

1 LAND USE COMMISSION

2 STATE OF HAWAI'I

3 HEARING

4 )  
A07-775 CASTLE & COOKE HOMES, )  
5 HAWAII, INC. )  
6 \_\_\_\_\_ )

7

8 TRANSCRIPT OF PROCEEDINGS

9

10 The above-entitled matter came on for a Public Hearing  
11 at Conference Room 204, Leiopapa A Kamehameha, 235 S.  
12 Beretania Street, Honolulu, Hawai'i, commencing at  
13 9:50 a.m. on March 18, 2010 pursuant to Notice.

14

15

16

17

18

19 REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR  
Certified Shorthand Reporter

20

21

22

23

24

25

COMMISSIONERS:  
VLADIMIR DEVENS  
DUANE KANUHA  
NORMAND LEZY  
RANSOM PILTZ (Chairman)  
NICHOLAS TEVES, JR.  
REUBEN WONG

EXECUTIVE OFFICER: ORLANDO DAVIDSON  
ACTING CHIEF CLERK: RILEY HAKODA  
STAFF PLANNER: BERT SARUWATARI

DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

For the Petitioner: BENJAMIN MATSUBARA, ESQ.  
CURTIS TABATA, ESQ.  
WYETH MATSUBARA, ESQ.

For the County: DAWN TAKEUCHI-APUNA, ESQ.  
Deputy Corporation Counsel  
MATTHEW HIGASHIDA, DPP

For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
ABBEY MAYER  
Office of Planning

1	I N D E X	
2	PUBLIC TESTIMONY	PAGE
3	Zuei Aki	10
4	Shaina Hunt	12
5	Brandi Hyden	13
6	Koa Luke	15
7	Jim Hayes	17
8	Ashley Ferreira	21
9	Wynnie Joy Hee	24
10	Alice D. Fisher	30
11	Kea Chun	33
12	Juanita Kawamoto Brown	36
13	Lydi Morgan	39
14		
15	DOCKET WITNESSES	PAGE
16	PETE PASCUA	
17	Direct Examination by Mr. Matsubara	44
	Cross-Examination by Mr. Yost	61
18	Cross-Examination by Mr. Poirier	91
	Recross-Examination by Mr. Yost	115
19	Recross-Examination by Mr. Poirier	116
20	SANDRA KUNIMOTO	
21	Direct Examination by Mr. Yee	121
	Cross-Examination by Mr. Matsubara	125
22	Cross-Examination by Ms. Takeuchi-Apuna	135
	Cross-Examination by Mr. Yost	137
23	Redirect Examination by Mr. Yee	159
	Recross-Examination by Mr. Yost	160
24	Recross-Examination by Mr. Matsubara	162
25		

1	INDEX cont'd.	
2		
3	DOCKET WITNESS TESTIMONY	PAGE
4	BRENNON MORIOKA	
5	Direct Examination by Mr. Yee	170
	Cross-Examination by Ms. Takeuchi-Apuna	172
6	Cross-Examination by Mr. Yost	174
	Cross-Examination by Mr. Poirier	188
7		
8	HEIDI MEEKER	
9	Direct Examination by Mr. Yee	196
	Cross-Examination by Mr. Poirier	198
10		
11	GAIL SUZUKI-JONES	
12	Direct Examination by Mr. Yee	203
	Cross-Examination by Mr. Tabata	210
13	Cross-Examination by Mr. Yost	215
14		
15	ABBIE MAYER	
16	Direct Examination by Mr. Yee	222
	Cross-Examination by Mr. Matsubara	237
17		
18		
19		
20		
21		
22		
23		
24		
25		

1                   CHAIRMAN PILTZ: Good morning. This is a  
2 meeting of the State Land Use Commission. Today's  
3 date is March 18, 2010 and we're in Room 204. Before  
4 we begin let me make an announcement regarding  
5 tomorrow morning. We're going to cancel the morning  
6 meeting that was scheduled for 8:30. That's March 19,  
7 2010.

8                   Item 5 on the agenda, Adoption of Procedural  
9 Administrative Rules, will be deferred until a later  
10 meeting. However, the 1:00 p.m. Ka Iwi site visit  
11 relating to BR09-784 will be held as scheduled  
12 tomorrow afternoon.

13                  So let's now proceed with today's agenda.  
14 This is a continued hearing on Docket No. A07-775 --  
15 before we get into that -- adoption of our minutes.  
16 Commissioners, are there any corrections or additions  
17 to the minutes that were circulated? Seeing none,  
18 could I see a show of hands of those that accept it.  
19 (Commissioners raising hands) Okay. All right. Let's  
20 move on.

21                  Executive director, a tentative meeting  
22 schedule.

23                  MR. DAVIDSON: Thank you, Chair Piltz.  
24 Commissioners, you have the tentative meeting schedule  
25 for the upcoming meetings. The next three meetings

1 April 8, 9; April 21, 22; and May 5 and 6 are all  
2 pretty intense in terms of the subject matter. So  
3 hopefully we can get full attendance. And I'll be  
4 circulating a memo regarding those items later.  
5 Beyond that, as usual, any conflicts or concerns  
6 please contact either Riley or me. Thank you.

7 CHAIRMAN PILTZ: Okay. As I mentioned  
8 earlier, this is a hearing on Docket A07-775 to amend  
9 the Agricultural Land Use District into the Urban  
10 District for approximately 767.649 acres at Waipio and  
11 Waiawa, Island of O'ahu, State of Hawai'i.

12 On February 19, 2010 the Commission received  
13 four postcards in opposition to the Project after the  
14 LUC meeting had ended. The Commission also received  
15 written correspondence from Agribusiness Development  
16 Corporation, Alfredo A. Lee stating opposition to the  
17 Project.

18 On February 22nd, 2010 the Commission  
19 received four postcards in opposition of the Project.

20 On February 23rd, 2010 the Commission  
21 received written correspondence from Agribusiness  
22 Development Corporation-Alfredo A. Lee retracting his  
23 earlier letter.

24 From the February 23rd, 2010 till March 16,  
25 2010 the Commission received 70 postcards in

1 opposition to the Project.

2           On March 15, 2010 the Commission received  
3 OP's Second Amended List of Witnesses; Second Amended  
4 List of Exhibits, and Exhibits 10, 11, 24, 25 and 26  
5 and written correspondence via e-mail from 30 people  
6 and one e-mail with an attached petition containing 30  
7 signatures opposing the Project.

8           On March 17, 2010 the Commission received  
9 Petitioner's First Amended List of Exhibits and  
10 Petitioner's Exhibit 52 and written correspondence via  
11 e-mail from 28 people.

12           On March 18, 2010 as of 8:35 a.m. the  
13 Commission received written correspondence via e-mail  
14 from 22 people.

15           Let me briefly run down our hearing  
16 procedure for the day. First, we'll have the parties  
17 identify themselves for the record. I will then call  
18 for those individuals desiring to provide public  
19 testimony for this docket to identify themselves.

20           All such individuals will be called in turn  
21 to our witness box where they will be sworn in before  
22 providing testimony.

23           After completion of the public testimony,  
24 the Petitioner will resume its case. Once the  
25 Petitioner is completed with its presentation it will

1 be followed in turn by the State Office of Planning,  
2 the Mililani/Waipio/Melemanu Neighborhood Board No. 25  
3 and the Sierra Club.

4 The Chair will also note for the parties and  
5 the public that from time to time I will be calling  
6 for short breaks. Are there any questions on our  
7 procedures for today?

8 MR. MATSUBARA: No questions, Mr. Chair.

9 MS. TAKEUCHI-APUNA: No questions.

10 MR. YEE: No questions.

11 MR. YOST: No questions.

12 MR. POIRIER: No questions.

13 CHAIRMAN PILTZ: Thank you. Good morning,  
14 Mr. Matsubara.

15 MR. MATSUBARA: Good morning, Chairman  
16 Piltz, and members of the Commission. Ben Matsubara,  
17 Curtis Tabata and Wyeth Matsubara on behalf of Castle  
18 & Cooke Homes Hawai'i, Inc. Also with me today is  
19 Laura Kodama, director of planning and development.  
20 And to my left Project Coordinator Rodney Funakoshi.

21 MS. TAKEUCHI-APUNA: Good morning. Deputy  
22 Corporation Counsel Dawn Apuna on behalf of the  
23 Department of Planning and Permitting. Here with me  
24 today is Matt Higashida.

25 MR. YEE: Good morning. Deputy Attorney



1 General Bryan Yee on behalf of the Office of Planning.

2 With me is Abbey Mayer from the Office of Planning.

3 MR. YOST: Good morning. Colin Yost on

4 behalf of the Sierra Club.

5 MR. POIRIER: Good morning. Dick Poirier of

6 Board No. 25.

7 CHAIRMAN PILTZ: Thank you. We'll go into

8 public testimony now. The first person is Zuei Aki.

9 Please come to the stand here, I'll swear you in.

10 Next person following him is Shaina Hunt.

11 ZUEI AKI

12 being first duly sworn to tell the truth, was examined

13 and testified as follows:

14 THE WITNESS: Yes.

15 CHAIRMAN PILTZ: Please have a seat. state

16 your name and address for the record then proceed.

17 THE WITNESS: Aloha mai kakou. O Zuei inoa.

18 My name is Zuei. My address 75-175 Wailawa Street

19 Mililani, Hawai'i.

20 CHAIRMAN PILTZ: Go ahead.

21 THE WITNESS: I'm here providing testimony

22 today as a student of environmental studies and

23 Hawaiian studies. I'm also a native son of these a

24 Native Hawaiian. I'm also a resident in Central

25 O'ahu. I feel that this Project can and should be

1 done better. Mililani, I have to drive to school  
2 every morning: I know the traffic. It's terrible.  
3 To me, putting more houses, more people there in  
4 Central O'ahu will increase that traffic.

5           And additionally there's so many  
6 environmental concerns involved with this. As a  
7 student of environmental science I know the underlying  
8 facts that this Project should be a lot more  
9 sustainable than it's being said to be.

10           Sustainable development and urbanization  
11 will tell you that and will line out all the details  
12 of sustainable development. Just because a  
13 development is said to be sustainable doesn't  
14 necessarily mean that it really is.

15           And I've gone through the brochures of Koa  
16 Ridge, and I've looked at them and haven't seen  
17 anything that deals with definite sustainable  
18 practices such as renewable energy usage, what types  
19 of renewable energy, water conservation efforts, as  
20 well as agriculture is a major concern in sustainable  
21 development.

22           I also know there's a lot of, a lot of need  
23 for jobs. That's a big issue with this development.  
24 And sustainable development can provide those kinds of  
25 jobs. And my biggest concern with this Project is

1 that it can be done, but it should be done better.

2 And the people of Central O'ahu shouldn't have to deal  
3 with all these other issues that will come because of  
4 further urbanization such as traffic.

5 And I'd like to see -- we'd like to see the  
6 whole environmental layout, the impact, the positive/  
7 negative.

8 And as a farmer as well, I'm concerned about  
9 things like food security, food security for Hawai'i.  
10 As we have it now we don't have food security.

11 We produce, like, 15 percent of our own  
12 food. Converting agriculturally zoned land to urban  
13 just further reduces that ability, our capacity for  
14 food security.

15 So that's a huge issue for me as a person  
16 who lives here in Hawai'i. I want to be able to eat.  
17 I want to be able to live. And I don't feel that -- I  
18 don't feel secure in converting agricultural land to  
19 urban land.

20 And I know they're going to take Aloun  
21 Farms. Castle & Cooke is going to take Aloun Farms and  
22 give them more land. But that's just two areas that  
23 can be used as agriculture versus one now. So that's  
24 what I have to say. Thank you.

25 CHAIRMAN PILTZ: Just a second. Petitioner,

1 any questions?

2 MR. MATSUBARA: No questions.

3 CHAIRMAN PILTZ: City?

4 MS. TAKEUCHI-APUNA: No questions.

5 MR. YEE: No questions.

6 MR. YOST: No questions.

7 MR. POIRIER: No questions.

8 CHAIRMAN PILTZ: Commissioners, any  
9 questions? Thank you.

10 THE WITNESS: Thank you.

11 CHAIRMAN PILTZ: Next person up is Shaina  
12 Hunt followed by Brandy Hayden.

13 SHAINA HUNT

14 being first duly sworn to tell the truth, was examined  
15 and testified as follows:.

16 THE WITNESS: I do.

17 CHAIRMAN PILTZ: Have a seat. State your  
18 name and address for the record and then you can  
19 proceed.

20 THE WITNESS: Yes. My name is Shaina Hunt.  
21 I'm from 'Ewa Beach. My address is 91-228 Keonakapu  
22 Place. I believe that this particular urbanization is  
23 not sustainable. And switching over this agricultural  
24 land to urban land definitely raises the issue of food  
25 security for me as well.

1                   So what I'm wondering is with all this  
2 urbanization what's gonna happen with all the --  
3 where's all the agricultural land going? Where are we  
4 going to have farms? And how are we going to secure  
5 food here? So, yeah, that's what I have to say.

6                   CHAIRMAN PILTZ: Petitioner, any questions?

7                   MR. MATSUBARA: No questions.

8                   CHAIRMAN PILTZ: City?

9                   MS. TAKEUCHI-APUNA: No questions.

10                  CHAIRMAN PILTZ: State?

11                  MR. YEE: No questions.

12                  CHAIRMAN PILTZ: Intervenors?

13                  MR. YOST: No questions.

14                  MR. POIRIER: No questions.

15                  CHAIRMAN PILTZ: Commissioners, any  
16 questions? Thank you. The next one is Brandi Hyden  
17 followed by Koa Luke.

18                                 BRANDI HAYDEN  
19 being first duly sworn to tell the truth, was examined  
20 and testified as follows:.

21                  THE WITNESS: I do.

22                  CHAIRMAN PILTZ: State your name and address  
23 for the record and go ahead.

24                  THE WITNESS: Aloha. My name is Brandi. I  
25 live at 94-1081 Lumiaina Street in Waipahu, quite near

1 to where the Koa Ridge development will be. I'm  
2 opposed to the development and I can echo everything  
3 that Zuei and Shaina have already stated. My main  
4 concern is the loss of the agricultural land.

5 I attended Castle & Cooke's meeting last  
6 week. One thing that really stood out to me was they  
7 said there would be no loss of agricultural  
8 production. I want to know how that would be when you  
9 develop a piece of agricultural land you lose that  
10 forever. You cannot grow food there anymore ever  
11 again.

12 I understand that Aloun Farms will be  
13 relocated. But by relocating that you're talking away  
14 that new land where they're going to be from anyone  
15 who would have grown food there before.

16 So as we keep moving around agricultural  
17 production we are eventually gonna not have very much.  
18 We already don't have very much.

19 If anything were to happen to all the food  
20 that we are being shipped here, if that stops how are  
21 we going to eat? We can't. That's my biggest concern  
22 is leaving that agricultural land. And it is  
23 unsustainable.

24 If it were to go through we already are  
25 asked to conserve water, we are already asked to

1 conserve energy. What will be done to address those  
2 issues?

3 Overcrowding, that's another one. Living  
4 where I live it's already -- I've grown up there since  
5 1982. I've seen Waialeale be built. I've seen 'Ewa be  
6 built. I've seen Mililani Mauka be built. The  
7 congestion there has just grown enormously. I'd hate  
8 to see that continue. So I'm opposed to this  
9 development.

10 CHAIRMAN PILTZ: Petitioner?

11 MR. MATSUBARA: No questions.

12 MS. TAKEUCHI-APUNA: No questions.

13 MR. YEE: No questions.

14 MR. YOST: No questions.

15 MR. POIRIER: No questions.

16 CHAIRMAN PILTZ: Commissioners? Okay.

17 Thank you. Koa Luke followed by Jim Hayes.

18 THE WITNESS: First of all I want to change  
19 the address I put down.

20 CHAIRMAN PILTZ: That's okay. Why don't you  
21 come over here and let me swear you in.

22 KOA LUKE

23 being first duly sworn to tell the truth, was examined  
24 and testified as follows:

25 THE WITNESS: Yes. My name is Koa Luke.

1 And I live at 96-151 Waiawa Road in Pearl City. And I  
2 come to you today -- or I want to thank you for  
3 allowing me the opportunity to give testimony -- and I  
4 come before you today as a kanaka maoli, Native  
5 Hawaiian, whose ancestral lands are in the ahupua'a of  
6 Waiawa and just makai of this proposed Project.

7 And I want to reiterate what the last  
8 witnesses said. My position being as it is I'm  
9 staunchly opposed to this Project.

10 I feel like we're getting away from the way  
11 our ancestors lived and why my kupuna loved this land,  
12 why I feel like a lot of the people around the country  
13 love or the world love Hawai'i. It's not because of  
14 homes and urbanization but because of the natural  
15 beauty of our land and how we lived on the land.

16 I also share the same concerns as the last  
17 three witnesses for food security. So that's it.

18 CHAIRMAN PILTZ: Petitioner?

19 MR. MATSUBARA: No questions.

20 CHAIRMAN PILTZ: City?

21 MS. TAKEUCHI-APUNA: No questions.

22 CHAIRMAN PILTZ: State?

23 MR. YEE: No questions.

24 CHAIRMAN PILTZ: Intervenor?

25 MR. YOST: No questions.



1 CHAIRMAN PILTZ: Board?

2 MR. POIRIER: No questions.

3 CHAIRMAN PILTZ: Commissioners? Thank you.

4 Next one is Jim Hayes followed by Ashley Ferreira.

5 Jim.

6 JIM HAYES

7 being first duly sworn to tell the truth, was examined

8 and testified as follows: sworn

9 THE WITNESS: Yes.

10 CHAIRMAN PILTZ: State your name and address

11 for the record.

12 THE WITNESS: My name is Jim Hayes. My

13 address is 3104 Oahu Avenue.

14 CHAIRMAN PILTZ: Go ahead.

15 THE WITNESS: Sorry. I had to bring my

16 computer up because I didn't have time to print out

17 what I wanted to say today. And I wanted to keep it

18 somewhat organized as I spoke.

19 But I feel like the LUC is really the only

20 hurdle on the state level that this Project has left

21 to clear. And the state level zoning really provides

22 the State with an opportunity to act as a check and

23 balance on land use changes such as this.

24 There's a good reason why the State

25 constitution and our government has provided such a

1 check and balance to exist. I think you guys should  
2 use it in this case.

3           Do not rely on old city and county plans  
4 that have maybe outgrown their usefulness, that do not  
5 involve a lot of state level, high-level, high, state  
6 level involvement and didn't even involve that much  
7 public involvement. So don't just rely on those  
8 things.

9           I think you need to ask: Does this Project  
10 further the goals of the state of Hawai'i? Does it  
11 help or hurt the state government's ability to achieve  
12 their goals and achieve the mandates before the  
13 different departments of the state?

14           Think of the different goals that the state  
15 has. The Department of Transportation. Their goal is  
16 to reduce traffic congestion on state highways and  
17 promote mobility in the state.

18           Department of Agriculture. They're out  
19 there trying to help diversified agriculture and  
20 encourage local production of food.

21           You have DBEDT with their Energy Department.  
22 They're out there. They're trying to promote the  
23 generation and use of alternative energy and get the  
24 state off fossil fuel.

25           You have the DLNR. Their job is sustainably

1 manage the land of our state.

2 I feel that this Project doesn't really  
3 promote any of those goals. So these state agencies  
4 are gonna, you know, at a loss when this Project moves  
5 forward. And you guys being the state representatives  
6 to help clear this Project need to consider those  
7 things as you deliberate.

8 During my consideration of this issue I've  
9 heard from a lot of different views. There've been a  
10 number of public meetings. A lot of people have  
11 opposed the Project as I do.

12 And there have been many people that have  
13 promoted the Project. And they feel that the Project  
14 does promote one state agency goal, that being the  
15 Department of Labor and Industrial Relations. Their  
16 goal, of course, is to keep people working.

17 A lot of people feel that as soon as this  
18 Project is approved everybody's going to be back at  
19 work. Well, I just don't see how that's possible.  
20 And I'm reminded of what Bill Clinton said to George  
21 Bush, "It's the economy, stupid." It's just the  
22 economy. We're in a bad economy now.

23 Developers other than Castle & Cooke could  
24 go out and build more houses if they wanted to. They  
25 don't have to come before this board. There's

1 opportunities to build out there. But why haven't  
2 they? It's the economy. People could be back at work  
3 without this job, without this Project.

4           Development could occur in other areas.  
5 There's plenty of opportunity for infill in the urban  
6 area and the primary urban corridor and also in 'Ewa  
7 in the Second City, closer to the Second City than  
8 their Project.

9           The other reason I hear people promote the  
10 Project is to give good homes for future generations.  
11 This feeling is accompanied by general feeling by the  
12 people in Mililani that Mililani is a great  
13 development.

14           It's like this Utopian ideal. And that  
15 their kids, the generations of tomorrow, will want to  
16 have the same kind of development for themselves.

17           But I ask: Faced with the current conditions  
18 and the future that we see, future with increasing  
19 energy costs, longer -- more traffic and longer  
20 commutes, potential disruptions to our imported food  
21 supply and declining biodiversity, will the kids of  
22 today see this Project as tomorrow's Utopia?

23           Or will they rather live somewhere where  
24 they can walk or ride to work, ride to the beach, get  
25 to school? Would they rather live in the primary

1 urban corridor in new development in that area? Would  
2 they rather eat food that's grown on Koa Ridge?

3 So my opposition is that this land, primary  
4 agricultural land, is important and should stay in  
5 agricultural production for our current use with Aloun  
6 Farms and for the generations of tomorrow when these  
7 problems, potential problems of food security do  
8 arise. That's all I have to say.

9 CHAIRMAN PILTZ: Petitioner, questions?

10 MR. MATSUBARA: No questions.

11 CHAIRMAN PILTZ: City?

12 MS. TAKEUCHI-APUNA: No questions.

13 CHAIRMAN PILTZ: State?

14 MR. YEE: No questions.

15 CHAIRMAN PILTZ: Intervenors?

16 MR. YOST: No questions.

17 MR. POIRIER: No questions.

18 CHAIRMAN PILTZ: Anything, commissioners?

19 THE WITNESS: Thank you for the opportunity.

20 CHAIRMAN PILTZ: Ashley Ferreira followed by  
21 Wynn timer Joy Hee.

22 ASHLEY FERREIRA,  
23 being first duly sworn to tell the truth, was examined  
24 and testified as follows:

25 THE WITNESS: Yes.

1               CHAIRMAN PILTZ: State your name and address  
2 for the record.

3               THE WITNESS: My name is Ashley Ferreira and  
4 my address is 98-1891-D Ka'ahumanu Street, Aiea  
5 Hawai'i 96701.

6               CHAIRMAN PILTZ: Go ahead.

7               THE WITNESS: Okay. First of all, I would  
8 like to say that I'm a student here in Hawai'i and I'm  
9 on spring break. Right now I could be at a career  
10 field trip at the Kahala Hilton Hotel, but I'm here  
11 'cause I really care about this Project.

12              So the last time I heard of this Project was  
13 when I was a 5th grade student at Kipapa Elementary  
14 and I made a presentation to the Mililani Mauka  
15 Neighborhood Board explaining why I thought they  
16 should support a new community to be built on the  
17 land.

18              I've been wondering what's happened to this  
19 Project. Now I come back with the same question as a  
20 freshman in high school: Where will we live? When I  
21 was a 5th grader I was clueless about the future, but  
22 now I have an idea of what I want to do in this life.

23              I want to be able to go off to college and  
24 have the same opportunity like so many others here to  
25 buy a new house in central O'ahu when I return.

1                   Out of curiosity, with the quick show of  
2 hands how many of you had the opportunity to buy a new  
3 house? Honestly, if you had the opportunity to buy  
4 your own house please raise your hands.

5                   Well, see, I ask you to give us, the future  
6 of Hawai'i, the same opportunity, a chance and a  
7 choice of where to live.

8                   But why Koa Ridge you may ask? I'm the  
9 fourth generation in my family to grow up in central  
10 O'ahu. I want to be near my family and where I grew  
11 up and hopefully be able to work within my community.

12                  So I ask will I, and the future of Hawai'i,  
13 have the opportunity, will we have a choice of where  
14 we will spend the rest of our life living?

15                  Please let the Project go forward so we can  
16 have a chance to live in a well-planned community.  
17 Thank you.

18                  CHAIRMAN PILTZ: Very good. Ben?

19                  MR. MATSUBARA: No questions.

20                  CHAIRMAN PILTZ: City?

21                  MS. TAKEUCHI-APUNA: No questions.

22                  CHAIRMAN PILTZ: Bryan?

23                  MR. YEE: No questions.

24                  CHAIRMAN PILTZ: Intervenors?

25                  MR. YOST: No questions.

1 MR. POIRIER: No questions.

2 CHAIRMAN PILTZ: Anything, Commissioners?

3 Thank you very much.

4 Wynn timer Joy Hee followed by Alice D. Fisher.

5 WYNNIE JOY HEE

6 being first duly sworn to tell the truth, was examined

7 and testified as follows:

8 THE WITNESS: Yes.

9 CHAIRMAN PILTZ: Have a seat and state your  
10 name and address for the record.

11 THE WITNESS: My name is Wynn timer Joy Hee,  
12 95-1523 Ainahakua Drive, Apartment 93, Mililani.

13 CHAIRMAN PILTZ: Go ahead.

14 THE WITNESS: And I heard Ashley when she  
15 was a 5th grader. she's really grown up. Just as  
16 cute. I'm here today because I'm on spring break like  
17 Ashley. And I'm speaking for myself as resident of  
18 Mililani Mauka since 1993.

19 And I'm also speaking for all those other  
20 people pouring out of Mililani Mauka 6:00 a.m, the  
21 beginning of the peak rush hour, pouring out of the  
22 Mililani Mauka and Mililani headed down H-2.

23 Then after Waipio, the onramp from there, it  
24 slows down a lot and then it's hell to make that merge  
25 onto H-2. Oh, yes, there's the rail coming one of



1 these days in the future.

2           So I'm speaking for myself and as a resident  
3 of Mililani, please keep Koa Ridge agricultural,  
4 please. I don't know what arguments to tell you  
5 except that it is agricultural. And I think there  
6 needs to be this huge powerful, rational reason to  
7 rezone it. And I just don't see it.

8           I was at the community forum last week. The  
9 only thing I heard people speaking up in favor of the  
10 rezoning to urban was from apparently people in  
11 construction industry pleading for jobs.

12           And I also heard the answer to their pleas  
13 for jobs that there were -- I don't know where they  
14 are, I'm a lay person -- there's something like 30,000  
15 more homesites that could be built upon but they're  
16 not being built upon because of the economy. I heard  
17 that repeated.

18           But again and again the construction workers  
19 pleading for their jobs. And I also heard that there  
20 are so many green jobs. That's the future of  
21 construction jobs.

22           I even told my on sons to investigate the  
23 environmental sustainable work. That seems to be  
24 where the growth is for the health of our world.

25           So, you know, when things don't make sense

1 to me, it doesn't make sense to me to rezone  
2 agricultural land to give construction workers jobs.  
3 And they could have jobs in other fields.

4           So I've learned to ask myself: When things  
5 don't make sense follow the money. Of course as soon  
6 as you rezone agricultural to urban what happens?  
7 It's money in the bank. Not for me and not really for  
8 the construction workers. Those things will be built  
9 and then they'll be looking for jobs again.

10           I also want to testify as a resident of Koa  
11 Ridge. So cute. And I've looked at the web site. So  
12 cute. The village, it looks like a sidewalk in Paris,  
13 the chairs and little café tables on the sidewalk.

14           And the houses look so cute except that I  
15 also happened to notice the front steps of the house  
16 go out onto the sidewalk. Those houses are right up  
17 next to the sidewalk. The density is high.

18           We have a lot of families in Mililani Mauka  
19 and they're too small. They're so tiny that one of  
20 the -- there's two areas. I brought my map of  
21 Mililani. This is living Mililani Mauka. This is  
22 1997.

23           And there are two areas zoned commercial.  
24 There's the big one on the corner of Ainamakua Drive  
25 and Meheula and it's still vacant. I'm grateful for

1 that grassy view. It's still not -- well, last year  
2 they built a low rise. There are, like, four, couple  
3 restaurants a pet store a couple stores there. That  
4 was, like, after 15 years.

5           There's no commercial. Oh, sure, we have  
6 the Mililani Town Center, lots of jobs now with the  
7 movie theater, all the restaurants. But what kinds of  
8 jobs?

9           We have some jobs, doctors' offices and bags  
10 and things. But it's not enough for all the residents  
11 already there. That's why we have people -- 6:00 a.m.  
12 should not be rush hour.

13           What about those people who have children?  
14 What do they do with their young children before they  
15 got into the car?

16           Or are they taking the kids with them to  
17 drop them off somewhere for childcare? (buzzer  
18 sounding) Is there a time limit? I'm sorry if I'm  
19 talking too long.

20           But it's designed to sell. This is living?  
21 It's designed to sell. The huge commercial building I  
22 do see in Mililani Mauka it's a Self-Storage. Why do  
23 you need this huge Self-Storage in Mililani Mauka?  
24 People have too much stuff or their homes, those  
25 affordable homes are too tiny.

1                   I went to an open house once in Mililani  
2 Mauka. I walked in, I was shocked. I wonder if  
3 you've been to those affordable homes. It was a  
4 one-bedroom apartment. The bedroom had a window in  
5 the parking lot and a tiny living room.

6                   It seemed to be a little bedroom, a tiny  
7 bathroom, a tiny little kitchen area and a living area  
8 and then the sliding glass door. And if you open that  
9 sliding glass door there's, like, five feet to the  
10 sidewalk and the street.

11                  It's like a little dorm room. So those are  
12 the people that need the commercial area for a  
13 Self-Storage.

14                  It looks cute. It's designed to sell, but  
15 please don't make it urban. As I said I'm speaking  
16 for all those people pouring out of Mililani. They  
17 don't want 10 more cars on the road in the morning,  
18 much less a hundred or a few thousand.

19                  And I brought my map because there's also  
20 these vacant areas. I always wondered: what is the  
21 big area that's covered with grass and they mow the  
22 grass. What is that? Then I look on the map, it's a  
23 park.

24                  You know, this village, it's gonna have a  
25 lot of parks and areas, but all it is is going to be

1 land. Here's the park, here's the school, here's the  
2 land. There's nothing there. Who's going to spend  
3 the money to put things there?

4 Well, of course, I live in Mililani so I pay  
5 \$32 a month just to live in Mililani and I don't want  
6 to pay more to put water fountains and park benches  
7 and the restroom on that park.

8 It's just these vacant lands. There's other  
9 vacant land in Mililani Mauka is supposed to be a  
10 church. There is nothing there. They say they're  
11 going to create these commercial things and jobs?

12 They're gonna say, "Here's the commercial.  
13 They can build this, there and that." Who's gonna put  
14 the money to build it? There's nothing there. It's  
15 designed to sell.

16 CHAIRMAN PILTZ: Can you wrap it up, please?

17 THE WITNESS: Okay. Please don't -- please  
18 don't rezone it to urban.

19 CHAIRMAN PILTZ: Thank you. We have got the  
20 message. Just a second. Petitioner?

21 MR. MATSUBARA: No questions.

22 CHAIRMAN PILTZ: City?

23 MS. TAKEUCHI-APUNA: No questions.

24 CHAIRMAN PILTZ: State?

25 MR. YEE: No questions.

1 CHAIRMAN PILTZ: Intervenor?

2 MR. YOST: No questions.

3 CHAIRMAN PILTZ: Board?

4 MR. POIRIER: No questions.

5 CHAIRMAN PILTZ: Anyone? Thank you. Alice  
6 D. Fisher followed by Kea Chun.

7 ALICE D. FISHER

8 being first duly sworn to tell the truth, was examined  
9 and testified as follows:

10 THE WITNESS: I do.

11 CHAIRMAN PILTZ: Have a seat. State your  
12 name and address for the record.

13 THE WITNESS: My name is Alice D. Fisher.  
14 There's another Alice Fisher. That's why the D's in  
15 there. And I live at 4300 Waialae Avenue in Honolulu.

16 And I have tried to lose weight and I found  
17 it extremely painful. And anybody in this room who  
18 has ever tried to starve themselves on purpose knows  
19 how uncomfortable and unhappy it is to do that.

20 So try to imagine what it is like to starve  
21 to death. And if you run out of food you starve to  
22 death. Before you run out of food probably what will  
23 happen is that you may get killed.

24 There are examples of terrible things  
25 happening with shortages of food. And even just

1 slight disruptions can cause enormous havoc. Four  
2 days after Katrina hit New Orleans there was  
3 plundering and rioting and stealing and looting. And  
4 that was just four days.

5           If the ships stop coming for any amount of  
6 time because of disruptions of one kind or another  
7 such as extraordinarily high price of oil or a lack of  
8 ability to get oil or some other thing, what lies  
9 ahead for Hawai'i is very, very frightening.

10           And I heard a UH professor talk about how  
11 vulnerable these beautiful islands are. He said we  
12 are like the canary in the coal mine. For the rest of  
13 the United States our is the state that will be hurt  
14 first as the price of oil goes up and the ability to  
15 have cheap food goes down.

16           It's a matter of time. It's not if. It's  
17 when. Now, it may not be for our children and it may  
18 not be for many years. But maybe our grandchildren  
19 will face this.

20           And we have to have the understanding that  
21 we need to keep every bit of arable land we've got  
22 because we are going to need it sooner or later.

23           And there is a very, very wise man named  
24 Jimmy Rogers who became famous because he ran a hedge  
25 fund with George Soros, who is not as rich as Bill

1 Gates or Warren Buffet but he's way up there.

2 Jimmy Rogers isn't quite as rich but he is a  
3 born teacher. And he has been on television talking  
4 about the disastrous results of our failing financial  
5 guard, the guard, you know, the fact that we have  
6 allowed deregulation to ruin our markets and so forth.

7 And he's pointing out at the same time that  
8 the future of investing is going to be in food. And  
9 he is saying: Never mind going into Wall Street or  
10 any of those other occupations. Become a farmer.  
11 That is the future of our planet. Because cheap oil  
12 is going. It's going to be harder and harder and  
13 harder to --

14 CHAIRMAN PILTZ: Alice, are you relating  
15 this to this Project?

16 THE WITNESS: I'm sorry. I've been unclear.

17 CHAIRMAN PILTZ: Well, you haven't mentioned  
18 it.

19 THE WITNESS: Keeping arable land -- I'm so  
20 sorry. I thought I was so obvious. I beg your  
21 pardon. Thank you for interrupting. If we build  
22 houses on prime agricultural land --

23 CHAIRMAN PILTZ: Okay.

24 THE WITNESS: -- I'm saying eventually our  
25 grandchildren may starve. And I'm sorry if I was not



1 clear. I better conclude. I hope -- has that been  
2 clear?

3 CHAIRMAN PILTZ: That's clear. Thank you.

4 THE WITNESS: I apologize.

5 CHAIRMAN PILTZ: Let me see if we have some  
6 questions for you.

7 MR. MATSUBARA: No questions.

8 CHAIRMAN PILTZ: City?

9 MS. TAKEUCHI-APUNA: No questions.

10 CHAIRMAN PILTZ: State?

11 MR. YEE: No questions.

12 CHAIRMAN PILTZ: Intervenor?

13 MR. YOST: No questions.

14 CHAIRMAN PILTZ: Board?

15 MR. POIRIER: No questions.

16 THE WITNESS: I beg your pardon.

17 CHAIRMAN PILTZ: Thank you. Commissioners?

18 Kea Chun followed by Juanita Kawamoto Brown.

19 THE WITNESS: Good morning, everybody.

20 KEA CHUN,

21 being first duly sworn to tell the truth, was examined  
22 and testified as follows:

23 THE WITNESS: Yes, I do.

24 CHAIRMAN PILTZ: Okay.

25 THE WITNESS: I'm going to read off this

1 paper.

2 CHAIRMAN PILTZ: State your name and address  
3 for the record.

4 THE WITNESS: My name is Kea Chun, resident  
5 of Mililani since 197- (inaudible). 98-303 Kaloapua  
6 Street.

7 CHAIRMAN PILTZ: Go ahead.

8 THE WITNESS: I sit here today to talk about  
9 what I think is one of Hawai'i's seven wonders, our ag  
10 lands. Koa Ridge, these lands are on O'ahu's prime ag  
11 lands. It's part of the O'ahu's food basket. It sits  
12 in central O'ahu where rainfall is pretty abundant.  
13 These lands must be preserved for ag use. We use most  
14 of our ag lands for development.

15 This area is currently being used for prime  
16 agricultural use and it is used to produce food for us  
17 from several different farms.

18 Why would we develop land that's being used  
19 right now to feed Hawai'i and to produce prime  
20 agricultural food?

21 We all know where our food comes from. Why  
22 is it that I can walk across from Koa Ridge to Costco  
23 and Foodland and buy mango from Ecuador, avocados from  
24 Chile and onions from Mexico?

25 I got nothing against -- I got nothing

1 against the developers. I was raised in Mililani.

2 Castle & Cooke built Mililani and it's been great to  
3 me. But this development has to be stopped.

4 We have no more ag lands. I don't know if  
5 you've ever been to the North Shore lately. All our  
6 ag lands are for sale.

7 Jobs. They talk about jobs, jobs created to  
8 go to the second city, not in prime agricultural lands  
9 like Koa Ridge.

10 This will be approximately 12,000 homes  
11 built. With two cars per household that's 24,000 cars  
12 on the road. We're all going to meet at that Y by  
13 Leeward no mater what, no matter how much you widen  
14 the roads, no matter whachu' build. On top of that  
15 there's Waiawa project being considered.

16 I'm here to oppose the Project. I know our  
17 union workers need jobs. And I have a lot of friends  
18 that's in the job construction business. We must get  
19 those guys working but not in Koa Ridge.

20 We cannot -- we use too much water. We  
21 already stealing water from Waiahole. We have, what,  
22 three aqua-farms at Koa Ridge? How long will that  
23 last? And don't get me wrong. I got nothing against  
24 Castle & Cooke.

25 I'm a product of Castle & Cooke. I was

1 raised in Mililani in the middle of the pineapple  
2 fields. But it's all disappearing.

3 It's your job to keep it that way. I hope  
4 you guys decide that. Thank you for your time.

5 CHAIRMAN PILTZ: Petitioner?

6 MR. MATSUBARA: No questions.

7 CHAIRMAN PILTZ: City?

8 MS. TAKEUCHI-APUNA: No questions.

9 CHAIRMAN PILTZ: State?

10 MR. YEE: No questions.

11 CHAIRMAN PILTZ: Intervenor?

12 MR. YOST: No questions.

13 CHAIRMAN PILTZ: Board?

14 MR. POIRIER: No questions.

15 CHAIRMAN PILTZ: Commissioners? Thank you.

16 THE WITNESS: Thank you for you guys' time.

17 (Applause).

18 CHAIRMAN PILTZ: Juanita Brown followed by  
19 Lydi Morgan. Juanita.

20 JUANITA BROWN

21 being first duly sworn to tell the truth, was examined  
22 and testified as follows:

23 THE WITNESS: Yes, I do.

24 CHAIRMAN PILTZ: State your name and address  
25 for the record.

1                   THE WITNESS: My name is Jaunita Kawamoto  
2 Brown. And I'm with Kakou o 'Iwi, a state of Hawai'i  
3 nonprofit organization. And I'm their agricultural  
4 wetland, mitigation, farming and marketing director.  
5 Aloha mai, Commissioners and ladies and gentlemen.

6                   I am here in support of the protection of  
7 continued agricultural lands and agricultural zoning  
8 and opposition to Koa Ridge Project development.

9                   I'm here on behalf of myself, a concerned  
10 citizen, Native Hawaiian and resident of the state of  
11 Hawai'i.

12                  My family business is working with local  
13 farmers throughout the state of Hawai'i as a  
14 cooperative agent in the sales of local fresh produce  
15 and value added products, and as an active community  
16 member of various organizations dedicated to the  
17 perpetuation of Hawaiian agricultural farming and  
18 Hawaiian agricultural studies.

19                  I'm born and raised on O'ahu and I'm turning  
20 50 this year. And I remember the west side of the  
21 island when there was no H-1 Freeway and it was still  
22 a plantation town with beautiful rolling hills of  
23 sugarcane, pineapple, and livestock farms everywhere.

24                  Progress has brought many good things to  
25 Hawai'i: Agricultural biodiversity, jobs for many

1 people through farming, and also hope for a better  
2 future for all.

3           Agriculture and farming have always been the  
4 balance in all that progress has brought. I feel that  
5 balance is being greatly threatened today by allowing  
6 another local farm in Hawai'i to be removed from an  
7 area that has always and should always remain in ag  
8 zoning.

9           Housing or urban development in an area that  
10 requires a delicate and important environmental  
11 balance needed to keep our beautiful island safe is  
12 being threatened by poor planning and lack of future  
13 vision on the impact of an already overstressed  
14 infrastructure.

15           Hawai'i and its government has promised our  
16 people of Hawai'i to support and protect our food  
17 sustainability. And changing ag to residential  
18 development will only create chaos where balance once  
19 existed. It is not pono.

20           I greeted my second grandchild into this  
21 world yesterday and I'm very concerned for her future  
22 here in Hawai'i.

23           Please support Hawai'i's farms, Hawai'i's  
24 people and keep our promises to the future generations  
25 by being prudent and vigilant and protecting our

1 valuable natural resources and our food  
2 self-sustainability. Mahalo.

3 CHAIRMAN PILTZ: Petitioner?

4 MR. MATSUBARA: No questions.

5 CHAIRMAN PILTZ: City?

6 MS. TAKEUCHI-APUNA: No questions.

7 CHAIRMAN PILTZ: State?

8 MR. YEE: No questions.

9 CHAIRMAN PILTZ: Intervenor?

10 MR. YOST: No questions.

11 CHAIRMAN PILTZ: Board?

12 MR. POIRIER: No questions.

13 CHAIRMAN PILTZ: Commissioners? Thank you.

14 Thank you. Lydi Morgan.

15 LYDI MORGAN

16 being first duly sworn to tell the truth, was examined  
17 and testified as follows:

18 THE WITNESS: I do.

19 CHAIRMAN PILTZ: State your name and address  
20 for the record.

21 THE WITNESS: My name is Lydi Morgan. I  
22 live at 742 Olokele Avenue, Honolulu, Hawai'i 96816.

23 CHAIRMAN PILTZ: Go ahead.

24 THE WITNESS: Thank you. I'm here  
25 representing the Hawai'i Farmers Union. We represent

1 over 200 individuals, 'ohana and supporters of farmers,  
2 farmers and farm supporters.

3           And we are just getting started here in  
4 Hawai'i because of the recognition of the need for a  
5 new voice in agriculture.

6           In fact I just flew in last night after  
7 several days in South Dakota at the National Farmers  
8 Union Annual Convention. National Farmers Union  
9 represents over 200,000 family, farming families in  
10 the country.

11           Why I bring that up is because I really  
12 learned something there from all the farmers, all the  
13 people involved in this organization.

14           And in fact Tom Vilsack, the U.S. Secretary  
15 of Agriculture, was there. The overwhelming consensus  
16 and understanding is the need to rebuild and grow our  
17 local food systems.

18           I will tell you there's nobody there on the  
19 mainland saying, "Okay, here's our food stockpile for  
20 Hawai'i," you know. It's a big -- it's a mess. Our  
21 food system as it is is very disorganized and  
22 insecure. We cannot depend on other people for our  
23 survival, our sustainability.

24           So, like I said, rebuilding local food  
25 systems in Hawai'i, there's no better place than to do



1 that here. I appreciate the former speakers that  
2 pointed out that it's not a matter of if but when we  
3 will be cut off from supplies either on short-term or  
4 long-term basis. We really need to take that  
5 seriously.

6 I oppose this development because of the  
7 absolute need to protect every piece of available ag  
8 land that we have.

9 I would like to just address the issue of  
10 the word "sustainability" because what does that truly  
11 mean? You can call something a sustainable  
12 development.

13 But if you are replacing agricultural land  
14 with that so-called sustainable development it's  
15 absolutely not in any sense of that word sustainable.

16 Sustainable means our ability to sustain  
17 ourselves which means our ability to feed ourselves.  
18 We need to be more food secure and we need to  
19 recognize that now.

20 Every single problem that we face on these  
21 islands is the result of the way that things have been  
22 done including homelessness, traffic, food and  
23 security, poor health, water shortages and our  
24 contribution to climate change and the fact that we  
25 import almost all of the food that we eat.

1           I just want to emphasize that our world is  
2   changing, and we must change with it. Which means  
3   that we cannot continue to do things the way that they  
4   have been done.

5           When it comes to jobs I'd just like to point  
6   out I was there last week also at the community forum.  
7   And I appreciate that kind of opportunity for people  
8   to come together and hear from each other about their  
9   concerns. Yes, a lot of people that do support the  
10   Project their main concern is jobs.

11          What we did hear is that there are already,  
12   thousands and thousands of homes already zoned which  
13   would be an opportunity for jobs.

14          But the fact that green jobs, in other  
15   words, retrofitting homes for energy efficiency,  
16   solar power and other renewable energies, as well as  
17   farming as an absolutely viable, respectable and  
18   necessary profession, those are the jobs of the  
19   future. But we need the land.

20          And I also appreciate the speaker that  
21   pointed out your responsibility and the fact that our  
22   state entrusts you to make these decisions for common  
23   vision, the greater good and for our future. Thank  
24   you.

25          CHAIRMAN PILTZ: Petitioner, questions?

1 MR. MATSUBARA: No questions.

2 CHAIRMAN PILTZ: City?

3 MS. TAKEUCHI-APUNA: No questions.

4 CHAIRMAN PILTZ: State?

5 MR. YEE: No questions.

6 CHAIRMAN PILTZ: Intervenor?

7 MR. YOST: No questions.

8 CHAIRMAN PILTZ: Board?

9 MR. POIRIER: No questions.

10 CHAIRMAN PILTZ: Anything, Commissioners?

11 Thank you.

12 THE WITNESS: Thank you.

13 CHAIRMAN PILTZ: Is there any other person

14 that wanted to testify at this time? Seeing none,

15 we'll we take a break. Five minutes. We're in.

16 (Recess was held.)

17 CHAIRMAN PILTZ: (10:35) We're back on the

18 record. Mr. Matsubara, your witness.

19 MR. MATSUBARA: Thank you, Mr. Chairman. My

20 next witness is Pete Pascua.

21 PETE PASCUA

22 being first duly sworn to tell the truth, was examined

23 and testified as follows:

24 THE WITNESS: Yes, I do.

25 CHAIRMAN PILTZ: State your name and address

1 for the record.

2 THE WITNESS: My name is Pete Pascua. I'm a  
3 traffic engineer at Wilson Okamoto Corporation.  
4 Address 1907 Beretania Street, Suite 400, Honolulu.  
5 968263.

6 CHAIRMAN PILTZ: Go ahead.

7 DIRECT EXAMINATION

8 BY MR. MATSUBARA:

9 Q Are you a Mililani resident, Mr. Pascua?

10 A Yes, I am.

11 Q And your address is in Honolulu?

12 A Yes.

13 Q You drive to work every day?

14 A Every morning.

15 MR. MATSUBARA: As a housekeeping matter,  
16 Mr. Chair, members, of the Commission, I filed  
17 Exhibit 52 yesterday with the Commission, circulated  
18 it to the parties.

19 Basically it reflects the Agreement in  
20 Principal relating to our traffic mitigation measures  
21 between Castle & Cooke Homes Hawai'i, Inc. and the  
22 Department of Transportation.

23 That was a document I asked leave for to  
24 take Mr. Pascua out of order so that that could be  
25 finalized. And that's reflected in Exhibit 52. So I

1 would like to have that admitted in evidence.

2 CHAIRMAN PILTZ: Any problems with that,  
3 City?

4 MS. APUNA: No objection.

5 CHAIRMAN PILTZ: State?

6 MR. YEE: No objections.

7 CHAIRMAN PILTZ: Intervenors?

8 MR. YOST: No objections.

9 MR. POIRIER: No objections.

10 CHAIRMAN PILTZ: Questions, Commissioners  
11 for that? We'll admit that.

12 MR. MATSUBARA: Thank you.

13 Q Mr. Pascua, pursuant to my request you  
14 prepared written testimony which we have identified as  
15 Exhibit 40, is that correct?

16 A That's correct.

17 Q And attached to your written testimony was  
18 your curricula vitae which basically reflects your  
19 educational background, your professional background  
20 and your professional affiliations, is that correct?

21 A That's correct.

22 Q Have you been qualified as a traffic  
23 engineering expert before the Land Use Commission?

24 A Yes, I have.

25 Q And have you also been accepted as a traffic

1 engineering expert in circuit court state of Hawai'i?

2 A That's correct.

3 MR. MATSUBARA: Mr. Chair, I'd like to ask  
4 that Mr. Pascua be admitted and accepted as a traffic  
5 engineering expert.

6 CHAIRMAN PILTZ: City, any problems?

7 MS. TAKEUCHI-APUNA: No objection.

8 MR. YEE: No objection.

9 MR. YOST: No objections.

10 CHAIRMAN PILTZ: Commissioners? So  
11 accepted.

12 MR. MATSUBARA: Thank you.

13 Q Pursuant to your direction and supervision  
14 the Traffic Import Analysis Report (sic) and  
15 supplements which are marked as Exhibits 7-I, 17-A and  
16 18 were prepared, is that correct?

17 A That's correct.

18 Q And those have all been introduced and  
19 admitted into evidence. Exhibit 52, which was just  
20 admitted yesterday, reflects a combination of months  
21 of meetings with the Department of Transportation and  
22 Castle & Cooke Homes, Hawai'i, Inc. to formulate a  
23 traffic mitigation plan, is that correct?

24 A That's correct. Actually more than months,  
25 almost a year or a little over a year.

1           Q     And you participated in the meetings that  
2     were conducted.

3           A     Yes, I have.

4           Q     So you're familiar with the contents of  
5     Exhibit 52.

6           A     Yes, I am.

7           Q     Could I ask you to summarize the testimony  
8     as reflected in your written testimony marked as  
9     Exhibit 40 and the summary of Exhibit 52?

10          A     Okay. And it's a Traffic Impact Analysis  
11     Report as opposed to a Traffic Import Report, as you  
12     had mentioned earlier.

13          Q     Thank you.

14          A     A Traffic Impact Analysis Report or TIAR was  
15     prepared in February of 2009 to address the impacts  
16     associated with the Project. It was also a supporting  
17     documentation for the environmental impact assessment  
18     documentation that was prepared for the Project.

19                 And that report and study identified three  
20     primary access points. And if I may go to the graphic  
21     that's up here. One access point is located on Ka Uka  
22     Boulevard along the Project frontage. A second access  
23     point --

24                 MR. MATSUBARA: For the record, Mr. Pascua  
25     is referring to Petitioner's Exhibit 7, 2-1.

1           A     A second access point is provided or is  
2 being proposed along H-2 Freeway at the new  
3 interchange near the vicinity of the Pineapple Road  
4 Overpass.

5                     And a third access point in this  
6 February 2009 TIAR was assumed to be provided along  
7 Kamehameha Highway along the Project frontage.

8                     These studies that I prepared, again, the  
9 February 2009 study in particular also incorporates a  
10 30 percent internal trip reduction that was assumed  
11 because of the mixed-use nature of the development.

12                    Regarding these two issues, the access as  
13 well as the internal trip reductions, DOT had  
14 concerns -- the Department of Transportation had  
15 concerns regarding the access along Kamehameha Highway  
16 because of its proximity to Ka Uka Boulevard  
17 intersection and that intersection or that proposed  
18 connection may be a safety issue because of its  
19 proximity to that adjacent intersection.

20                    Regarding the 30 percent internal capture,  
21 DOT, again, the Department of Transportation, wanted  
22 to see the effects of perhaps a more conservative  
23 reduced internal trip capture of 15 percent as opposed  
24 to 30 percent, although studies have shown that this  
25 particular Project can realize internal capture rates



1 of close to 56 percent.

2               So the 30 percent we assumed in the  
3 February 2009 TIAR, as I indicated earlier, really  
4 represented a more conservative internal trip capture.

5               Nevertheless, DOT thought maybe, perhaps, we  
6 should evaluate the effects of something even more  
7 conservative which was a 15 percent internal capture.

8               Therefore a second report was generated to  
9 eliminate the Kamehameha Highway or proposed  
10 Kamehameha Highway access to the Project as well as to  
11 reduce the internal trip capture to 15. That report  
12 is dated September 2009. And I believe that was also  
13 indicated in my written.

14              Now, these studies are based on a set of  
15 traffic data that we collected throughout the region,  
16 actually extensive traffic data that occurred during a  
17 two-year time-span, from 2006 to 2008 on many  
18 occasions.

19              So what we have is a set of almost two dozen  
20 sets of data of traffic counts at intersections as  
21 well as cumulative analysis as well as 24-hour daily  
22 traffic volumes that occurred during the two-year  
23 span.

24              Like I said it was an exhaustive effort just  
25 to collect all the data. But we wanted to be sure we

1 collected appropriate data; that no anomalies in the  
2 traffic patterns had occurred during that day. So  
3 that's why we went out on several occasions for  
4 several years.

5 If I may go to another figure to show or  
6 point out where these locations are.

7 MR. MATSUBARA: For the record this is,  
8 again, Exhibit 7, which is the EIS, and it's figure  
9 4-2 in the EIS.

10 THE WITNESS: Okay. Traffic data was  
11 collected at all of the onramps and offramps at the  
12 Waipio Interchange. Let me just for orientation:  
13 This is the H-2 Freeway. This is Kamehameha Highway.  
14 This is the Koa Ridge Makai Project or proposed  
15 Project. This is the Wahiawa portion of the Castle &  
16 Cooke's petition.

17 Again, at the Waipio Interchange traffic  
18 counts were collected along the on-and-offramps,  
19 northbound on-and-offramps as well as the southbound  
20 on-and-offramps.

21 The intersection just west of the  
22 interchange of Ka Uka Boulevard at Moaniani Street,  
23 Ka Uka Boulevard at a roadway serving commercial  
24 properties just west of the interchange; Ka Uka  
25 Boulevard at Uke'e Street; Ka Uka Boulevard at Waipio

1 Uka Street; Ka Uka Boulevard at Uke'e Street again,  
2 since Uke'e Street loops around through the  
3 residential area back and intersects with Ka Uku  
4 Boulevard and along Kamehameha Highway.

5           At the intersection of Kamehameha Highway at  
6 Ka Uka Boulevard; Kamehameha Highway at Waipio Uka  
7 Street, Kamehameha Highway at Lumiaina Street,  
8 Kamehameha Highway at Lumiaina Street and over  
9 two miles away Kamehameha Highway at Waipahu Street.

10           In addition 24-hour counts were taken along  
11 the ramps at the Waipio Interchange for several days  
12 to ensure we capture the appropriate peak hour.

13           On top of that, counts were taken along  
14 sections of Ka Uka Boulevard for 24 hours in several  
15 days between just west of the Waipio Interchange.

16           Also along Kamehameha Highway 24-hour counts  
17 in several days again were collected to ensure we  
18 collect the or identify the appropriate peak hour in  
19 the region.

20           The count periods were between 6:00 a.m. and  
21 9:00 a.m. in the morning. And between 3:00 p.m. and  
22 6:00 p.m. in the evening to capture ot commuter peaks  
23 in the morning as well as in the afternoon.

24           The counts consisted of recording or  
25 counting every single vehicle that goes through the

1 intersections I just mentioned, and addressing or  
2 identifying their specific movement whether they're  
3 turning left, turning right, going through the  
4 intersection.

5           And they were recorded every 15 minutes  
6 during the time I just mentioned, 6:00 in the morning,  
7 3:00 to 6:00 in the evening, again, for several days  
8 on different times of the year for a couple years.

9           The peak hour of traffic, based on the data,  
10 occurs between 7:00 and 8:00 in the morning and 4:00  
11 and 5:00 in the afternoon.

12           With that we built a model of the traffic  
13 patterns and conditions in the area and analyzed the  
14 intersections based on the concept Level of Service  
15 where Level of Service is a qualitative and quantitative  
16 measure of traffic operations: Level of Service A  
17 representing free flow or ideal conditions and Level  
18 of Service F representing congested conditions.

19           Also in response to the Neighborhood Board  
20 #25's request for travel time data, additional traffic  
21 data was collected.

22           In particular travel time runs or travel  
23 time surveys were conducted between the Mililani  
24 Interchange and the Ka'ahumanu Overpass traveling or  
25 traversing the H-2 Freeway and the H-1 Freeway in both

1 directions between those two terminal points.

2           The travel time survey started at 5:00 in  
3 the morning and consisted of drivers or surveyors on  
4 both ends of the traveled route traveling through the  
5 H-1 Freeway as well as the H-2 Freeway, identifying  
6 key features throughout that study route and timing  
7 the actual travel patterns that occur or travel time  
8 that occurred between those two points.

9           Every 15 minutes we release another surveyor  
10 or driver going through the routes, going through the  
11 route and doing the same thing, establishing a set of  
12 data that we could look at in terms of travel time.

13           In the morning, travel time was conducted  
14 between 5:00 to 8:00 in the morning. So at 5:00 we  
15 release drivers from both terminal points.

16           Again these terminal points are the Mililani  
17 Interchange as well as Ka'ahumanu Overpass. And at  
18 5:15 the next set of drivers are released again. This  
19 occurred all the way up to 8:00 in the morning.

20           Similarly in the afternoon travel time runs  
21 or travel time surveys were conducted at 3:00 p.m. and  
22 ended with the last run at 6:00 p.m.

23           The travel time data out of that survey was  
24 then calibrated and modeled using a traffic simulation  
25 software to determine anticipated changes in travel

1 time as a result of increased traffic demand in the  
2 vicinity. Going back to the TIARs. The TIAR analyzes  
3 three primary scenarios, the first one being the  
4 existing or baseline travel conditions.

5 Second scenario is the projected interim  
6 year 2016. Projected conditions is another scenario.

7 The third one is the anticipated buildouts  
8 at 2025 projected conditions.

9 Under existing conditions adverse traffic  
10 conditions were identified. Mainly these occurred  
11 near the Waipio Interchange and specifically the left  
12 turn, the westbound left turn from Ka Uka Boulevard  
13 into Moaniani Street. That movement oftentimes queues  
14 beyond the left-turn storage capacity.

15 Another issue is, or another problem area or  
16 roadway deficiency is the eastbound left-turn movement  
17 on Ka Uka Boulevard to the northbound onramp. This too  
18 oftentimes -- this movement too oftentimes would queue  
19 beyond the -- traffic would queue beyond the left turn  
20 capacity, left-turn lane capacity.

21 So what is being proposed to mitigate  
22 existing conditions, regardless of this Project moving  
23 forward or not, I think this is an improvement that  
24 should be implemented to mitigate these two  
25 deficiencies I just mentioned, is to create or provide

1 a second left-turn lane which will result in double  
2 left-turn lanes from Ka Uka Boulevard to either  
3 Moaniani in the westbound direction or in the  
4 eastbound direction of Ka Uka Boulevard to the  
5 northbound onramps.

6 As far as the TIAR is concerned, again, the  
7 next step was to determine what the projected 2016  
8 traffic conditions are.

9 And to do this we evaluated the traffic  
10 forecast contained in the 2030 ORTP, or the O'ahu  
11 Regional Transportation Plan, and came up with an  
12 average annual growth rate that was applied to the  
13 baseline traffic conditions that would project or  
14 bring the baseline traffic conditions up to 2016.

15 On top of that growth rate, traffic  
16 associated with the adjacent development, the proposed  
17 Waiawa Ridge development, was also superimposed or  
18 added to that 2016 projections to get a more realistic  
19 demand or traffic demand on the roadway, should the  
20 Project proceed.

21 On top of all of that, traffic again was  
22 added from the Project, what the Project would  
23 generate in terms of traffic in the region. That is  
24 based on the Institute of Transportation Engineers or  
25 ITE methods of determining what trip generation would

1 be for specific land uses that is being proposed.

2           That number, again, is superimposed over  
3 2016 projected conditions that includes the proposed  
4 Waiawa Ridge development; that includes ambient growth  
5 associated with the O'ahu Regional Transportation  
6 Plan.

7           That resulted in the second model, traffic  
8 model. That model was also subjected to an analysis  
9 based on the concept of Level of Service. Again Level  
10 of Service A representing ideal or free-flow  
11 conditions and F representing congested conditions.

12           For year 2025 the anticipated buildout the  
13 same procedures again that developed, that I used to  
14 develop the 2016 projections were used.

15           Based on, again, the 2030 ORTP, the Oahu  
16 Regional Transportation Plan, came up with an average  
17 annual growth rate using the demands associated with  
18 that plan to come up -- to project the volumes up to  
19 2025, superimposed trips that was associated with the  
20 adjacent Waiawa Ridge development.

21           Then again superimposed trips associated  
22 with the Project based on the Institute of  
23 Transportation Engineers methods and procedures for  
24 determining trip generation.

25           Now, that resulted in a third traffic model.



1 And that model also was subjected to the evaluation  
2 and analysis based on the concept of the Level of  
3 Service. So that's the two studies I talked about.  
4 First one we did back in February 2009.

5           The second one that was dated or that is  
6 dated September 2009 which takes into account DOT's  
7 comments regarding the elimination of the Kamehameha  
8 Highway access as well as a reduction in internal trip  
9 capture from 30 percent to 15 percent. So those two  
10 studies were prepared.

11           A third study was prepared after that that  
12 evaluates the impacts -- or the traffic impacts  
13 associated with an incremental plan. This incremental  
14 plan includes a development of the Koa Ridge Makai  
15 within a 10-year time with a deferral of the Castle &  
16 Cooke's Waiawa piece at a later date.

17           The study utilizes the same methodology --  
18 this third study utilizes the same methodology as the  
19 first two and was also subjected to the evaluation  
20 analysis using the concept of Level of Service. And a  
21 whole set of recommendations were developed based on  
22 that criteria.

23           That study is currently in with DOT or the  
24 Department of Transportation for review and  
25 acceptance. However, based on recent discussions with

1 DOT, as Mr. Matsubara mentioned, an agreement in  
2 concept has been formulated between Castle & Cooke  
3 Homes Hawai'i and DOT regarding roadway improvements  
4 and its implementation and timing as a result of DOT's  
5 review of the studies I just mentioned.

6 This agreement includes the following  
7 improvements by year 2016. At the Waipio  
8 Interchange -- and if I may refer to another graphic.

9 MR. MATSUBARA: For the record, Mr. Pascua  
10 will be referring to Office of Planning's Exhibit 26.

11 THE WITNESS: In this agreement between  
12 Castle & Cooke Homes Hawai'i and the Department of  
13 Transportation, several improvements to the Waipio  
14 Interchange have been identified and agreed upon by  
15 year 2016. And I'll go through this in detail.

16 By 2016 the northbound offramp to the  
17 interchange provide two lanes that access the Waiawa  
18 portion this side of the freeway including  
19 improvements at the freeway split of the northbound  
20 traffic and the offramp.

21 Also provide a new northbound offramp or  
22 loop offramp for a northeast quadrant of the  
23 interchange. And with that, relocate the onramp onto  
24 the freeway, the northbound onramp to accommodate this  
25 loop.

1                   Associated with that loop would be  
2 acceleration lanes or widening of the H-2 Freeway as  
3 necessary to accommodate deceleration maneuvers onto  
4 the loop.

5                   What's also included in that agreement is a  
6 southbound loop onramp on the northwest quadrant of  
7 the interchange and associated merging and  
8 acceleration lanes along the freeway to properly enter  
9 the southbound H-2 Freeway.

10                  Improvements to the southbound offramp to  
11 include additional lanes, in other words, widen the  
12 ramp, fix the intersection here, which is the  
13 intersection of Ka Uka Boulevard and Moaniani Street  
14 by providing additional lanes through this area.

15                  Signal timing modifications to allow better  
16 progression or coordination of the intersections.  
17 This is the left-turn movement I talked about earlier  
18 that really is needed now. Provide two left-turn  
19 movement or two left-turn lanes down into Moaniani.

20                  This is the other one I was talking about  
21 earlier which is a deficiency under existing  
22 conditions. This left turn onto the freeway  
23 oftentimes back up onto the bridge. A double left  
24 turn is required at this point under existing  
25 conditions.

1                   On top of that, and it's off of the graphic  
2 here, at the intersection of Ka Uka Boulevard and  
3 Kamehameha Highway provide an additional right-turn  
4 lane.

5                   So these are really extensive types of  
6 improvements that would occur and would change the  
7 landscape of the interchange area.

8                   Also included, also part of that agreement  
9 is for Castle & Cooke to provide or construct, design  
10 the proposed Pineapple Road Interchange. And if I can  
11 go back to this graphic.

12                  Going back to this graphic, again, this is  
13 the H-2 Freeway, Koa Ridge Makai -- proposed Koa Ridge  
14 Makai area, Castle & Cooke Waiawa area. The Waipio  
15 Interchange I was just talking about is right here.

16                  In this agreement between Castle & Cooke  
17 Hawai'i and DOT it includes the construction, design  
18 of this proposed Pineapple Road Interchange including  
19 all associated on- and offramps in the northbound as  
20 well as southbound directions.

21                  One last key item I think in this agreement  
22 that's really important, I think, it's really  
23 important, I think it's something that should be done  
24 for all projects from a traffic impact standpoint, is  
25 to update the TIAR every three years upon first -- in

1 this case upon first delivery of Castle & Cooke  
2 residential units.

3 This is to ensure that property traffic  
4 mitigation is provided. Perhaps additional may be  
5 needed but an updated TIAR every three years I think  
6 is a good thing that should be implemented actually on  
7 all projects, in my opinion.

8 So throughout the whole, entire development  
9 absorption schedule this TIAR would be submitted to  
10 DOT every three years for review and acceptance.

11 MR. MATSUBARA: Thank you.

12 Mr. Pascua is available for cross-examination.

13 CHAIRMAN PILTZ: City?

14 MS. TAKEUCHI-APUNA: No questions.

15 CHAIRMAN PILTZ: State?

16 MR. YEE: No questions.

17 CHAIRMAN PILTZ: Intervenors?

18 MR. YOST: Thank you, Chair.

19 CROSS-EXAMINATION

20 BY MR. YOST:

21 Q Good morning, Mr. Pascua.

22 A 'Morning.

23 Q I just want to make sure I understand  
24 correctly. The analysis that you've done, at no point  
25 did you attempt to try to analyze the effect of the

1 Project on overall commute times from the Mililani-Koa  
2 Ridge area all the way into town, correct?

3 A That is correct. We ended up at Ka'ahumanu  
4 Overpass, in that direction.

5 Q You mentioned the Level of Service standards  
6 have ranking of A through F.

7 A Yes.

8 Q Can you tell us a little bit more about  
9 where those come from?

10 A Okay. The Level of Service is a criteria  
11 that's used by traffic engineers to determine the  
12 operational characteristics of specific movements at  
13 an intersection or roadway.

14 That's based on the Highway Capacity Manual  
15 that is developed by the US DOT as well as the Federal  
16 Highways Administration for ranking these, the  
17 operations of these specific movements.

18 Level of Service A is really -- oh, not just  
19 Level of Service A but the Level of Service criteria  
20 or designation is based on -- for intersection is  
21 based on delay that a motorist would experience at an  
22 intersection.

23 If a specific movement experiences a Level  
24 of Service A, that particular motorist at an  
25 intersection would experience delays of 10 seconds or

1 less.

2 Subsequently, if that motorist experiences a  
3 Level of Service C, say, that's about a 20 second  
4 delay associated with that motorist at an  
5 intersection, and so on.

6 So it's progressively as you go down the  
7 scale from A to F the longer delays you experience,  
8 the motorist would experience, as you go through these  
9 different Level of Service designations.

10 Q My understanding from your analysis is that  
11 you're saying the existing road conditions are Level  
12 of Service D or better, is that right?

13 A Would you repeat D or B?

14 Q D or better?

15 A Correct.

16 Q Okay. And there are no areas, then, in the  
17 existing road area you've studied that would qualify  
18 as F?

19 A Existing.

20 Q That's correct, existing.

21 A No. There are existing Level of Service F  
22 conditions on the roadway now especially at the Waipio  
23 Interchange within the study area that we looked at.  
24 That's why I mentioned under existing conditions there  
25 are two deficiencies that we identified. That's the

1 left-turn movement, westbound left-turn movement from  
2 Ka Uka Boulevard to Moaniani Street as well as the  
3 eastbound left-turn movement from Ka Uka Boulevard to  
4 the interchange northbound onramps.

5           Those two movements, as anyone who has  
6 driven there during the peak hours know, that traffic  
7 extends beyond the capacity of the left-turn pocket  
8 that's there right now. And many times you would  
9 wait for several signal cycles to get through the  
10 adjacent intersections.

11           Now, a signal cycle is roughly, could be  
12 roughly 90 seconds long versus 160 sections long. But  
13 if you wait one signal cycle you're already beyond the  
14 Level of Service D condition because Level of Service  
15 F is near about 85, I believe it's 85 seconds or  
16 greater.

17           So if you wait one signal cycle you're  
18 already beyond Level of Service F conditions, in other  
19 words, congested conditions. And it's evident by the  
20 conditions that occurs right today for those  
21 particular movements.

22           That's why we're recommending regardless of  
23 whether this Project moves forward or not, at least  
24 provide or improve the existing conditions by  
25 providing a double left-turn lane from westbound Ka



1 Uka Boulevard into Moaniani Street as well as a double  
2 left-turn lane from eastbound Ka Uka Boulevard onto  
3 the northbound onramp.

4           These locations are straddling the Waipio  
5 Interchange on both sides of the freeway. So they're  
6 major junctions that support or handle regional  
7 traffic through the area.

8           Q     So it's your testimony that once the  
9 improvements are done that you've been talking about,  
10 that after the buildout -- let's go out to 2025, full  
11 buildout, what's going to be the Level of Service for  
12 those areas that are currently F, designated as F?

13           Are they going to still be F? Or are you  
14 testifying that they're somehow going to improve even  
15 with all of the additional traffic?

16           A     Yes. They're gonna improve with the  
17 additional traffic. There are some locations that  
18 will degrade and some will improve. But with the  
19 improvements what you do is you add capacity to the  
20 roadway system.

21           With the projects, the trips generated as a  
22 result of the projects superimposed over existing  
23 conditions would not, how should I say, eat up all the  
24 available capacity as a result of these improvements.

25           Therefore you have additional capacity that

1 can support even more trips on the roadway. So the  
2 answer is yes.

3 Q Just to understand what you said. You said  
4 one signal change is at least 90 seconds, correct?

5 A Yes.

6 Q And right now you've got more than one  
7 signal change. Sometimes people have to wait.

8 A Right.

9 Q So you're testifying that not -- even though  
10 there's going to be additional traffic on the road  
11 from these proposed projects, that the improvements  
12 are going to allow everybody to get through in one  
13 signal change or less?

14 A That's correct.

15 Q Okay. So that would be then D level or  
16 better, right if it's -- what's D level? Is it 60  
17 seconds or more?

18 A D is, I believe, 45 seconds. I don't claim  
19 to memorize all of these.

20 Q Even though this is kind of like, it  
21 resembles an educational scale of A through F,  
22 you're saying D is a passing grade?

23 A No. I'm saying D is a situation that fully  
24 utilizes the roadway capacity. In other words, if you  
25 had a facility or roadway operating at Level of

1 Service A, yes, traffic moves much better than a B, C,  
2 D or F. But that capacity is overbuilt -- I mean that  
3 roadway is overbuilt. You have too many lanes for  
4 what the roadway is serving.

5 So the ideal, what I'm testifying the ideal  
6 situation would be Level of Service D where you make  
7 the roadway facility fully utilize traffic that's  
8 being traveling on the roadway, that is traveling on  
9 the roadway.

10 Q Okay. So on the scale that you're providing  
11 to also F is the only failing grade. Right? F is the  
12 only grade that's unacceptable.

13 A In urban areas, yes.

14 Q Because you expect that you're going to have  
15 some level of congestion and misery.

16 A You could put it that way, yes.

17 Q Your analysis for the current conditions  
18 talks about conditions in 2008, correct?

19 A That's correct.

20 Q Are you familiar with the organization  
21 INRIX?

22 A No, I'm not.

23 Q I-N-R-I-X. You're not familiar with the  
24 organization that does studies on traffic congestion  
25 based in Seattle, Washington?

1           A     Not in Seattle, no. I'm haven't -- I'm not  
2 working in Seattle. I practice here in Honolulu and  
3 some western states, but not in Seattle directly.

4           Q     Do you recall at all news reports and press  
5 beginning in 2008 that Honolulu's traffic is among the  
6 worst in the United States?

7           A     Yes, I do actually.

8           Q     You don't recall, though, that those reports  
9 were done by an organization called INRIX?

10          A     No, I do not.

11          Q     I'm going to read to you just a very short  
12 paragraph from their 2008 report. They said, "If you  
13 happen to be driving on a Thursday," this is in  
14 Honolulu, "from 5:00 p.m. to 6:00 p.m. on its main  
15 highways, you're no longer in the Aloha State," says  
16 the report compiled by INRIX. "You're in the worst  
17 place and the worst hour of any single roadway in the  
18 United States."

19                   This is from their study of conditions in  
20 2008 the same time you're doing your studies. Does  
21 that seem accurate to you, based on your knowledge of  
22 the traffic conditions?

23           MR. MATSUBARA: Mr. Chair, I would have an  
24 objection to this extent. The INRIX document is not  
25 an exhibit. The witness has indicated he has no

1 knowledge of that study. Now he's being asked to  
2 confirm a quote from a document that we don't know the  
3 basis of or the authoritative nature of that study.

4 My objection would be based on that, it's  
5 inappropriate to question utilizing that document.

6 MR. YOST: Can I respond to that, Chair? I  
7 agreed he testified he's not familiar with INRIX. But  
8 he did testify he's familiar with media reports that  
9 Honolulu has some of the worst traffic in the United  
10 States.

11 And I'm just asking if from his professional  
12 opinion as an expert -- he's been qualified as a  
13 traffic expert -- if that statement seems to him to be  
14 accurate or not accurate. It's only based on his  
15 opinion.

16 CHAIRMAN PILTZ: Mr. Matsubara, is that  
17 acceptable for your witness?

18 MR. MATSUBARA: If you know, in your own  
19 opinion as to whether or not there's any accuracy in  
20 that statement.

21 THE WITNESS: Well, it's a general statement  
22 as I understand it. I did not review the calculations  
23 that was done to derive at that statement. So I can't  
24 respond appropriately.

25 CHAIRMAN PILTZ: There's your response.

1           Q     (By Mr. Yost): Thank you. Are you aware of  
2 more recent media reports where the Lunalilo Freeway  
3 specifically has been designated, and this is, again,  
4 from cites by INRIX, as the second worst bottleneck  
5 problem traffic area in the entire United States? Are  
6 you aware of those media reports in January 2010?

7           A     Associated with the Lunalilo?

8           Q     Yes.

9           A     No, I'm not aware of that.

10          Q     Are you aware of a transportation, a  
11 national transportation watchdog group that goes by  
12 the name of TRIP T-R-I-P?

13          A     I've heard about them, but I don't know much  
14 about them.

15          Q     Again, this is from 2008. Are you aware of  
16 reports in 2008 from studies by TRIP that Honolulu  
17 motorists drive the second worst urban roads in the  
18 nation and pay the third highest cost for extra  
19 vehicle maintenance because of it? Are you aware of  
20 that report?

21          A     No, I'm not.

22          Q     Do you think it's relevant to the  
23 consideration of the -- actually, let me ask you this  
24 first.

25                     Moving into the ways in which congestion and

1 bottlenecks are analyzed by the Federal Department of  
2 Transportation, would you agree, as is contained in  
3 some Federal DOT reports, that as congestion -- if  
4 congestion exists already and there's a bottleneck  
5 already at any point in the transportation system, say  
6 a freeway, if you add additional cars to that  
7 congestion that you are going to have  
8 bottleneck-related congestion growing at an  
9 increasingly faster rate?

10           And researchers have long noted the delay  
11 increases exponentially, i.e. it goes ballistic with  
12 travel level on a fixed capacity base.

13           Does that sound accurate to you as a  
14 description of how traffic operates when you have an  
15 existing bottleneck and you add to it you're going to  
16 have an exponential increase in delay?

17           Does that sound accurate to you?

18       A     I don't know about exponential. I haven't  
19 done, again, an analysis or study regarding that  
20 particular issue.

21       Q     So you're not aware of Federal DOT standards  
22 that view that as a reality: That you have a  
23 bottleneck, you add to it, you're going to have  
24 exponentially delay effects. You're not aware of that  
25 as an expert?

1               MR. MATSUBARA: Do you have the standards he  
2 can review, the DOT standards?

3               MR. YOST: I can provide those. We can do  
4 that later, sure.

5               MR. MATSUBARA: If you want him to answer  
6 questions on that I'm just asking --

7               MR. YOST: I just read what the standard is.  
8 He's not aware of it.

9               MR. MATSUBARA: So if you're going to ask  
10 him questions, all I'm saying provide him a copy.

11              MR. YOST: Okay.

12              MR. MATSUBARA: That was my objection.

13              CHAIRMAN PILTZ: You can make a submission.

14              MR. YOST: Okay. I guess we'll have to deal  
15 with that under rebuttal. I just thought he would be  
16 aware of it as an expert. So that's why I asked.

17              CHAIRMAN PILTZ: It would help the witness  
18 if he had a copy of it and us too.

19              MR. YOST: Okay. I will provide that.

20              CHAIRMAN PILTZ: We're trying to find out  
21 some information. And if we don't have it and the  
22 witness doesn't have it, it makes it very difficult  
23 for us to make a judgment.

24              MR. YOST: I understand, Chair. I will  
25 provide that to the witness. But I can't provide it



1 at this moment.

2 CHAIRMAN PILTZ: Okay. That's fine. Go on.

3 Q (By Mr. Yost): So I understand that we  
4 can't discuss that fully because you said you're not  
5 aware from your own personal knowledge and expertise  
6 of those issues without being given documents to  
7 review, correct, at this time?

8 A I'm not aware of the exponential factor  
9 you're speaking of.

10 Q Okay. Do you think, though, would you agree  
11 that notwithstanding the fact that you only studied  
12 this seven and-a-half mile segment of the freeway, of  
13 H-1, which is close to the Project Area, that  
14 additional traffic that's put onto H-1 is going to be  
15 heading further past that seven and-a-half mile area  
16 and towards downtown? Is that a fair assumption?

17 A Could be.

18 Q You're not sure one way or the other?

19 A Could you repeat your question then? I  
20 thought you were asking me if that's a possibility.  
21 You're asking me if that's...

22 Q I think it's a certainty, isn't it, that  
23 traffic that's in that seven and-a-half mile part that  
24 you've been studying, a lot of that traffic is going  
25 to continue on towards town, correct?

1           A     A lot would continue if that's what you're  
2 asking, yes --

3           Q     Right.

4           A     -- but not all, yes.

5           Q     Okay. Do you have any idea how many cars  
6 are going to continue on towards down?

7           A     No. Did not study that.

8           Q     Why is that not relevant to study?

9           A     Our travel time runs were terminated at  
10 Ka'ahumanu Overpass to minimize the effects of the  
11 external -- minimize the external effects associated  
12 with traffic entering the freeway.

13          Q     You personally drive from Mililani to town  
14 during rush hour on occasion, correct?

15          A     That's correct.

16          Q     Is it worse in the morning or in the  
17 afternoon?

18          A     Ah, in the morning.

19          Q     And are there bottleneck points that exist  
20 for you when you're driving on H-1 that are beyond  
21 that -- they're in between the end of that seven  
22 and-a-half mile segment you studied and town?

23                Are there bottleneck points that you  
24 encounter personally?

25          A     Along the freeway, yes, certainly.

1 Q What's the worst one?

2 A Worst bottleneck? That's beyond Ka'ahumanu  
3 Overpass?

4 Q Yes, between Ka'ahumanu Overpass and town.

5 A I would say the Middle Street tunnel from a  
6 qualitative standpoint. Like I said I didn't look at  
7 the numbers. I did not analyze, apparently, the  
8 traffic flow through that area.

9 Q Is that rated as an F level, the Middle  
10 Street merge?

11 A Possibly, yes.

12 Q Is that gonna get worse when more cars are  
13 added to H-1 heading from Koa Ridge Makai or Koa Ridge  
14 Waiawa heading into town? Is the Middle Street merge  
15 going to get more congested?

16 A Could be.

17 Q Why didn't you study whether it would become  
18 more congested or not based on the development in Koa  
19 Ridge?

20 A Because, like I was saying, we couldn't  
21 isolate the effects associated with the Project itself  
22 on the interstate freeway system. Take, for example,  
23 the Pearl City Interchange. That's prior to, as you  
24 head into town, prior to the Ka'ahumanu Overpass.

25 There are external traffic that is being

1 contributed to the freeway. In this case the Pearl  
2 City Interchange case, the Pearl City onramp.

3 Now, if that fluctuates whether, for  
4 whatever reason, more people decide to leave the house  
5 in Pearl City at that day, it would influence the  
6 travel time associated with those that'll be affected  
7 by the Koa Ridge Project.

8 Q The people who live in Koa Ridge who are  
9 commuting into town they're going to be concerned  
10 about the time and the hassle of their entire commute,  
11 not just the seven and-a-half mile segment that you  
12 studied, correct?

13 A Whether they will be concerned or not I  
14 don't know. I would guess so.

15 Q I want to ask you about the rail issue.  
16 This Project is not located within walking distance of  
17 the planned rail line, correct?

18 A That's my understanding, yes.

19 Q It's not located within bicycle riding  
20 distance, correct?

21 A Yes.

22 Q And there isn't, even if you wanted to bike  
23 there there isn't really any way based on current  
24 planning you could devise safe bike paths to let  
25 people get from Koa Ridge to a rail station, is there?

1           A     I believe the State DOT is updating their  
2 bike plan to provide a route or route to the rail  
3 transit station using Kamehameha Highway and  
4 Farrington Highway as a connection.

5           Q     So you think there is a plan. Is there a  
6 plan or is there just a potential plan?

7           A     I know a plan is being prepared. I'm not  
8 sure if that specific route is being included in the  
9 plan or not. I know it was an issue that was  
10 discussed before whether one would be viable or not.

11          Q     You don't know?

12          A     But I'm not involved in the preparation of  
13 that plan itself.

14          Q     The parking garage that's going to be at the  
15 closest rail station, I understand it's going to hold  
16 a little more than a thousand parking spaces. Are you  
17 aware of that?

18          A     Yes.

19          Q     Do you know how long, based on the current  
20 -- well, actually let's assume that the improvements  
21 are made that you've talked about.

22                 Do you have any idea how long it would take  
23 for people to drive from Koa Ridge Makai to the rail  
24 parking garage?

25          A     No. I didn't do an analysis of that. My

1 analysis does not incorporate rail as a benefit to  
2 commuters in the area.

3 Q Why is that?

4 A Should rail not proceed or be delayed the  
5 study doesn't rely on the services of rail.

6 Q Is it also because rail use simply isn't  
7 convenient to the location of this Project?

8 A My understanding is that, and I'm not part  
9 of the rail design team, but my understanding that  
10 immediate offramps and onramps will be provided to the  
11 parking garage, direct access to the parking garage  
12 from H-2. And that's prior to even hitting the or  
13 prior to entering the H-1 Freeway.

14 So in that respect congestion is avoided for  
15 those that will want to access the parking garage  
16 you're talking about.

17 Q But we don't -- just to be clear, we don't  
18 have any idea right now based on current information  
19 how long someone's commute would be if they wanted to  
20 drive from Koa Ridge to the rail station, assuming  
21 they could find a parking spot, wait for a train, get  
22 on the train and go downtown.

23 We don't have any comparison analysis for  
24 how long that would take as opposed to how long it  
25 would take them to get on the freeway and drive

1 downtown, right?

2       A     That's correct. I didn't study the benefits  
3 of rail for this Project, should the project be  
4 delayed or not be pursued.

5       Q     All right. Then last question on rail which  
6 you may or may not know anything about. The thousand  
7 spaces that are there planned for that nearest  
8 station, that's also -- there are a lot of other  
9 people already living in the area who might also be  
10 using those parking spaces, correct?

11       A     That could be a possibility.

12       Q     So we don't have any idea how many parking  
13 spaces at the nearest rail station might potentially  
14 be available for Koa Ridge residents?

15       A     No. I didn't do the study for rail nor its  
16 stations.

17       Q     All right. There's gonna be a lot of  
18 construction going on to make all the improvements  
19 you've talked about, correct?

20       A     That's correct.

21       Q     Do you know when that construction is going  
22 to begin? You talked about those improvements in the  
23 vicinity being complete by 2016, right?

24       A     Yes.

25       Q     Do you know when it will start?

1           A     No, I don't.

2           Q     Do you know how many years it will take to  
3 complete the improvements?

4           A     No. I can only guess at this point.

5           Q     You can't estimate?

6           A     My estimate is based on the guess of two  
7 years or so. Perhaps two, three years.

8           Q     Do you know what the traffic impacts are  
9 going to be to the people who live in that area when  
10 all these improvements are being constructed? Aren't  
11 they going to be substantial?

12          A     Any time you have construction in an area  
13 it's going to impact traffic, obviously. In this case  
14 traffic mitigation plans, or traffic control plans,  
15 has to be submitted to the DOT as well as the city, if  
16 it involves city roadways, to ensure that public  
17 access is provided to areas surrounding or in the  
18 vicinity of the Project, or in this case the  
19 construction of roadways.

20          Q     But it could be a two-year period where  
21 there is substantial impact to traffic which hasn't  
22 been analyzed by you, right? You haven't analyzed  
23 what that might be.

24          A     That's correct.

25          Q     Does your analysis -- at any point did you



1 take into account traffic patterns related to school  
2 attendance?

3 A Yes.

4 Q I live on the east side Niu Valley area. I  
5 know that school dramatically changes what the traffic  
6 is like. School's in session it's bad or not so  
7 great. When it's not in session traffic is amazingly  
8 good. Is it similar for you in the Mililani area?

9 A Yes, it is. That's why we collected data  
10 for a span of two years during the summer as well as  
11 when school is in session in the surrounding areas and  
12 used that as a basis for determining what kind of  
13 school traffic would be occurring on the studied  
14 roadways.

15 Q Now, I understand that there are elementary  
16 schools being planned for the Project sites  
17 themselves. But there are no middle schools or high  
18 schools planned for the Project sites, correct?

19 A That's correct.

20 Q So did you study after the buildout what  
21 kind of effects would relate to people trying to get  
22 their kids to school at the middle schools and high  
23 schools that are not on site?

24 A The traffic generation is based on, for the  
25 Project, is based on each particular land use that's

1 being proposed. Single-family being one,  
2 multi-family, commercial, et cetera.

3           That calculation is based on empirical data  
4 that's provided by, again, the Institute of  
5 Transportation Engineers. That empirical data already  
6 includes trips associated with other secondary uses.

7           In other words, if you're dropping off your  
8 child at an elementary school or middle school and  
9 you're continuing on to work, that's really one trip  
10 as opposed to two trips added to the roadway system,  
11 one going to school and one going to work.

12           So the empirical data that is used as a  
13 basis for determining trip generation already accounts  
14 for traffic that's generated by, say, middle schools  
15 or going to the bank on the way home from work and all  
16 those other secondary trips.

17       Q     I understand what you're saying. But didn't  
18 we just agree that when school's in session traffic is  
19 significantly more congested than when school is not  
20 in session, right?

21       A     Yes.

22       Q     That must be because of the ways in which  
23 those trips are being taken, I guess. Cars are headed  
24 in different angles, different directions so that they  
25 cause more congestion, right?

1           A     Sorry, is that a question?

2           Q     Yeah. What you just said, I think, is  
3 that -- you didn't really answer my question or I  
4 didn't hear the answer. Maybe you can help me. I  
5 asked if you looked at the buildout of where students  
6 would likely be going to from the Koa Ridge Makai, Koa  
7 Ridge Waiawa, being taken to middle schools and high  
8 schools offsite, how those traffic patterns might  
9 affect congestion in the area in a way that's  
10 different in the existing situation.

11          A     Yes.

12          Q     Okay. All right. So you did look at that.

13          A     Yes. I'm sorry, yes. I did look at that  
14 because --

15          Q     When school's in session and when school is  
16 not in session is what I meant to say. It sounded  
17 like you were saying, well, it's all one trip anyway.  
18 'Cause people are going to work and school but  
19 sometimes they don't go to school. They just go to  
20 work.

21          A     I'm sorry. I misunderstood your question.  
22 I did take that into consideration based on the  
23 specific land use that's being proposed or uses being  
24 proposed, yes.

25          Q     Did that create significant problems or

1 congestion? I didn't see specific findings in your  
2 report so I couldn't find them relating to when  
3 school's in session and when school's not in session.

4 A And that's the reason why it's not included  
5 in the reports because in our calculations it didn't  
6 show any significant difference.

7 Q So notwithstanding the significant  
8 differences that exist in our current situation,  
9 you're saying it wouldn't significantly change in the  
10 future.

11 A Well, it could change but we're not  
12 evaluating -- we didn't or I didn't evaluate the  
13 change. What I did was evaluate the worst condition  
14 which perhaps could be circuitous routes being taken  
15 to go through different areas or different parts.

16 Q Okay.

17 A It's not to say I didn't compare the change.  
18 What I did was analyze the worst conditions should  
19 that occur.

20 Q Okay. I understand. Thank you. The  
21 internal trip capture rate concept, you said that DOT  
22 asked you to move that from 30 percent to 15 percent?

23 A Correct.

24 Q Do you know what the internal -- just so  
25 we're all clear "internal trip capture" refers to

1 trips that begin and end within the development area,  
2 correct?

3 A That's correct.

4 Q Do you know what the internal trip capture  
5 rate is for Mililani Mauka?

6 A I did not study Mililani Mauka. No.

7 Q Have you studied any other areas, any other  
8 developments around near the Project Area for what the  
9 internal trip capture rates are for those existing  
10 developments?

11 A No, I didn't do a trip capture analysis.

12 Q And you're not aware of any other analyses  
13 that were done by someone else for those areas.

14 A There could be, but I'm not aware of any.

15 Q When you're doing those analyses -- let's  
16 say it's 15 percent -- are you saying that those  
17 people are working in the area where they live,  
18 essentially? They're working in the commercial use  
19 areas within the developments?

20 A No, not necessarily. As an example, again,  
21 I provided regarding work trips from, from Koa Ridge  
22 Makai, say, as an example where parents would drop of  
23 their kids to, say, elementary school and continue on  
24 to work.

25 That really is a 50 percent reduction in

1 trips because instead of two trips it's actually one  
2 trip. So you're adding one trip to the external  
3 roadway. In that case it's a 50 percent reduction  
4 because it's not one trip to school and back home,  
5 then one trip to work. It's one trip to school, drop  
6 off your child, continue on to work. One trip.

7           The 15 percent reduction is much  
8 conservative than that. That was just a 50 percent  
9 example. But a 15 percent reduction is much  
10 conservative. Typically in traffic studies an  
11 assumption of 20 percent is used for internal trip  
12 capture.

13           The reason I say that, because if you had  
14 a -- and the reason that is if you had an isolated  
15 development, say, for example, just a commercial piece  
16 that's being proposed on a piece of land, you really  
17 don't have internal trip captures that would occur  
18 because there's no interaction between this mixed-use  
19 nature, like, say Koa Ridge is being proposed -- Koa  
20 Ridge is proposing, you know, with commercial  
21 components as well as residential components, all  
22 locating within the development.

23       Q     Based on the example you just gave, if  
24 someone wasn't sending their kid to the elementary  
25 school in Koa Ridge Makai but instead dropping them

1 off at MidPac downtown, that is the same trip you just  
2 described, but it doesn't involve any internal trip  
3 capture element, correct?

4 A That's correct. That's why I said  
5 50 percent is being assumed.

6 Q I understand. But it's not, I mean. Okay.  
7 But the internal trip capture analysis is it not  
8 actually giving you any sense of how many people are  
9 actually living and working in the community, right?  
10 That's not part of the analysis.

11 A No, it's not. Trip generation. When we  
12 determine trip generation based on the specific or  
13 individual land uses that is being proposed or that  
14 are being proposed, the trip generation methodology to  
15 determine -- the procedures to determine what the  
16 trips, the trips that would be generated by these uses  
17 really looks at each individual land use as a  
18 stand-alone component.

19 Q So you --

20 A For example --

21 Q I'm sorry. Go ahead. I didn't mean to  
22 interrupt.

23 A For example, the commercial component we're  
24 looking at based on the procedures that we use to  
25 identify trip generation for the commercial component

1 X amount of trips is being generated. We're not  
2 saying they're coming from internal. We're saying  
3 they're coming from external areas.

4 But to accommodate or account for internal  
5 interaction between the different land uses we're  
6 assuming a 15 percent reduction based on DOT's  
7 comments to our studies.

8 Q How often do you personally drive from  
9 Mililani into town in the morning in rush hour in a  
10 given week?

11 A In rush hour in a given week, nine, perhaps,  
12 rush hour in the morning.

13 Q In the morning.

14 A Which if you do the math it's more than once  
15 a day.

16 Q Right. Is your office downtown?

17 A Yes, it is.

18 Q What time -- on your first trip to your  
19 office in the morning what time do you leave your  
20 house?

21 A On a typical day I leave my house at  
22 6:00 a.m. in the morning.

23 Q And when do you arrive at your office  
24 typically?

25 A With a secondary trip dropping off my



1 daughter at school, 7:15, say, 7:00, 7:15.

2 Q And what happens if there's an accident?

3 How long does it take you to get downtown usually?

4 A More than that, hour and-a-half. Well,  
5 since my daughter's with me I get to go -- I have the  
6 benefits of the carpool lane.

7 If I had another daughter going into town I  
8 could go into the zipper lane. But I don't have that  
9 benefit.

10 Q When you drive without your -- have you ever  
11 driven without your daughter where you're just by  
12 yourself and you can't use the carpool lane?

13 A Yes.

14 Q How long does it take you to get downtown,  
15 then, from Mililani to town if you leave at 6:00 in  
16 the morning?

17 A Maybe, I guess best to clarify what you call  
18 "town", because I don't work in town. I work beyond  
19 downtown in Moiliili.

20 Q Okay. How long to get there if you don't  
21 use the carpool lane?

22 A Hour 15 minutes. Hour 10 minutes, a little  
23 over an hour during peak periods.

24 MR. YOST: I no further questions.

25 CHAIRMAN PILTZ: Commissioners? I'm sorry.

1 Neighborhood Board #25.

2 MR. POIRIER: We don't have any questions  
3 because he asked them all! (Laughter)

4 CHAIRMAN PILTZ: Good. Thank you.  
5 Commissioner Lezy?

6 COMMISSIONER LEZY: Thank you, Chair. Thank  
7 you for your testimony --

8 MR. DAVIDSON: Are you saying you do have  
9 questions?

10 MR. POIRIER: Yes, I do have questions.  
11 Just joking.

12 COMMISSIONER LEZY: Jokes aren't allowed.  
13 (Laughter).

14 CHAIRMAN PILTZ: Go ahead.

15 CROSS-EXAMINATION

16 BY MR. POIRIER:

17 Q Colin asked you that the improvements for  
18 2016 and 2025 you didn't know what the impact, the  
19 construction impacts would be during that time.

20 In your professional opinion is it advisable  
21 to complete the roadway improvements prior to the  
22 increase in traffic created by the new development in  
23 order to mitigate the impact of the additional cars on  
24 the road?

25 A Yes, I would have to agree with the

1 statement. That's why part of the agreement with DOT  
2 between Castle & Cooke Homes Hawai'i is to prepare  
3 updated TIAR's to assure appropriate mitigating  
4 measures are provided in advance of any impact that  
5 would occur.

6 Q Thank you. In your testimony you mentioned  
7 commute times on the H-1 and H-2 will increase between  
8 Mililani Interchange and Ka'ahumanu Overpass during  
9 the morning and the afternoon peak periods.

10 Since most commuters in the morning do not  
11 exit H-1 until way beyond the Ka'ahumanu Overpass,  
12 what impact do you envision on commute time, increase  
13 caused by additional motorists on the H-1 between the  
14 overpass and downtown?

15 A I didn't study that section of the route  
16 beyond Ka'ahumanu Overpass.

17 MS. ERICKSON: Could you ask your questions  
18 a little bit more slowly for the court reporter.

19 MR. POIRIER: Okay. I shall.

20 Q Considering the findings of the commuter  
21 travel time survey for the 7.5-mile segment from  
22 Mililani to Ka'ahumanu Overpass on H-1, there are  
23 projected increases of 30 percent in 2016, and 45  
24 percent in 2025.

25 In your professional opinion what downstream

1 mitigating measures could you recommend?

2       A     In my professional opinion beyond the areas  
3 I studied I believe the freeway system along,  
4 especially along H-1, include a series of bottlenecks  
5 that could be opened up many times.

6             As you travel along H-1 you have certain  
7 amount of lanes with onramps being added but minimal  
8 lanes being removed at offramps. Therefore you have a  
9 classic bottleneck that occurs on the freeway system.

10            Earlier we talked about the H-1 at Middle  
11 Street. That's, again, another bottleneck. I believe  
12 the DOT has planned to remove the bottleneck by  
13 widening the freeway.

14            I'm not sure what the schedule or timing is  
15 of that project. That's one effort on DOT's part to  
16 improve the bottleneck conditions along the freeway.

17            Likewise, in the study area of Ka'ahumanu  
18 area DOT has plans to widen or provide an improved  
19 shoulder lane heading into town past the Ka'ahumanu  
20 Overpass, Ka'ahumanu Street Overpass, all the way to  
21 Halawa Interchange to provide an additional lane to  
22 minimize or at least reduce or maybe even eliminate  
23 bottleneck conditions that would occur on the H-1.

24            On top of that on the PM condition they're  
25 looking at shoulder lanes, DOT is, along the

1 interstate H-1 Freeway in the westbound direction  
2 prior to the, heading in the westbound direction prior  
3 to the Waikele Interchange or the Paiwa Street  
4 Interchange, another lane to be provided that would  
5 eliminate bottleneck conditions that would occur over  
6 there.

7           Because that situation, that location three  
8 lanes are provided in the westbound direction. Two  
9 lanes are being added as a result of the convergence  
10 between the two interstate freeways. But in the  
11 departure end you have only four lanes.

12           So five into four creates a classic  
13 bottleneck condition. So DOT is looking at resolving  
14 that by providing an additional lane as well as to  
15 help congestion through the area during the p.m. peak  
16 hour provide a PM zipper lane between the Radford  
17 Drive Overpass all the way to the Waikele Interchange  
18 or Paiwa Street Interchange as it's also known as.

19       Q     Thank you. Considering the expectation that  
20 the morning queuing at the H-1/H-2 merge will double  
21 in length by 2025 when the Project is completed, what  
22 mitigating measures in your professional opinion could  
23 you recommend?

24       A     That's another bottleneck condition that  
25 currently exists, three lanes coming down H-2 heading

1 townbound; three lanes on H-1 heading town-bound for a  
2 total of six lanes that converges into five lanes, a  
3 classic bottleneck condition again.

4           On top of that you've got two lanes coming  
5 in from Farrington Highway in Waipahu adding to the  
6 five. But one of those two lanes are being merged  
7 into the freeway giving you six lanes.

8           The AM zipper lane adding another lane,  
9 which is obviously a restricted lane, but adding  
10 another lane, but you're still down one lane in terms  
11 of bottleneck conditions.

12           Perhaps given the viaduct section, that  
13 lanes can be -- another lane can be squeezed in there  
14 to eliminate the bottleneck condition.

15           But that lane would have to -- I think and I  
16 haven't studied this thoroughly, the engineering side  
17 of it, but that significant median improvements would  
18 have to be done, removal of the median to allow for  
19 additional lanes to remove the bottleneck condition  
20 coming from southbound H-2 as well as eastbound H-1.

21           That convergence, I think, represents, like  
22 I said, a classic bottleneck condition that I think  
23 can be significantly improved if you remove the  
24 bottleneck condition there.

25           Q     Thank you. Traffic currently backs up in

1 the afternoon well past the Moanalua Freeway and H-1  
2 merge. What impact do you envision on the backup is  
3 due to additional motorists from the new development?

4 A I'm sorry, Mr. Poirier. Could you repeat  
5 that question.

6 Q Yeah, I will. Traffic currently backs up in  
7 the afternoon well past the Moanalua Freeway/H-1  
8 merge. What impact do you envision on this backup  
9 will be due to the additional motorists from the new  
10 development?

11 A I didn't study beyond -- you're aware the  
12 Ka'ahumanu Overpass location. I can't quantify.

13 Q Considering that the westbound afternoon  
14 commute along H-1 just east of the Waiawa Interchange  
15 is projected to be at LOS F in both 2016 and 2025,  
16 what mitigating measures would you recommend in this  
17 regard?

18 A In which direction are we talking about,  
19 Mr. Poirier?

20 Q Westbound.

21 A Oh. Those are the ones I mentioned earlier,  
22 shoulder lanes that would provide in the westbound  
23 direction of H-1 to provide additional capacity to  
24 support or eliminate bottleneck conditions.

25 PM zipper is a good one that I hope the

1 state will pursue that I know they're out to bid to  
2 get that built. The PM zipper will provide, I think,  
3 a tremendous relief in terms of westbound commuters  
4 traversing that area on the interchange.

5           So hopefully that project can be expedited.  
6 I think, I think that will, again, benefit not only  
7 those in the immediate vicinity or the region but also  
8 those heading further west Kapolei, perhaps even 'Ewa.

9           Q     In your testimony you mentioned traffic  
10 demand management, TDM, strategies to be considered  
11 and traffic mitigation including staggered or flexible  
12 work-shifts, employee bus pass program, car pooling,  
13 secure bicycle parking areas and restricted delivery  
14 hours.

15           Since these strategies could also be  
16 currently used, do you have any data on the impact of  
17 their present usage?

18           A     No. It's more my recommendations associated  
19 with TDM measures, or transportation demand management  
20 strategies, are based on qualitative assessment that  
21 although from a practical standpoint we can make the  
22 intersections work, based on these improvements that  
23 we are recommending, you could further improve the  
24 situation if you do these strategies.

25           So we did not analyze it from a quantitative



1 standpoint but more something that would be  
2 beneficial if you went beyond what is already being  
3 proposed as mitigating measures.

4 Q Okay. Regarding the rail project, did you  
5 look at the adequacy of the proposed park 'n ride  
6 sites in terms of connecting the dedicated so-called  
7 bus lane or car lane is going to jump the H-1/H-2  
8 Interchange and go into the Pearl Highlands station?  
9 Did you look at that?

10 A I didn't assess the parking garage or  
11 parking structure for the rail project.

12 Q No, no, no. I meant within Koa Ridge itself  
13 in terms of park 'n ride stations.

14 A No. The traffic study analyzes the roadway  
15 system surrounding the Project, that's the public  
16 roadway system which includes state facilities as well  
17 as city facilities, not internal roadways to the  
18 project site, not the internal components related to  
19 the parking structure or demand of such facility.

20 Q One of the primary concerns of our Board was  
21 the increased travel time from Mililani to downtown or  
22 to Kapolei, which is not part of your analysis that I  
23 know.

24 But if you look at the O'ahu Transportation  
25 Study for 2030 they're projecting travel time at least

1 to downtown and back of two hours each way, two hours  
2 in the morning, two hours coming back. There's a  
3 distance of 17 miles, 18 miles type thing.

4           Would that be considered Level of Service F  
5 for the whole trip if you assumed those particular  
6 travel times?

7           A     It could be. I don't know what the specific  
8 breakdown is regarding delays at certain junctions or  
9 ramps of the freeway system. It could be.

10          Q     My final question is: The O'ahu  
11 Metropolitan Transportation Plan, regional plan also  
12 talks about central mauka road.

13               Also actually proposed a road based on their  
14 analysis which is different than your analysis. They  
15 looked at economic variables, and this, that other  
16 type thing.

17               Did you look, if the central mauka road does  
18 exist or if the central mauka road does not exist  
19 what's that going to do to relieve traffic as impacted  
20 by developments on both sides of H-2?

21          A     What we did was look at the existing  
22 conditions, incorporate the Project and see what kind  
23 of improvements that would be necessary to mitigate  
24 any Project-related impacts.

25               It did not trigger the need for a secondary

1 north-south roadway, in this case, the central mauka  
2 road, because the H-2 Freeway which is parallel, the  
3 proposed mauka central road (sic) that you mentioned  
4 has sufficient capacity as it stands today.

5           Perhaps that road would be needed in 2030 or  
6 2035, whatever the ORTP identifies that roadway as  
7 needed. But within the timeframe of this development  
8 we focus on the needs associated with the Project  
9 rather than these other improvements that are being  
10 proposed surrounding the area.

11           So to answer question, no, we did not look  
12 at that roadway. Didn't feel like there was a need to  
13 mitigate the H-2 Freeway by providing another roadway  
14 at this point within the timeframe of the Project  
15 that's being proposed.

16           It's not to say it's a good thing nor a bad  
17 thing. It just never was considered because, again,  
18 the H-2 Freeway has sufficient capacity to handle,  
19 within the timeframe of this Project, to handle  
20 traffic volumes as they increase along the North-South  
21 corridor.

22       Q     My final question is: If you're denied  
23 access to the development from Kam Highway, which  
24 looks like it's part of the development agreement,  
25 what is the impact going to be by having two accesses

1   rather than three?

2           A     It would be required that the access on Ka  
3   Uka be designed much larger to accommodate additional  
4   traffic as well as the secondary access or other  
5   access at the Pineapple Road Interchange. That  
6   interchange may be accelerated sooner than needed.

7           Q     North-south.

8           A     Yes. That's all going to be qualified or  
9   verified by updated TIARs, again, every three years  
10  prior to first delivery of any residential units as  
11  agreed upon by Castle & Cooke Homes Hawai'i and DOT.

12                   So in answer to your question, without the  
13  Kamehameha Highway access the intersection at Ka Uka  
14  Boulevard has to be increased somewhat from a capacity  
15  standpoint. Again the Pineapple Road --

16          Q     Is more important.

17          A     -- has to be moved up much sooner than  
18  really needed.

19                   MR. POIRIER: Thank you, much. That's it.

20                   CHAIRMAN PILTZ: Thank you. Commissioner  
21  Lezy, we're going to hold off and take our lunch break  
22  now. Mr. Pascua, we are going to hold you until after  
23  lunch for questions from the Commissioners. So at  
24  this time we are going to take a one-hour lunch break.  
25  We'll be back at 1:05.

1 (Lunch recess was held.)

2 CHAIRMAN PILTZ: We are back in session.  
3 Commissioner Lezy, your questions, please.

4 COMMISSIONER LEZY: Thank you, Chair. Good  
5 afternoon, Mr. Pascua.

6 THE WITNESS: Good afternoon.

7 COMMISSIONER LEZY: Thank you for your prior  
8 testimony. I tend to agree that probably all the  
9 questions have been asked of you already. But I had  
10 just a couple more that I'd like to pose.

11 The Commission has been given Petitioner's  
12 Exhibit 52, which is a letter from the Petitioner to  
13 the State Department of Transportation.

14 And it forwards the letter, pardon me,  
15 forwards the agreement in principle for the  
16 transportation mitigation improvements for the  
17 Petition Area. And I note that it indicates that a  
18 revised TIAR will be submitted.

19 And I presumed that you and your firm will  
20 be preparing that, is that correct?

21 THE WITNESS: That's correct.

22 COMMISSIONER LEZY: And do you have, as you  
23 sit here today, an expectation of when that will be  
24 completed and submitted?

25 THE WITNESS: It looks like, hopefully, I

1 can clear this effort right now, should be able to get  
2 that report or that revised report within a week or so  
3 or two weeks at the most.

4 COMMISSIONER LEZY: And based on your  
5 discussions with the State Department of  
6 Transportation you then have an expectation of when  
7 that TIAR, the revised TIAR, will likely be approved  
8 or accepted?

9 THE WITNESS: I have no knowledge of that,  
10 I'm sorry. Didn't talk about -- in my discussions  
11 with DOT we didn't talk about when they would be able  
12 to return comments or approval of such a study.

13 COMMISSIONER LEZY: And my final question  
14 is: The Exhibit 52 includes, as I mentioned, the  
15 proposed agreement in principle. Is there any  
16 information that's going to be included in the revised  
17 TIAR that's not set forth in the agreement in  
18 principle?

19 THE WITNESS: No. The agreement in  
20 principle identifies a set of assumptions that should  
21 be used in the revised TIAR. And also in the revised  
22 TIAR we'll be testing the improvements that are also  
23 identified in that document as well.

24 Should additional improvements be required  
25 beyond what's listed, certainly we will identify those

1 as well.

2 COMMISSIONER LEZY: Okay. Thank you very  
3 much.

4 CHAIRMAN PILTZ: Go ahead, Commissioner  
5 Devens.

6 COMMISSIONER DEVENS: Thank you, Mr. Chair.  
7 Mr. Pascua, thank you for the testimony. Just wanted  
8 to get some clarification. There's a lot data  
9 analysis that we were given with the reports. Just  
10 want to make sure we have a better understanding of  
11 what it all means.

12 Currently what is the volume of vehicles  
13 that come down that H-2? I'm talking about the  
14 morning rush hour as opposed to the afternoon. But in  
15 the morning what's the volume of vehicles that come  
16 down in the morning rush hour between the Mililani to  
17 the H-1/H-2 Interchange area?

18 THE WITNESS: If I may can I reference my  
19 report?

20 COMMISSIONER DEVENS: Sure.

21 THE WITNESS: I have it right here.  
22 Approximately 3,000 vehicles.

23 COMMISSIONER DEVENS: And this Koa Ridge  
24 Project, how many more vehicles will it add to the  
25 morning rush hour?

1 THE WITNESS: If I may reference again.

2 COMMISSIONER DEVENS: Sure.

3 THE WITNESS: Six hundred seventy-seven in  
4 the morning, 891 in the afternoon.

5 COMMISSIONER DEVENS: Okay. And how does  
6 that affect the commute time for the morning rush hour  
7 when you have the addition of those vehicles coming  
8 from the Project? I'm talking about just to get down  
9 to that H-1/H-2 merge area.

10 THE WITNESS: Oh, just to get down to the  
11 H-1/H-2 merge area.

12 COMMISSIONER DEVENS: Right.

13 THE WITNESS: The travel time simulations  
14 that we ran, which is based on a computer simulation  
15 for buildout that area, the queues would be extended  
16 beyond what's there now under existing conditions.  
17 Obviously with more cars going down to the H-1/H-2  
18 merge.

19 So we're looking at roughly two minutes in  
20 addition just for that section between Waipio  
21 Interchange and the H-1/H-2 merge.

22 COMMISSIONER DEVENS: Does that include just  
23 two minutes more for the folks coming in from Mililani  
24 that are heading down to the interchange?

25 THE WITNESS: That's the worst case -- I'm



1   sorry, that's the worst in terms of all vehicles  
2   entering that section of roadway.

3               So whether you're coming from the Project  
4   area or you're coming from Mililani, once you pass the  
5   Waipio Interchange or go through the Waipio  
6   Interchange, we're looking at a maximum of two  
7   minutes, roughly 1.93, or something like that, minutes  
8   before you get to the H-1/H-2 merge.

9               It's not the travel time. It's the increase  
10   in the current travel time that's already exhibited  
11   under existing conditions -- from existing conditions.

12              COMMISSIONER DEVENS: Okay. So the folks  
13   from Mililani should only expect an additional two  
14   minutes of delay or extended commute time to get from  
15   Mililani down to the interchange.

16              THE WITNESS: That's correct. What's gonna  
17   improve, though, for those from Mililani that travel  
18   along Kam Highway southbound turning left onto Ka Uka,  
19   because that's an alternate route for those in  
20   Mililani, especially those on the west side of  
21   Kamehameha Highway, to get onto the interchange, then  
22   down, that route itself would improve from existing  
23   conditions because of the improvements that are being  
24   proposed at the Waipio Interchange as well as  
25   throughout Ka Uka Boulevard roadway section down to

1 Kam Highway.

2 COMMISSIONER DEVENS: What's going to be the  
3 impact of the traffic generated from the Project on  
4 those coming in from the Leeward side, 'Ewa, Kapolei,  
5 the Leeward drivers as they approach the interchange?

6 THE WITNESS: There's going to be an  
7 increase of travel time for them.

8 COMMISSIONER DEVENS: By how much?

9 THE WITNESS: The difference would occur  
10 between the H-1/H-2 merge and I can only speak up to  
11 Ka'ahumanu Overpass since that's what our study was  
12 limited to.

13 We're looking at, I'm estimating, about a  
14 three minute difference in travel time. Not three  
15 minutes, again, to travel that section, but an  
16 increase in three minutes.

17 Some may consider three minutes short. Some  
18 may consider three minutes long. But, nonetheless,  
19 our simulations did show that it would increase by  
20 roughly three minutes, I think 2.7 something minutes.

21 COMMISSIONER DEVENS: Currently what's the  
22 commute time for the Mililani drivers to the  
23 Ka'ahumanu area? Again, I'm just focusing on the  
24 morning rush hour.

25 THE WITNESS: If I may refer here.

1 COMMISSIONER DEVENS: Sure.

2 THE WITNESS: In the morning the existing  
3 travel time between Mililani Interchange to the  
4 Ka'ahumanu Overpass in the town-bound direction ranges  
5 from 7 minutes, 7.87 minutes to 15 or about 16  
6 minutes.

7 COMMISSIONER DEVENS: So what period of time  
8 is the worst? Is it between 7 and 8? 6:30 to 8?

9 THE WITNESS: Well, we did our travel time  
10 surveys in 15 minute increments. So looks like, based  
11 on the data, 6:30 to 6:45 is the peak time at 15.82  
12 minutes.

13 COMMISSIONER DEVENS: And with this Project  
14 how much more time will be added to that travel time  
15 from Mililani to Ka'ahumanu?

16 THE WITNESS: During the same period, which  
17 is the worst time between 6:30 and 6:45, looking at a  
18 total of 22.83 minutes. So 22.83 minus 15.8 -- I'm  
19 sorry, my math is -- I get all these numbers in my  
20 head, about seven minutes increase, the worst time  
21 during the morning peak hour.

22 COMMISSIONER DEVENS: That's all I have.  
23 Thank you for the clarification.

24 CHAIRMAN PILTZ: Commissioner Kanuha.

25 COMMISSIONER KANUHA: Thank you, Mr. Chair.

1 Thank you, Mr. Pascua, for your testimony. Just to  
2 clarify. The boundaries of your studies only extended  
3 until the Ka'ahumanu Overpass.

4 THE WITNESS: The travel time surveys  
5 started from Mililani Interchange to the Ka'ahumanu  
6 Overpass. The analysis of the intersections and  
7 roadways included the Waipio Interchange, all of Ka  
8 Uka Boulevard, all intersections along Ka Uka  
9 Boulevard and intersections on Kamehameha Highway from  
10 Ka Uka, as I mentioned about 2 miles away down to  
11 Waipio Street, all those intersections in between.

12 Those intersections were consulted with DOT  
13 as well as Department of Planning and Permitting  
14 traffic review branch of the city.

15 COMMISSIONER KANUHA: Okay. And then I  
16 believe you explained that to do further analysis  
17 beyond that would, you know, would introduce, I think  
18 you said, external factors into the computations. Can  
19 you explain that a little more?

20 THE WITNESS: Right. That's in regards to  
21 the travel time surveys we conducted and analysis we  
22 conducted between Mililani Interchange and the  
23 Ka'ahumanu Overpass.

24 Travel time would change if the amount of  
25 vehicles added from these external, what I call

1 external conditions which is, for example, onramps  
2 along the freeway as well as offramps, you could  
3 improve travel time with offramps.

4           What we try to do is isolate the section of  
5 roadway that would be most affected by the Project.

6           COMMISSIONER KANUHA: Okay.

7           THE WITNESS: It's not to say it's not going  
8 to affect beyond the Ka'ahumanu Overpass. This way we  
9 can isolate the impacts associated with the Project.  
10 Although that's a little bit conservative because if  
11 you're familiar with this route between the Mililani  
12 Interchange and Ka'ahumanu Overpass, there's also an  
13 onramp that comes in between that as well as traffic  
14 all coming from the 'Ewa side on H-1.

15           So, really, it's difficult to isolate. And  
16 I think Commissioner Devens made a good point of  
17 asking the reason of what the travel time would be for  
18 that section between Waipio Interchange and the  
19 H-1/H-2 merge, because that's how you can isolate  
20 really what the impacts associated with the Project  
21 is.

22           Because you've got these, again, external  
23 traffic that is affecting the total travel time  
24 heading to Ka'ahumanu Overpass.

25           COMMISSIONER KANUHA: Did the Project make

1 that determination as to where the study would cover?

2 Or was that --

3 THE WITNESS: Is -- I'm sorry.

4 COMMISSIONER KANUHA: Or was that in  
5 consultation with DOT? Did everybody agree that  
6 beyond that area that external traffic would be  
7 difficult to compute into it?

8 THE WITNESS: The consultation with DOT and  
9 DPP was in reference to the intersections and roadways  
10 we studied, not so much the travel time survey that we  
11 conducted. The travel time survey we conducted was in  
12 response to Neighborhood Board 25's request for travel  
13 time information.

14 Typically you don't, as you may or may not  
15 know, typically travel time is not included in traffic  
16 impact studies. But in this case, like I said, in  
17 response to the Neighborhood Board's request we  
18 included that in the study.

19 That wasn't -- that particular survey wasn't  
20 coordinated with DOT or DPP since it was an ancillary  
21 portion that was added to the traffic study that's  
22 normally not included in Traffic Impact Analysis  
23 Reports.

24 COMMISSIONER KANUHA: Thank you.

25 CHAIRMAN PILTZ: Any other questions,

1 Commissioners?

2 COMMISSIONER DEVENS: One follow up.

3 CHAIRMAN PILTZ: Follow-up questions.

4 COMMISSIONER DEVENS: I'm sorry, Mr. Pascua.

5 I just wanted to clarify. You said -- did I hear you  
6 correctly -- you said it was 3,000 cars that are part  
7 of that rush hour traffic in the morning?

8 THE WITNESS: H-2 Freeway southbound, yes.

9 COMMISSIONER DEVENS: And you said that the  
10 Project would add about 600 more to the morning  
11 traffic.

12 THE WITNESS: Yes.

13 COMMISSIONER DEVENS: How is that 600  
14 calculated?

15 THE WITNESS: Six hundred trip generation  
16 was calculated based on methods that is used for  
17 traffic studies. It's an empirical calculation that  
18 is done from a document that's produced by the  
19 Institute of Traffic Engineers. It's dependent on the  
20 type of land use.

21 For example, a commercial area of  
22 10,000 square feet a rate is applied to that square  
23 footage that would generate or result in X amount of  
24 traffic that's associated with that particular land  
25 use.

1                   So what we did, since this is a mixed-use or  
2 proposed mixed-use development we looked at the -- we  
3 applied specific rates for specific land uses and  
4 totaled that all together. That becomes your total  
5 development traffic generation.

6                   And I had mentioned the internal capture  
7 reduction. Of that total we reduced it 15 percent per  
8 DOT's request.

9                   COMMISSIONER DEVENS: And for your  
10 calculations you assumed that 5,000 units were going  
11 to be built in that Project Area?

12                  THE WITNESS: Three thousand five hundred  
13 for Koa Ridge Makai and 1500 for --

14                  COMMISSIONER DEVENS: Total.

15                  THE WITNESS: Correct.

16                  COMMISSIONER DEVENS: Thank you.

17                  CHAIRMAN PILTZ: Any others? Mr. Pascua,  
18 just a matter of clarification. You mentioned that if  
19 a person's going to school, taking a child to school,  
20 then making a trip to work, and that would be  
21 considered one trip. And that would be a reduction of  
22 50 percent. But then you say DOT now requested that  
23 it be reduced by 15 percent.

24                  What basis did they use that reduction?

25                  THE WITNESS: I'm not sure what their basis



1 was or is.

2 CHAIRMAN PILTZ: Can you comment on that,  
3 though?

4 THE WITNESS: Yeah. A report was done  
5 specifically for this Project to determine what kind  
6 of internal capture can be realized given the  
7 mixed-use nature of the development. That report  
8 identified a 56 percent potential reduction, 56  
9 percent.

10 It's not just internal trips being captured  
11 but also use of multi-modal features of a development.  
12 For example, transit use, park 'n ride facilities,  
13 pedestrianways, bikeways, internal that can serve as  
14 or be attractive to those within the development to  
15 stay within the development and not be considered  
16 external trips to the development.

17 So that's why when we did our study  
18 initially we assumed a 30 percent just to be  
19 conservative because there is really no development of  
20 this magnitude, of this scale, that is promoting, as I  
21 understand it, is promoting mixed-use as Castle &  
22 Cooke has in this case.

23 So the 30 percent I thought was really  
24 conservative to begin with. But DOT, without any, as  
25 I understand, without any development like this out

1   there existing, they wanted to see under the lower  
2   side of the spectrum would be 15 percent.

3               Typically for a development, say, with two  
4   different types of uses, whether it be commercial and  
5   residential co-existing in one development, I would  
6   apply a 20 percent capture.

7               And it's just a rule of thumb that can be  
8   used. Obviously we can go zero percent and see and go  
9   extremely conservative, and, say, everyone's coming  
10  into the Project site are also exiting the Project  
11  site and we have this many cars on the external  
12  roadways.

13              But I think what DOT, and I'm just  
14  surmising, I think DOT wanted to see what are the  
15  effects if you look at the extremely conservative  
16  side, not to say that 30 percent is not gonna occur,  
17  but what are the effects.

18              Are there any difference in terms of  
19  mitigating measures that would be generated as a  
20  result of these two assumptions?

21              CHAIRMAN PILTZ: And was it at all a  
22  significant of an amount?

23              THE WITNESS: No, it was not.

24              CHAIRMAN PILTZ: I didn't think so. Okay.

25              THE WITNESS: No. So, you know, as far as

1 the recommendations it generally stayed the time  
2 between the report that assumed 30 percent capture and  
3 with the report that assumed a 15 percent internal  
4 capture.

5 CHAIRMAN PILTZ: Okay. Very good.  
6 Redirect?

7 MR. MATSUBARA: I have no further questions.

8 CHAIRMAN PILTZ: City?

9 MS. TAKEUCHI-APUNA: No questions.

10 MR. YEE: No questions.

11 MR. YOST: One. Promise it'll be limited.

12 RE-CROSS-EXAMINATION

13 BY MR. YOST:

14 Q When you were figuring out the assumption  
15 that there's going to be 667 additional cars added to  
16 the road from these two Projects, you're doing it only  
17 on the basis of that computational chart that you  
18 discussed, not on the basis of any real world  
19 comparisons to other areas of central O'ahu where you  
20 compare and see how many people actually commute to  
21 downtown?

22 A Correct. But I can tell you we did evaluate  
23 Mililani Mauka. You had mentioned that earlier, I  
24 guess, Mililani Mauka with 6,600 homes, residential  
25 homes, not existing as a mixed-use development but

1 purely primarily residential.

2           The trip generation associated with the  
3 6,600 units is way less -- not way less, it's less  
4 than what is already assumed for these 5,000 units  
5 that are being proposed for both the Koa Ridge Makai  
6 as well as the Waiawa Project.

7           Q     So how many cars are coming out of Mililani  
8 Mauka, then, with a little over 6,000 something  
9 houses? How many cars make trips downtown?

10          A     I apologize. I don't have that number but I  
11 know it was less than what is being...ah --

12          Q     Less than 667?

13          A     Correct. During the peak hour.

14          Q     In the morning.

15          A     In the morning.

16               MR. YOST: Okay. Thank you.

17                       RE-CROSS-EXAMINATION

18 BY MR. POIRIER:

19          Q     You know, I have a hard time believing that  
20 because I hold signs up there for a lot of local  
21 candidates and it's so boring that you end up counting  
22 cars. And we don't hold from 6:00 to 8:00 or 6:00 to  
23 9:00.

24               And the last time I held them -- we did  
25 this, and this is a whole group of us. It's just not

1 me falling asleep or whatever. There was, like, 3,000  
2 cars that come out in the morning on that particular  
3 road going down to H-2.

4 A Yeah. That's -- I don't know if that's a  
5 question but I just wanted to respond that --

6 Q It's a statement.

7 A Yeah. We collected data as well not  
8 counting with our fingers or any kind of device other  
9 than the roadway tubes that were placed across the  
10 roadway.

11 I can tell you what the machine counts gave  
12 us, which was less than what is being proposed for the  
13 Koa Ridge Makai and Castle & Cooke Project.

14 Maybe I should clarify. Because the number  
15 that we calculated was adjusted because there's a  
16 middle school in Mililani Mauka. And the middle  
17 school serves all of Mililani as opposed to just  
18 Mililani Mauka area.

19 So we had hose counts that counted traffic  
20 in the Mililani Middle School area that was  
21 subtracted. So that would leave you the traffic  
22 that's generated only by the 6,600 units within that  
23 area.

24 Of course there are going to be some  
25 other -- there would be other traffic that's added to

1 that, for example, Tesoro gas station there, the  
2 commercial pieces that they have in that area as well  
3 as McDonald's, which generates quite a bit of traffic  
4 actually McDonald's. But the number was adjusted.

5 So it's not purely raw data coming in and  
6 out of Mililani Mauka. It was adjusted for the fact  
7 that Mililani Middle School serves all of Mililani.

8 So you got everybody, again, from Mililani  
9 on the other side of the freeway heading towards the  
10 middle school, dropping off their kids and heading up.  
11 Just a point of clarification.

12 CHAIRMAN PILTZ: Okay. Any other questions?  
13 Okay. Thank you, Mr. Pascua.

14 MR. MATSUBARA: Mr. Chairman, that was our  
15 last witness on our direct presentation.

16 CHAIRMAN PILTZ: Okay. Thank you. Office  
17 of Planning?

18 MR. YEE: As a housekeeping matter the  
19 Office of Planning has submitted Exhibits 1, 10, 11,  
20 24, 25 and 26 which I believe were submitted and filed  
21 subsequent to our last hearing. So if there are no  
22 objections we would ask that those be submitted into  
23 evidence in this case.

24 CHAIRMAN PILTZ: Petitioner, any objections?

25 MR. MATSUBARA: Although some of the

1 witnesses will not be here for our cross-examination  
2 we have no objections.

3 CHAIRMAN PILTZ: City?

4 MS. TAKEUCHI-APUNA: No objections.

5 CHAIRMAN PILTZ: Intervenors?

6 Commissioners, any problems with that? Okay. We'll  
7 accept.

8 MR. YEE: I thank you. For your information  
9 we have changed our exhibit list. Some witnesses,  
10 frankly, are not available so we have decided to  
11 proceed without them.

12 And to the extent that they have submitted  
13 testimony or exhibits we would simply rest on those  
14 exhibits.

15 These would include Mr. Michael Hoffman from  
16 the Department of Public Safety, submitted testimony  
17 simply explaining what people ought to know when they  
18 move into the area with respect to the Waiawa  
19 Correctional Facility, as well as Ms. Kathy Kealoha  
20 who is simply giving a limited explanation of the fact  
21 that the incremental development plan in of itself  
22 does not generate a concern regarding a supplemental  
23 EIS.

24 For your information our order of witnesses  
25 that I hope we're going to be able to present today:

1 First would be Ms. Sandra Kunimoto from the Department  
2 of Agriculture.

3 Second will be Mr. Brennon Morioka from the  
4 Department of Transportation.

5 Third will be Ms. Heidi Meeker from the  
6 Department of Transportation.

7 Then fourth is Ms. Gail Suzuki-Jones from  
8 DBEDT Energy.

9 And, finally, Mr. Abbey Mayer from the  
10 Office of Planning.

11 So that this the order we will be submitting  
12 our witnesses. With that, if there's nothing else  
13 from the Commission we would like to call Ms. Sandra  
14 Kunimoto.

15 SANDRA KUNIMOTO  
16 being first duly sworn to tell the truth, was examined  
17 and testified as follows:

18 THE WITNESS: Yes, I do.

19 CHAIRMAN PILTZ: Okay. State your name and  
20 address for the record.

21 THE WITNESS: Aloha, Commissioners. I'm  
22 Sandra Kunimoto, Sandra Lee Kunimoto. I'm the  
23 Chairperson for the Board of Agriculture. My address  
24 is 1428 South King Street, Honolulu, 96814.

25 CHAIRMAN PILTZ: Your witness.



1 DIRECT EXAMINATION

2 BY MR. YEE:

3 Q Ms. Kunimoto, did do you submit written  
4 testimony for this case?

5 A I did.

6 Q Could you please summarize your written  
7 testimony?

8 A Certainly. The Department does not support  
9 this petition to reclassify 718 acres from  
10 agricultural to the urban districts because it would  
11 result in the permanent loss of highly productive  
12 lands rated A and B. And once it is lost to  
13 development it is gone forever for agriculture.

14 There's a finite amount of good agricultural  
15 land on each island. And land has continually been  
16 lost. That effect is cumulative and it's  
17 irreversible. So we need to do something to protect  
18 it now.

19 We understand that the Commission has to  
20 weigh a lot of different factors when making these  
21 decisions. So we ask that if the Commission decides  
22 to move forward to approve this petition that the  
23 following conditions be imposed.

24 And that would be: To have the Petitioner  
25 obtain a permanent agricultural easement on 546 acres,

1 which is the equivalent amount of A and B rated lands;  
2 427 for the first increment and the remaining for the  
3 second increment, and conveying that easement to the  
4 Department of Agriculture.

5           And restricting such uses to those that are  
6 allowed under Chapter 205-4.5, points 1, 2 and 3  
7 restricting the uses of that land to those areas.

8           Convey that ag easement to the Department.  
9 And we would suggest that it occur no later than one  
10 year following the filing of the Project's first  
11 application for that first increment and prior to any  
12 requests for reclassification of Increment 2 for the  
13 second increment.

14           Article 11, Section 3 mandates that the,  
15 "State shall conserve and protect agricultural lands,  
16 promote diversified agriculture, increase agricultural  
17 self-sufficiency, and assure the availability of  
18 agricultural suitable lands."

19           This reclassification will permanently  
20 reduce the amount of good agricultural land that's  
21 available on this island. Again, it is finite and  
22 irreplaceable resource.

23           There has been a steady decline in the  
24 number of acres of good agricultural statewide and on  
25 O'ahu. Since 1991 that amount is approximately about

1 3300 acres of A and B lands have been lost on O'ahu.

2           This petition would represent about  
3 16 percent of that amount that was lost in the last 18  
4 years. This is very clearly good land. It is  
5 historically productive. It has a good water source  
6 from the ditch.

7           And it would certainly meet the types of  
8 criteria that have been set forward for Important  
9 Agricultural Lands.

10           I think everyone understands that as a state  
11 there are desires to have more agricultural food  
12 self-sufficiency as well as energy self-sufficiency as  
13 the state seems to be overly reliant on imports for  
14 both of these needs.

15           To change that we have to maintain a good  
16 base of agricultural lands. We can't foresee what  
17 will be economically feasible in the near future.  
18 Some things that are being considered right now in  
19 terms of agriculture both for food and for energy were  
20 probably not even contemplated very seriously or  
21 thought to be even feasible 10 years ago.

22           So we see with technology what is possible,  
23 what is considered good uses of these lands and viable  
24 uses of these lands changes with times, especially as  
25 technology changes.

1           However, if we lose this base of good  
2 agricultural lands, then those options would be closed  
3 forever. And those would be dealing with both food  
4 and energy production. So we must protect our best  
5 lands.

6           We believe that our recommendation for a  
7 mitigation, if you decide to go forward, has  
8 precedence.

9           Specifically this Commission had required  
10 the Halekua Petitioner to turn over 150 acres of A and  
11 B type lands when they were granted their petition, to  
12 transfer those lands to the State, the Department of  
13 Agriculture, for use as an agricultural park. That  
14 has occurred.

15          Further, the LUC administrative rules say  
16 that where a petition was granted due to the lack of a  
17 condition the Petitioner shall be responsible for  
18 contributing to the protection of an equivalent amount  
19 of prime agricultural land.

20          So for all of these reasons we believe it's  
21 very important that we protect our agricultural lands  
22 now. And just remember that the fact is once these  
23 lands are gone they will not be recovered for  
24 agricultural uses. Thank you.

25          Q     One additional follow up. Are you familiar

1 at all with the ability or the amount of land that  
2 Dole Foods might have in order to comply with this  
3 condition? Do you have some sense of their capacity?

4 A I know that Dole and Castle & Cooke do have  
5 a lot of other lands. It was brought to my attention  
6 that there's an exhibit there from OP that does point  
7 out the amounts of lands on that map. And I believe  
8 it's the blue and the green portions on that map that  
9 comply with A and B rated lands.

10 MR. YEE: Thank you. I have nothing further  
11 on direct.

12 CHAIRMAN PILTZ: Petitioner, any questions.

13 CROSS-EXAMINATION

14 BY MR. MATSUBARA:

15 Q Thank you. Good afternoon.

16 A Hi.

17 Q The position that the Department of  
18 Agriculture is expressing in your written testimony  
19 relating to the one-for-one conveyance in a perpetual  
20 easement to the Department of Agriculture, is that a  
21 Department of Ag policy?

22 A That's our position on this petition, yes.

23 Q So it's not a policy that's applied to all  
24 reclassifications of A and B lands?

25 A You know, we are looking at each one

1 case-by-case. But, yes, the last petition that we  
2 submitted testimony on it did have this same  
3 requirement on it.

4 Q So the last petition is the Ho'opili  
5 petition.

6 A That's correct.

7 Q But it's not a uniform policy of the  
8 Department of Agriculture?

9 A I would expect that going forward as we look  
10 at these we would be trying to apply this type of  
11 condition if, if our position is the same.

12 Q Okay. I'm trying to get at the genesis of  
13 this policy if you're going on a case-by-case basis.  
14 In this particular petition you're aware of the fact  
15 the Petitioner has accommodated Aloun Farms in regard  
16 to providing similar acreage and double the lands they  
17 currently have on our property? Does that make a  
18 difference?

19 A Well, I would commend the company for taking  
20 care of its farmers that are on the land. But, as you  
21 can see from my testimony, this is really about  
22 keeping a base of good agricultural lands going into  
23 the future.

24 Q The reason I asked that was that in your  
25 comment letter to our Draft EIS in regard to our

1 proposal, your comment was that: As long as we  
2 accommodate Aloun Farms and the Flying R Livestock  
3 Company, if it was done on a mitigated basis and on a  
4 timely basis that the Department of Ag would have no  
5 objections.

6           Because your statement was "Confining urban  
7 expansion within the urban community boundary's  
8 critically important to protection of the Kunia area  
9 and its highly productive soils and non-agricultural  
10 development."

11           I'm just curious on the difference between  
12 your February 6th letter regarding the fact that as  
13 long as we accommodated the existing tenants on the  
14 property, that staying within the urban growth  
15 boundary was okay because the Kunia lands would be  
16 protected.

17           I was wondering what the change reflected in  
18 this policy was and whether or not it was a policy.

19       A     You know, I think that over time we've  
20 looked at different ways of protecting agricultural  
21 lands.

22           There has been a 30-year effort to enact the  
23 constitutional mandate to implement Important  
24 Agricultural Lands. That's a very long three-decade  
25 effort. And finally those laws were put into place.

1           As yet completely unproven -- I mean as yet  
2 completely implemented and yet unproven. However, I  
3 think the bottom line is as time goes on more and more  
4 ag lands are lost. At some point we have to say we  
5 really need to protect these best agricultural lands.

6           Q     So you've changed your position in regard to  
7 observing the urban growth boundary as a protective  
8 measure for ag lands?

9           A     I'm sorry. Would you say that again.

10          Q     I'm saying whether you've abandoned the  
11 position you expressed in your letter of February 6th,  
12 2009 in regard to our proposed Project relating to the  
13 fact that since we are within the urban growth  
14 boundary, if we accommodated the farmers who are  
15 currently on our property it was okay to proceed  
16 because the Kunia lands were going to be protected  
17 within by the urban growth boundary.

18          A     You know, my feeling is that for the best  
19 agricultural land, again, they are a finite resource  
20 and once they're developed they're not going to be  
21 there as a base for future agricultural use.

22                The fact that it is within the urban growth  
23 boundaries is why we recognize that the LUC, the  
24 Commission may choose to move forward as they weigh  
25 all the different options.



1           And that's why we suggest that if they are  
2 going to move forward that there be a mitigation on  
3 there of making sure that an equal amount of lands  
4 under A and B-rated lands are protected. And that  
5 protection should come with a permanent ag easement.

6           Q     So you have changed the policy.

7           A     I don't know exactly when you say "a change  
8 in policy."

9           Q     Between what you wrote in the letter of  
10 February 9th and today.

11          A     Well, we think that it's good that the  
12 farmers have been accommodated. We do believe it's  
13 good. I believe also that all along we have been  
14 interested in protection of good agricultural lands.  
15 This concept of keeping a good base of land.

16          Q     Have you spoken to Aloun Farms?

17          A     About?

18          Q     In regard to the move to the new lands they  
19 have and the transition they're going through and what  
20 their feelings or thoughts are about it.

21          A     Not specifically about the move recently.  
22 Your staff has or the Castle & Cooke staff had briefed  
23 us about what lands would be available.

24          Q     Aloun Farms has submitted a letter to the  
25 Land Use Commission dated February 15, 2010. They're

1 basically in support of the Project and reference the  
2 fact that their transition has been smooth, seamless.  
3 But you haven't had chance to confirm this with them?

4 A I've talked to them about other matters.  
5 However, again, if that's -- I think that's terrific  
6 if the farmer is being accommodated. But, again, that  
7 doesn't speak to the long-term preservation of a base  
8 of good agricultural lands.

9 Q You referenced the fact in your testimony  
10 that since 1991, 3,200 -- on page 2 of your testimony,  
11 that 3,297 acres of A and B lands have been lost on  
12 O'ahu alone, is that correct?

13 A That's in my testimony, that's correct.

14 Q Are you aware that 58 percent of that  
15 acreage was for state projects?

16 A No, I was not aware to specific projects  
17 that they came from.

18 Q HCDC filed a petition for 1300 acres.  
19 That's now West O'ahu campus and DHHL property.

20 A Well, if you say so.

21 Q All I'm saying is that the removal of the  
22 majority that you reference since 1991 has been for  
23 state projects through state actions.

24 A Yeah. And I think the point of this is over  
25 time continually more and more land gets removed that

1 is of this good agricultural land base.

2 Q You also reference that there's precedence  
3 for the action you're requesting of the Land Use  
4 Commission in regard to imposing the condition. You  
5 reference the Halekua case on Page 4 of your  
6 testimony. That's docket No. A92-683 Land Use  
7 Commission.

8 You reference that Halekua has required to  
9 purchase and transfer ownership of the 150 acres of A  
10 and B to the state.

11 A Yes.

12 Q Are you aware that the Petitioner's petition  
13 provided for that acreage going to the state? But by  
14 not reclassifying urban reclassification for that  
15 hundred fifty acres but that it would remain in ag  
16 because they were going to convey it to the state.

17 Do you realize the Petitioner as part of the  
18 petition he filed was providing that to the state?

19 A I didn't know the details of the case. I  
20 just saw the aftermath of the case.

21 Q Okay. So would you agree, then, if  
22 Petitioner to begin with had offered the state the  
23 150 acres as opposed to being ordered to do by the  
24 Commission, it would be different as precedence for  
25 what you're requesting the Commission to do?

1           MR. YEE: I'm going to object on the basis  
2 of foundation. This is a witness who's testifying  
3 agricultural issues. And if Mr. Matsubara wants to  
4 make an argument regarding land use criteria, then I  
5 think that's more appropriate an issue for argument  
6 rather than question for this witness.

7           MR. MATSUBARA: I'm just asking her  
8 questions about her testimony. Page 4 last paragraph.  
9 "Petitioner Halekua Development was required to  
10 purchase and transfer ownership of 150 acres of A and  
11 B-rated land in Kunia to the state of Hawai'i."

12           This is used as a basis of precedent as to  
13 the Commission doing. That's the only reason I'm  
14 asking because it's not an accurate statement.

15           THE WITNESS: My understanding is that was  
16 one of the conditions of that petition.

17           MR. MATSUBARA: I'll just ask the Commission  
18 to take judicial notice of the Decision and Order in  
19 Docket No. A92-683 respective finding of fact 12  
20 talking about the Petitioner proposing an ag park.

21           MR. YEE: Again I think that's an issue he  
22 can raise in argument and it's not a question to be  
23 directed to this witness.

24           MR. MATSUBARA: I'll move on, Mr. Chair.

25           CHAIRMAN PILTZ: Thank you.

1           Q     (By Mr. Matsubara): The question I'm going  
2 back to originally as to whether or not your position  
3 today reflects a policy. The only reason I'm asking  
4 that is I'm curious as to the formation of that  
5 policy.

6                     Was it done within the Department itself?  
7 Was it done in consultation with farmers? Was it  
8 done -- how did it -- was there a public hearing to  
9 get input in regard to a one-for-one transfer of ag  
10 land? And whether there are standards or criteria  
11 that determine whether that's supplied and when it's  
12 not? That's basically my question.

13          A     As I mentioned that this, the position that  
14 the Department has taken is pretty much the same as in  
15 the previous petition.

16                     Those were developed over time with  
17 discussion with Office of Planning and understanding  
18 what has been going on with our agricultural lands,  
19 recognizing that over time we are losing those lands.

20          Q     Is the Farm Bureau in support of this?

21          A     I don't know.

22          Q     Never talked to them.

23          A     About our formation of this policy? No.

24          Q     You talk about the IAL statute also on  
25 Page 4 regarding the importance of designating IAL

1 lands. Department of Ag was involved in that.

2 A Of?

3 Q Legislation, the passage of legislation.

4 A We did work on that legislation and  
5 testifying, yes.

6 Q How many acres of A and B lands does the  
7 state of Hawai'i own on O'ahu?

8 A I don't have those figures in front of me.

9 Q Has the Department of Ag and the Department  
10 of Land and Natural Resources consulted in regard to  
11 what public lands would be designated as IAL lands?

12 A We started that process.

13 Q It's not completed yet?

14 A It's not completed, no.

15 Q So no maps have been submitted to the Land  
16 Use Commission pursuant to --

17 A No.

18 Q -- the IAL legislation.

19 A No. It's just been discussion between our  
20 two departments.

21 Q Have you placed any perpetual easements on  
22 state public lands for ag purposes?

23 A No. Well, I haven't.

24 Q But has the state done. On any ag lands  
25 that you own now is the agricultural easement that

1 you're proposing in this petition, has the state  
2 placed any on its A and B ag lands?

3 A I don't have any knowledge of that.

4 Q But none since you've been the director at  
5 least.

6 A Well, I haven't placed any.

7 MR. MATSUBARA: That's all I have. Thank  
8 you.

9 CHAIRMAN PILTZ: City, you have any  
10 questions?

11 MS. TAKEUCHI-APUNA: Yes, we do.

12 CROSS-EXAMINATION

13 BY MS. TAKEUCHI-APUNA:

14 Q You mentioned that 150 acres that Halekua  
15 agreed under their petition before the Land Use  
16 Commission --

17 A Hmm hmm.

18 Q -- to be transferred to Department of Ag.  
19 We were wondering what the Department has done with  
20 that land, the 150 acres since it was transferred.

21 A It was transferred to us and we have to go  
22 to the Legislature to be able to get funds to develop  
23 that into an agricultural park.

24 We have so far been successful in getting  
25 funds for the planning phase of that and will be

1 proceeding with the planning of it.

2 Q How long do you think that will take to get  
3 that agricultural park in place?

4 A Well, we would have to go back to the  
5 Legislature once the planning is done to get  
6 construction funds. So it depends on the state of the  
7 economy of the state.

8 Q And you also mentioned the one-to-one  
9 546 acres that you would request the Land Use  
10 Commission provide as a condition to be transferred to  
11 the Department of Agriculture. What would you -- what  
12 type of use would you expect for those 546 acres?

13 A I think it says in the testimony that it  
14 would be restricted to 1, 2, and 3 of 205-4.5.

15 Q Can you explain what that...?

16 A It's basically the agricultural use,  
17 specifically production uses --

18 Q Production?

19 A -- for agriculture.

20 Q And how long do you expect that once the  
21 Project is started, or once the land is transferred  
22 how long do you think it would take to get going into  
23 those agricultural production type of --

24 MR. YEE: I'm going to object on the basis I  
25 believe it misstates the testimony. Although it's



1 true Halekua involved the transfer of lands, the  
2 request for an agriculture easement is not a request  
3 for a transfer of land title.

4           It's a restriction on the land's use. So I  
5 just wanted to be clear about what was stated before.

6           MS. TAKEUCHI-APUNA: Right. Okay.

7           Q     So do you have any idea about the timeline  
8 how long it would take to get the leases?

9           A     That's going to depend on the landowner  
10 because the Department would not be or the State would  
11 not be the landowner.

12           MS. TAKEUCHI-APUNA: Okay. No further  
13 questions. Thank you.

14                           CROSS-EXAMINATION

15 BY MR. YOST:

16           Q     You weren't here for the testimony of Bruce  
17 Plasch, correct, for testifying?

18           A     I was not.

19           Q     In the time he was here he had a chart with  
20 him which had some lines on it showing the level of  
21 agricultural production in the state of Hawai'i for  
22 the last several decades, I think since 1960.

23                   It was basically a line that was going  
24 straight downward in terms of the amount of volume of  
25 agricultural production in the state.

1                   Would you agree that that chart would be the  
2 idea that the production has been falling, free  
3 falling essentially since 1960 considering the loss of  
4 plantation lands and so forth?

5                   Is that an accurate description of what's  
6 been happening in the state?

7           A     You know, I really can't speak to a chart  
8 that I don't know about. But if I could just give a  
9 general description of agriculture.

10          Q     That's fine.

11          A     Okay. We're in transition, moving from  
12 predominantly plantation-type agriculture and  
13 predominant crops at that time were sugarcane. And  
14 pineapple, moving into more and more diversified ag.

15                   If you look at the values over the last  
16 several decades, what you see is sort of a cross like  
17 this. What you see is a decline in the values of  
18 plantation crops and a rise in the values of  
19 diversified crops.

20                   And if you were to take them cumulatively  
21 you may have roughly a fairly stable line at least  
22 over the last decade or two. So you have that  
23 transition going on.

24                   Now, the players have changed. The crops  
25 have changed, but then you see this value continuing.

1 And I guess that goes to the point that I was making  
2 earlier is that you don't know what is going to come  
3 up next in terms of what is economically feasible that  
4 would drive the use of these agricultural lands, and  
5 what can be done on them economically and technically.

6 But we do see that unless you save that base  
7 of good agricultural lands you won't have any of those  
8 options for the future.

9 Q In your testimony you mentioned that right  
10 now we're importing about 85 to 90 percent of the food  
11 we consume internally in the state, right?

12 A That's an estimate.

13 Q And do we have a sense in terms of, you  
14 know, what that number should be in an ideal world?  
15 If we had a goal to reach toward that we wanted to  
16 produce a higher percentage of our own food to consume  
17 internally, do we have any sense of what that goal  
18 should be? What percentage of food should we be  
19 producing ourselves?

20 A I don't think that I have a specific  
21 percentage that I would say we are shooting for. I  
22 would say that I think the desire is to increase our  
23 self-sufficiency and probably the different levels,  
24 different percentages would depend on which kind of  
25 food you're talking about.

1           So you might be able to achieve a very, very  
2 high level, let's say, in something like vegetable  
3 crops. There's going to be other things like your  
4 animal proteins that maybe you want to increase where  
5 we are now, but it might not be as high. So it's  
6 really going to depend on which crop that you're  
7 talking about.

8           Then there'll be other things that we may  
9 not increase at all. Let's say there're certain grain  
10 crops that we can grow but it's unlikely that we are  
11 going to grow to any great extent. So those may  
12 continue just to be imports.

13         Q     Okay. So we don't have any -- should we  
14 have some kind of goal? Just as an estimate should we  
15 be doubling the amount of food we're producing locally  
16 as a percentage? Would that be reasonable and  
17 intelligent for future planning purposes? Would we be  
18 tripling the amount?

19           I don't know if there is any sense you can  
20 give. But it seems like 10 to 15 percent is very low  
21 and vulnerable, as you said in your testimony. So is  
22 30 percent, is 40 percent, is 50 percent? Where do we  
23 reach a point where we're less vulnerable and have  
24 more food security?

25         A     You know, again, I don't think I can come up

1 with a specific number. And if you ask different  
2 people they might have different ideas of what numbers  
3 should be.

4           Sometimes they will look to the past and  
5 say, "Jeez, back then we used to produce X amount of  
6 our milk or X amount of our meat. And can we even try  
7 to reachieve that?"

8           Again I think those are not specific numbers  
9 that I'm putting out there. But I would just say it'd  
10 certainly be a goal to increase what we're doing now.

11         Q     Increase it substantially as opposed to just  
12 marginally increase it? Is that fair?

13         A     Again those are just -- you're asking the  
14 same question over and over.

15         Q     Okay.

16         A     I really don't have a specific number.

17         Q     That's fine. Part of the goal of achieving  
18 more food security, would it then make sense that we  
19 should especially focus on preserving areas of land  
20 that are currently under cultivation when we're  
21 talking about reclassifying as we are here?

22         A     Well, I think that in terms of the land you  
23 do want to make sure that you keep a base of good  
24 agricultural land.

25               Part of knowing what is good is these

1 ratings that we've talked about looking at historic  
2 uses, looking at current uses. Those all contribute  
3 to helping decide what is good agricultural land.

4 Q Is it challenging now in the current state  
5 of technology for local Hawai'i farmers to compete  
6 with mainland or international food producers in terms  
7 of pricing and selling their produce?

8 A You mean -- I'm sorry. Can you restate  
9 that.

10 Q Are Hawai'i's farmers competitive right now  
11 generally compared to alternatives from the mainland  
12 or internationally?

13 A I think that there's a clear demand for  
14 locally produced foods and certainly they are selling  
15 in our marketplace. So the fact that that is  
16 occurring means that they are competitive. Whether  
17 it's the same all the time I think that that's, that  
18 can change.

19 Q Do you know why we're not producing more of  
20 our own food right now generally?

21 A Um, there's a number of different factors  
22 that farmers will talk about. Part of it has to do  
23 with the availability of good land, with long-term  
24 leases that they can take to the bank to invest in.

25 It also has to do with water at a reasonable

1 price and reliability, labor, energy.

2           So there's a number of different factors.

3 It may not be the same for all farmers across the  
4 state. Different ones may have different factors  
5 affecting them more heavily.

6           Q     I don't want to get into it too much. But  
7 did Aloun Farms, perhaps, feel some pressures as to  
8 labor costs and its recent troubles with getting into  
9 disputes regarding whether they're hiring illegal  
10 workers? Obviously illegal workers would be cheaper.

11           Do you think that farmers feel pressure to  
12 try to lower their costs even if it may not comport  
13 with the law?

14           MR. YEE: I'll object on the lack of  
15 foundation. This witness isn't here to testify about  
16 the commercial business of a particular or especially  
17 the legal issues of a particular farmer. So, I  
18 mean...

19           MR. YOST: I'm just trying to understand  
20 better why --

21           CHAIRMAN PILTZ: Rephrase your question.

22           MR. YOST: Okay.

23           Q     Are labor costs a substantial part of the  
24 difficulty with Hawai'i farmers if they're trying to  
25 be competitive with other producers from the mainland

1 or internationally?

2 A My understanding is across the nation as  
3 well as in Hawai'i getting agricultural labor is an  
4 issue.

5 Q You mentioned in your testimony that if this  
6 land is reclassified there will be likely more  
7 pressure on or an increase in rent prices for the  
8 remaining land that's otherwise available or  
9 potentially available, is that right?

10 A As the amount of agricultural land that's  
11 available for long-term agricultural production is  
12 reduced, then there's going to be more competition for  
13 the remaining lands.

14 Q You talk about farmers needing long-term  
15 lease terms in order to take them to the bank, get  
16 financing. What's your knowledge of how long those  
17 lease terms should be?

18 A I think that it would vary depending upon  
19 the operations. But if you look at the state leases  
20 they might go to, like, 55 years, some of them 35 plus  
21 extensions.

22 Q Are you aware of what the lease term is for  
23 the replacement land that Aloun Farms is being given?

24 A Not right offhand.

25 Q It's been presented in testimony in this



1 proceeding they're getting an initial 10-year lease  
2 with a 5-year option. So I guess a total of 15 years  
3 if the option is taken.

4 Is 15 years generally long enough for  
5 farmers to rely on getting land and producing food and  
6 getting financing for their operations?

7 A That would really depend on that particular  
8 farmer and how they're going to do their operations.  
9 If they're trying to finance it, what kind of  
10 infrastructure they need to put in and amortize over  
11 that time. So it really depends on the farmer and  
12 their operations.

13 Q Have you seen problems with provisions in  
14 agricultural leases with the landowner retains the  
15 right to unilaterally cancel the lease at any time  
16 and paying some sort of fee for doing so?

17 Has that come up as a problem in your  
18 experience?

19 A I've heard -- I've heard of farmers saying  
20 that that would be a problem.

21 Q Are you aware that there's an unilateral  
22 cancellation provision in the Aloun Farms' new lease  
23 and that they haven't told us how much but Castle &  
24 Cooke would have to pay something to exercise that  
25 option?

1           Are you aware that that sort of provision  
2 exists in the Aloun Farms' lease?

3           A     No, I'm not.

4           Q     But that presents a problem, the existence  
5 of that kind of provision in your view for farmers?

6           A     You really need to ask the farmer that is  
7 agreeing to those terms what specific types of  
8 problems that would cause for them and whatever the  
9 terms -- you're saying there's some terms of what the  
10 landowner would perform for them, if that's adequate  
11 to offset the risk of that happening.

12          Q     But generally speaking that would be of  
13 concern to farmers generally that kind of terms.

14          A     I would think that they would want to do  
15 their due diligence around that.

16          Q     Have you thought at all about different  
17 kinds of development where developers would come in  
18 and build some houses but then maintain a substantial  
19 portion of the land for agriculture that would serve  
20 the community that lives next to it?

21                Have you ever thought about that kind of  
22 concept in your work?

23          A     You mean thought about it ever or in context  
24 to what?

25          Q     As part of state planning, state

1 agricultural policy. Have you studied that issue at  
2 all or read about it?

3 A I'm not sure if you're referring to  
4 community-supported agriculture type.

5 Q Yes.

6 A Is that what you're taking about?

7 Q Yes.

8 A Certainly it's a concept that's employed in  
9 various places to associate local production with  
10 whatever the community is and therefore it be mutually  
11 supportive.

12 Q Would you be less concerned about this  
13 proposed Project if it was being proposed as a  
14 community-supported agricultural project with a mix of  
15 residential and agricultural use?

16 A You know, I think our testimony is pretty  
17 clear. The first concern is about keeping a good base  
18 of agricultural land for the future.

19 And unless you see what you're talking about  
20 I'm not sure whether that would be satisfying this  
21 goal to try to keep a base of good agricultural land  
22 or not.

23 Q The land that's outside the urban growth  
24 boundary of the Sustainable Communities Plan, do you  
25 know much about the availability of that land for

1 leasing by farmers, whether or not the landowners who  
2 own the land are willing to lease it or sell it?

3 A I don't have specific knowledge of the  
4 particular land or the terms that it might be offered  
5 for lease.

6 Q Because we understand there's a certain  
7 amount of land that's classified A and B that hasn't  
8 been reclassified yet. But we don't seem to have good  
9 data on how easily farmers could access that land.

10 And you haven't have any other information  
11 to help us with that issue?

12 A No. I think that you would have to ask each  
13 landowner and what terms they would offer it under.

14 MR. YOST: No further questions.

15 CHAIRMAN PILTZ: Commissioners? Go ahead,  
16 Commissioner Lezy.

17 COMMISSIONER LEZY: Thank you, Chair.  
18 Thank you for your testimony, Ms. Kunimoto. I'd like  
19 to follow up on some questions that the Petitioner's  
20 attorney asked you about, what sounds like a  
21 developing policy.

22 And I guess I'll characterize it as kind of  
23 a one-for-one encumbrance policy where if a landowner  
24 is seeking to redistrict agricultural lands,  
25 Department of Agriculture would take the position that

1 if those are A and B level lands that there should be  
2 in turn an equal amount of acreage encumbered for  
3 agricultural purposes.

4 THE WITNESS: (Nodding head.)

5 COMMISSIONER LEZY: Do you know how many  
6 acres of privately owned A and B classified  
7 agricultural lands there are on the island of O'ahu?

8 THE WITNESS: I believe there's about 41,000  
9 in terms of all A and B. How much of that is private  
10 versus public I don't have those figures in front of  
11 me.

12 COMMISSIONER LEZY: You have no idea the  
13 breakdown between state-owned and privately-owned?

14 THE WITNESS: I don't have those numbers  
15 right now. I can just give you a total somewhere  
16 around 41,000.

17 COMMISSIONER LEZY: Okay. Not knowing what  
18 that exact number may be for privately-owned lands,  
19 would you agree with me, though, that the policy, at  
20 least as I'm understanding it that the Department of  
21 Agriculture is supporting, would -- if you run it out  
22 to its logical extreme would end up with, assuming  
23 that there was an effort to reclassify whatever  
24 agricultural lands there are in private ownership,  
25 you'd end up with basically half of that as being

1 subject to some sort of encumbrance for agricultural  
2 purposes. Fair to say?

3 THE WITNESS: You mean if the LUC were to  
4 agree to approve all the petitions that came in front  
5 of it involving A and B lands?

6 COMMISSIONER LEZY: Right. That's the  
7 logical end to the policy that the Department of  
8 Agriculture is taking?

9 THE WITNESS: Well, actually remember the  
10 worst thing that we don't support, that the LUC  
11 convert the lands. So, you know, it's not necessarily  
12 that LUC would or that we would hope that the LUC  
13 would not be converting every petition that came in  
14 front of it.

15 COMMISSIONER LEZY: Right. And that's  
16 exactly the point that I'm trying to get at. The  
17 reason I asked you about the amount of the acreage and  
18 whether the Department of Agriculture was aware of  
19 that. Because you've use the term "good base".

20 I'm wondering what the breaking point would  
21 be from the Department of Agriculture's point as far  
22 as what would that "good base" be? Is that half of  
23 the existing acreage? Is it something more? Can you  
24 elucidate for use what "good base" should be, the  
25 amount of acreage?

1                   THE WITNESS: I don't think that we have a  
2 specific number. Just as that other gentleman was  
3 asking about, what number do we want to shoot for in  
4 terms of our food self-sufficiency or our energy self-  
5 sufficiency, all of those types of goals would change  
6 the amount of land you would want to keep in a good  
7 base.

8                   So I don't think we have a specific number.  
9 What we do see is that over time we see that base  
10 eroding. And that you're going to close off all your  
11 options the more that erodes.

12                  COMMISSIONER LEZY: But as we sit here today  
13 you can't provide us with some sort of an explanation  
14 of what the Department of Agriculture's idea is of  
15 what an acceptable amount of basically encumbered and  
16 available A and B ag lands on this island are?

17                  My question arises because how can you have  
18 a coherent policy and approach to land use if you  
19 don't have an idea of what is or what isn't an  
20 appropriate amount of ag lands?

21                  THE WITNESS: Again, I would go back to the  
22 point that what is possible in agricultural lands in  
23 terms of its feasibility and what people might be able  
24 to undertake under those lands in terms of economic  
25 and technical feasibility is changing over time.

1                   And right now we are in various different  
2   discussions about food production that's changing from  
3   what we have been doing in the past, about energy  
4   production. It's changing from there hasn't been a  
5   lot of bio-energy production except for the cane  
6   producing electricity.

7                   But all of those technologies that are  
8   evolving now. And those conversations are going on  
9   now. So, no, I don't have a specific goal because we  
10   don't know where we're going to end up in this  
11   conversation.

12                  But I can tell you that all of those  
13   conversations are requiring that you have good  
14   agricultural lands for them to happen on.

15                  COMMISSIONER LEZY: Okay. And the other  
16   question I had for you was whether there has been any  
17   attempt on the part of the Department of Agriculture  
18   to engage the County in discussions regarding shifting  
19   of the urban growth boundaries to exclude A and B  
20   classified ag lands from the urban growth area?

21                  THE WITNESS: You know, I haven't had that  
22   discussion with the County.

23                  COMMISSIONER LEZY: Are you aware of any  
24   state department that's had that discussion?

25                  THE WITNESS: No. All I do know is that



1 each county is supposed to be in the process of  
2 identifying what it will consider for important  
3 agricultural lands that would eventually come before  
4 this Commission.

5 COMMISSIONER LEZY: Okay. Thank you.

6 CHAIRMAN PILTZ: Let me ask you some  
7 questions here. Now, you've asked for a certain  
8 acreage of land based on the size of the Project. And  
9 you're asking that the developer convey an ag easement  
10 to the state of Hawai'i.

11 And you would not own the land, but you  
12 would have an access to that land, and you would  
13 control actually what happens to that land? Is that  
14 the intent of the state?

15 THE WITNESS: We would hold the easement or  
16 our designee would hold the easement, but it's up to  
17 the landowner to manage that land. They can sell the  
18 land as long as those conditions are still conveyed  
19 with the selling of that land. They can farm the land  
20 or do whatever is allowed within that easement.

21 CHAIRMAN PILTZ: But then that's your  
22 restriction on that land without owning it.

23 MR. YEE: Commissioner Piltz, can I  
24 represent to you what, from a legal perspective what I  
25 believe the Office of Planning is asking for with

1 respect to the definition of an agricultural easement?  
2 Because I think there's some confusion how we're using  
3 the term from the Office of Planning. So if you don't  
4 mind.

5 CHAIRMAN PILTZ: Okay.

6 MR. YEE: When you're talking about easement  
7 some people think about a right of passage, a right to  
8 walk across a piece of land. That's not what we're  
9 talking about. The agricultural easement is a  
10 restriction on the use. What it would be is so you  
11 own the land.

12 Whatever you do with the land as long as the  
13 land is used within this narrower range of activities  
14 for agricultural purposes, crops, that kind of thing  
15 you're good. Actually if you want to leave it fallow,  
16 you're fine.

17 What it would prevent you from -- it's sort  
18 like a conservation easement. You would be restricted  
19 from using that land for other purposes. So if you  
20 wanted to put up a cell tower or if you wanted to put  
21 up -- I'm blanking a little bit now on some of the  
22 other -- certainly you couldn't put it into urban.  
23 You couldn't put houses on it. You couldn't even have  
24 a farm dwelling on it.

25 The Department of Agriculture, the state

1 would not have a right to go onto the land. It does  
2 not own the land. It does have the right to farm the  
3 land itself.

4           It's simply telling the landowner that  
5 whatever you use that land for that use is restricted  
6 to primary agricultural.

7           CHAIRMAN PILTZ: I understand that. But  
8 what I'm a little confused about is that we also have  
9 the Important Ag Lands that owners of ag lands are  
10 saying, "Hey, we're going to keep this in ag. So  
11 what's the difference?"

12           MR. YEE: You may ask -- certainly feel free  
13 to ask the question why IAL isn't sufficient. I just  
14 want to note for you legally IAL is not a restriction  
15 on use.

16           You can use, as you see on Kauai where  
17 they're looking at a special use permit to put in a  
18 landfill, the IAL is a resource overlay which sort of  
19 identifies the lands as being very good for ag. But  
20 it doesn't do anything with respect to what can you do  
21 with it.

22           CHAIRMAN PILTZ: But isn't it very close to  
23 condemnation? I'm looking at it and saying you're  
24 telling an owner you can't do certain things that he  
25 owns. What's the difference? Condemn the land?

1 That's what you're telling him. Is it really that  
2 down difference?

3 THE WITNESS: I don't -- it's hard for me to  
4 answer your question about condemnation. But I can  
5 just say an agricultural easement would mean that they  
6 would do agriculture on that land. They could do  
7 agriculture on that land.

8 CHAIRMAN PILTZ: Okay. Has this been done  
9 elsewhere? I've only been here five years on this  
10 Commission. And this is the first time it's come up  
11 at least that I can recall. Has this ag easement been  
12 done elsewhere?

13 THE WITNESS: You mean as a condition of  
14 granting? Not to my knowledge. I would defer to  
15 anyone more familiar with that.

16 MR. YEE: I'll represent to you and actually  
17 I do have some redirect on the formation and timing of  
18 this policy. But, no, we haven't cited to you any  
19 cases in which an easement itself was being requested.

20 CHAIRMAN PILTZ: Okay. That's sufficient  
21 information that I need on that. On diversified ag --  
22 and I predate myself 20 years back -- at one time  
23 diversified ag for the state of Hawai'i: 5,000 acres  
24 was all that was needed to feed the whole population.

25 So if we doubled or tripled our population

1 we're saying we only need 15,000 acres in ag lands and  
2 we have 45,000 acres on O'ahu alone in ag land.

3 THE WITNESS: I don't know what that, where  
4 your information comes from.

5 CHAIRMAN PILTZ: It came from the state  
6 data book in 1982.

7 THE WITNESS: Feed them what, though?

8 CHAIRMAN PILTZ: I remember that one.

9 THE WITNESS: "Feed them what?" is the  
10 question.

11 CHAIRMAN PILTZ: Well, I'm saying do you --  
12 is it possible that maybe we only need 15,000 acres to  
13 feed a whole population of the state of Hawai'i?

14 THE WITNESS: I would, I would certainly  
15 question that highly.

16 CHAIRMAN PILTZ: Twenty thousand?

17 THE WITNESS: That's why I'm asking "Feed  
18 them what?" Maybe that was the amount that might have  
19 been estimated to produce a certain range of crops,  
20 maybe your vegetable crops or something like that.

21 Maybe it did not take into account other  
22 types of crops, or perhaps didn't take into account  
23 any of your animal proteins and what it takes to raise  
24 those foods.

25 CHAIRMAN PILTZ: Well, this was taken out of

1 the state data book. I'm sure we still have that  
2 state data book that's available that's published.  
3 And I'm not -- want to be argumentative, but I'm just  
4 concerned that we're saying we'd like to feed the  
5 people here in this state and use ag land for  
6 diversified ag.

7 If population grew three times, then three  
8 times 5,000 acres or given it four times 5,000 you got  
9 20,000 acres and you could feed the whole population  
10 of this state, you know. That's just a comment. I'm  
11 sorry.

12 THE WITNESS: Well, we'll have to go back  
13 and look up that study. But I suspect it's talking  
14 about a particular range of crops, that you can  
15 produce these range of crops enough for the  
16 population. But I don't think it means everything we  
17 eat. That would be my guess.

18 CHAIRMAN PILTZ: Okay. Any other questions?  
19 Commissioners? Commissioner Kanuha.

20 COMMISSIONER KANUHA: Thank you. So,  
21 Ms. Kunitomo, to be really clear, then, your  
22 department is opposed to this petition.

23 THE WITNESS: We are not supporting this  
24 petition.

25 COMMISSIONER KANUHA: Okay.

1 CHAIRMAN PILTZ: Any other questions?

2 Redirect? Oh, I'm sorry.

3 REDIRECT EXAMINATION

4 BY MR. YEE:

5 Q I just want to ask a few questions regarding  
6 the timing of the policy. Chair Piltz referenced it  
7 to some extent when he asked this is the first time  
8 he'd heard of it.

9 Did the Office of Planning approach you  
10 regarding your involvement in the Land Use Commission  
11 matters in the formation of this condition?

12 A (Pausing) I'm sorry?

13 Q You were approached --

14 A Yes, that's correct.

15 Q -- by the Office of Planning to do this,  
16 correct?

17 A Yes.

18 Q Do you remember what the first, what was the  
19 first matter we approached you about?

20 A Um, it was the case before this, the  
21 Ho'opili.

22 Q And based upon that first time in which we  
23 approached you on this matter that's when the  
24 particular analysis that resulted in this proposed  
25 condition, that's the timing of that, of the policy.

1           A     In development of that, yes.

2           Q     So the letter on the EIS was that drafted  
3 and done prior to the development of this policy? Do  
4 you remember? Or do you know the date --

5           A     I don't know the date of the letter.

6           Q     Fair enough.

7                 MR. YEE: That's all I wanted to point out.

8                 CHAIRMAN PILTZ: Okay.

9                         RECROSS-EXAMINATION

10   BY MR. YOST:

11           Q     Just to follow up on Commissioner Lezy's  
12 question about the Department of Agriculture's policy.  
13 I wanted to try to restate it and see if it's a little  
14 bit clearer and see if you agree with the way I'm  
15 restating it.

16                 That is what my understanding of the  
17 Department of Agriculture's policy is that you don't  
18 want this land to be reclassified at all because there  
19 are concerns about needing substantially more land  
20 than we use now for agricultural purposes in the  
21 future, whether that be food production or energy crop  
22 production. And it's difficult to predict how much  
23 land exactly we're going to need.

24                 So for the sake of being safe and having  
25 forethought and leaving ourselves an adequate base, it



1 makes sense not to reclassify any more of the class A  
2 and B land that we currently have. Is that right? So  
3 that we can have a base.

4 MR. YEE: I'm going to object to the  
5 compound nature of the question.

6 (Laughter)

7 MR. YOST: That's fine. It's a broader  
8 policy. I can try to break it down a little bit.

9 Q Basically it's just that we want to have a  
10 base of land for agricultural use, correct?

11 A I believe that we need to preserve a base of  
12 good agricultural land, yes.

13 Q And we don't know exactly how much we're  
14 gonna need in the future because technology is  
15 changing and our needs are changing, correct?

16 A Yes.

17 Q And so because of that that's the reason for  
18 your initial position here which is to oppose  
19 reclassification because this land is land that should  
20 stay in our land base for potential, for current and  
21 potential future needs.

22 A I believe that this is good agricultural  
23 land and so that is why we are not supporting the  
24 petition.

25 Q Because we are using it now and we might

1 need this kind of land more in the future.

2       A     We don't know what the specific needs will  
3 be, but we do know that certain things are possible  
4 when you have a base of good agricultural lands that  
5 will not be able if you don't have them.

6       Q     The energy crop issue, the amount of land  
7 needed to grow energy crops like certain kinds of  
8 algae and other biomass, that amount of land is not  
9 really been studied or understood well, correct?

10      A     Actually there's a lot of discussion going  
11 on about that now. And that is one discussion that is  
12 highly affected by the development of technology.

13           In fact I was today pulled away from a  
14 meeting that was talking exactly about that in terms  
15 of developing fuels from these various types of  
16 biomass.

17      Q     So we might need substantial amounts of  
18 additional agricultural lands for that purpose in the  
19 near future, right?

20      A     I think that that is under discussion now  
21 and there are investments being made. And that whole  
22 discussion of how this all plays out between our  
23 energy needs and our food needs or other agricultural  
24 needs is yet to come.

25      Q     And the last thing is even if the Commission

1 were to -- let's say the Commission did go forward and  
2 grant reclassification of this Project.

3           If they also approved your agricultural  
4 easement concept, that's still going to result in a  
5 net loss of agricultural lands in the state, correct?

6       A     If they go ahead and reclassify?

7       Q     Yes.

8       A     Then you're going to have less agricultural  
9 land.

10      Q     So it's mitigation, but it's only partial  
11 mitigation to do the agricultural easement, right?

12      A     Right. It's a condition that we would ask  
13 that they impose if they choose to go forward.

14           MR. YOST: Right. Okay. No further  
15 questions.

16           CHAIRMAN PILTZ: Mr. Matsubara, go ahead.

17                   REXCROSS-EXAMINATION

18 BY MR. MATSUBARA:

19      Q     Just one follow-up to clarify.

20      A     Sure.

21      Q     Your testimony today reflects the Department  
22 of Ag's policy in regard to the one-for-one A and B  
23 lands on the perpetual easement for every A and B  
24 lands reclassified. That's a DOA policy.

25      A     What we are -- what we are ask --

1           Q     Yes or no and then you can explain it.  Is  
2   it a policy?  Is it your policy?  I got confused with  
3   your last answer to Mr. Yost.

4                   MR. YEE:  I'm only going to object to the  
5   extent it doesn't -- I mean she has stated in the  
6   beginning the Department of Agriculture does not  
7   support reclassification of ag lands.  So when you're  
8   asking her:  Is your policy to impose a condition?  
9   The policy initially is don't reclassify good ag land.

10                  I think what you're asking is:  If the LUC  
11   reclassifies good ag land, is it your policy that this  
12   condition be imposed in all future cases.

13           Q     (By Mr. Matsubara):  Can you answer that  
14   question as phrased?

15           A     We would ask for that, yeah.

16           Q     That is your policy.

17           A     We would ask for that condition.

18           Q     That applies to everybody.

19           A     To every...

20           Q     Your policy applies equally to every  
21   applicant who wants to reclassify land before the Land  
22   Use Commission from A and B?

23           A     From A and B lands --

24           Q     Right.

25           A     -- to reclassify that that we would ask for

1 this condition, yes.

2 Q That is your policy?

3 A That's what we would ask for.

4 Q It's a written policy?

5 A Written policy?

6 Q Yes. I mean was it promulgated -- is it a  
7 policy that's in writing? Is it a policy that's  
8 applied that one can look at to know what one's  
9 standards one must meet if one wants to reclassify  
10 land? I mean is it a policy that's written?

11 A What we have in writing is what is here in  
12 our testimony.

13 Q So it's reflected in your testimony.

14 A Yes.

15 Q That's the only writing you have.

16 A In this testimony, yes.

17 Q I gather through your legal counsel you've  
18 run through the legality of this provision in regard  
19 to asking the Land Use Commission to impose a  
20 condition making it mandatory if any property is  
21 reclassified from A and B that a permanent, perpetual  
22 easement be placed on a like amount of acreage.

23 That as far as you're concerned that you're  
24 asking the Commission to impose there's no  
25 constitutional problem on that?

1           MR. YEE: I'm going to object on the basis  
2 that it asks for attorney-client privileged  
3 communication with respect to her understanding of  
4 running it past the attorney general's office.

5           I also have to say I believe you're asking  
6 for matters outside the scope of her foundation,  
7 asking a particular legal question.

8           Again, I think it's more appropriate for an  
9 argument. He can make his argument as to why he  
10 believes it's unconstitutional. And the attorneys can  
11 address that question.

12           MR. MATSUBARA: One last try. Let me just  
13 rephrase it.

14         Q     You feel comfortable asking the Commission  
15 to impose your condition.

16         A     That is what we are asking as a  
17 recommendation.

18         Q     And you're comfortable asking them to impose  
19 that condition you're requesting.

20         A     Yes. It's in our testimony.

21           MR. MATSUBARA: Okay. No further questions.

22           CHAIRMAN PILTZ: Okay. Mr. Kanuha.

23           COMMISSIONER KANUHA: I'm thinking,  
24 Ms. Kunitomo, looking at I think the proposal for this  
25 easement, does it have to be A and B lands for the

1 exchange?

2 THE WITNESS: That's what we are asking for,  
3 similar type lands of A and B quality.

4 COMMISSIONER KANUHA: Well, you don't say "A  
5 and B". You say "equivalent quality". So I was just  
6 wondering what the -- because at some point in time  
7 it's kind of like an exchange. It gets into this  
8 circle that doesn't come out anywhere.

9 Nevertheless, the real question I wanted to  
10 ask is is this policy -- is this policy the policy of  
11 your department? Or is it a policy being articulated  
12 by the Office of Planning?

13 THE WITNESS: I guess it's the Office of  
14 Planning represents us in front of the state. I mean  
15 we developed this position in response to, you know,  
16 these petitions.

17 COMMISSIONER KANUHA: Okay. So prior to any  
18 petitions that have come before the Land Use  
19 Commission say, for example, because on redirect your  
20 counsel referred to the Ho'opili Project. (check  
21 tape)

22 THE WITNESS: Hmm-hmm.

23 COMMISSIONER KANUHA: So prior to that was  
24 your department considering such a policy as what  
25 you're articulating today?

1           THE WITNESS: You know, I think that if, as  
2 I mentioned, the whole issue of the constitutional  
3 mandate, we have been working on ways to make sure  
4 that we have good agricultural lands, right, moving  
5 into the future.

6           In specific to a request or recommendation  
7 to the LUC, you know, that came up in, specifically  
8 because of the petitions.

9           COMMISSIONER KANUHA: So prior to any  
10 petitions, even given all of these legislative or  
11 administrative mandates, there was no consideration of  
12 any concept like this -- well, any policy like this?

13          THE WITNESS: Well, I guess this would only  
14 come up in the case of the LUC considering, right,  
15 changing the designation of a piece of land. So it's  
16 really kind of specific in terms of to a petition that  
17 comes in front of the LUC.

18          As we discussed this it was in terms of  
19 making sure that we save agricultural land. It might  
20 have been discussed in different contexts depending  
21 which type of legislation we might have been  
22 discussing. But in terms of the LUC it's specific to  
23 the petition.

24          COMMISSIONER KANUHA: I was just curious  
25 because we've been involved in reclassifying A and B



1 properties elsewhere during the time I've been on the  
2 Commission. And this is the first time it's come this  
3 far.

4 Don't get us wrong. I think we recognize  
5 what you're trying to do. And I think if we can we'd  
6 like to get some someplace similar.

7 But in this notion of having a discussion  
8 and the discussion turns into a policy is somewhat  
9 troubling to some of us. That's why I wanted to know  
10 whether it's yours or it's the Office of Planning's.  
11 Thank you, Mr. Chairman.

12 CHAIRMAN PILTZ: Any other questions  
13 Commissioners? Are you finished?

14 MR. YEE: Yes.

15 CHAIRMAN PILTZ: Thank you very much.  
16 Before we take the next witness we'll take a break.

17 (Recess was held.)

18 CHAIRMAN PILTZ: Okay. We're back on the  
19 record. Bryan?

20 MR. YEE: Our next witness is Mr. Brennon  
21 Morioka.

22 BRENNON MORIOKA  
23 being first duly sworn to tell the truth, was examined  
24 and testified as follows:

25 THE WITNESS: Yes.

1                   CHAIRMAN PILTZ: Please state your name and  
2 address for the record.

3                   THE WITNESS: Brennon Morioka, 869 Punchbowl  
4 Street, Honolulu, Hawai'i 96813.

5                   CHAIRMAN PILTZ: Bryan.

6                                 DIRECT EXAMINATION

7 BY MR. YEE:

8           Q       Mr. Morioka, what is your current position  
9 in the state?

10          A       I'm the director for the Department of  
11 Transportation.

12          Q       Could you please provide us with your  
13 position on this case?

14          A       The Department of Transportation does not  
15 object to this Project. We have been working with the  
16 Petitioner for sometime now on their Traffic Impact  
17 Analysis Report, as well as development of a  
18 memorandum of agreement that will allow us to ensure  
19 that many of the mitigations that are going to be  
20 outlined in their final TIAR, that they are currently  
21 wrapping up based on the most recent comments from our  
22 department and the MOA, is very close to being  
23 finalized as well.

24                         But we are in full agreement in the  
25 conceptual level of what is in the MOA and what is

1 going to be updated in the TIAR.

2           Our primary concerns in terms of traffic  
3 focused on the H-2, the operation of the facility  
4 itself, as well as the interchange and future access  
5 points as well.

6           We have come to an agreement on what is  
7 acceptable in terms of modifications to the Waipio  
8 Interchange and the timing of the future Pineapple  
9 Road Interchange.

10           There was also a request for us to consider  
11 an access onto Kamehameha Highway on the western end.  
12 We do not find that to be acceptable. It is a safety  
13 hazard.

14           We do not endorse putting that kind of major  
15 access onto a primary facility that is on a grade near  
16 a curve and on a road that's eventually going to be  
17 widened to four lanes in the near future. So we will  
18 not permit access to Kamehameha Highway.

19           The DOT has the sole discretion on access.  
20 So that has already been determined not to be  
21 acceptable.

22           In terms of facility itself on H-2 we  
23 believe, and the TIAR does justify our assumptions,  
24 that H-2 facility has more than adequate capacity to  
25 handle current and future developments in the area.

1           The primary reason for all of the backlog on  
2 H-1 and for portions of H-2 is primarily because of  
3 the lack of capacity on H-1 east of Waiawa  
4 Interchange. So that has been -- our focus has been  
5 on preserving the current capacity and the operational  
6 efficiencies of H-2 and its interchanges. So the  
7 Petitioner has satisfied all of our concerns.

8           MR. YEE: Mr. Morioka is available for  
9 cross-examination.

10          CHAIRMAN PILTZ: Petitioner, your questions?

11          MR. MATSUBARA: Petitioner has no questions.  
12 Thank you, Mr. Chair.

13          CHAIRMAN PILTZ: City?

14          MS. TAKEUCHI-APUNA: We have one question.

15                           CROSS-EXAMINATION

16 BY MS. TAKEUCHI-APUNA:

17          Q       What is your understanding of the timeline  
18 for beginning and completion of construction of the  
19 Pineapple Interchange?

20          A       Our understanding is that the design and  
21 construction will be completed by 2017.

22          Q       And I think it said in the agreement that  
23 based on the Traffic Analysis Impact Report that it  
24 could be earlier? Is that possible? That those  
25 reports indicated that the interchange needed to be

1 completed sooner? Is that possible?

2           A       That's the reason why we do require more  
3 frequent updates to the TIARs because TIARs are based  
4 on assumptions you put into a computer model. And it  
5 spits out whatever information that you put in.

6                   And because time will change, that allows us  
7 also to validate some of the assumptions based on some  
8 of the growth patterns that were assumed.

9                   And the updates will tell us how accurate or  
10 how far off we are. So the timeline on that could  
11 possibly change based on the updates.

12           Q       So conceivably what would be the earliest?  
13 I guess the TIARs they are every three years?

14           A       Three years.

15           Q       Every three years. So at the start of the  
16 construction of the Project itself every three years  
17 from that date you would have a TIAR?

18           A       That would be about right.

19           Q       So conceivably within three to four years of  
20 beginning construction it's possible that the  
21 Pineapple Interchange could begin construction? Is  
22 that accurate?

23           A       Yes.

24                   MS. TAKEUCHI-APUNA: Okay. No further  
25 questions.

1           THE WITNESS: And it's not inconceivable for  
2 us to if there is something that has -- that we deem  
3 to be a significant change in patterns, it would not  
4 be uncommon for us to ask for a more, an update sooner  
5 than later just to help validate some of the  
6 assumptions.

7           MS. TAKEUCHI-APUNA: Okay. thank you.

8                           CROSS-EXAMINATION

9 BY MR. YOST:

10          Q     You weren't here this morning when the  
11 witness for Castle & Cooke was testifying regarding  
12 traffic issues, correct?

13          A     No.

14          Q     You just mentioned that east of the Waiawa  
15 Interchange there are some capacity issues on H-1, is  
16 that right?

17          A     I think that's pretty obvious.

18          Q     Why are you focused only on the H-1/H-2  
19 situation in the areas closer to the Project Area?  
20 Why wouldn't you also think about impacts that this  
21 Project may have on already congested areas east of  
22 Waiawa Interchange?

23          A     What we try and do is preserve some of the  
24 capacity and some of the levels of service that  
25 currently exist. There's almost nothing you can do

1 other than widen the viaducts east of Waiawa to  
2 increase capacity and reduce the commute time. And I  
3 don't think you're asking me to condemn a few hundred  
4 homes to do that. Are you?

5 Q I didn't -- that wasn't my question.

6 A Well, I'm telling you that's what the answer  
7 is though.

8 Q Right. Okay. And what will the cost be of  
9 doing that? Wouldn't it be enormous beyond just the  
10 condemnation but also the infrastructure project  
11 itself?

12 A Absolutely. I think that's why we are  
13 pushing forward efforts that are going to provide some  
14 level of relief and increasing capacity within a  
15 reasonable financial constraint.

16 The PM contraflow we have already put out  
17 the bid. We are anticipating that to start this  
18 summer. We are also going to be putting out a design/  
19 build RFP come October that will provide a fourth lane  
20 from Ola Lane in the eastbound direction to the  
21 Vineyard Boulevard Offramp.

22 And that is going to address, number one,  
23 probably the worst bottleneck in the state which is  
24 the Middle Street merge, as well as provide additional  
25 capacity in the afternoon for westbound commuters

1 between Radford Drive Overpass to the Waiawa  
2 Interchange.

3 Q Once this Project is full built out as  
4 projected in 2025, do you have any sense of whether or  
5 not things are gonna be worse east of the Waiawa  
6 Interchange than they are now?

7 A During peak hours you really can't get much  
8 worse. You're already at capacity which means whether  
9 you add more cars or not into that queue is not doing  
10 to significantly change the commute time between  
11 Waiawa and downtown.

12 So that's why our focus is on preserving the  
13 areas that we can preserve versus focusing on an area  
14 there's already beyond capacity.

15 What adding more volume to that queue does,  
16 it does not worsen the level of the service because  
17 you can't get much worse than a Level of Service F.  
18 And you're not going to worsen the commute time that  
19 significantly from Waiawa into town.

20 But what you will do is you will increase  
21 the period of what is considered peak. So when we  
22 talk about a "peak hour" it's no longer a peak hour.  
23 It might be a peak of two hours.

24 So that's -- I mean that's how we  
25 evaluate -- that's how we look at what is the most



1 beneficial use of our time in addressing some of our  
2 congestion issues.

3           Right now -- and also looking at some of the  
4 north-south issues, which is why we do believe that  
5 H-2 has sufficient capacities. We already have  
6 multiple parallel facilities.

7           We have Kunia, which is a two-lane facility.  
8 We have Kamehameha Highway, which is currently a four-  
9 to two-lane facility.

10           But once we widen Kamehameha Highway through  
11 the Kipapa Gulch and into Mililani, you're going to  
12 have a four-lane facility. That's a whole bunch of  
13 lanes going mauka/makai.

14           So in knowing that and what some of our  
15 future plans we have been focusing on, making sure  
16 that the operational efficiencies on H-2 is our  
17 primary focus.

18       Q     So the peak period you just mentioned like  
19 the one-hour peak, that's kind of like the most  
20 intense rush hour. Is that a common way of describing  
21 that?

22       A     No.

23       Q     Rush hour -- what's the difference between  
24 rush hour and peak?

25       A     It's just a matter of terminology. Most

1 people consider rush hour to be peak hour.

2 Q Okay.

3 A It's just a terminology. But the morning  
4 peak period is typically somewhere between 5:30, 5:45  
5 or so and lasts probably until about 8:30, 8:45. Then  
6 you start getting distribution and a reduction in the  
7 traffic volumes after that. It depends per day.

8 But then you also have fluctuations within  
9 that peak period where you may have certain 15 minute  
10 periods or half hour periods that are much higher than  
11 others just because you tend to have people that leave  
12 in larger groups of time at various times of that  
13 morning or even in the afternoon.

14 Q So you just said, though, peak may be  
15 expanding. So if peak is currently between 5:45 a.m.  
16 to 8:30 a.m. how much could it expand then by 2025?  
17 Would it expand 5:00 a.m. to 9:00 a.m? Or what's the  
18 estimate?

19 A I don't have that information in front of  
20 me. But I mean it's something that has already been  
21 growing over the past. It's going to continue to grow  
22 irregardless of what the department does.

23 So that's why what we try to do, again, is  
24 to focus on the areas of capacity and operation that  
25 we actually have control over, preservation of current

1 Level of Service, preservation of operational  
2 efficiencies.

3           So other than that, anything east of Waiawa,  
4 you know, there's not much that you can do unless you  
5 plan on widening the viaducts.

6           Q     But it is a potential outcome, though, of  
7 this Project, there's a causal relationship that peak  
8 may expand because of this Project for people who are  
9 commuting for that area to downtown?

10          A     There's a possibility, yes.

11          Q     And it could mean, then, that people who now  
12 have to get their kids out of bed for school somehow  
13 at 5:00 in the morning, they'll have to wake them up  
14 before 5:00 in the morning in order to be able to make  
15 it to school on time. Isn't that a possibility?

16          A     It's a possibility. But that's also why you  
17 encourage these types the mixed-use developments in  
18 order to have some level of capture so that you're  
19 starting the trend on diverting the traffic directions  
20 from everything going into the primary urban core and  
21 back out into the other directions.

22                Or capturing trips from Mililani and having  
23 them stop prior to the Waiawa Interchange. Those are  
24 some things that we find as transportation engineers  
25 as being very beneficial to the system because it

1 starts to reduce the impacts on what other types of  
2 developments out there could have.

3 Q But if you had a choice -- and we're here, I  
4 think to discuss a choice of whether or not to allow  
5 the reclassification of this land -- to have  
6 development happen here or happen, say, right on a  
7 rail line, projected rail line -- wouldn't it be more  
8 beneficial from a transportation planning perspective  
9 to have the development happening on the rail line  
10 than happening here where it's being proposed?

11 A Not necessarily so.

12 Q Why not?

13 A It all depends on what kind of development  
14 you have.

15 Q Well, let's say you have a development  
16 that's kind of like the development we have proposed  
17 here, but instead of being in Koa Ridge Makai and  
18 Waiawa, you had it near where the projected rail line  
19 is. Wouldn't that be better from a transportation  
20 perspective?

21 A Again, not necessarily so. Because it  
22 depends on what kind of Transit-Oriented Development  
23 you do. You could have a completely incompatible land  
24 use development plan around the rail station and it's  
25 just not gonna work.

1           It's going to make it much worse because now  
2 you have a lot more people who are going to get into  
3 their cars rather than use the transit. And you just  
4 wasted a tremendous opportunity.

5           Having a mixed-use development like this I  
6 think that is the direction we need to be going  
7 because it is going to start encouraging -- that type  
8 of people who will be moving into a Smart Growth  
9 mixed-use type of development are the people who are  
10 going to probably be more than likely the ones willing  
11 to take transit, take TheBus, catch the rail, ride  
12 their bike to school, rather than have their parents  
13 drop them off in the middle of the day.

14           I think this is the kind of development we  
15 should be encouraging.

16       Q     Do you think that the people who move into  
17 the Koa Ridge proposed Project areas are going to be  
18 able to realistically use the rail service?

19       A     I don't see why not.

20       Q     Have you done any studies or --

21       A     The whole -- no. But the whole purpose of  
22 having park 'n rides at various strategic locations  
23 are the very reason or is the very way that you get or  
24 you capture those people who don't live along the rail  
25 route to catch the rail.

1           I lived in the Bay Area for a few years and  
2 I didn't live near the BART station. But I drove my  
3 car or rode my bike to the BART station and caught the  
4 BART and that's how I got into the City.

5           Q     Would someone be able to ride a bicycle to  
6 Koa Ridge Makai to the nearest rail station as it's  
7 proposed? Is there any infrastructure to allow that  
8 to happen safely?

9           A     Not currently, but that doesn't mean that  
10 can't happen in the future. I have seen people ride  
11 their bikes on the interstate. It's not legal but...

12                   (Laughter)

13          Q     And I haven't seen very many people ever do  
14 that. The former witness mentioned the travel time is  
15 not usually included in traffic studies. Is that your  
16 understanding as well?

17          A     Typically not.

18          Q     Why is that not important to understand  
19 travel time? Isn't it important to the community?

20          A     Typically the TIAR reviews a very limited  
21 amount of area surrounding a potential development.  
22 It's not common for us to look at a much larger scale  
23 and have those specific kinds of comparisons.

24                   Typically we do have a lot of traffic counts  
25 and modelings so that we can look at what types of

1 mitigations we can have for operational efficiency  
2 improvements.

3           We typically don't look at what travel times  
4 are from a region to another region. TIARs are  
5 typically just within a region.

6           Q     But isn't that important for people's lives,  
7 the people who actually commute from point A to point  
8 B every day to know how much it's gonna increase from  
9 point A to point B? Wouldn't that be helpful?

10          A     Sure. Which is why I think the consultants  
11 for the Petitioner did that.

12          Q     Well, they only went 7.5 miles. They didn't  
13 go the whole day to town, right?

14          A     Because I think once you start getting past  
15 a certain point you start introducing other factors  
16 that aren't directly attributable to the Petitioner  
17 themselves.

18                You have developments that are occurring  
19 north of the development. You have developments  
20 occurring to the west that are contributing. And I  
21 think those kinds of factors, if you just put these  
22 numbers out, the people who don't understand on the  
23 technical perspective what these travel time really  
24 mean it's almost meaningless. It actually starts to  
25 deceive the public as to what the true impacts are.

1                   If you look at the travel times -- and I  
2    didn't know all the specifics -- but there's an  
3    increase in some of the travel times.

4                   But if you look at a much more focused area  
5    on what could actually be attributed when you look at  
6    what is the perceived or projected increase in travel  
7    time over whatever period of time you want to look at  
8    it, and you focus on what can be directly attributed  
9    to that specific development, it's going to be very  
10   small comparatively to some of the additions to  
11   anything north or anything west of the development.

12                  So I think that's what you need to keep into  
13   perspective. You can't just look at overall travel  
14   times. You need to start breaking it down on a much  
15   more technical level to see what is actually  
16   attributed to that specific development.

17                  And in this case my understanding it is very  
18   small compared to what other developments elsewhere  
19   are contributing to this travel time.

20           Q       Presently contributing or proposed to  
21   contribute?

22           A       Both.

23           Q       So you don't think it's possible to just  
24   take what's happening now and take 667 cars, and add  
25   it to that and come up with some sort of estimate



1 about how that's going to affect the overall travel  
2 time?

3 A There's computer models that can simulate.  
4 That's what they try and do in these traffic studies.

5 Q Okay.

6 A But it's -- I mean you still -- a lot of it  
7 is still based on what your assumptions are that you  
8 put into the model.

9 Q That hasn't been done here, though, right?  
10 We didn't do that computer model. It's possible it  
11 just hasn't been done.

12 A They've done -- I believe they've done  
13 simulations on what the operational efficiencies are  
14 by looking at the different trip generations and  
15 making certain assumptions on where some of these  
16 trips might be going once they're generated from the  
17 development. But beyond that you'd have to ask --

18 Q That wasn't the testimony that was given  
19 earlier today. Last thing. The Sustainable  
20 Communities Plan. You're familiar with the central  
21 O'ahu Sustainable Communities Plan somewhat?

22 A A little, yes.

23 Q Are you aware that on that plan there was an  
24 assumption that high-speed transit will also run along  
25 the H-2 Freeway stretching from Waipahu to Waiawa?

1           A     I have heard that. I can't say that I've  
2 read it.

3           Q     That's not actually in the current rail  
4 plan, correct?

5           A     No, it's not. It's not in the current EIS.

6           Q     Right. Right, right. So if that's here in  
7 the Sustainable Communities Plan as an assumption of  
8 how the community should grow and where the urban  
9 growth boundary should be placed, that assumption  
10 isn't valid anymore as far as we know, right? Because  
11 the rail plan doesn't include that, correct?

12                   MR. YEE: I'm going to object on the grounds  
13 this is our traffic individual, not our land use  
14 individual. So questions about the Sustainable  
15 Communities Plan is not a matter correctly addressed  
16 to this witness.

17                   CHAIRMAN PILTZ: Okay. Rephrase.

18                   MR. YOST: I'll move on.

19           Q     Was the Department of Transportation  
20 consulted or involved at all in the development of the  
21 central O'ahu Sustainable Communities Plans, to your  
22 knowledge?

23           A     Whenever counties do their development plans  
24 we typically provide comments.

25           Q     So you would have provided comments at the

1 time relating to potential development of high speed  
2 transit?

3 A No.

4 Q You wouldn't have.

5 A No. Transit is not under the purview of the  
6 state. It's under the purview of the counties.

7 Q Not even in terms of planning perspective?  
8 You don't encourage it?

9 A I would say other state agencies might be  
10 but not the Department of Transportation, no.

11 Q You're focused just on highways and  
12 automobile transportation?

13 A We look at -- we look at global planning.  
14 But when they get into specific county regional plans,  
15 we just provide comments on the roadway network, and  
16 whether we have any airports or harbors in the area we  
17 would comment on that.

18 What we do do that would incorporate transit  
19 is in our statewide land transportation plans. In  
20 those cases if the counties were to ask us to include  
21 discussions on that, then they would assist us on  
22 that.

23 But if the counties don't propose a rail  
24 transit system along or as a part of the land  
25 transportation plan, then we wouldn't include it. So

1 that is truly driven by the counties, not by the  
2 state.

3 MR. YOST: No further questions.

4 CHAIRMAN PILTZ: Neighborhood Board? Go  
5 ahead.

6 CROSS-EXAMINATION

7 BY MR. POIRIER:

8 Q Hi, Brennon.

9 A Hi.

10 Q A couple things. I'm kind of confused.  
11 Because you're saying if you look at the H-1 corridor  
12 there's not much that can be done about it and we are  
13 doing some things. Unless you spend an awful lot of  
14 time and money nothing's gonna get done.

15 But then when you look on the H-2 corridor  
16 because the TIAR looks pretty good, then we can do  
17 that and it's not going to have that much impact.

18 What I'm confused about as one who has lived  
19 there a long time and knows what "impact" means and if  
20 you try to project that into the future.

21 But also the studies that you guys do as  
22 part of the Department of Transportation, the O'ahu  
23 Metropolitan Planning Agency, 2030 plan they say a  
24 couple things in there.

25 They say: 1. By 2030 the commute from

1 Mililani to downtown is gonna be two hours each way.  
2 Two hours each way to me is like gridlock or levels of  
3 service F.

4 And the TIAR says, well, if you go down to  
5 Ka Uka, et cetera, it's going to take six minutes,  
6 eight minutes. There's something not right.

7 There's something not working if your travel  
8 time now during peak hours is an hour 15 minutes and  
9 you get to two hours.

10 It can't be accounted by an increment by  
11 eight minutes or six minutes it's going to be  
12 accounted by the fact that you may have 22,000 housing  
13 units and have couple cars each that's going to pour  
14 on one particular avenue.

15 My question is why did OMPO come up with a  
16 need for a central mauka road if what you're saying  
17 we don't need it? Why did OMPO come up with traffic  
18 projections from home to work for many people, if not  
19 most people, going to be in excess of two hours each  
20 way?

21 A I don't know what the specifics on what the  
22 travel times in 2030 were in the ORTP. It is OMPO's  
23 study that we do participate in.

24 The central mauka road is not, would not be  
25 a state facility.

1           Q     I know that.

2           A     It would a city facility. Right now when  
3 we, when the state looks at our facilities the H-2  
4 still has adequate capacity. When we look at the two  
5 lanes on Kamehameha Highway that will be converted  
6 into four lanes in the North-South direction, that's  
7 another lane of capacity in each direction in each  
8 commute.

9                     Then you have two lanes on Kunia Road which  
10 is also in the plans to widen to four lane.

11                    So the state facilities there's more than  
12 adequate capacity when you're looking at the  
13 connection from the north to the south and visa versa.

14                    The problem continues to be and will  
15 continue to be everything past the Waiawa Interchange.  
16 And that is primarily because you have -- you still  
17 have a lot of friction points along the interstate  
18 where you have very concentrated ingress and egress.

19                    But also part of the issues is the capacity  
20 of the surface streets to accept the amount of volume  
21 of traffic that want to get off of the interstate in  
22 the mornings. So that's something that we're working  
23 on.

24                    Like I said, I mean the bottleneck at Middle  
25 Street is something that I think is going to be

1 tremendously relieved including modifications to the  
2 Vineyard Offramp which will have a double right off.  
3 So that will improve -- or double the capacity for  
4 people to get off at Vineyard.

5           We are also looking at other options within  
6 the primary urban core between the Punahou Interchange  
7 and the Pali Interchange.

8           So those are also things that are in the  
9 works in order to improve capacity as well as improve  
10 operations efficiency of the interchanges.

11         Q     I'm kind of confused because you keep  
12 talking about adding capacity. And if you look at the  
13 Kam Highway project, which goes from four lanes to two  
14 then back to four lanes, that's not adding capacity.  
15 That's adding two lanes.

16           In other words, when you're stuck in the  
17 traffic in the morning, you're stuck in four lanes  
18 instead of two. If you added a lane going down Kam  
19 Highway that's adding capacity.

20         A     No. If you go -- because Kamehameha Highway  
21 has four lanes and it constricts down to two and  
22 although it may go back to four, theoretically it's  
23 still a two-lane facility. You're gonna bottleneck  
24 there.

25           And the maximum capacity of that road is

1 what is allowable at the two-lane portion of the  
2 highway. So if we provide four lanes all the way  
3 through now it is a true four-lane facility so you  
4 have double the capacity of that roadway.

5 Q But if you're stuck in traffic at gridlock  
6 that's not adding anything.

7 A Correct. But --

8 Q But if you're adding a fifth lane then  
9 you're adding capacity. So from a commuter's point of  
10 view it isn't gonna do anything.

11 A No. No, no, no. See, but you're confusing  
12 having a Level of Service F on a road that connects to  
13 the interstate as being the problem when the problem  
14 is the downstream areas.

15 It's the queuing that occurs and the  
16 congestion that occurs east of Waiawa. And everything  
17 behind that is not a capacity issue. It's a queuing  
18 issue because what's happening in front.

19 So if you're queued up on Kamehameha Highway  
20 it's not because of Kamehameha Highway. It's because  
21 everything that's in front of it.

22 Q Right.

23 A Which is why we aren't as focused on what  
24 these developments do to traffic east of Waiawa.  
25 Because there's not much that you can do.



1           So but what we have control over is being  
2   able to preserve the amount of capacity, the Level of  
3   Service, the operational efficiencies of everything  
4   that's behind it.

5           And so that is why we focus on those areas  
6   and making sure that we are preserving and not having  
7   as much impact by development on those facilities.

8       Q     But the common sense thing would seem to be  
9   that if you keep adding to something that's already at  
10  Level of Service F it doesn't make any sense, right?

11           And my final question is: Why were you  
12  against the Ho'opili development and you're not  
13  against this particular development in terms of  
14  cumulative impact?

15       A     Because Ho'opili was going to impact the H-1  
16  portion that was west of the Waiawa Interchange. And  
17  we have concerns about that. I'm being very  
18  consistent.

19       Q     This development is going to impact it the  
20  same way --

21       A     No, no.

22       Q     -- no, it all leads to H-1.

23       A     No. Ho'opili would have impacted and  
24  reduced the Level of Service on H-1 west of Waiawa  
25  simply because they're adding -- they're getting to

1 the point of capacity of that area.

2 But H-2 is a very different facility, very  
3 different traffic volumes, very different traffic  
4 flow. So H-2 has more than adequate capacity.

5 Q Capacity for what? To stand in line for a  
6 mile, 2 miles, 3 miles? That's it.

7 CHAIRMAN PILTZ: That's your comment and  
8 that's not a question, though.

9 MR. POIRIER: No. that's it.

10 CHAIRMAN PILTZ: Commissioners? Redirect?

11 MR. YEE: No redirect.

12 CHAIRMAN PILTZ: Thank you, Mr. Morioka.  
13 Appreciate your coming.

14 THE WITNESS: Always a pleasure. I'll be  
15 back.

16 CHAIRMAN PILTZ: Your next witness.

17 MR. YEE: Our next witness is Ms. Heidi  
18 Meeker.

19 HEIDI MEEKER

20 being first duly sworn to tell the truth, was examined  
21 and testified as follows:

22 THE WITNESS: Yes.

23 CHAIRMAN PILTZ: Would you state your name  
24 and address for the record.

25 THE WITNESS: My name is Heidi Meeker. And

1 I work at the 4600 block of Kalanianaʻole Highway at  
2 Kalani High School.

3 CHAIRMAN PILTZ: Your witness.

4 MR. YEE: To my chagrin I now suddenly  
5 remembered that I have not asked to name Ms. Meeker,  
6 Mr. Morioka and Ms. Suzuki-Jones as experts in their  
7 respective fields that I submitted on their Witness  
8 List.

9 Ms. Heidi Meeker is submitted as an expert  
10 in educational facilities planning. Ms. Suzuki-Jones  
11 is submitted as an expert in green building and energy  
12 efficiency standards and LEED.

13 And Mr. Morioka is submitted as an expert in  
14 transportation planning, policy and engineering. If  
15 there are no objections I would ask to have them  
16 qualified in those fields.

17 CHAIRMAN PILTZ: Any objection?

18 MR. MATSUBARA: We will, again, accommodate  
19 the Office of Planning and not raise any objections,  
20 Mr. Chair.

21 (Laughter).

22 CHAIRMAN PILTZ: Thank you. City?

23 MS. TAKEUCHI-APUNA: No objections.

24 MR. YOST: No objection.

25 MR. POIRIER: No objection.

1                   CHAIRMAN PILTZ: Commissioners, any  
2 problems? Thank you. We'll admit them.

3                   DIRECT EXAMINATION

4 BY MR. YEE:

5           Q     Thank you. Ms. Meeker, you've previously  
6 submitted -- or maybe we on your behalf have submitted  
7 a letter or memo from Patricia Hamamoto to Chair Piltz  
8 dated December 3rd, 2009 and attached as OP Exhibit 7.  
9 Do you remember that?

10          A     Yes.

11          Q     Does that set forth or was that prepared  
12 either by you or with your assistance?

13          A     It was prepared with my assistance.

14          Q     Will you please summarize the Department of  
15 Education's position in this matter.

16          A     The Department of Education doesn't have a  
17 position on the validity of this particular Project.

18                   The Department of Education believes that in  
19 the future, if this Project goes ahead and is fully  
20 built out, we estimate that there will be about 1,400  
21 public school students residing in the area, about a  
22 thousand students in the Koa Ridge side and about 400  
23 students on the Waiawa side.

24                   We have an agreement with Castle & Cooke  
25 Homes which we signed two years ago in which case they

1 will be providing us with two elementary school sites,  
2 one in each of the two phases of their Project.

3 And they will be providing \$5 million plus  
4 inflation. That works about to about \$1,700 some odd  
5 dollars for single-family home, and about \$867 for  
6 each multi-family unit.

7 And the Department of Education would  
8 receive those payments at the closing, probably, of  
9 each one of those units.

10 Q If the Waiawa Ridge Development, the Gentry  
11 project and Castle & Cooke Waiawa increment do not  
12 move forward, is there sufficient capacity as  
13 supplemented by the Koa Ridge Makai increment to  
14 accommodate the anticipated school populations?

15 A We think so. They would probably be  
16 going -- early students in the Project would probably  
17 be attending neighboring schools.

18 MR. YEE: I have no further questions.  
19 She's available for cross-examination.

20 MR. MATSUBARA: Petitioner has no questions,  
21 Mr. Chair.

22 CHAIRMAN PILTZ: City?

23 MS. TAKEUCHI-APUNA: No questions.

24 MR. YOST: I probably do not have any  
25 questions but I'll see what he asks.

1                   CHAIRMAN PILTZ: Good. Thank you.

2   xxxx

3                   CROSS-EXAMINATION

4   BY MR. POIRIER:

5           Q     In the Petitioner's environmental impact  
6   statement DOE capacity figures for the neighboring  
7   schools are cited. When DOE determines a school's  
8   capacity would this include potable classrooms and/or  
9   use of multitrack systems?

10          A     Yes. We take that into account.

11          Q     Thank you. Could a school's capacity be  
12   greater than the design capacity and tax the school's  
13   resources such as the cafeteria, playground space,  
14   rooms for offices and other support staff?

15          A     Schools can have enrollment that is larger  
16   than what they were designed for. Schools could also  
17   have facilities that would give them the capacity to  
18   be larger than what they originally designed for if  
19   that's what you're asking.

20          Q     Is it understandable that a community would  
21   consider or could consider the school overcrowded even  
22   if it is not technically exceeding its DOE capacity?

23          A     I think that it's not unusual for somebody  
24   to have a perception of a school being terribly  
25   crowded just based on the traffic in the morning or

1 something. But once a year we do count classrooms and  
2 then count students as well and mesh the two together.

3 Q Thank you. Has the DOE done enrollment  
4 projections under varying development scenarios such  
5 as no residential development along H-2, with the Koa  
6 Ridge alone, with both Castle & Cooke developments and  
7 the Waiawa Ridge development?

8 A The best projection we do just goes out five  
9 years ahead. Would include the next school year and  
10 additional five years. So that's as far as we go. We  
11 probably right now have enrollment projections for  
12 '14, '15. That's as far as we go.

13 Q Would you be able to provide elementary,  
14 middle and high school requirements under these  
15 various scenarios?

16 A Which scenarios?

17 Q Of Waiawa only, Waiawa the whole thing,  
18 Waiawa everything? In other words, the different  
19 assumptions that I mentioned previously.

20 A Well, if there's full buildout of all three  
21 areas, then we would have a total of five elementary  
22 schools, a middle school and a high school. So that  
23 scenario we would certainly have adequate capacity.

24 If we went with just Castle & Cooke two  
25 projects, we probably will have two elementary schools

1 are on. We will have sufficient capacity for the  
2 elementary school students. Middle school students  
3 and high school students will probably be going to  
4 schools nearby. And I think at about that time we  
5 would have either adequate capacity or we would have  
6 the capacity to do things to increase the capacity.

7 Q Thank you. What would be the impact on the  
8 middle and high school enrollment in neighboring  
9 schools if the Waiawa Ridge development is delayed  
10 beyond the buildout of the Petitioner's Project?

11 A Basically it's about 240 middle school  
12 students we estimate and 290 high school students.  
13 Was that the question?

14 Q Yeah, okay.

15 A Yeah.

16 Q Although the DOE makes plans for new schools  
17 consistent with enrollment projections, isn't it  
18 correct that these projects are subject to being  
19 funded by the Legislature?

20 A Yes.

21 Q If money is tight can the funding and  
22 ultimate construction of such schools lag behind  
23 actual student enrollment resulting in existing  
24 schools in the region of new housing developments  
25 being overcrowded?



1           A     What we aim for is to be able to open a  
2 school. The day that it opens that it would be at  
3 least half full. We wouldn't want to open a school  
4 when it be any less than half full. That's our ideal.  
5 But we are dependent on legislative appropriations for  
6 our construction.

7           Q     While the developer may set aside land and  
8 make a financial contribution, isn't it so actual  
9 construction of new schools would not necessarily be  
10 concurrent with the student population increasing  
11 resulting from the development?

12          A     It's possible.

13          Q     My final question. What kinds of mitigation  
14 measures could be taken to minimize any adverse  
15 interim impacts on neighboring schools if new schools  
16 are not built in a timely fashion?

17          A     The Department of Education's most drastic  
18 adjustments it could make, short of actual  
19 construction of something, would be things like  
20 redistricting, using portable classrooms or busing.  
21 There would be a whole area of different options that  
22 are more programmatic.

23                They could do magnet schools to draw  
24 students from different areas. They could become more  
25 flexible in their geographic exception policy for kids

1 to go to other schools. There's programmatic changes,  
2 then just these fewer other options short of actually  
3 building something.

4 MR. POIRIER: Thank you. Those are all the  
5 questions.

6 CHAIRMAN PILTZ: Commissioners, questions?  
7 Bryan?

8 MR. YEE: No redirect.

9 CHAIRMAN PILTZ: Okay.

10 MR. MATSUBARA: No questions.

11 CHAIRMAN PILTZ: City.

12 MS. TAKEUCHI-APUNA: No questions.

13 CHAIRMAN PILTZ: Thank you. Do you have  
14 another witness?

15 MR. YEE: We do. We'd like to take a short  
16 break to set up some equipment.

17 (Recess was held. 3:55)

18 CHAIRMAN PILTZ: We are back on the record.  
19 Bryan.

20 MR. YEE: Our next witness is Ms. Gail  
21 Suzuki-Jones. For your information, although she will  
22 be presenting a PowerPoint, we're not asking that this  
23 be submitted into evidence. It's simply a means of  
24 providing her oral testimony.

25 CHAIRMAN PILTZ: Okay.

1 GAIL SUZUKI-JONES

2 being first duly sworn to tell the truth, was examined  
3 and testified as follows:

4 THE WITNESS: Yes, I will.

5 CHAIRMAN PILTZ: State your name and address  
6 for the record.

7 THE WITNESS: Gail Suzuki-Jones. The  
8 address here is 235 South Beretania, room 506  
9 Honolulu, Hawai'i 96813.

10 CHAIRMAN PILTZ: Go ahead, Bryan.

11 DIRECT EXAMINATION

12 BY MR. YEE:

13 Q Ms. Suzuki-Jones, what's your current  
14 position?

15 A I'm energy annalist at DBEDT's Strategic  
16 Industries Division.

17 Q And Office of Planning Exhibit 12, which  
18 sets forth the written testimony, was that prepared by  
19 you or at your direction?

20 A Yes, it was.

21 Q Would you please summarize your testimony  
22 for the Commission.

23 A Yes, I will. I'm going to use this  
24 PowerPoint as a means to summarize my testimony.  
25 Here we go. We here in Hawai'i are very fortunate to

1 have such great weather all year 'round. We have an  
2 abundance of great natural resources both wind, sun,  
3 wave, geothermal and others.

4 Yet we also have a tremendous dependency on  
5 fossil fuel and petroleum in particular. Our state is  
6 the most petroleum-dependent state in the country.

7 And as a result the governor in 2008 signed  
8 an agreement with the US Department of Energy to take  
9 a look at what the state needed to do in order to  
10 address this problem.

11 And many of you have already heard about the  
12 Hawai'i Clean Energy Initiative. Here's a summary of  
13 some of the items. We are trying to reach a  
14 70 percent clean energy economy by 2030.

15 This will increase our energy security,  
16 capture many economic benefits, foster and demonstrate  
17 innovation, build the green workforce of the future  
18 and serve as a model for the rest of the country.

19 Buildings and resource consumption. Act 155  
20 was signed into law last year which requires 4300  
21 gigawatt hours of energy driven into the state's  
22 electric grid by 2030. The peak load in 2008 was  
23 10,422 gigawatt hours.

24 So this kind of lets you know what our goals  
25 are in terms of a greater energy efficiency in the

1 future. And buildings account for 72 percent of our  
2 energy consumption.

3           Megawatt. This has to do with energy  
4 efficiency. And the cheapest watt is the watt that  
5 isn't used. So our 30 percent energy efficiency  
6 objective really requires aggressive action across all  
7 sectors.

8           Energy efficiency has a tremendous  
9 potential. And here's some of the strategic  
10 approaches that are bulleted below. The second and  
11 fourth of the bottom bullets are actually of  
12 particular interest to this particular petition.

13           Energy Star Homes. For those who have been  
14 on the Commission for a while you've heard me talk  
15 about this. It actually is looking at homes that are  
16 20 to 30 percent more efficient than the standard  
17 homes.

18           And energy Star Qualified Homes include  
19 features that improve the home's quality, the  
20 homeowner's comfort and lowers the energy demand and  
21 reduces air pollution.

22           Here are some of the features of Energy Star  
23 Homes: Greater effective insulation, high-performance  
24 windows, tight construction and ducting, efficient  
25 cooling equipment, efficient products such as lighting

1 and appliances, and third-party verification.

2           Here's a listing of some of the Energy Star  
3 builder partners with a number of homes that they've  
4 built in the Hawai'i in the past year as well as the  
5 total homes built.

6           The ones on the bottom that don't have  
7 numbers yet are new partners. Habitat for Humanity is  
8 working on one home. So as you can see there's  
9 actually significant participation in this program.

10           So the benefits to homeowners are listed  
11 there. I just kind of also had mentioned it earlier.  
12 Then the indicators of the total number of homes built  
13 today are there as well as the number of Energy Star  
14 partners.

15           Energy Star is a prerequisite in the LEED  
16 for Homes, LEED for Existing Buildings programs. It's  
17 also a requirement in the Green Communities Initiative  
18 as well as in the NAHB's program, green builder  
19 program.

20           And there are, in terms of Energy Star  
21 labeled buildings which are commercial in Hawai'i  
22 there are 36. This is the environmental impact of the  
23 savings that goes along with Energy Star.

24           Now I'm going to talk a little bit about  
25 LEED, which is a point-based certification system.

1 It's a tool and you set targets, and track progress  
2 during the design and construction phase.

3 LEED can be used as a score card that gives  
4 a picture of the potential performance of your  
5 buildings or development. And it's a seal of quality  
6 because it provides a third-party certification.

7 LEED recognizes performance in these  
8 particular areas of energy efficiency, water  
9 efficiency, indoor environmental quality, site  
10 selection and development as well as material  
11 selection. And there are also points given for  
12 innovation, education and awareness.

13 Here's some updated numbers on the LEED  
14 program. There are now over 800 LEED accredited  
15 professionals in this state. There are -- actually I  
16 just counted this afternoon -- 18 LEED Certified  
17 projects. There are around 200 LEED Registered  
18 projects and 110 LEED Certified Home projects.

19 And I checked with the residential green  
20 building advocate for Hawai'i this afternoon. And he  
21 said there are over 600 LEED for Homes registered  
22 projects in the state.

23 I also though I'd mention, and Castle &  
24 Cooke knows already about those projects, but they  
25 have a LEED storage facility that's been certified.

1                   And they have a number of green initiatives  
2   that we want to commend them for, one of which is  
3   their sustainability plan that was submitted.

4                   In the Koa Ridge sustainability plan there  
5   are some areas that we want to just point out that  
6   could be strengthened.

7                   In the area of Energy Star for New Homes a  
8   commitment to Water Sense which is EPA's water  
9   equivalent program to Energy Star.

10                  Also looking at waste management, recycling,  
11   reusing and reducing some goals in the construction  
12   and demolition phases of the Project.

13                  Indoor environmental quality which is very  
14   important for the occupants. Green operations and  
15   maintenance as well as greening the affordable housing  
16   component.

17                  So the Green Communities Initiative I think  
18   you have an Exhibit No. 25 that was handed out. It  
19   talks about greening affordable housing projects.

20                  This checklist, which is kind of an  
21   abbreviated version of a LEED checklist, is something  
22   that I wanted to point out to you so you could see  
23   which of the points are mandatory and which are  
24   voluntary.

25                  And this program has been around for a



1 while. The DHHL Kaupuni project is participating in  
2 this. It's a net zero energy LEED Platinum project.  
3 And it will be breaking ground later this month or  
4 maybe early next month.

5           This is the Kaupuni project listing some of  
6 the features. There will be 18 net zero energy homes  
7 built in Waianae. Group 70 is the architect/designer.  
8 Hunt Development Construction is the builder.

9           The National Renewable Energy Lab has  
10 provided energy modeling for this project. You can  
11 see the various efficiency and renewable energy  
12 features. And so we're very excited about this  
13 project.

14           The state of Hawai'i has been working very  
15 diligently to achieve some of the Hawai'i clean energy  
16 initiative goals: The 70 percent clean energy by 2030  
17 we feel is very important not only for us but for  
18 future generations.

19           So we ourselves as a state and the various  
20 agencies are working hard to lead by example in a  
21 number of different projects. There is a LEED Silver  
22 mandate for existing as well as new construction.  
23 Energy Star building labels, we're working very hard  
24 to get these.

25           We have six out of 36 buildings in the state

1 that are Energy Star labeled are state facilities.  
2 Then we're working hard to promote the Green  
3 Communities Initiative.

4 Just recently we've been working with US  
5 Department of Energy Building America Team and  
6 renewable energy lab to promote greater efficiency and  
7 use of renewable energy.

8 So basically we see this as a way to work  
9 together towards achieving a clean energy future. To  
10 reach a 70 percent clean energy goal by 2030 is not  
11 easy, but we feel like it's achievable especially if  
12 we can work together on this. Okay. That's it.

13 CHAIRMAN PILTZ: Bryan.

14 MR. YEE: Ms. Suzuki-Jones is available for  
15 cross-examination.

16 CHAIRMAN PILTZ: Petitioner, questions?

17 MR. TABATA: Yes, thank you, Mr. Chair.

18 CROSS-EXAMINATION

19 BY MR. TABATA:

20 Q Ms. Suzuki-Jones, I want to go to page two  
21 of your presentation. And I want to call your  
22 attention to the Energy Star builder partners and  
23 homes on O'ahu square.

24 A Correct.

25 Q Do you know if these homes that were built

1 in accordance with Energy Star, were they built  
2 voluntary with Energy Star or were they mandated to  
3 implement Energy Star?

4 A As far as I know they were built voluntarily  
5 by the builders.

6 Q Now I'd like to talk about incentives for  
7 green building standards like LEED. Those incentives  
8 that I'm aware of include things like tax credits,  
9 expedited permit reviews.

10 Do you know of any other types of incentives  
11 that could be used to promote green building  
12 standards?

13 A There are other ones in other states and  
14 counties. And some of them have to do with density  
15 bonuses, that sort of a thing.

16 Q Do you support incentivizing green building  
17 standards to promote energy-efficient homes?

18 A Yes.

19 Q And these incentives, they make sense  
20 because building energy-efficient homes is a wise  
21 investment for the future, is that correct?

22 A Correct.

23 Q So would it be fair to say that private  
24 industry should support the building of  
25 energy-efficient homes?

1            A        Yes.

2 Q Would it also be fair to say that government  
3 should help support the building of energy-efficient  
4 homes?

5           A       Yes.

6 Q I'd like to turn to OP's Exhibit 25. This  
7 is the Enterprise Green Communities handout that  
8 Office of Planning supplied.

9 I'd like to draw your attention to the  
10 second paragraph which reads, "In just five years the  
11 Enterprise Green Communities initiative invested  
12 \$700 million to build and preserve nearly 16,000 green  
13 affordable homes while transforming local, state and  
14 national policies."

15                   When I do the math on that statistic it  
16 comes out to \$43,750 per green affordable home, is  
17 that correct?

18           A       I'll just take your word for it.  I don't  
19 have a calculator.

20 Q I have a calculator if you'd like.

21           A     No. I'll take your word for it.

22 Q Okay. Thank you. Now, please turn to the  
23 second page of that exhibit. I'd like to draw your  
24 attention to the box on the right-hand side.

25 It says, "According to reports, findings

1 available at [www.enterprisenextgen.org](http://www.enterprisenextgen.org) we can now  
2 project that the lifetime savings in total utility  
3 cost for every affordable housing unit that meets the  
4 Enterprise Green Communities criteria is nearly  
5 \$5,000?" Is that correct?

6 A Yes.

7 Q So would it be fair to say that under this  
8 Enterprise Green Communities program they invest  
9 \$43,000 into every home to achieve a lifetime savings  
10 of only \$5,000. Would that be fair to say?

11 A Well, you could make that assumption. But I  
12 know with the Green Communities initiative it's not  
13 just individual homes but communities as well.

14 So you're looking at it not just -- I know  
15 they talk about it as an affordable housing unit. But  
16 that's a unit as a part of a larger community.

17 So I mean you can look at it on a per unit  
18 basis, but there's much more that goes into the  
19 community other than just the individual community  
20 itself.

21 There's community space, community area,  
22 area for children to play, that sort of a thing. So  
23 all of the other public space probably is accommodated  
24 into that \$43,000 total that you have mentioned  
25 earlier.

1           Q     Do you have an idea of what the per unit  
2 cost would be to comply with this standard?

3           A     No. I'm not -- I'm not really sure about  
4 that. It really depends on what is developed. If  
5 you're going to go for net zero energy or just going  
6 for energy efficiency, it's gonna really vary per unit  
7 and per cost.

8           Q     If we just limit it to the Green Enterprise  
9 green community standards that are a part of OP's  
10 Exhibit No. 25, you still don't have that number --

11          A     No.

12          Q     -- as far as per unit investment?

13          A     No, no I don't. Because they have a number  
14 of mandatory credits but also ones that are voluntary.  
15 So it really depends on how far a project or  
16 development goes with these. And that would really  
17 affect the cost.

18          Q     As far as the \$5,000 lifetime savings and  
19 utility costs, does that sound about right to you?

20          A     No, it doesn't. Not for Hawai'i. And it  
21 might be a very small affordable housing unit. So,  
22 yeah, I don't agree that that might be applicable for  
23 Hawai'i.

24                     For the project that Kaupuni is doing, DHHL  
25 is doing, it's considerably more aggressive.

1 Q Does Kaupuni include photovoltaic?

2 A It does.

3 Q And does the Enterprise Green Communities  
4 standard, does that provide for photovoltaic?

5 A It doesn't pay for the photovoltaic panels.  
6 I know that the DHHL was able to get NAHASA funding to  
7 help supplements their construction budget. So  
8 there's additional funding that went into that.

9 It is an affordable housing for low income.

10 Q Speaking of grants and funding, this  
11 Enterprise Green Communities program, this also  
12 operates on grants, correct?

13 A Correct.

14 Q These grants and these fundings, I believe  
15 low interest loans are also provided to help subsidize  
16 the building of these green affordable affordable  
17 homes?

18 A Yes.

19 MR. TABATA: I have no more questions.

20 CHAIRMAN PILTZ: City?

21 MS. TAKEUCHI-APUNA: No questions.

22 CHAIRMAN PILTZ: Go ahead, Intervenor.

23 CROSS-EXAMINATION

24 BY MR. YOST:

25 Q Thank you. In your testimony you talk about

1 a cost of approximately \$2,525 for LEED Home  
2 registration and certification. Do you recall that?

3 A Yes.

4 Q Can you explain the distinction between that  
5 cost and the costs that Petitioner was just discussing  
6 in terms of the Green Communities home costs?

7 A For the LEED program there are two costs  
8 involved: One for registration, registering a project  
9 and the second for certifying.

10 And the green communities costs that they  
11 are talking about, the \$5,000, refers to utility  
12 costs, if I'm correct. I have to verify that and  
13 check on it.

14 But I know that for LEED programs and LEED  
15 projects the certification and registration deals with  
16 getting the building on the US Green Building  
17 Council's list.

18 The USGBC's review of the documents that  
19 were submitted and then certifying after a third-party  
20 has reviewed it.

21 So it's a totally different fund and it goes  
22 to a totally different place.

23 Q So that actually doesn't include the cost of  
24 bringing the house up to LEED standard, whatever that  
25 might be.



1           A     Correct.

2           Q     But the LEED standards are not identical to  
3 these Green Community standards?

4           A     Now, they're not. The Green Communities  
5 uses some of the LEED standards in its development but  
6 is really focused on affordable housing, kind of the  
7 lower hanging fruit. And the LEED program runs the  
8 whole gamut.

9           Q     Do you think it would be unrealistic for  
10 Petitioner to have at least some of their homes be net  
11 zero energy homes and still be able to sell them to  
12 the people in Hawai'i?

13          A     I think that it would be something, if you  
14 think about 10, 20 years down the line, perhaps it may  
15 even be common practice by then. So I don't think  
16 it's unreasonable to ask for that.

17                   I was at a meeting yesterday with one of the  
18 Building America teams. And they said the cost for  
19 the new PV panels that they have been researching are  
20 going to be half the cost of what they currently are.

21          Q     Because construction is not going to begin  
22 yet -- assuming it was approved -- it would be another  
23 two years at least, I believe, until they'd have to  
24 start buying these solar panels, there might be some  
25 significant cost savings even in that period of time?

1           A     Oh, definitely. With technology and things  
2 always get cheaper with time.

3           Q     The Green Communities criteria checklist.  
4 One of the items that's described as mandatory is  
5 Smart Site Location.

6                     It refers to not siting a development in an  
7 area where the land has been identified as prime  
8 farmland.

9                     Are you familiar with that?

10          A     Yes, I am.

11          Q     There's a little caveat to the "mandatory".  
12 It says, "Mandatory except infill site or rehabs."

13                     Would you consider the site that's proposed  
14 an infill site?

15          A     No.

16          Q     Going down to another one, "Smart site  
17 location: Grey field, brown field or adaptive reuse  
18 site." You get some extra points if you choose one of  
19 those types of sites. That obviously does not relate  
20 to this particular petition, correct?

21          A     Correct.

22          Q     Because it's sited on land that's been  
23 identified as prime farmland, correct?

24          A     Correct.

25          Q     No. 2.7 "transportation choices." You can

1 get some points towards green certification by  
2 locating your project within a half mile radius from  
3 an adequate fixed rail or ferry station.

4 Is the Koa Ridge project within a half mile  
5 of the proposed rail line that's gonna be constructed?

6 A That I'm not sure. I haven't looked at that  
7 particular item.

8 Q Okay.

9 A I would hope so but I don't know.

10 Q If it's not then it wouldn't satisfy that  
11 criteria, correct?

12 A Correct.

13 Q The sustainability plan that Koa Ridge --  
14 that Castle & Cooke has developed for Koa Ridge, it's  
15 my understanding from testimony of Koa Ridge  
16 representatives that this plan is largely aspirational  
17 and goal oriented rather than accepting that these are  
18 mandatory conditions on development. Is that also  
19 your understanding?

20 A Yes.

21 Q Do you think that that's okay? Or do you  
22 think there should be some binding elements to this?

23 A Well, as I mentioned earlier in my  
24 presentation there are some programs such as Energy  
25 Star, Water Sense, the LEED program as well as the

1 Green Communities programs that would be, I think,  
2 appropriate to cite and to use as goals. Or if not  
3 goals, standards for their development.

4           And I know it's been mentioned in the  
5 commercial development portion of the sustainability  
6 plan, but there wasn't any particular level set for  
7 that.

8           Q     What about the construction of net zero  
9 homes, net zero energy homes?

10          A     Well, I think that's something that we  
11 would hope that they pursue, but it's not part of what  
12 we're requiring as part of our condition.

13                In terms of being leaders, leading by  
14 example I know Castle & Cooke has really made an  
15 commendable effort in the area of renewable energy on  
16 the outer islands and maybe doing so on O'ahu as well.

17                So it would really fit into their whole kind  
18 of mission and what they're shooting for I would hope  
19 in the future. So I think it could be part of it.

20                I know they had -- one of their expert  
21 witnesses mentioned net zero energy-ready homes as a  
22 possibility.

23          Q     Meaning that if they weren't actually net  
24 zero that you would at least have the components built  
25 into the construction of the houses themselves so you

1 could easily hook in PV panels, inverters and things  
2 like that.

3 A Correct.

4 MR. YOST: Okay. I've got no further  
5 questions.

6 CHAIRMAN PILTZ: Okay. Commissioners, any  
7 questions? Redirect?

8 MR. YEE: No redirect, thank you.

9 CHAIRMAN PILTZ: Okay. Thank you. Okay.

10 MR. YEE: Our last witness is Mr. Abbey  
11 Mayer.

12 ABBEY MAYER

13 being first duly sworn to tell the truth, was examined  
14 and testified as follows:

15 THE WITNESS: I do.

16 CHAIRMAN PILTZ: State your name and address  
17 for the record.

18 THE WITNESS: Aloha, Commission, Chair  
19 Piltz. Thank you. My name is Abbey Mayer. I'm the  
20 director of the state Office of Planning. And I know  
21 we have had a long day. I will try to summarize my  
22 testimony.

23 I have submitted written testimony which is  
24 OP's Exhibit 1. And that contains much of the generic  
25 information about this petition that I usually go

1 through in my presentations.

2 But I'm going to skip that part of my  
3 presentation and focus mostly on the various,  
4 especially the key conditions that the state is  
5 seeking on this petition.

6 To begin with I'd like to state the State  
7 supports this petition, supports the redistricting of  
8 these lands but in an incremental fashion. I will  
9 spend some time later on in my testimony reviewing our  
10 position as it relates to the incremental  
11 redistricting of the Petition Area.

12 The key conditions that the State will be  
13 seeking is, one, related to the impact fees of the  
14 Department of Education which you heard Ms. Meeker  
15 speak about early.

16 We will also be seeking a condition that  
17 ensures the Petitioner follow the agreement with the  
18 Department of Transportation related to the specific  
19 mitigation measures that are listed, and an acceptable  
20 TIAR.

21 The State will be seeking a condition on  
22 behalf of the Department of Public Safety related to  
23 the Petitioner giving notice to future homeowners of  
24 the location of the Waiawa Correctional Facility and  
25 potential conflicts that may occur when residential

1 communities encroach on prisons.

2           We also have written testimony from the  
3 Department of Public Safety regarding that. I won't  
4 go over that in any depth. But if you have any  
5 questions about that I'll do my best to answer them.

6           Now, listed in our testimony is one concern  
7 of the Agricultural Development Corporation. We heard  
8 previous testimony from the Petitioner's planners that  
9 they would be seeking to cover portions of the  
10 Waiahole Ditch that run through the Petition Area.  
11 And that that covering will need and require approval  
12 from SHPD.

13           I would like to mention on behalf of  
14 Agricultural Development Corporation that should SHPD  
15 not approve of covering of the ditch, ADC has  
16 requested and will request that the Petitioner instead  
17 fence off those portions of the ditch and then be  
18 required to maintain the fencing in order to keep  
19 residents, especially children out of the irrigation  
20 ditch.

21           We had a lot of questions and spent a lot of  
22 time this morning on the testimony of the Department  
23 of Agriculture.

24           As was discussed earlier on a previous  
25 petition on this island, the Ho'opili petition, which

1 proposed the redistricting of approximately 1500 acres  
2 of A and B-rated lands to urban, we received a great  
3 deal of not only public concern but agricultural  
4 concern, concern from policy-makers, legislators and  
5 the like over the issue of the continued loss of prime  
6 agricultural land.

7           The Legislature itself has been grappling  
8 with proposals, various proposals, some more drastic  
9 than others for protecting prime agricultural lands.

10           And in response to those concerns, clearly  
11 on both this petition and the past one, an unavoidable  
12 impact of going forward with the redistricting would  
13 be the loss of prime agricultural lands.

14           So there were questions that were posed to  
15 Ms. Kunimoto about the genesis of the policy. I could  
16 say at the time we were evaluating the impacts of  
17 these petitions we discussed several potential  
18 mitigation measures.

19           And this was the one that seemed most  
20 effective and most supportable to the Department of  
21 Ag. So this is what we're asking. And we are, we are  
22 asking that it is new -- I appreciate the potential  
23 discomfort the Commission may have in imposing a new  
24 type of condition. And there were concerns raised by  
25 you, Mr. Chair, "Isn't this equivalent to



1 condemnation?"

2           Of course when we're asking for a Petitioner  
3 to really contribute any type of impact fee, whether  
4 it's over roadways or schools, we always have concern  
5 over how much we're asking.

6           I'd like to remind the Commission that the  
7 government has no responsibility or no -- there's no  
8 mandate the government has to entitle any lands.

9           Petitioner has agricultural lands. Without  
10 receiving an entitlement from the government they'll  
11 remain agricultural lands. The limits of development  
12 will be very great.

13           So we ask them to dedicate easements on  
14 agricultural lands. It doesn't have to be their own  
15 lands. They would negotiate with other landowners.

16           In fact on the Ho'opili petition by  
17 comparison Schuler did not have an inventory  
18 agricultural lands.

19           So it would be in a way or potentially a  
20 greater burden on them to find land suitable, suitable  
21 and equivalent lands on which they could dedicate  
22 easements.

23           But, again, when we look at the impacts of a  
24 petition we look at all of them. And we work, I'd  
25 like to say we work very hard to find ways to mitigate

1 those impacts.

2           And on a petition such as this, a very large  
3 and complex petition that has a wide range of impacts,  
4 and in this case we worked particularly diligently and  
5 the Petitioner worked extremely diligently -- I think  
6 the efforts happened on both sides -- to come to  
7 agreement as to what the particular mitigation  
8 measures would be for the serious impacts. The  
9 Department of Transportation really stands out.

10           I personally pushed the Petitioners very  
11 hard to come to agreement with the Department of  
12 Transportation, really before today's hearing before  
13 we put on our case.

14           I also pushed the Department of  
15 Transportation very hard to work with the Petitioner  
16 and revise their work schedules so they could put in  
17 the time and effort on both sides to come to an  
18 agreement.

19           I really want to commend both the Department  
20 and the Petitioner for doing that. I know it wasn't  
21 easy.

22           But when the Office of Planning can come  
23 before you, present its case and scan down the list of  
24 impacts that we have identified, and come to you with  
25 a sense of surety and confidence that the impacts to

1 the petition have been mitigated to the maximum extent  
2 practicable, then I can really sit before you and say  
3 that we support this petition, and we support this  
4 redistricting, and we support this Project.

5 We have, at the end of the day, chosen to  
6 disagree about the Department of Agriculture's  
7 request.

8 The Petitioner said, "Oh, maybe we're going  
9 to come in for an IAL petition on some of our lands in  
10 the future but we don't want to link that to this  
11 petition." For us that's not quite good enough.

12 We still have an obligation on behalf of the  
13 state to attempt to mitigate the impacts on  
14 agriculture that this petition raises.

15 We still have a deep concern, and it's  
16 shared by others around the state, over the cumulative  
17 loss of prime agricultural lands especially on the  
18 Island of O'ahu, because this is the market and this  
19 is where land prices are high and there's a relatively  
20 smaller base of prime lands compared to some of the  
21 other islands.

22 So with that what remains in my presentation  
23 is the discussion of incremental development. And I  
24 want to start -- because it's a complicated topic I  
25 want to start in the beginning.

1           And note as we have noted in the past on  
2 other cases that Hawaii Administrative Rules 15-15-78  
3 very clearly states that a petition that will not be  
4 substantially complete, which is to say the vertical  
5 construction of which will not be substantially  
6 complete within 10 years, a requirement of the  
7 petition is the inclusion of an incremental  
8 development plan.

9           We have worked extremely diligently with the  
10 Petitioner on amending their petition prior to its  
11 filing to have them include an incremental development  
12 plan.

13           I want to state this wasn't done in order to  
14 be punitive. This wasn't done in an effort to make  
15 the Petitioner do something that was onerous.

16           The particular value of an incremental  
17 development plan from my point of view, its reason for  
18 inclusion in the rules, the requirement of it in the  
19 rules it allows us, you and other parties to really  
20 analyze what the timing of the buildout of the Project  
21 will be, what the impacts will be and when the  
22 necessary mitigation measures need to be performed.

23           Additionally, we always have the concern  
24 that lands might be urbanized that might not be built  
25 out. And we want to avoid at all costs the enablement

1 of entitlement trading; so allowing any Petitioner to  
2 come in to receive an uplift in the value of their  
3 land through the urban designation without either  
4 having the full intent or capacity to actually develop  
5 the project.

6           And so to back up a step. Again, I commend  
7 the Petitioner for the extremely large amount of  
8 effort that they put into developing the incremental  
9 plan, of amending their petition and refiling, of  
10 providing that which is required under the rules.

11           That's very separate from our position that  
12 incremental development is warranted in this case. I  
13 think a lot of developers out here have this fear:  
14 OP's gonna ask for an incremental development plan.

15           And we've got to find a way not to give it  
16 because we don't really want an incremental  
17 development. Incremental development is awful.

18           And I appreciate actual incremental  
19 development poses challenges to developers, economic  
20 and planning challenges in particular. Again, I'm not  
21 requiring this as a sadist but out of genuine concern.  
22 I said sadist, yes.

23           The second increment of this Project is  
24 located just north of the Waiawa Ridge development.  
25 The Waiawa Ridge development received its urban

1 designation in the mid to late '80s. I believe the  
2 petition was an '86 petition that was eventually  
3 redistricted in '88. And that land is owned by  
4 Kamehameha Schools.

5           The petition was brought by Gentry. And in  
6 the ensuing years Gentry was joined by A and B as a  
7 partner.

8           So we have not only two very reputable  
9 developers, but we also have a reputable landowner all  
10 who had an interest in seeing this project move  
11 forward.

12           The location in central O'ahu of the Waiawa  
13 Ridge development is a prime location for development.  
14 Those of you who were on the site visit or who have  
15 seen the land nearby know its sloping lands, beautiful  
16 views, cool, and is really beautiful land for home  
17 development.

18           So we ask ourselves the question: Why  
19 hasn't Waiawa Ridge developed? It's been nearly a  
20 quarter of a century. And you have reputable  
21 builders. We've been through several economic cycles.  
22 What's the problem?

23           The thing we have been able to point to most  
24 clearly is the cost, the upfront cost of  
25 infrastructure, especially the access infrastructure.

1 Folks call it the land bridge, but the extension of Ka  
2 Uka Boulevard that crosses the gulch which will  
3 ultimately provide access into the Waiawa Ridge  
4 development and increment to the Castle & Cooke Waiawa  
5 Project.

6           And it follows in our analysis that if the  
7 upfront cost of this infrastructure is too great to  
8 bear, which, if it has prevented the development of  
9 this land for all this time, what's different now?  
10 What's the big change in circumstance now?

11           We asked the Petitioner to come in and show  
12 some proof that this access would be provided sometime  
13 in the reasonable future. I said, "In so much as you  
14 can prove that road's going in, we don't need  
15 incremental development."

16           But, unfortunately, they haven't been able  
17 to provide that proof. And so we are left with a  
18 Petitioner who's dependent on a separate private  
19 entity for necessary infrastructure and we have no  
20 assurance that that infrastructure will ever come.

21           So we ask in this case for incremental  
22 development of this Project to redistrict immediately  
23 the makai portion of the Project and to incrementally  
24 develop, incrementally redistrict the Waiawa piece,  
25 which is to say, and we've outlined this explicitly in

1 my testimony -- that we've asked for conditions  
2 precedent conditions that need to be met in order for  
3 the Petitioner to come back in and seek urban  
4 redistricting of Waiawa.

5           And I want to stress to you and I want to  
6 put on the record that we do not feel, if those  
7 condition precedents are met -- and maybe I'll  
8 describe them first. The key one is access. We want  
9 to see that the access is going to be there in a  
10 really firm way.

11           Second. We asked for the completion of the  
12 dedication of agricultural easements asked for by the  
13 Department of Ag. We also asked that, we asked to  
14 give the Petitioner 20 years. That if 20 years lapsed  
15 and they haven't come in for the second increment that  
16 that's too long.

17           But assuming they can meet these three  
18 conditions, precedent, we don't feel they should have  
19 to come here and reopen this case.

20           We want it to be a pretty simple matter. A  
21 lot of petitioners feel very concerned that if they  
22 don't get the urbanization now, that they'll need to  
23 come back and reopen the case and call all sorts of  
24 witnesses, and maybe they get it and maybe they don't,  
25 and how do they plan with any certainty or finance



1 with any certainty the project.

2               So we really wanted to limit what the  
3 Petitioner would need to do in order to come back for  
4 that second increment.

5               Then we also have gone on to provide the  
6 conditions that we feel will need to be applied to the  
7 second increment when they come back in, also to give  
8 the Petitioner the best ability to plan to foresee  
9 "Okay, when we do come back in these will be the  
10 conditions we're going to have live with for this  
11 increment. We don't wanna have to come back in and  
12 have a whole 'nother fight about what the conditions  
13 will be on that second increment."

14              They've done that here. But we don't want  
15 the land to be urbanized, sit undeveloped with its  
16 neighbor for another quarter of a century or more if  
17 it's really not developable land.

18              We have asked again for a condition that  
19 states that the Land Use Commission shall issue an  
20 Order to Show Cause if the Petitioner fails to meet  
21 time deadlines.

22              We have asked for that in the past. And I  
23 won't spend a lot of time on it. But we feel, as a  
24 point of consistency and a matter of policy, that the  
25 Petitioner should be faced with the burden of coming

1 back in 10 years if they haven't completed the  
2 backbone infrastructure, and showing why the petition  
3 should not be reverted. Or coming back earlier and  
4 asking for an amendment or extension to that.

5 But we don't feel that the community or the  
6 Office of Planning or the Land Use Commission itself  
7 should bear the burden of having to raise issues of  
8 non-performance. Performance should be the burden of  
9 the Petitioner.

10 And in the case of non-performance  
11 describing why it should be the burden of the  
12 Petitioner. So we have asked for that again.

13 Lastly, we have asked for a LEED condition  
14 I'm not going to spend too much time on that as well.  
15 On previous petitions I've tried to be creative and  
16 find a way that would be less burdensome to the  
17 petitioner.

18 I've recommended in the past all sorts of  
19 different conditions that might be more palatable to  
20 the Commission and petitioners. I failed to do that  
21 in a way that successfully led to a condition, a LEED  
22 condition.

23 Nevertheless, the State still believes in  
24 the vision of developing our land in a way that's most  
25 resource sensitive and with as little impact as

1 possible on our resources be they energy, water,  
2 landfill, building materials, et cetera.

3           So I ask again directly passing along Sid's  
4 request to you unadulterated. I believe that's the  
5 extent of my testimony. I've talked long enough I'm  
6 sure. Unless I've missed anything, Bryan.

7           Q     I have one additional follow up. If the  
8 Commission doesn't feel -- or if the Commission  
9 decides not to issue a LEED requirement, was there an  
10 alternative condition that you would want regarding  
11 the sustainability plan and the representations made?

12          A     Thanks for reminding me. Yes. And the  
13 Petitioner has made representations through the course  
14 of its case in chief over, around its analysis of a  
15 sustainability plan and has made commitments, specific  
16 commitments and representations.

17               And we'll be seeking not only our standard  
18 condition that holds a petitioner to its  
19 representations.

20               And I apologize I had a page of notes  
21 listing those representations which I don't have here  
22 with me now. Counsel, do you have a copy of that?

23               MR. YEE: No.

24               THE WITNESS: Staff? Memory? You're asking  
25 a lot.

1                   MR. YEE:  If I may.  I have a copy of  
2  Mr. Nishihara's written testimony, Exhibit 33.

3                   THE WITNESS:  Thank you.  I apologize,  
4  Commission.  These representations included Energy  
5  Star appliances where available, solar water heating  
6  as already required by law, photovoltaic offered to  
7  residents who choose it.

8                   There was some question in the transcript  
9  over whether PV-ready home designs would be offered.  
10 Some said yes and maybe it was retracted, low-flow  
11 fixtures required under code, enhanced insulation,  
12 low-E windows and natural ventilation, threshold, Best  
13 Management Practices to minimize non-point source  
14 pollution, recycling friendly home designs, green  
15 infrastructure and commitment to strategies.  We heard  
16 about a quiver of arrow-specific strategies.  But  
17 that's seemed pretty fluid.

18                   But we do intend to hold the Petitioner to  
19 its representations in so much as those  
20 representations have been made unequivocally.  And I  
21 think that's it.

22                   MR. YEE:  We have no further questions.  
23 Mr. Mayer is available for cross-examination.

24                   CHAIRMAN PILTZ:  In a matter of time we will  
25 hold you for our next session and we will withhold

1 questions from the Petitioner and City and the rest of  
2 us.

3 MR. MATSUBARA: Okay. I can do mine in five  
4 minutes.

5 CHAIRMAN PILTZ: Okay. Five minutes and  
6 then I'll cut you off.

7 CROSS-EXAMINATION

8 BY MR. MATSUBARA:

9 Q Since the filing of this petition your  
10 office and Castle & Cooke has met on numerous  
11 occasions to discuss all the issues related to this  
12 proposed mixed-use development.

13 A That's correct. Face-to-face meetings which  
14 were maybe, even to quote earlier transcripts,  
15 exponentially a large number of phone calls, yes.

16 MR. MATSUBARA: Mr. Chairman, I don't want  
17 his answers to count against my five minutes. "Yes or  
18 no's." (Laughter) And there've been many differences.  
19 We've met and discussed and tried to resolve where  
20 possible, have we not?

21 A Yes.

22 Q And as much as we've tried to convince each  
23 other completely of the wisdom of our respective  
24 positions, there are certain issues that we have not  
25 been able to convince the other of such as the ag

1    easement condition, the energy conservation condition,  
2    the automatic OS, Order to Show Cause, to name a few,  
3    is that correct?

4           A     That's correct.

5           Q     And on those issues we've agreed to  
6    disagree.

7           A     We have.

8           Q     And we will save our arguments on those  
9    issues for the Commission when we submit our proposed  
10   decision and order I imagine?

11          A     I've made mine, you've made yours, yes.

12               MR. MATSUBARA:  And we'll rely on the Land  
13   Use Commission to rule on those issues.  But thank you  
14   very much.  I met my five minutes, Mr. Chair.

15               CHAIRMAN PILTZ:  Thank you.  We will  
16   conclude our meeting today.  Did you have anything?

17               MS. TAKEUCHI-APUNA:  We'd like to wait until  
18   the next time, if that's possible, to ask questions  
19   then.

20               CHAIRMAN PILTZ:  All right.  If that's the  
21   case, then we will hold you for the next meeting.  And  
22   it looks like we're scheduled for it on May 20th and  
23   the 21st.  So with that, we'll conclude our day.  And  
24   thank you very much.  We're adjourned.

25               (The proceedings were adjourned at 4:45 p.m. )

1 C E R T I F I C A T E

2

3 I, HOLLY HACKETT, CSR, RPR, in and for the state  
4 of Hawai'i, do hereby certify;

5 That I was acting as court reporter in the  
6 foregoing LUC matter on the 18th day of March 2010;

7 That the proceedings were taken down in  
8 computerized machine shorthand by me and were  
9 thereafter reduced to print by me;

10 That the foregoing represents, to the best  
11 of my ability, a true and correct transcript of the  
12 proceedings had in the foregoing matter.

13 DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2010

14

15

16

17 \_\_\_\_\_  
18 HOLLY M. HACKETT, CSR #130, RPR  
19 Certified Shorthand Reporter  
20  
21  
22  
23  
24  
25

