions that the various procedures were followed by the Army Corps of Engineers—the so-called concurrence of the Advisory Council, the so-called acceptance but non approval of the State Historic Preservation Office. In fact, if you looked at the correspondence from the Historic Preservation Office in sequence, the last letter that deals with the substance of that ARCH report says that the Historic Preservation Office is not satisfied that an adequate data recovery program has been accomplished. In fact, the State Historic Preservation Office has not reviewed the final draft of the ARCH report.

The things to remember about that ARCH report, members of the Commission, is that people who in the best position to know what Dr. Hammatt was talking about are the peer reviewers. They are closest to and immediately in the area of this particular study area. Some of those peer

reviewers have had actual hand-on experience with the Barber's Point area. It is upon them that the Corps of Engineers and the Advisory Council has depended to get the substantive data on whether or not this particular report is adequate. I think almost unanimously, except for Dr. Kikuchi's report, you can see that the archaeologists have lined up uniformly against that report and have recommended that this Commission not follow it as a means of adequate mitigation of the adverse impact that is undoubtedly going to occur. The letter by Dr. Emery is indicative of this in which he withdraws his concurrence with the ARCH report after conferring with the peer reviewers that were involved in this particular process.

One last point on the actual reviewers. The applicant has ignored the comments of the Department of Interior and the Corps, in fact I believe contends that their input is not relevant. But I think that if you look at our exhibit in file, you will see that the Department of Interior has lined up also in opposition to the adequacy of the ARCH report and no other evidence to date has shown that a finding to the contrary is merited.

Now, Campbell Estate has contended that the past history of ARCH in their previous dealings with the State and in other contracts they've had in performing archaeological survey work are not relevant to this proceeding. Nothing could be further from the truth. The very reason that we place those things in evidence was to give this Commission an idea of the quality of their work as has been reviewed by other people within that field. In fact, those reports should be used in order to assess the credibility and the adequacy of that ARCH report.

So once again, we have the issue that was a tug-of-war going on between the quantity of evidence that James Campbell Estate has said has been presented. In fact, they mention in their proposed findings that due to the time and money already expended that adequate preservation should be found by this Commission. There is a constant tug-of-war between what the Estate is saying and what Na Opio Aloha Aina and hopefully this Commission will say, that the quality of evidence in this area is totally inadequate. No matter how much time and money has been expended, it is undisputable that the considered opinion of the experts in this field substantiate the fact that there's been inadequate data recovery.

Now the other factors deal with (1) whether or not they were given adverse impact on the surrounding property. I believe the evidence will show as my findings have indicated, that the Department of Agriculture really did not consider livestock raising in this area. Campbell Estate says well, it's obvious it's not suitable for livestock raising. Well, it's not obvious. Nothing in evidence shows that they've demonstrated that, in fact, this area cannot be used for livestock raising. To the contrary, the existing farmers in the area have demonstrated that not only are they growing crops in the areas where there is soil, but they are growing chickens and pigs in substantial quantities. In fact, as Carl Young has pointed out, the particular nature of this topography of this soil makes it ideal for that because it is so porous and there is none of the odor that is commonly associated with other areas which are not so porous.

The Estate has pointed out to the lack of water in terms of whether or not this would be an adequate area for agriculture. Well, if one looks at the Land Use Commission decision once again, the issue of water has been addressed, that the current water can sustain a demand of 60,000 gallons per day. Campbell Estate on the other hand has not shown that this would be inadequate. Again here they had the burden of showing that. Secondly, they contend that it would be too expensive to clear this land and level it because it's coral but as they have already admitted, disposal areas 1 and 2--and this Commission has seen it--has already been leveled and cleared. In fact, if there is any contention about whether or not the clearing can be accomplished, it already has been accomplished in area 1 and 2.

So once again we have as to this point, a certain lack of evidence, a lack of evidence that is substantial enough to deny this permit on that very test alone. The applicant has not shown that there will be no adverse effect on the surrounding property, or they would like to limit that showing to the immediate area around the stockpiling. That has not been clearly delineated and the evidence shows that within a reasonable distance or within a mile from the disposal areas, there are significant amounts of prime agricultural land that exists in this particular region.

Finally, there has been the contention that, again, once again, that this area is not suited for agricultural use and that there are no such uses being made on this particular area. This again ignores the fact that there is a major feedlot within the industrial park. In fact, there is a question about incompatible uses and that very incompatible use, so-called, is already occurring presently.

Now finally, there has been a contention that the State has shown that unusual trends and conditions have arisen since the last boundary redesignation. I think the record will clearly show upon looking at Land Use Commission proceedings previously, that the so-called unusual trends and conditions were, in fact, land, that there was a significant amount of work put into this harbor. So the trends and conditions that the James Campbell Estate is saying is unusual, is in fact not unusual. In fact there are no other unusual trends or conditions which they have demonstrated.

So the issues really boil down to this. Is this Commission satisfied that all the questions that are currently addressed as well as what is contained in the proposed Findings of Fact of Na Opio Aloha Aina, had been answered clearly by the clear preponderance of evidence to the satisfaction of this Commission that a Special Use Permit should be granted. Once again, Na Opio Aloha Aina contends that evidence shows that it is insufficient. A permit cannot be granted. Secondly, even in view of the quantity of evidence that has been presented, the quality of evidence is wholly deficient and should not lead this Commission to granting this particular Special Use Permit. Please keep in mind, this is my last point, that the burden of showing that this permit should be granted is on the applicant. What Na Opio

Aloha Aina has or has not proved really has little to do with whether or not the applicant has shown with the clear preponderance of evidence that has met all these various tests. If you view the evidence in that light, I believe you will determine that this permit cannot be granted. Thank you.

CHAIRMAN: Thank you Mr. Murakami. Are there are questions from the commissioners? At this time, Miss Kishimoto, before you give your rebuttal, are you ready, first?

KISHIMOTO: I think I can manage.

CHAIRMAN: All right.

KISHIMOTO: Again, Mr. Chairman and Members of the Commission, it looks as though my work and the work of Mr. Murakami is about done and now it's going to be up to you and I guess what it does all boil down to is, whether after hearing the evidence these hours and hours and days and days, you believe that the applicant has shown that we are entitled to this application. We contend that we presented ample evidence, good evidence that more than supports our position.

Just touching on a few of the points raised by Mr. Murakami, again I would like to reiterate that what you have before you is a narrow issue whether or not Campbell Estate will be allowed to stockpile coral on 177 acres at Barber's Point.

The harbor issue has been decided—for better or for worse—it has been decided. If you deny our request for this application because of opposition to the harbor, it would be as though somebody had walked into a barber shop to get a haircut and had his head cut off because the barber didn't like the haircut. I mean we've come in asking for this one small thing and to have to lose it because of a larger issue that has already been decided, would just be unfair.

Running through the criteria again, I guess again the major ones still seems to be the archaeological question. Mr. Murakami has argued that on one hand quantity does not equal quality and yet he uses the same argument trying to stack the peer reviews against the testimony and the report of Dr. Hammatt. Now deciding which of these you're going to take is ultimately your decision. Dr. Hammatt testified under oath and responded as well as he could, given the time constraints to the criticisms of the other archaeologists. Dr. Hammatt, under oath, testified that he thought many of these criticisms were due in large part to a misunderstanding of what he had in his report or the failure to recognize that he did many of these things that he was supposed to have done, but for editorial reasons did not include them in his report. Dr. Hammatt testified that these criticisms therefore were in fact without foundation because he did what he was suppose to do and I guess now it's a matter of deciding whether you believe Dr. Hammatt.

As to the remaining criteria, again this evidence shows clearly, just realistically speaking for instance, that this property is not suited for agriculture use. I mean that there will be no adverse

impacts in the surrounding property from these mounds of vine-covered mounds of coral. I believe those were the only two criteria that Mr. Murakami or the opposition has really seriously challenged. It's unrebutted in the evidence that what we presented is clear, that all the other criteria had been met and therefore on that basis, we again urge you to grant the application. Thank you very much.

CHAIRMAN: Thank you Miss Kishimoto. Commissioners, questions for Miss Kishimoto? We'll take a 7-minute recess and come back here at 20 till four.

> RECESSED AT 3:30 P.M. RECONVENED AT 3:40 P.M.

CHAIRMAN: The Chairman is ready for a motion.

NAKATANI: I move that we grant the SUP with the understanding that for 60 days the area they're talking about, 1, 2 and 3, more in the area of 3, give a group of community who challenged to go in the area, clean up whatever they want to do in that area, work with the State Preservation Officer, and that Campbell Estate cooperate with any organization or group of people for 60 days.

CHAIRMAN: That's a long motion. Do we have a second?

KITAGAWA: I second. CAIRL: I will go along with that motion. I would like to extend the period to longer than 60 days so several of the archaeologists said it would take 3 or 4 months to do what they needed to do to preserve or to remove from the site. And if stockpiling starts with one and proceeds onto two or three to stockpile on, they would have quite a bit of time. But I'd like to assure them of more than 60 days. I would like to make it 120 days.

CHAIRMAN: Commissioner Cairl, I believe the contract has not been awarded and the Corps of Engineers has asked the ... to extend their offers till February 1982. This was in the papers, I believe two days ago. So what you're asking us is to amend the motion to not having activities done to Area 3 for 3 or 4 months?

CAIRL: Four months.

CHAIRMAN: This condition, I believe, may affect the contract. These things have to be in the contract. They don't have any permission to stockpile these corals on 1, 2 and 3. It may cost the Corps of Engineers and the American public more money if we make that condition.

CAIRL: If the condition is that they don't do this for 120 days on stockpile 3, I think that it stands that they will start somewhere else. I don't think we have to put on condition that they start on 1, which would stand to reason that if we put this condition on area 3 which was his motion, they're not going to start there.

CHAIRMAN: Commissioner Kane?

KANE: I want to see if we got the motion, Mr. Chairman. I want to speak against the motion, Mr. Chairman. I speak against it because as I look at the 7 tests, the 7 guidelines that we must look at to determine unusual and reasoanble use, I find that areas 1 and 2 might pass 5 of the tests and that for the other two, reasonable argument could be made that they are met. I recognize that reasonable argument could be made that they are not met, too. On the other hand, as I look at the testimony and the others that we have and at stockpile area 3, I find that 5 of the tests are clearly not met. Those are tests number 2, 4, 5, 6 and 7 that's found in the Commission's rules. I find that only one, number 3, is clearly that, in my opinion, and that rule number 1 could make a reasonable argument either way on that one too. I'm perfectly willing to go through my argument on each of the 7 tests for both of these areas. I've done so for myself here for area 3 and for areas 1 and 2 locked together. However, I will spare you most of it.

My biggest concern is the controversy not only over the adequacy of the archaeological salvage which seems clear to me is inadequate, but my concern is also that area 3 is by far the larger parcel. It's 177 acres. I'm concerned that the use is terribly long-term, that the applicant's proposed use would change, unalterably change the character of the land. I really can't get very excited about areas 1 and 2 because they're already wasted as far as I'm concerned. Stockpile area 3 is different. For all we know it does contain articles and structures and artifacts of significance to the community.

So in light of, and that's a brief summary of all the notes I did make, I would like to congratulate Miss Kishimoto for arguing so convincingly that stockpile area 3 is so unlikely a place for a farm. I will end with that by saying that my recommendation is that a Special Use Permit be granted for areas 1 and 2, and that area 3 be denied with the notion that if it's that unlikely a place where a farm should not be in that district, then it should be redistricted. Thank you.

CHAIRMAN: Thank you. It's a point taken rule by rule.

PACHECO: I think that we would have to look at the application that was sent for the request before the Commission where all of the points taken in by Commissioner Kane were covered, otherwise the request would never have been submitted. It's a matter of interpretation and I have to go along with what staff has completed because they did research on each of the points that was brought up by Commissioner Kane. I don't see any reason we should hesitate in approving this request at this point, Mr. Chairman.

NAKATANI: Is Martha's motion still in?

CHAIRMAN: She made a request to amend the motion. Unless the second and the maker of the motion approves that, the motion still stands.

NAKATANI: Can I as the maker of the motion accept the amendment to the motion?

CHAIRMAN: Mr. Kitagawa, are you receptive to that amendment to the motion for 120 days?

NAKATANI: The original motion, Mr. Chairman, was to grant the SUP with the condition of 60 days for area 1, 2 and 3 to give the community or group an opportunity to go in there—work with the preservation officer, join in with the Campbell Estate. Now Martha's motion, my understanding is that area 3 for 120 days.

CHAIRMAN: The motion is to grant the Special Use Permit with the condition that areas 1 and 2 will not be disturbed for 60 days from this meeting and area 3 will not be disturbed for 120 days. Any other discussion?

LIM: Excuse me. The Planning Commission has to establish time limit in establishing a particular use so perhaps the maker of the motion could add. What that means is you will have to put a time limit on their condition on granting the Special Use Permit. If you pass the SUP, you have to say that Campbell Estate has x number of years within which to establish the stockpiling use. If they don't, they're subject to recall to the Commission for revocation.

NAKATANI: Let's say three years or whatever.

CHAIRMAN: All right. The motion again is that the SUP be granted on condition that the stockpiling be commenced before three years and not before 60 days on areas 1 and 2, and 120 days on area 3. Any other discussion? Mr. Kitagawa?

KITAGAWA: I'd like to address some of the points that Harriet made, I think. In all fairness since I seconded the motion, I'd like to present my views.

I am somewhat ambivalent as far as what number of years is considered temporary. That is true. However, I still feel that it is temporary in nature. The fact that it would remain in agriculture to me is a much better option than to have a boundary change say to urban because that makes it much more concrete as far as, or that reduces the alternative uses of the land once that has changed.

I would agree that if you address farming, that land could be used for livestock purposes. I think it's also true that there are other areas that would be more suitable than that particular parcel of land for livestock. Whether the land is going to be used for livestock or not, that's really a very tough question to answer particularly in light of the fact that there are restrictions for hog production restricted to certain areas of our community.

I'm not sure that I can totally buy the argument that if we allow the land to be used for agriculture and that in fact it is going to be

used for agriculture, and that in fact we are going to become a little bit more self-sufficient than what we are as far as livestock production is concerned, I think that unless I see very strong evidence that it is in fact going to be used for ag., I think that past performances have shown that what people say or what individuals have said should be preserved for ag. really have not taken place. Therefore, but still yet, the fact that it does remain in agriculture even though they're stockpiled and 30 years has been mentioned, 17 years has been mentioned, and it maybe somewhere in between that. The fact that we still have the option if it isn't ag., of using it for something else, is to me a strong reason why I would support the SUP.

CHAIRMAN: Commissioner Kamiya?

KAMIYA: I agree.

CHAIRMAN: Any other comments?

PACHECO: I think there was some doubt in my mind regarding the report made by Dr. Hammatt, 398-page missal, epistle or Bible or something, presented and of course the peer reviewers seems to have taken off on that guy. I think you remember one time when I asked Mr. Davis if the files or the reports were false. He said no and you smiled. Then later we get letters from other peer reviewers reversing their field so to speak in football parlance. They rejected his report. So there's kind of a doubt as to whether there may be collusion involved or something because suddenly there's a reversal of sides. Maybe not. It's just a conjecture because of what was stated here before the Commission. In a case of that sort, there is a doubt and I am going to give the benefit of the doubt to the person who asked for this request.

CHAIRMAN: The Chair will take a count. All those in favor of the motion raise your right hand.

AYES:

HIRAHARA, KAMIYA, KITAGAWA, NAKATANI, PACHECO

NOES:

CAIRL, KANE

ABSENT: EVANS

CHAIRMAN: The application has been approved by the City and County Planning Commission.

ELECTION OF OFFICERS

An election was held to fill the Chairmanship vacated by Mr. Pacheco for health reasons.

By unanimous vote, Commissioner Hirahara was elected Chairman and Commissioner Kitagawa, Vice Chairman.

ADJOURNMENT:

The meeting adjourned at 4:15 p.m.

Respectfully submitted,

Wen elle I. Same Henrietta B. Lyman Secretary-Reporter

Meeting of the Planning Commission Minutes January 26, 1982

The Planning Commission held a meeting on Tuesday, January 26, 1982 at 1:36 p.m., in the Conference Room of the City Hall Annex. Chairman Leslie Hirahara presided.

PRESENT:

Leslie Hirahara, Chairman Yukio Kitagawa, Vice Chairman Randall Kamiya Harriet Kane Shigeyuku Nakatani

ABSENT:

Martha Cairl MaryAlice Evans William Pacheco

UNFINISHED BUSINESS
REVOCATION OF RERMIT TO
ESTABLISH KAHE ROINT
RECREATIONAL THEME PARK
(FILE 77/SUP-2 (HE) &
77/CUP-3)

Public hearings held October 20 and 27, 1981, November 10, 1981, and December 15, 1981. On December 15, 1981, the Commission deferred action to January 26, 1982.

CHAIRMAN: Mr. Green?

GREEN: I'm Arnold Green, President of Oahu Corporation. In light of the Supreme Court decision, I wanted to take the opportunity to come down here personally to thank each and every member of the Planning Commission for all the courtesies and all the cooperation extended to me. I do believe that everything that you've been working with was done in good faith. The Kahe Theme Park for all the presentations and all the requests that were made by me came from my heart. The project, with employment of 1,000 people, 1,200 construction workers, 5,000 support jobs, I believe it was in an economy that desperately needed this plus the notoriety, the publicity that Hawaii would have received with the quality of the type of construction geared for it. I had planned today to come with the investors, also the members of our design team. Naturally we cancelled their plans. But I do want to state now and say thank you, that I am going to proceed. God willing, Kahe Theme Park will be a reality for whatever legal means we have to use to make it so. But, from my heart I thank you very, very much for all the time, the courtesies, and all the years that we've seen each other from time to time. I thank you so much.

CHAIRMAN: Thank you, Mr. Green. Any comment from the commissioners? Mr. Kamiya?

KAMIYA: Mr. Green, I am one of the very few commissioners that started with you on the Kahe Theme Park. I've seen you go through hard times. I was one that voted in favor of Kahe Theme Park and I appreciate you coming down. I would like to wish you the best of luck also.

OTHER BUSINESS
ADOPTION OF FINDINGS OF
FACT FOR EWA SUP
(STOCKPILING)
JAMES CAMPBELL ESTATE

The Executive Secretary made the following presentation.

BARON: The Findings of Fact have been prepared and are ready for your review after a second draft typing is completed. However, that is not ready

at this time. It will be mailed to you shortly for adoption at the next meeting. We'd like to discuss, however, the addition of one other item to put into the Findings of Fact, and that is a statement that was in the record from two individuals, Neller and Davis, that would take approximately 4 to 6 weeks to remove any further artifacts from the area. And that is one further final factor we'd like to have included in addition to the ones we've discussed at the last meeting.

KITAGAWA: Neller and Davis?

BARON: Yes.

KANE: I have a problem with that. Did they mention only removing artifacts or did they talk about survey too?

BARON: It's just removing salvage.

KANE: I think when they use it for salvage, they need some surveys, you know.

BARON: Okay. What I'll do is go back to the record and see exactly what they said.

KANE: That'll be fine. And listen to a few paragraphs before and after and be sure that you get the content cause I think it means more than just running through the area and picking up any items that they think might be worth retaining.

LIM: Probably what we'll do is xerox off that section and make a capsule summary Findings of Fact and you guys can clean it.

KITAGAWA: Can you name the Historical Preservation Officer as a person to permit this salvaging work? I just want to put somebody responsible for this.

NAKATANI: It has to be because by and by you're going to get hit. You know, you're going to get a lot of problems.

LIM: If this you're considering adding to that condition that the further salvage work to be done--

CHAIRMAN: On the auspices of that person?

NAKATANI: Whoever going do that but they have to work together with the State Preservation Officer. You see, that was part of my motion so that you have some control.

BARON: We'll make sure that's in.

NAKATANI: Or not you know, it's not going to be fair too, for Campbell Estate you know, these guys just walking in the area. Somebody has to make some determination.

CHAIRMAN: Was that part of the motion?

NAKATANI: Oh yes.

CHAIRMAN: That it will be under your auspices or monitored by the State Preservation Officer.

NAKATANI: He will be coordinating that.

CHAIRMAN: Coordinated. I believe Mr. Albeu would like to make a statement and if anybody else would like to make a statement after Mr. Albeu is completed, just raise your hand and I will recognize you.

ALBEU: Thank you, Mr. Chairman. Alan Murakami of our Waianae offices, counsel on this case, he asked me to cover this phase because he couldn't be here.

First of all, I would like to assure Commissioner Kamiya that when the court talks about abuse, what they're really saying is somebody made a mistake and I don't think they mean to say that anybody was lacking in good faith. Hopefully one of the things this decision will do is make it a little easier to decide in the future whether or not one of these permits should be issued. And that's really the point I wanted to talk about here.

What they're probably saying is that the purpose of the special use permit is to allow a use that is compatible with the underlying zoning. So, for example in the Kahe Point case, you had Class E soils which aren't very good for growing crops, but they can be used for other things supportive of agriculture. You can put in an equipment shop there to repair farm implements. You can put in a dealership to sell tractors. You can have animal husbandry where you can set up pens and feeding operation. There are a number of things you can do that are based on things other than the soil classification which still supports the underlying zoning of agriculture. In that case we have less acreage than is involved in the Campbell Estate permit, but quite a bit. And what the court was saying there is when you get up to this amount of acreage and you're talking about a pretty major commitment of resources, you have to look and see if it's really compatible. And if it isn't, they're not saying you can't do it, they're just saying you have to go the district boundary route so that there's a little bit more protection for the public to make sure all the things are considered. And so the Land Use Commission holds the contested case or any kind you folks want to work through with this. We feel this is one of those cases which should go before the Land Use Commission initially because it's basically an industrial use not an agricultural use.

Now the 30-year use of the project is only an estimate. Nobody knows how long it's really going to be there. They're going to have heavy equipment moving in there. They're going to have stuff dredged up and put there that's going to have salt in it. It's not compatible with agriculture. When that's removed, who knows what the condition of the soils going to be? There are many factors which indicate that we should follow the safer route, and that is go district boundary amendment. If the project really has merit, then they'll give the necessary vote for district boundary amendment. It's a different procedure and it should be where you're really changing the underlying characteristics of the use of that property.

So we would urge the Commission, in light of the recent Supreme Court decision, to take another look at this one and tell the applicant that they really should go to the Land Use Commission and seek a boundary amendment to urban because that's what this project really is. It's an industrial use and it's going to be urban, not agricultural by any stretch of the imagination. I'd be happy to answer any questions you might have.

CHAIRMAN: Any questions from the Commission? None? Thank you Mr. Albeu. From the audeince do we have anyone who would like to speak in behalf or oppose this or any comment to this Findings of Fact?

KANE: Mr. Chairman, what would happen if a motion to reconsider can be entertained?

LIM: I think a motion to reconsider the decision would be improper because we have to make it at the next regularly scheduled meeting. This is the next regularly scheduled meeting so if you'd like to make the motion then this is the only time you can make it.

KANE: The motion would be in order, however.

LIM: Right, at this meeting.

KAMIYA: A motion to reconsider has to come from the affirmative voters, right?

KANE: Right.

CHAIRMAN: Just to reconsider. Harriet would you like to make a motion? The floor is open.

KANE: I was not one of the affirmative voters, Mr. Chairman, so I am not privileged to make a motion.

CHAIRMAN: Oh, you can make the motion. I'll recognize your motion, Commissioner Kane.

KANE: But it would be outvoted, Mr. Chairman.

CHAIRMAN: Are you finished with the special use permit Findings of Fact? Is that it? Okay.

* * * * *

There was no further discussion. The matter was deferred to the next meeting on February 9, 1982.

ADJOURNMENT:

The meeting adjourned at 3:34 p.m.

Respectfully submitted,

Henrice L. Lyman

Henrietta B. Lyman Secretary-Reporter

Meeting of the Planning Commission Minutes February 9, 1982

The Planning Commission held a meeting on Tuesday, February 9, 1982 at 1:35 p.m., in the Conference Room of the City Hall Annex. Chairman Leslie Hirahara presided.

PRESENT:

Leslie Hirahara, Chairman Yukio Kitagawa, Vice Chairman Martha Cairl Randall Kamiya Harriet Kane William Pacheco

ABSENT:

MaryAlice Evans Shigeyuki Nakatani

DEPARTMENT REPRESENTATIVES:

Ralph Portmore, Deputy Chief Planning Officer Gail Baron, Executive Secretary Eugene B. Connell, Staff Planner

MINUTES:

The Minutes of November 3, 1981 and December 8 and 29, 1981 were approved, on motion by Mr. Pacheco, seconded by Mr. Kamiya and carried.

The Minutes of November 10, 1981 were deferred to the next meeting.

PUBLIC HEARING AMENDMENTS TO THE PRIMARY URBAN CENTER DEVELOPMENT PLANS A public hearing was held to consider amendments to the--

URBAN CENTER DEVELOPMENT
PLANS
INCLUSION OF KUAKINI STREET
EXTENSION IN DP/PUBLIC
FACILITIES MAP, DESIGNATION
OF KALIHI SHOPPING CENTER
FOR MIXED COMMERCIAL AND
APARTMENT USES, CHANGE A
PRESERVATION DESIGNATION TO
PUBLIC & QUASI-PUBLIC, AND
AN AGRICULTURAL DESIGNATION
TO COMMERCIAL
INITIATED BY CITY COUNCIL
RESOLUTION NO. 82-5,

JANUARY 13, 1982

Primary Urban Center

Tax Map Keys: 1-2-15: 1, 2, & 5 and
1-2-14: 49, 62, 64, 63, 82,
83 & 93:

Ewa Tax Map Key: 9-8-60: 20 and 9-1-16: 29;

Development Plans as transmitted by City Council to the Planning Commission by Resolution No. 82-5, January 13, 1982. Under the provisions of the Charter of the City and County of Honolulu, as amended, Section 5-412.2 and Ordinances Numbers 81-79 and 81-80, Section 13.3.b, the properties identified in Communications Numbers

MC-30 CC-16 MC-1782(1981) MC-1798(1981) MC-1971(1981) CC-336(1981) MC-1764(1981) MC-1799(1981)

are being considered to amend the Development Plans as follows:

PACHECO: That could be part of the record.

CHAIRMAN: We have to write it in. Now we have to decide whether this is what the Commission feels? Does the commissioners agree with Mrs. Kane?

PACHECO: I make a motion we agree with it.

CHAIRMAN: We don't need a motion. I'll just call. Mr. Kamiya, do you agree with Harriet?

KAMIYA: I agree.

CHAIRMAN: Mr. Pacheco, you agree with Mrs. Kane?

PACHECO: I agree.

(There was no further discussion.)

UNFINISHED BUSINESS ADOPTION OF FINDINGS OF FACT FOR EWA SUP (STOCKPILING) JAMES CAMPBELL ESTATE Discussion regarding the content of the proposed findings were held at the last meeting on January 26, 1982.

No further discussion followed.

ACTION: The Commission, on motion by Mrs. Kane, seconded by Mr. Pacheco and carried, adopted the Findings of Fact for the Ewa State Special Use Permit.

AYES: CAIRL, HIRAHARA, KAMIYA, KANE, KITAGAWA, PACHECO

NOES: NONE

ABSENT: EVANS, NAKATANI

ADJOURNMENT:

The meeting adjourned at 5:39 p.m.

Respectfully submitted,

Henrietta B. Lyman Secretary-Reporter