

1	LAND USE COMMISSION		
2	STATE OF HAWAI'I		
3	ACTION)	PAGE
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5	CONT'D HEARING)	
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	HAWAI'I, INC.)	
7	_____)	

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10 TRANSCRIPT OF PROCEEDINGS

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12 The above-entitled matters came on for a Public
 13 Hearing at Conference Room 405, 4th Floor, Leiopapa A
 14 Kamehameha, 235 S. Beretania Street, Honolulu,
 15 Hawai'i, commencing at 9:35 a.m. on Thursday, May 20,
 16 2010 pursuant to Notice.

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

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25

1 A P P E A R A N C E S

2 COMMISSIONERS:

3 KYLE CHOCK

4 THOMAS CONTRADES

5 VLADIMIR DEVENS

6 RANSOM PILTZ (Chairman)

7 NICHOLAS TEVES, JR.

8 REUBEN WONG

9 EXECUTIVE OFFICER: ORLANDO DAVIDSON

10 ACTING CHIEF CLERK: RILEY HAKODA

11 STAFF PLANNERS: BERT SARUWATARI

12 DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

13 AUDIO TECHNICIAN: HOTAI ZERBA

14

15

16 Docket No. A09-782 Tropic Land, LLC

17 For the Petitioner: WILLIAM YUEN, ESQ.

18 ERIC YANAGIHARA, Proj.Mgr.

19

20 For the County: DAWN TAKEUCHI-APUNA, ESQ.

21 Deputy Corporation Counsel

22 MICHAEL WATKINS

23

24 For the State: BRYAN YEE, ESQ.

25 Deputy Attorney General

 ABBIEY MAYER,

 Office of Planning

1 A P P E A R A N C E S cont'd

2

3 Docket No. A07-775 Castle & Cooke Homes Hawaii, Inc.

4

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

8

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

12

13 For the State: BRYAN YEE, ESQ.
14 Deputy Attorney General
15 ABBIEY MAYER
16 Office of Planning

17

18

19 For Intervenor Sierra Club: COLIN YOST, ESQ.
20 ROBERT HARRIS, ESQ.

21

22 For Intervenor Neighborhood Board #25:

23

24 RICHARD POIRIER
25 KAREN LOOMIS

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1 May 20, 2010

2 CHAIRMAN PILTZ: Good morning, everyone.

3 This is the Land Use Commission meeting on May 20th,
4 2010. We're in the conference room 405 on the fourth
5 floor Leiopapa A Kamehameha.

6 At this time we'd like to adopt the minutes
7 from May 5th and 6th. Are there any additions or
8 corrections to those? Seeing none, could I have an
9 acceptance?

10 COMMISSIONER DEVENS: Move to adopt.

11 CHAIRMAN PILTZ: Any second?

12 COMMISSIONER CONTRADES: Second.

13 CHAIRMAN PILTZ: All those in favor signify
14 by saying aye.

15 VOICE VOTE: Aye.

16 CHAIRMAN PILTZ: Mr. Executive Director, our
17 meeting schedule.

18 MR. DAVIDSON: Thank you, Chair Piltz. You
19 have, Commissioners, the tentative meeting schedule
20 with items listed for the next several meetings. As
21 always, please contact Riley or me if you have any
22 conflicts or can't make meetings.

23 We're paying special attention right now to
24 June 4 to make sure we have the requisite number of
25 Commissioners for certain items. So Riley will be

1 double checking with you. Thank you very much.

2 CHAIRMAN PILTZ: This is an action meeting
3 on Docket No. A09-782 Tropic Land, LLC to consider the
4 acceptance of the Tropic Land, LLC's Final
5 Environmental Impact Statement.

6 On March 18th, 2009 Tropic Land filed a
7 Petition for Land Use district boundary amendment to
8 reclassify 96 acres of land at Lualualei, Waianae,
9 O'ahu, Hawai'i, identified as Tax Map Key No. 8-7-09:
10 portion 2, from the State Land Use Agricultural
11 District to the State Land Use Urban District for
12 light industrial park to be known as the Nanakuli
13 Community Baseyard, together with an Environmental
14 Impact Statement Preparation Notice.

15 On April 16, 2009 by a written Order dated
16 May 6, 2009 the Land Use Commission agreed to be the
17 accepting authority pursuant to Chapter 343 HRS, and
18 determined that the proposed action may have a
19 significant impact on the environment to warrant the
20 preparation of an environmental impact statement.

21 On April 20, 2009 the Commission received a
22 Notice of Intent to File Petition to Intervene by
23 Alice Greenwood, director, Concerned Elders to
24 Waianae.

25 The Office of Environmental Quality Control

1 published notice of the availability of the EISPN in
2 its May 23rd, 2009 issue of The Environmental Notice.
3 The 30-day public comment period for the EISPN ended
4 on June 22nd, 2009.

5 Then on July 17th, 2009, the Commission
6 received a withdrawal of counsel, appearance and
7 substitution of counsel whereby William Yuen replaced
8 Kerry Komatsubara as counsel for the Petitioner.

9 The Office of Environmental Quality Control
10 published notice of the availability of the Draft EIS
11 in its November 23rd, 2009 issue of the Environmental
12 Notice. The 45-day public comment period for the DEIS
13 ended on January 7, 2010.

14 On April 20, 2010 Petitioner filed a
15 proposed Final EIS.

16 On April 29, the Petitioner filed an
17 addendum to the Final EIS.

18 Then on May 18, 2010 the Commission received
19 written correspondence from the Department of
20 Agriculture, Director Sandra Lee Kunimoto re: concerns
21 on the EIS for the subject Project.

22 Continuing, on May 19, 2010 the Commission
23 received written correspondence from the City and
24 County of Honolulu to correct a statement in the
25 Kimura International letter dated April 16, 2010 which

1 responded to the City and County of Honolulu's comment
2 letter on the Draft EIS.

3 Let me briefly describe our procedure for
4 today on this docket. First, we'll have the
5 Petitioner identify itself for the record. I will
6 then give the opportunity for the Petitioner to
7 comment on the Commission's policy governing
8 reimbursement of hearing expenses.

9 I will then call for those individuals
10 desiring to provide public testimony to identify
11 themselves as such. All such individuals will be
12 called in turn to our witness box, which is located
13 there on my right, where they will be sworn in prior
14 to their testimony.

15 After we have completed the public testimony
16 portion of the proceedings our staff will provide its
17 report. After the staff has provided its report the
18 Petitioner will make its presentation. After the
19 completion of Petitioner's presentation we will
20 receive any comments from the city and county of
21 Honolulu Department of Planning and Permitting and/or
22 the Office of State of Office Planning.

23 After we have received the comments from the
24 DPP and the state, we will then conduct our
25 deliberations.

1 Are there any questions on our procedures
2 for today? Seeing none, okay. Good morning,
3 Mr. Yuen. Has our staff informed you of this
4 Commission's policy regarding the reimbursement fees?

5 MR. YUEN: Yes, they have.

6 CHAIRMAN PILTZ: Do you have any problem
7 with that?

8 MR. YUEN: No, Mr. Chairman.

9 CHAIRMAN PILTZ: Okay. Thank you. Is there
10 anyone -- well, I do have a list here of people
11 requesting public testimony. So the first person we
12 have this morning is Alice Greenwood followed by
13 Ka'anohi Kaleikini. First person, Alice.

14 COMMISSIONER TEVES: Mr. Chairman?

15 CHAIRMAN PILTZ: Yes?

16 COMMISSIONER TEVES: Sorry for the
17 interruption. But I need to disclose my relationship
18 in this matter with Tropic Land. I know two of the
19 principals personally. And with one of them we do,
20 our companies do do business with each other. But
21 with regards to Tropic Land I have no financial
22 interest in that project at all. I just wanted you to
23 know, the Petitioner know, and all the interested
24 parties.

25 CHAIRMAN PILTZ: Okay. We'll put that on

1 the record. Do you feel that there's any problem with
2 your being --

3 COMMISSIONER TEVES: No. I'm not biased
4 either way.

5 CHAIRMAN PILTZ: Okay. Good. Then we'll
6 put that on the record that you disclosed that. Thank
7 you very much.

8 MR. DAVIDSON: Alice Greenwood has written
9 testimony.

10 CHAIRMAN PILTZ: Okay. Just a matter of
11 note that Alice has submitted written testimony. Let
12 me swear you in.

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

16 THE WITNESS: Yes, I do.

17 CHAIRMAN PILTZ: Okay. Would you state your
18 name and address for the record.

19 THE WITNESS: My name is Alice Greenwood. I
20 live at 87-576 Kulauponi C-102.

21 CHAIRMAN PILTZ: Go ahead.

22 THE WITNESS: Waianae. My name is Alice
23 Greenwood who has a residence of 87-1107 Hakimo Road,
24 a neighbor of this concerned area for over 30 years.
25 I now live in transitional housing. Yes, I come under

1 the heading of homeless. The Concerned Elders of
2 Wai'anae Mission is protecting the integrity of our
3 cultural lands, the continuance of diverse agriculture
4 preservation, open space and increased agricultural
5 self-sufficiency. The past is not the property of
6 historians. It is the public possessions. It belongs
7 to anyone who is aware of it and it grows by being
8 shared.

9 It sustains (sic) the whole society which
10 always needs the identity that only the past can give.
11 This property is associated with legends, spiritual
12 and religious lifeways and uniquely related to a
13 natural figure.

14 For the past two years I journeyed towards
15 my once neighborhood which is adjacent to this
16 property. I was shocked to find out, like me, they
17 were not aware there was to be a golf course and now
18 to become a light industrial park, they're our
19 property owners.

20 Just a few weeks ago I was able to visit
21 their tenants which was also not aware of what had
22 been happening and will be impacting them. There was
23 echoes: Why were we not given notice of what is to
24 become of our neighborhood? Who spoke on our behalf?

25 This land had beautiful towering trees and

1 cast the shades upon us as we traveled towards the
2 mountain or the sea. Within our rim told us the trail
3 of a mischievous one who fished out all the islands
4 and captured the sun. In deeds and tasks I will
5 unmask so that you'll understand before there was a
6 Clark Kent there was a Hawaiian superman nestled in
7 his slumber is this mischievous marvelous magical Maui
8 hero of this land, this property. Mahalo. Concerned
9 Elders of Wai'anae.

10 CHAIRMAN PILTZ: Thank you, Alice. Any
11 questions by the Petitioner?

12 MR. YUEN: No questions.

13 CHAIRMAN PILTZ: City?

14 MS. TAKEUCHI-APUNA: No questions.

15 CHAIRMAN PILTZ: State?

16 MR. YEE: No questions.

17 CHAIRMAN PILTZ: Thank you, Alice.

18 Ms. Kaleikini followed by Allen Stack. Good morning.
19 Let me swear you in.

20 PAULETTE KA'ANOHI KALEIKINI
21 being first duly sworn to tell the truth, was examined
22 and testified as follows:

23 THE WITNESS: Yeah.

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

1 THE WITNESS: Paulette Ka'anohi Kaleikini
2 89-107 Nanaikala Street. This is in Nanakuli.

3 CHAIRMAN PILTZ: Go ahead.

4 THE WITNESS: Um, are the owners of this
5 property here, Tropic Land? Are they here present?

6 CHAIRMAN PILTZ: Their representatives are
7 here, yes.

8 THE WITNESS: Who is that? What are your
9 names?

10 CHAIRMAN PILTZ: Would you go with your
11 testimony and address the Commissioners.

12 THE WITNESS: I want to address it to them
13 too when I speak. So I want to know which one of
14 these gentlemen represent the owners.

15 CHAIRMAN PILTZ: Okay.

16 THE WITNESS: And this other gentleman is?

17 MR. YUEN: William Yuen.

18 THE WITNESS: Not familiar with your name.
19 But anyway my concern here -- I got involved with this
20 land couple months ago when we reinterred iwi kupuna,
21 burial remains, at Wal-Mart -- at the Wal-Mart on
22 Ke'eaumoku Street.

23 I was told a couple weeks later that some of
24 the pohaku, some of the stones that were used at the
25 burial sites at Wal-Mart were taken from this

1 property, from the Tropical Land property. So it is
2 at that time I went there to do a little investigating
3 as well as ask a lot of questions with people who were
4 affiliated with that property.

5 Then I found out some gory details that, you
6 know, the pohaku that were taken for the ahu at
7 Wal-Mart were removed from that property. On the
8 slope is a preservation area that the state Department
9 of Natural Resources and the state Historic
10 Preservation Division told the owner that they were
11 supposed to stay away from there. Okay.

12 I went up there as, gee, maybe two days ago
13 with the state Historic Preservation Division's
14 archaeologist. And she confirmed to me that they were
15 notified a couple years ago that they were not
16 supposed to go up a certain -- up that slope. It was
17 a preservation area.

18 Well, if you look at it today that
19 preservation area is three quarters destroyed. I
20 have -- I have photos here. I don't know if you guys
21 have, but I have photos here of how much of that
22 preservation site was destroyed. It was a sacred
23 site.

24 I know where some of the pohaku went. I
25 have confirmation that some of that pohaku was

1 taken -- was used -- it was taken from that site and
2 used at the Wal-Mart burial site. This is very
3 appalling. I will be addressing Wal-Mart and their
4 attorneys about removing those pohakus, and I want all
5 of that pohaku taken back to this site.

6 I learned from the state archaeologist that
7 the owner was given notice a couple years ago that
8 they were not supposed to go up to that preservation
9 site. And yet if you look at these pictures I have
10 here, they destroyed it. They destroyed a
11 preservation site, okay, which, you know, to me
12 impacts a sacred site, a he'iau, amongst other things.
13 Okay.

14 So at this point I don't think their
15 environmental impact statement should be accepted.
16 They have totally neglected to address the historical,
17 concerns the historical, cultural concerns of our
18 people.

19 And also I will be addressing the fact that
20 pohaku from this site was taken and used at the
21 Wal-Mart burial site. So I will be addressing that
22 soon and right away as I want every bit of those
23 pohaku used at the Wal-Mart site taken back to this
24 property. I'm not sure how I'm going to go about it
25 but keep in mind that I will.

1 So at this point I don't think their EIS
2 should be accepted. And their request to rezone this
3 district from agricultural to industrial should be not
4 accepted either because, you know, they have neglected
5 to address cultural concerns, you know, and they have
6 neglected state, the state people. And they told them
7 to stay away from that area. They neglected it. And
8 they should be held responsible for every bit of
9 desecration that has happened there. Mahalo.

10 CHAIRMAN PILTZ: Thank you. Petitioner,
11 questions?

12 MR. YUEN: No questions.

13 CHAIRMAN PILTZ: City?

14 MS. TAKEUCHI-APUNA: No questions.

15 CHAIRMAN PILTZ: State?

16 MR. YEE: No questions.

17 CHAIRMAN PILTZ: Commissioners? Thank you.

18 Allan Stack followed by Elizabeth Stack.

19 ALLAN STACK

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

22 THE WITNESS: Yes, I do.

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

25 THE WITNESS: My name is Allan Stack Jr. I

1 have a P. O. Box, P. O. Box 37532 Honolulu, Hawai'i
2 96837.

3 CHAIRMAN PILTZ: Go ahead.

4 THE WITNESS: Thank you. This Project was
5 rushed through the Neighborhood Board. We didn't --
6 there's a newly created Neighborhood Board out in
7 Nanakuli. And my mom is an adjoining landowner. And
8 we didn't hear about this until about a year after it
9 had been voted in favor of the Project by the
10 Neighborhood Board. Department of Planning and
11 Permitting I believe came and spoke in favor of the
12 Project. All this happened a year before we even
13 heard what was going on.

14 I feel the Neighborhood Board and DPP's
15 decision were rushed and they weren't based on hearing
16 both sides, whether it's in the best interest of the
17 entire community.

18 Townscape is, I believe, a planning firm
19 that did a public hearing series about the Project. I
20 didn't feel that was balanced. They took testimony
21 and were supposed to get back to the people to see if
22 the testimony, if what they had, what they had written
23 down accurately reflected the participants at the
24 hearing. And they never got back to me or my mother,
25 to the best of our knowledge.

1 There's been some misinformation about the
2 project. They say it doesn't have water. It does
3 have water, city water. Twenty or 30 years ago it was
4 farmed back before the people bought it to make a golf
5 course.

6 It may not be the best farmland, but it is
7 valuable farmland which is quickly dwindling on O'ahu.
8 I believe their easement is substandard. I believe
9 now it's being used as a baseyard, which is a
10 violation of the law and nothing's being done.

11 I don't feel that the current owners are
12 even entertaining the option that it could be
13 farmland. They're going right at this industrial
14 zoning with everything they have. I feel it's a
15 valuable rural resource for the people of O'ahu, all
16 O'ahu. Thank you.

17 CHAIRMAN PILTZ: Okay. Petitioner, do you
18 have questions?

19 MR. YUEN: No questions.

20 CHAIRMAN PILTZ: City?

21 MS. TAKEUCHI-APUNA: No, no questions.

22 MR. YEE: No questions.

23 CHAIRMAN PILTZ: Next person is Elizabeth
24 Stack followed by Marty Thompson.

25 ELIZABETH STACK

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

3 THE WITNESS: I do.

4 CHAIRMAN PILTZ: State your name and address
5 for the record.

6 THE WITNESS: My name is Elizabeth Stack.
7 My address is P. O. Box 497, Honolulu 96809.

8 CHAIRMAN PILTZ: Go ahead.

9 THE WITNESS: I am the adjacent landowner to
10 this particular land. I'm right across the naval
11 road, Naval Ammunition Depot Road which is a
12 non-access road. So access to this parcel is
13 impaired.

14 There is an easement from my property across
15 the road to this property. And it's more or less a
16 dead end valley with the Naval Ammunition Depot at
17 one. So I guess I'm objecting to the Project because
18 whoever goes in there is going to come right through
19 my property.

20 I have about 23 acres. This Project that
21 we're looking at is 96 I think. And that's seriously
22 going to impact everyone who goes there because at
23 this point Hakimo Road is the only other access
24 besides the Navy road.

25 It is a rural area and was farmed for many

1 years by the Iraki family who grew lettuce and things
2 like that. It may not be top of the line for ag, but
3 it is agricultural and not 96 acres of light
4 industrial.

5 Let's see, what else? Rural, rural, um,
6 things like water is there but things like sewers
7 aren't and aren't even close. So I don't know what
8 their density is planned for but the whole concept I
9 think is the wrong thing in the wrong place. Thank
10 you.

11 CHAIRMAN PILTZ: Petitioner, questions?

12 MR. YUEN: No questions.

13 CHAIRMAN PILTZ: City?

14 MS. TAKEUCHI-APUNA: No questions.

15 CHAIRMAN PILTZ: State?

16 MR. YEE: No questions.

17 CHAIRMAN PILTZ: Commissioners, any
18 questions? Okay. Thank you. Marty Townsend.

19 MARTY TOWNSEND

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

22 THE WITNESS: Yes, I do.

23 CHAIRMAN PILTZ: State your name and address
24 for the records.

25 THE WITNESS: My name is Marty Townsend.

1 Business address is P. O. Box 37368 Honolulu, Hawai'i
2 96837. I'm with Kahea, the Environmental Alliance.
3 And I'm here to testify in opposition to the proposal
4 to amend this property classification. But actually
5 would like the Commission to approve the EIS. And
6 that's because I think it's time for this process to
7 really get rolling.

8 Working together with the community a
9 considerable effort was made to try to improve the
10 quality of the environmental impact statement. Many
11 questions were raised. Unfortunately the property
12 owners were unable to answer many of those questions.

13 And while we feel that those questions need
14 to be answered before this process, before this
15 Project should go forward, at the same time we
16 recognize that the proper venue for really raising our
17 concerns is the consideration of the actual boundary
18 amendment.

19 In my written testimony I highlighted three
20 reasons why a boundary amendment is not proper at this
21 time. For one, the current adopted Wai'anae Community
22 Sustainabilities Plan does not provide for industrial
23 uses or urbanization of Lualualei Valley. So the
24 current adopted plan states that: All future urban
25 development shall not be allowed to intrude on

1 agricultural areas, instead shall be focused along
2 Farrington Highway.

3 You'll note from the maps in the EIS that
4 this parcel is far inside Lualualei Valley, up a road
5 that is not paved to city standards. And therefore
6 should not -- is inconsistent with, does not conform
7 to the community sustainable plan and therefore and
8 amendment should not be adopted.

9 In addition, the characteristics of this
10 parcel do not conform to the characterization of an
11 urban property as outlined in the Hawaii
12 Administrative Rules 15-15-18.

13 In that subsection the Commission is
14 directed to look at areas for urbanization or urban
15 classification but that are characterized by city-like
16 concentrations of people, structures, streets, urban
17 levels of services, et cetera surrounded by or
18 adjacent to existing urban developments.

19 And that's not the case for this property.
20 In fact this would be an example of a property
21 contributing to scattered spot urban development which
22 is something that subsection actually directs the
23 Commission against.

24 Lastly, Hawaii Revised Statutes section
25 205-17-3B directs the Commission to consider impacts

1 on cultural resources. And as we have already heard
2 testimony there are considerable significant cultural
3 assets on this property and near this property in the
4 Lualualei Valley.

5 It's not widely known but it has already
6 been documented in previous environmental impact
7 statements and cultural impact assessments done on
8 this property for previous projects. We believe that
9 the owners of this property are fully aware of the
10 cultural significance of this area, and in the EIS
11 they downplay those significant features.

12 It's incumbent upon this Commission to
13 ensure that these extremely important cultural sites
14 are protected. Already we have seen evidence that
15 this property owner is unable to do that. They cannot
16 be trusted with protecting and guarding such extremely
17 important irreplaceable features of Wai'anae land.

18 Lastly we'd also like to raise, in addition
19 to concerns about the unauthorized illegal harvest of
20 pohaku from preservation lands from this property,
21 also the current misuse of this property. It is our
22 understanding that currently the Tropic Land's is
23 under investigation by both the city and county of
24 Honolulu and the Department of Land and Natural
25 Resources for misuse of this property.

1 One thing that's of particular concern for
2 us is the use of this agricultural land as an
3 industrial baseyard. So they're already using it as
4 an industrial baseyard even though it is currently
5 zoned as agriculture. In fact, they have been
6 previously cited in, I believe, in 2008, 2009 for
7 similar violations. This is a repeated bad actor.

8 We would ask this Commission not to reward
9 these violations by actually approving this boundary
10 amendment. If fact, we would prefer if you directed
11 the landowner to actually leave the property. Thank
12 you.

13 CHAIRMAN PILTZ: Any questions?

14 MR. YUEN: no questions.

15 MS. TAKEUCHI-APUNA: No questions.

16 MR. YEE: No questions.

17 CHAIRMAN PILTZ: Commissioners, any
18 questions? Thank you. Is there anybody else this
19 would like to testify?

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

23 THE WITNESS: I do.

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

1 THE WITNESS: My name that Kyle Kajihiro.
2 I'm representing the American Friends Service
3 Committee. And our address 2426 O'ahu Avenue 96822 in
4 Honolulu.

5 CHAIRMAN PILTZ: Go ahead.

6 THE WITNESS: So I'm just going to add to
7 some of the testimony that was already offered and I
8 have some photographs if I could -- can I share them?

9 CHAIRMAN PILTZ: Sure. The clerk will get
10 it.

11 THE WITNESS: This is a photo of the
12 property from the road, the Navy road. As you can see
13 there's considerable number of tractor/trailers
14 already being maintained and parked there. The ground
15 has been paved with asphalt. There are structures
16 being built in anticipation of the baseyard, the
17 permanent baseyard.

18 And we feel that that's -- it's actually
19 driving the Commission -- it's ruining this land for
20 its agricultural purposes. We would be opposed to the
21 boundary amendment.

22 We feel that the agricultural land in
23 Hawai'i is precious as it is. And the soil here in
24 Lualualei, this parcel is a black Lualualei vertisol.
25 It's some of the best-growing soils in Hawai'i.

1 This picture is of part of a rockfall that
2 has not yet been disturbed. You can see it's got
3 beautiful black rock and the moss rock.

4 This is what it looks like after the illegal
5 harvesting, mining of pohaku. I use this picture so
6 you can see the scale in relation to the people in the
7 picture. Quite a bit of rock has been already
8 removed. This is looking on the other direction in
9 that same cut. It's actually quite a large swath that
10 has been removed.

11 This picture also gives you an idea of the
12 depth of that rock that has been removed from the
13 property.

14 So we would, we would concur with the other
15 testifiers about the bad actor that is the owner of
16 this property. They have done actions in violation of
17 the law we believe. And also we believe that the
18 cultural resources study that was done for the EIS was
19 inadequate.

20 It did not consider the significance of the
21 Maui sites here in Lualualei. And we think that this
22 area could be an area named for the birthplace of
23 Kaola'e. And we'd like to have that reflected in the
24 EIS. Thank you.

25 CHAIRMAN PILTZ: Questions by the

1 Petitioner.

2 MR. YUEN: What's the basis of your
3 conclusion that the soil on this property is one of
4 the best in Hawai'i?

5 THE WITNESS: Well, the Lualualei series of
6 soils are some of the best -- the vertisols are very
7 rich soils for agriculture. We know from farmers in
8 the valley that that soil is rich. It just needs
9 water to make it fertile.

10 MR. YUEN: No further questions.

11 CHAIRMAN PILTZ: City?

12 MS. TAKEUCHI-APUNA: No questions.

13 CHAIRMAN PILTZ: State?

14 MR. YEE: No questions.

15 CHAIRMAN PILTZ: Do we have any more?

16 MR. DAVIDSON: That's all that signed up.

17 CHAIRMAN PILTZ: Anybody else? Okay.

18 LUCY GAY

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

21 THE WITNESS: Yes, I do. My name is Lucy
22 Gay and my home address is 47-214 Kamehameha Highway.
23 So while that is a Kaneohe address, I work long hours
24 in Waianae.

25 I brought along additional photos to

1 provide a background of how the area is truly an
2 agricultural setting. We had a friend who could get
3 in an airplane and take a picture, but he's not a
4 professional so he caught part of his wing.

5 But if you put the two together what you
6 will see is the property -- okay, the property that
7 we're talking about is up in this corner -- and if you
8 look it goes this way -- what you'll see is this is
9 where Mrs. Stack's property is up in this end with all
10 the farmlands. And you can see the crops on the other
11 side going out.

12 So, and then this big open space is, of
13 course, the military property. So the area is truly
14 operating as an agricultural community. That's the
15 lay of the land from the air looking down.

16 I came prepared with some photos of how the
17 land is being used today. These were taken yesterday
18 afternoon. And so I'm assuming this morning it hasn't
19 changed.

20 So you'll see that there's quite a
21 presumptuousness I think on the part -- well, that's
22 the wrong word. Let me just say they are behaving as
23 though the land is already authorized to operate as an
24 industrial property because you will see in the photos
25 a truck terminal baseyard.

1 And if you went on property you would see
2 many other things going on that truly jeopardize and
3 compromise the current agricultural status of that
4 area.

5 So if your judgment at the end of this long
6 process is to keep the property in agricultural
7 boundary we have -- I have a concern about restoring
8 that particular end of the property back to its use as
9 agriculture, that that should not be ignored. And I
10 don't know where we go to to get that addressed, but I
11 hope you folks consider that if you decide not to
12 approve the boundary amendment.

13 This other document that I brought is the
14 one that others pointed out citing that there were
15 surveys done that identified clearly where there was
16 findings on the surface that was worthy to be noted
17 and recorded. And it cites where others have
18 testified there were pohaku that was removed.

19 So, and if I'm not mistaken the Draft EIS
20 referenced -- it was quite a while ago -- but I think
21 they referenced this report. So they had knowledge.

22 CHAIRMAN PILTZ: Thank you.

23 THE WITNESS: And my last piece is that the
24 valley right now is agriculture. I know the old
25 term -- I'm not a planner but I know the old term I

1 used to hear was spot zoning. And that sounds to me
2 like poor planning. Actually it's bad planning. It's
3 not planning. So that's -- I hope to learn better
4 planning through this process.

5 CHAIRMAN PILTZ: Thank you. Petitioner,
6 questions?

7 MR. YUEN: No questions.

8 CHAIRMAN PILTZ: City?

9 MS. TAKEUCHI-APUNA: No questions.

10 CHAIRMAN PILTZ: How 'bout the State?

11 MR. YEE: No questions.

12 CHAIRMAN PILTZ: Commissioners, any
13 questions? Do we still have anybody else that would
14 like to testify on this? Come forward.

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

18 THE WITNESS: Aye, yes.

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

21 THE WITNESS: Aloha mai kakou. My name is
22 Carla Noa. My address is 89-989 Nanakuli Avenue. I'm
23 actually going to speak on behalf of my kupuna. And
24 they are from Wai'anae. I actually came here for the
25 Koa Ridge testimony, but this is where I'm from. This

1 is my 'aina. So I want to start off with my passion
2 for aloha 'aina starts from my upbringing.

3 My papa would nurture the kalo patches of
4 Waianae located in this apana. Since the age of four
5 my grandfather educated and taught me how to nurture
6 the land through patience and humility.

7 He insinuated caring for the land is far
8 more than just working for countless of hours. It is
9 a connection that is indefinable, a connection that a
10 person would have to define for themselves.

11 At this moment I have established that
12 parallel with my passion for the 'aina. It is through
13 teaching others from what I have learned from the past
14 through my upbringing and what I'm continuously
15 learning now.

16 Today we don't have that land in Wai'anae
17 but we still practice our cultural, what we learned
18 from growing up. And one thing I learned from my
19 grandparents is that to never forget where you're from
20 and to continue to teach others of that and pass it
21 down what we learn.

22 And that's my goal, I guess, my life-long
23 goal and including, including to share what my papa
24 and my grandparents and my ancestors taught me.

25 That's when I heard about this Project it

1 really broke my heart into pieces 'cause my --
2 everything that my grandparents taught me including my
3 family, we still do today but it's still not as fully
4 practiced as how it used to be when I was growing up.
5 That's all I have to say. Mahalo.

6 MR. YUEN: No questions.

7 CHAIRMAN PILTZ: City?

8 MS. TAKEUCHI-APUNA: No questions.

9 CHAIRMAN PILTZ: State?

10 MR. YEE: No questions.

11 CHAIRMAN PILTZ: Commissioners? Thank you.

12 THE WITNESS: Mahalo.

13 CHAIRMAN PILTZ: Anyone else? Okay. At
14 this time we'll have staff give us a report. Bert.

15 MR. SARUWATARI: As was stated earlier the
16 45-day comment period on the document started on
17 November 23rd, 2009 and ended on January 7, 2010.
18 There were a total of 15 agencies and organizations
19 that provided substantive comments. including the
20 Commission staff. There were nine reviewers that had
21 no comments.

22 Several agencies that typically provide
23 comments on Draft EIS's did not such as the Department
24 of Health, Department of Agriculture and the Office of
25 Planning.

1 Staff has reviewed the proposed Final EIS
2 and addendum to the Final EIS and compared it with the
3 content requirements for an FEIS based on the
4 provisions of Chapter 11-200 of the OEQC rules.

5 Based on this, staff believes that the
6 Petitioner has generally complied with said
7 requirements and recommends that the document be
8 accepted pursuant to Chapter 343 HRS and Chapter
9 11-200 HAR.

10 CHAIRMAN PILTZ: Questions, Commissioners,
11 for staff? Petitioner?

12 MR. YUEN: No questions.

13 CHAIRMAN PILTZ: City?

14 MS. TAKEUCHI-APUNA: No questions.

15 CHAIRMAN PILTZ: State?

16 MR. YEE: No questions.

17 CHAIRMAN PILTZ: Okay. Thank you.

18 Mr. Yuen, you're up. Make your presentation.

19 MR. YUEN: Thank you very much,

20 Mr. Chairman. My name is William Yuen. I'm here
21 appearing on behalf of Tropic Land, LLC the Petitioner
22 in this case. With me on my right is Eric Yanagihara
23 who is the project manager for Tropic Land. On my
24 left is Nancy Nishikawa of Kimura International who is
25 the planning consultant who prepared the EIS.

1 Basically the Hawaii Administrative Rules
2 section 11-223B, the rules of the Office of
3 Environmental Quality Control provide that a Final
4 Environmental Impact Statement shall be deemed
5 acceptable if the proper procedures have been followed
6 and the content requirements described in the chapter
7 have been satisfied, and all comments submitted during
8 the review process have been responded to and are
9 appended to the FEIS.

10 The substantive requirements are contained
11 in HAR section 11-200-17F through P, Chapter 4 of the
12 FEIS contains a separate and distinct section that
13 describes the alternatives of no action, the
14 currently permitted alternative of the construction of
15 a golf course, as well as the alternative of the
16 proposed project and alternative locations for a
17 proposed industrial park in satisfaction of HAR
18 section 11-200.

19 Continuing through the rest of the
20 substantive requirements, Chapter 5 of the EIS
21 describes the environmental setting of the Petition
22 Area and the environment in the vicinity of the
23 proposed action in satisfaction of subsection 17-G.

24 Chapter 6 of the EIS contains a statement of
25 the relationship of the proposed action to state and

1 county land use plans, policies and controls for the
2 area which complies with subsection 17-F.

3 Chapter 5 of the EIS also contains a
4 statement of the probable impact of the proposed
5 action on natural and human environment and the
6 significance of these impacts in satisfaction of
7 subsection 17.I.

8 Section 7.7 of the FEIS is a separate and
9 distinct section that describes the relationship
10 between local short-term uses of the human environment
11 and maintenance and enhancements of long-term
12 productivity in satisfaction of subsection 17.J.

13 Section 7.5 of the EIS is a separate section
14 that describes irreversible and irretrievable
15 commitments of resources that satisfies subsection
16 17.K.

17 Sections 7.1, 7.2 address unavoidable
18 adverse environmental impacts in satisfaction of
19 subsection 17.L.

20 Section 7.3 of the FEIS adequately describes
21 mitigation measures in satisfaction of subsection
22 17.M.

23 Section 7.6 of the EIS summarizes unresolved
24 issues in satisfaction of subsection N.

25 And, finally, the appendices identify the

1 government agencies and public and private
2 organizations that consulted in the EIS process, and
3 contains the reproductions of the substantive comments
4 and responses in satisfaction of subsections 17.0 and
5 17.P.

6 So that we believe we have satisfied all the
7 substantive and procedural requirements for acceptance
8 of the FEIS. The speakers today have raised many
9 concerns that we will be addressing at the hearing on
10 this matter once the Commission determines the
11 petition to be a complete filing. Thank you.

12 CHAIRMAN PILTZ: Thank you. Comments?

13 MS. TAKEUCHI-APUNA: No comment.

14 CHAIRMAN PILTZ: State?

15 MR. YEE: No comments. The Office of
16 Planning will take no position on the acceptance on
17 the proposed EIS. And we will reserve or address our
18 concerns at the petition level.

19 CHAIRMAN PILTZ: Okay. Commissioners, any
20 questions or comments? Commissioner Contrades.

21 COMMISSIONER CONTRADES: I just have one
22 question. Is this correct?

23 (Holding up photograph)

24 MR. YUEN: I have not seen that photograph.

25 COMMISSIONER CONTRADES: Do they have a

1 paved area already built on the property?

2 MR. YUEN: The property is not paved at all.

3 COMMISSIONER CONTRADES: Fenced like this
4 with trucks already stored?

5 MR. YUEN: May be some vehicles on the
6 property but the Petitioner is not storing any
7 vehicles or conducting any industrial activities of
8 any kind.

9 CHAIRMAN PILTZ: Any other comments?

10 MR. DAVIDSON: Did the city have any
11 comments?

12 MS. TAKEUCHI-APUNA: We just wanted to
13 reiterate what was said in our letter to the
14 Commission dated yesterday. I guess the response to
15 DPP's comment regarding the rural community boundary
16 was incorrect.

17 We just wanted to say for the record that
18 the rural community boundary is actually lower or
19 closer to Farrington Highway and not as high up and
20 close to the Project Area.

21 CHAIRMAN PILTZ: Any other comments?

22 MR. YEE: No.

23 CHAIRMAN PILTZ: Do we have any other
24 comments, Commissioners? If not, what's your
25 pleasure?

1 COMMISSIONER WONG: Mr. Chairman, I'd like
2 to have a question of the Petitioner, if I may.

3 CHAIRMAN PILTZ: Okay. Go ahead.

4 COMMISSIONER WONG: Mr. Yuen, you
5 understand, or it's your position that all of the
6 issues that are normally raised in an EIS filing have
7 been addressed by the Petitioner.

8 MR. YUEN: Yes, sir.

9 COMMISSIONER WONG: Now, do we understand
10 that while you've addressed it and talked about it, it
11 doesn't mean that all of those issues have been fully
12 satisfied?

13 MR. YUEN: You mean they haven't been fully
14 satisfied necessarily for the -- well, I guess we
15 believe we have addressed the issues. One can take
16 issue with whether they have been addressed to the
17 satisfaction of all parties concerned I suppose.

18 COMMISSIONER WONG: In other words, for the
19 purposes of, say, petition for district boundary
20 amendment, the road leading from Farrington Highway to
21 the Project site may not be deemed adequate, for
22 example. It is possible, right?

23 MR. YUEN: That's correct.

24 COMMISSIONER WONG: So that if the
25 Commission today were to approve the EIS, the

1 Commission is not bound by these issues such as
2 inadequate road, archaeological issues and other
3 issues, is that correct?

4 MR. YUEN: The acceptance of the EIS
5 certainly does not bind the Commission in terms of the
6 approval of the Project, no.

7 COMMISSIONER WONG: So the public will still
8 have the opportunity to come before the Commission and
9 raise these issues at the right time.

10 MR. YUEN: That's correct.

11 COMMISSIONER WONG: Thank you.

12 Mr. Chairman, on the basis of what I hear I move that
13 the EIS be accepted.

14 CHAIRMAN PILTZ: We have a motion on the
15 floor to accept the EIS. Do we have a second?

16 COMMISSIONER CONTRADES: Second.

17 CHAIRMAN PILTZ: Second by Commissioner
18 Contrades. Just one comment. Hearing some of the --
19 what we had heard from the public today I do hope that
20 during our hearing on the EIS and its merits that
21 these people that have come before us today, please
22 return and let us know that you don't feel that
23 they've addressed it. Hopefully you can find in the
24 EIS where they have neglected or addressed your
25 community. And if they haven't, please come back.

1 Commissioners, could I have your vote?

2 MR. DAVIDSON: The motion is to accept
3 Tropic Land, LLC's Final Environmental Impact
4 Statement.

5 Commissioner Wong?

6 COMMISSIONER WONG: Yes.

7 MR. DAVIDSON: Commissioner Contrades?

8 COMMISSIONER CONTRADES: Yes.

9 MR. DAVIDSON: Commissioner Devens?

10 COMMISSIONER DEVENS: Yes.

11 MR. DAVIDSON: Commissioner Chock?

12 COMMISSIONER CHOCK: Yes.

13 MR. DAVIDSON: Commissioner Teves?

14 COMMISSIONER TEVES: Yes.

15 MR. DAVIDSON: Chair Piltz?

16 CHAIRMAN PILTZ: Yes.

17 MR. DAVIDSON: Mr. Chairman, the vote passes
18 six/zero. The other Commissioners are absent and
19 excused. Thank you.

20 COMMISSIONER TEVES: Mr. Chairman?

21 CHAIRMAN PILTZ: Yes.

22 COMMISSIONER TEVES: I have a question. I'd
23 like the Commission to set up a site visit. I'd like
24 to see the so-called commercial use of that property
25 right now in its present form if it's true or not.

1 MR. DAVIDSON: So noted.

2 CHAIRMAN PILTZ: Executive director, could
3 you arrange that for us with the Petitioner so we
4 could do a site visit. And let the public know when
5 we are going to be doing that so that they may join us
6 and see the site. Thank you.

7 We'll take a 5-minute break. Any other
8 comments?

9 (Recess was held. 10:30)

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1 A07-775

2 CHAIRMAN PILTZ: We're back on the record.
3 This is a continued hearing on Docket No. A07-775 to
4 amend the Agricultural Land Use Boundary into the
5 Urban District Boundary for approximately
6 767.649 acres of Waipio and Waiawa, Island of Oahu,
7 state of Hawai'i.

8 From April 21, 2010 until May 18, 2010 the
9 Commission received 40 postcards similar to those
10 received on February 19, 2010 and written
11 correspondence from Buzz Hong, Michael M. Kliks and
12 including a petition with 30 signatures.

13 On May 18th, 2010 the Commission received
14 Petitioner's's third amended list of exhibits,
15 Petitioner's first amended list of rebuttal witnesses
16 and Petitioner's Exhibits 54 and 55, and written
17 correspondence from another 62 individuals including
18 a petition with 220 signatures opposing the Petition,
19 and an e-mail with 53 names and comments opposing the
20 petition.

21 On May 19th, 2010 the Commission received
22 written correspondence via e-mail from 48 individuals.
23 As of 8:30 a.m. on May 19th the Commission has
24 received written correspondence via e-mail from 24
25 individuals. And I have since received another three

1 more written testimonies.

2 Let me briefly run through our hearing
3 procedure for the day. First, we'll hear from the
4 parties who'll identify themselves for the record. I
5 will then call for those individuals desiring to
6 provide public testimony for this docket to identify
7 themselves. All such individuals will be called into
8 our witness box where they will be sworn in prior to
9 their testimony.

10 After completion of the public testimony I
11 will give the opportunity for the Neighborhood Board
12 No. 25 to present its witness.

13 I will then call for the Petitioner to
14 present its rebuttal witnesses. For the information
15 of the parties, closing arguments will be held after
16 submission of proposed Decisions and Orders.

17 The Chair would also note for the parties
18 and the public that from time to time I will be
19 calling for short breaks. Are there any questions on
20 our procedures for today?

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 MR. YOST: No questions.

2 MR. POIRIER: No questions.

3 CHAIRMAN PILTZ: Good morning,
4 Mr. Matsubara.

5 MR. MATSUBARA: Good morning, Mr. Chair.

6 CHAIRMAN PILTZ: Good morning, Mr. Yee,
7 Mr. Poirier and Mr. Yost. And you have a new person
8 there.

9 MR. YOST: This is Robert Harris of the
10 Sierra Club sitting next to me.

11 MR. HARRIS: Aloha.

12 CHAIRMAN PILTZ: Okay. Good. Aloha.

13 Before I call the witnesses, let me remind you that
14 all of the public testimony from previous hearings was
15 transcribed and is part of our record.

16 For those that are testifying again, the
17 Commission would appreciate if you could confine your
18 testimony to some new information.

19 In addition, a three-minute time limit on
20 testimony will be enforced. The reason for this is to
21 allow all the parties to present their respective
22 cases to the Commission. And I thank you very much
23 for that.

24 Okay, at this time we have a list. Is
25 Senator Hee here? Senator?

1 SENATOR CLAYTON HEE,
2 being first duly sworn to tell the truth, was examined
3 and testified as follows:

4 THE WITNESS: Yes, I do. Thank you.

5 CHAIRMAN PILTZ: State your name and address
6 for the record.

7 THE WITNESS: I'm Clayton Hee. I'm a member
8 of the State Senate. The address where I do business
9 is at the State Capitol.

10 CHAIRMAN PILTZ: Thank you. And we have
11 your written testimony, sir.

12 THE WITNESS: Yes. Distinguished members of
13 the Land Use Commission, I thank you for the
14 opportunity to testify in opposition to the petition
15 before you this morning.

16 MS. ERICKSON: Excuse me, Senator.

17 THE WITNESS: Yes.

18 MS. ERICKSON: Could you speak a little bit
19 more slowly for the court reporter. Thank you.

20 THE WITNESS: Oh. I was concerned about the
21 three minutes (Laughter) you just never know, you
22 know. It might be like a neighborhood board: Three
23 minutes, boom, you're outta there. Okay. I'll try to
24 speak slowly.

25 I'm Clayton Hee. And I appear before you as

1 a member of the Hawaii State Senate and Chair of the
2 Senate committee on water, land, agriculture and
3 Hawaiian affairs. As most of you are well aware,
4 legislators have been concerned about diminishing
5 acreage of profitable prime ag land that has been
6 taken out of production by zoning changes approved by
7 this Commission.

8 The Senate committee I chair and, indeed,
9 the entire Senate, has approved legislation protecting
10 agriculture and land designated prime agriculture.
11 For example, during the past five years the
12 Legislature enacted legislation designating Important
13 Ag Lands in Hawai'i.

14 In each of the last two years the Senate has
15 passed legislative proposals requiring lease
16 extensions to farmers on prime ag lands as well as
17 requiring a supermajority of the members of the LUC
18 when redesignating prime ag lands to Urban.

19 While the legislation awaits the
20 consideration by the House of Representatives, the
21 action taken by the Senate in and of itself is a
22 strong mandate with regard to the preservation of
23 prime ag lands.

24 I'm certain that each of you is aware of the
25 policy expressed in Article 11 section 3 of the

1 constitution which mandates the protection and
2 preservation of ag lands. So in the interest of time
3 I will not repeat what you have been advised and to
4 which you testified before the Senate committee during
5 your confirmation hearings.

6 Each of you who appeared before the Senate
7 committee acknowledged the importance of the Hawai'i
8 State Constitution's mandate on protection of prime ag
9 lands.

10 I find it troubling that there is an
11 apparent quote, "school of thought" end quote, by some
12 that is quote, "far enough" end quote, to require the
13 petitioner to find and allocate quote, "replacement
14 acreage," end quote, as a condition for the land use
15 change from ag to urban. Respectively it is not.

16 Requiring additional acreage as a condition
17 of rezoning diminishes productive ag land which is
18 forever lost to concrete and rooftops, as testified by
19 the Department of Agriculture on January 14, 2010,
20 3300 acres of A and B lands have been lost only in the
21 last 20 years on O'ahu.

22 In the last two years your Commission has
23 conducted public hearings to rezone an additional 1500
24 acres in Kapolei and 500 acres at Koa Ridge, all of
25 which comprise prime ag lands.

1 If you approve the diminishment of these
2 lands you will have nearly doubled in two years what
3 has been done in 20 years, all at a time when nearly
4 90 percent of the food is imported to Hawai'i and the
5 state policy has been to be less reliant on cars and
6 more reliant on sustainability, including locally
7 grown food and biofuels.

8 I recognize that some of you may be of the
9 mindset that each petition is considered on a quote,
10 "case-by-case basis" end quote, and its own merit.

11 However, no one on this Commission can
12 ignore the intimate relationship of the numerous
13 petitions heard in their totality when measuring the
14 far-reaching and over-arching impact to agriculture
15 and sustainabilities for future generations going
16 forward.

17 By any index it is impossible to ignore the
18 cumulative impact of approving this Project, given the
19 data available.

20 For example, according to the 2008 state
21 Data Book, there were 286,450 homes and 436,970 cars,
22 nearly 80 percent of which are located on this island.
23 It need not be said that these numbers have only
24 proliferated since 2008.

25 Published reports have indicated that 33,000

1 units have already been approved and given the
2 appropriate zoning. Approximately 17,000 units are
3 being considered by this Commission, all on the
4 Leeward side of O'ahu: 12,000 at Ho'opili and 5,000
5 at Castle & Cooke in Waiawa. Using the 2008 data book
6 numbers, the quantity of homes would increase from
7 337,450 and the amount of cars to 510,235.

8 Respectfully, the duty to evaluate and take
9 into account the mitigation of the consequences of
10 your decision cannot be done in isolation of each
11 project without the aggregate repercussion of that
12 decision.

13 Former Governor George Ariyoshi in a
14 published document commented on the LUC earlier this
15 year saying, quote, "The decisions of the Land Use
16 Commission to urbanize go a long way towards
17 explaining why the number of construction workers in
18 Hawai'i has doubled in the past decade and why the
19 general public is increasingly disturbed by the
20 congestion that results from overly rapid
21 development," end quote.

22 As a former member of Local 368, the
23 construction laborers union, I know intimately how
24 well these jobs pay compared to the salaries of other
25 avocations.

1 As a long-time member of the Legislature I'm
2 cognizant of the contributions of the construction
3 industry locally. That being said, the pervasive
4 relationship of the lure of jobs as justification of
5 more urban sprawl while knowing that the workers are
6 unlikely to afford the occupation of the units built
7 contributes to an inexhaustible conundrum not unlike a
8 dog chasing its tail.

9 Let me put it another way. I have a
10 wonderful son who graduated from one of the best high
11 schools locally, Punahou. In June of last year I
12 stood as a proud father at his graduation from one of
13 the best universities in America, Princeton.

14 In June of next year he will receive his MA
15 in Public Policy from UCLA. And the following June he
16 will receive an MMA also from UCLA.

17 Armed with those achievements from
18 opportunities most are not afforded and privileged to
19 enjoy, he will not be able to qualify to own a home in
20 these proposed projects.

21 That said, exactly who are these so-called
22 affordable homes for and at what cost to a greater
23 Hawai'i society?

24 Finally, and in closing, I believe there is
25 an incorrect perception that as owners of the land

1 Castle & Cooke or D.R. Horton or anyone else has a
2 quote "right" end quote to develop the land. They do
3 not. They have an obligation to be good stewards of
4 the land, as were the people of the first nation of
5 these islands.

6 Like other proposed projects landowners have
7 used the LUC as a means to increase the value of the
8 land and in some cases to market the land to others.
9 Turtle Bay immediately comes to mind.

10 No one owes landowners concessions or
11 privileges to enhance their portfolio. In fact it is
12 just the opposite. The landowner as a steward has an
13 obligation to the community to ensure that the people
14 benefit as good neighbors.

15 I submitted to you that if this were truly
16 the case and efforts to mollify petitioners by so
17 called requirement to find quote, "a suitable
18 alternative on an acre-for-acre basis," end quote,
19 were eliminated and further that the social
20 consequences were openly and sincerely considered,
21 that this Commission would dutifully deny the
22 petitioners' request to forever extinguish productive
23 and profitable prime ag lands. Thank you very much.

24 CHAIRMAN PILTZ: Petitioner, questions for
25 the Senator?

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: Commissioners? I'm sorry.

7 Mr. Yost?

8 MR. YOST: No questions. That's all right.

9 Don't forget Mr. Poirier.

10 CHAIRMAN PILTZ: Mr. Poirier?

11 MR. POIRIER: No questions.

12 CHAIRMAN PILTZ: Commissioner Contrades.

13 COMMISSIONER CONTRADES: Senator, thank you
14 for coming this morning.

15 THE WITNESS: Thank you.

16 COMMISSIONER CONTRADES: I have one question
17 and I also have one comment to make. In your
18 statement you said that there is an apparent school of
19 thought that it is fair enough to require the
20 petitioner to find and allocate replacement acreage as
21 a condition for the land use change from ag to urban.

22 I just wanted to tell you I don't have that
23 same school of thought. I don't know where it came
24 from but I don't think that's something that I would
25 require.

1 THE WITNESS: I can tell you where it came
2 from if you wonder.

3 COMMISSIONER CONTRADES: I wonder.

4 THE WITNESS: Department of Agriculture in
5 their written testimony in January 14, 2010 indicated
6 in writing as a condition of a land use designation
7 that they would, they would request of you, of your
8 Commission to require an acre-for-acre replacement. I
9 disagree with the Department of Ag.

10 COMMISSIONER CONTRADES: So do I.

11 THE WITNESS: Thank you.

12 COMMISSIONER CONTRADES: My question is
13 this: for example, you brought up Kapolei. The area
14 that we're looking at was set aside years ago to be
15 used for that Second City and everything. And, you
16 know, lots of people come and tell us that they like
17 the idea.

18 How do you expect us as Commissioners to
19 look upon people who come here and say, "You know, we
20 want this. The city says it's something that we
21 planned for."

22 I know it's good ag land. But that's,
23 that's a really difficult situation for us to
24 consider.

25 THE WITNESS: It isn't to me, with all due

1 respect. Like you, we have people that come before
2 the Senate on any number of issues that testify on
3 both sides of the issue. If you ask me were I a
4 member of your Commission and how I would distinguish
5 the people that come before you, I would, I would --
6 it would not be difficult. The reason is because
7 prime, productive, profitable ag land is critical to
8 our mo'opuna going forward, whether they live on O'ahu
9 or on another island.

10 Secondly, I would look at the median price
11 of the units and try to distinguish whether your
12 mo'opuna or your children as single individuals might
13 have a choice -- or even as married -- might have a
14 choice to live in those units.

15 Thirdly, with all due respect, I been down
16 there. And even if I could afford to live there I
17 would choose not to live there because, with all due
18 respect to the construction community and the
19 development community, that is not the kind of
20 lifestyle that I would want to live on, particularly
21 because you would have to paint your house or put a
22 flag up so you could distinguish your house from your
23 neighbors' because the vinyl fencing and everything
24 else looks like Bakersfield, California to me. It
25 would not be difficult for me.

1 What exacerbates the issue for me is were
2 the development to be taken on a C or D-zoned lands I
3 would not be here. I would not be here. I'm not here
4 to be against development. I'm here to protect prime
5 ag land, a commodity that's diminishing.

6 We're at the, in my opinion, a point of no
7 return of which you folks hold the decision of that
8 point. If we think of one generation forward and
9 close our eyes, what do we see?

10 Traffic won't be any better, housing costs
11 won't be any lower and our kids will be moving to
12 places beyond Las Vegas because of the decisions we
13 make as policy-makers this year. That's why it's not
14 difficult for me.

15 Prime ag land exacerbates the argument for
16 me.

17 COMMISSIONER CONTRADES: Thank you.

18 CHAIRMAN PILTZ: Any other questions,
19 Commissioners? Senator, let me ask you a question. I
20 think I proposed and commented on it before during my
21 confirmation hearing.

22 In 1982 the state Data Book said that only
23 5,000 acres was needed to provide enough food for the
24 people of the state of Hawai'i. Do you have any other
25 information how much land would be needed in prime ag

1 lands to feed the people of the state of Hawai'i?

2 THE WITNESS: Mr. Chairman, with all due
3 respect 1982 was a generation ago.

4 CHAIRMAN PILTZ: Certainly.

5 THE WITNESS: I don't know what the
6 population and demographics have changed since then.
7 I am certain, as you and I are local born keiki o ka
8 'aina, that we never thought -- at least I never
9 thought I'd see the day where I would be outnumbered
10 by others born elsewhere. The demographics have
11 changed.

12 The suggestion that if we accept as fact
13 that 5,000 acres is all that is needed and go forward
14 with that mentality, it would suggest then that we
15 only should provide for what we -- assuming it's
16 accurate, was provided for the 1982 population.

17 I would, I would humbly request of the
18 Commission to consider the opposite. That we should
19 produce and promote as much acreage as we can in
20 agriculture, that our children should be eating
21 locally grown foods.

22 We, you and I, Mr. Chairman, grew up when
23 milk was not imported. We are now living in an island
24 state where more than 90 percent is imported. We are
25 now living in a time where Hawai'i is looking to

1 reduce its dependency on fossil fuels.

2 That can only in my opinion be accomplished
3 with better utilization of the land as a substitute
4 fuel for our mo'opuna going forward, not simply as
5 food for our people to eat.

6 CHAIRMAN PILTZ: Thank you, Senator. And I
7 agree with you. I do know when you go back into
8 history that Hawai'i was a place where we grew crops
9 so that we could export. And about the only thing we
10 export now is sugarcane. And we're losing our
11 pineapple and everything else.

12 So I agree with you, we need to look at it
13 so that our families can have enough food and we can
14 do our own and we can again, once again, export.
15 Thank you for your comments.

16 THE WITNESS: Thank you, Mr. Chairman.

17 CHAIRMAN PILTZ: Any other -- Petitioners,
18 any questions?

19 MR. MATSUBARA: No questions.

20 MR. YEE: No questions.

21 THE WITNESS: Thank you, Mr. Chairman.

22 Thank you, Mr. Davidson.

23 CHAIRMAN PILTZ: Appreciate you coming out
24 on your busy day. Next person Dave Arakawa followed
25 by Shaina Hunt.

1 DAVE ARAKAWA

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

4 THE WITNESS: Yes, I do. Good morning Chair
5 Piltz, members of the State Land Use Commission. My
6 name is Dave Arakawa. I'm the executive director of
7 the Land Use Research Foundation of Hawai'i.

8 I'll try to speak slow for several reasons,
9 one of which this is a very interesting year for me.
10 First, a lot of firsts for me. This year I have been
11 practicing law for almost 30 years. This is the first
12 time that -- this year is the first time that I've
13 actually had agreement with the Sierra Club and Earth
14 Justice in a number of matters.

15 And also, although Senator Hee I consider
16 him a friend, this is the first time I agree with him
17 with respect to ag easements where Land Use Research
18 Foundation agrees with Senator Hee's opposition to the
19 ag easement proposal proposed by the Department of
20 Agriculture and Office of Planning.

21 Castle & Cooke is a member of LURF, but I'm
22 testifying today as a public witness regarding the
23 background and adoption of the Important Ag Lands
24 legislation in 2005 and 2008 which was consensus
25 based, comprehensive and consistent and which was

1 implemented through an open public process and
2 legislative hearings.

3 And it was a statewide law as opposed to the
4 proposal by Department of Agriculture and Office of
5 Planning to mandate a one-for-one ag easement as a
6 condition for the redesignation of agricultural land
7 to the urban district, which is an unwritten policy
8 that lacks consensus among the ag stakeholders, is not
9 consistent with efforts to promote agricultural
10 viability, and did not include public input.

11 Furthermore, it only applies to O'ahu and
12 was never approved by the Legislature.

13 I have eight points. I'll try to go through
14 them quickly. You folks have my testimony. The first
15 is regarding the constitutional mandate, a seed issue.

16 The process and the method the Hawai'i
17 Constitution requires or envisions to protect ag lands
18 is through the legislative process, not an ad hoc
19 unwritten policy and not through a state commission.

20 You'll see at the bottom of Page 1 and the
21 top of Page 2 in our testimony the constitution
22 provides that the Legislature shall provide standards
23 and criteria to accomplish the constitutional mandate
24 to preserve and protect ag lands.

25 The second issue is criteria. The use of

1 standards and criteria. The second bullet point on
2 the top on Page 2 confirms -- is from the constitution
3 and it talks about the standards and criteria
4 established by the Legislature and approved by two-
5 thirds vote of the bodies responsible for
6 reclassification or rezoning action, which is you
7 folks. It talks about standards and criteria. That's
8 what the IAL law is based on and what it includes.

9 The proposed ag easement does not include
10 specific standards and criteria to be judged like the
11 IAL law.

12 The third issue is consensus and is probably
13 the most important thing about the IAL laws, is that
14 they were based on the consensus of agriculture
15 stakeholders, Farm Bureau, Department of Agriculture,
16 CTAR at the University of Hawai'i, a number of ag
17 stakeholders, including farmers, supported the IAL
18 law, over five years of multiple opportunities for
19 public input through that legislative process. And
20 that was not done with respect to the proposed ag
21 easement.

22 Four. That this is a new paradigm. And I
23 think you folks already have that information in my,
24 in our testimony that's attached. It's a letter from
25 the Farm Bureau and LURF to the legislators during

1 conference committee before the IAL law was passed in
2 2008.

3 You folks also -- we also did a prep on the
4 IAL with the Farm Bureau before the State Land Use
5 Commission in January 2009. Hopefully you folks can
6 refer to that for this new paradigm. IAL is not about
7 supporting farmers -- excuse me. IAL is all about
8 supporting farmers, agriculture and viable
9 agricultural operations.

10 IAL is not about land use. It's not about
11 which lands or soils are better for farming versus
12 development.

13 And this new paradigm is explained both in
14 the letter to the legislators and in the IAL law that
15 was passed in 2008.

16 Fifth is the consistency issue of the IAL
17 law. It's consistently applied to all islands and all
18 owners. The proposed ag easement is only implemented,
19 proposed to be implemented on O'ahu.

20 When you ask: What about Maui? We don't
21 know. What about Kauai? We don't know. What about
22 Big Island? We don't know.

23 The IAL law is consistently applied to all
24 islands. And you know what? To all ag lands owners.
25 It's applied to all ag lands owners.

1 Whereas this ag easement, proposed ag
2 easement, the only person it applies to -- the only
3 people it applies to are people who come before you
4 folks at the Land Use Commission. That's the proposal
5 anyway.

6 The sixth issue -- almost pau -- the IAL law
7 is comprehensive. Okay. Includes benefits and
8 incentives to assure both dedication of IAL lands for
9 preservation of IAL lands and also viable agricultural
10 operations because it includes tax benefits and things
11 of that nature.

12 Seventh. The mandatory ag easement, the
13 proposed mandatory ag easement is inconsistent with
14 the IAL policies, procedures and the law.

15 And eighth and last, you know, this ag
16 easement issue could be -- could be, there's a
17 possibility that it could be approved by the
18 Legislature. I don't know whether it'd get out of
19 Senator Hee's committee or not, but it's a
20 possibility.

21 And this idea if it is so important to the
22 Department of Agriculture, if it is so important to
23 the Office of Planning, it should be vetted and it
24 should go through the hearing process, the public
25 hearing process and go through the Legislature instead

1 of being imposed on an ad hoc basis through an
2 unwritten policy at this Commission.

3 So we would respectfully ask you folks not
4 to implement that ag easement idea. Thank you very
5 much.

6 CHAIRMAN PILTZ: Petitioner, questions?

7 MR. MATSUBARA: No questions.

8 CHAIRMAN PILTZ: City?

9 MS. TAKEUCHI-APUNA: No questions.

10 CHAIRMAN PILTZ: Mr. Yee?

11 MR. YEE: Thank you. First, would you agree
12 with me that there's nothing in the constitution or
13 law that says that the only method of protecting or
14 preserving an agricultural land base is through the
15 IAL?

16 THE WITNESS: One more time?

17 MR. YEE: Would you agree there's nothing in
18 either the constitution or the law that says that the
19 only method for protecting agricultural land is
20 through the IAL?

21 THE WITNESS: Yes, I would agree. I would
22 agree with that.

23 MR. YEE: So IAL is certainly one method to
24 protect an agricultural land base but it's not the
25 only one, correct?

1 THE WITNESS: It's a method that's supported
2 by the constitution and passed by the Legislature
3 specifically identified, by the constitution. I'm not
4 sure. Is ag easements -- are ag easements mentioned
5 in the constitution or in the law?

6 MR. YEE: Would you agree that there's a
7 compelling state interest to preserving or in
8 conserving the state's agricultural land resource
9 base?

10 THE WITNESS: We would -- we would agree to
11 that. I'm not sure if the state of Hawai'i implements
12 that on a consistent basis when they turn our ag lands
13 into -- they turn their ag lands urban communities or
14 when they don't develop the ag lands they already
15 have.

16 MR. YEE: Would you also agree that there's
17 a compelling state interest in assuring the long-term
18 availability of agricultural lands for agricultural
19 use?

20 THE WITNESS: Through the IAL law. That's
21 the law that implements that.

22 MR. YEE: But there are other means of
23 achieving this compelling state interest, correct?

24 THE WITNESS: Like what?

25 MR. YEE: Oh, I'm asking you. Do you

1 believe that there are --

2 THE WITNESS: I don't know of any other.

3 MR. YEE: You don't know of any other means
4 of preserving --

5 THE WITNESS: I don't know any other, um --
6 I think in 2003 all of the ag stakeholders including
7 the Department of Agriculture got together, made a
8 list of goals, incentives and ways to preserve and
9 protect ag and support viable agriculture. And I
10 didn't see ag easements on that list. Did you?

11 MR. YEE: And so then -- but there are other
12 means than the IAL law, correct? That's what your
13 first answer was, that the IAL is not the only means
14 of preserving an agricultural land base.

15 THE WITNESS: That's the only way that the
16 state is implementing it right now. That's the only
17 way that I know of right now. There could be, could
18 be other means. I don't know.

19 MR. YEE: Would another means be simply
20 denial of this petition?

21 THE WITNESS: Denial of the petition would
22 be what?

23 MR. YEE: If there was an interest in
24 preserving an agricultural land base, one means of
25 doing that would be to deny this petition, correct?

1 THE WITNESS: You know, preserving an
2 agricultural land base is not what is called for under
3 the constitution. It's production, sustainability,
4 it's viable agriculture.

5 So it's just like -- um, I guess what it is
6 it's just like you build a garage and you say, "Okay.
7 A car is gonna appear in that garage." You don't help
8 it at all. You don't give it tax benefits.

9 You're just saying, "Okay. Reserve this
10 garage here or reserve the property next door to me.
11 And then some day my son or my daughter will magically
12 build a house on that."

13 You know, it doesn't work like that. You
14 talk to farmers, it doesn't work like that. You need,
15 water, right? You need financial support. You need
16 processing facilities.

17 So just preserving ag -- that's the whole
18 paradigm. That's the whole new paradigm. That's the
19 whole reason for the IAL law.

20 What you're talking about is old school,
21 perhaps. And you know what? Really what you're
22 talking about should be vetted through the
23 Legislature. Everything what you say should take it
24 to the Legislature and have it out over there.

25 MR. YEE: Because you think ag easements are

1 really too much to expect from a landowner.

2 THE WITNESS: I think ag easements don't do
3 it. The entire ag stakeholder community from 2003 to
4 2008, even to this day, have never identified ag
5 easements. So all of those people are wrong and
6 you're right? I don't know.

7 MR. YEE: So your position would be grant
8 this petition without ag easements.

9 THE WITNESS: That's not my position.

10 MR. YEE: Okay.

11 THE WITNESS: My position --

12 MR. YEE: You don't have a position whether
13 or not to grant.

14 THE WITNESS: No.

15 MR. YEE: Okay.

16 THE WITNESS: My position is that something
17 as important as the issue that OP and Department of
18 Agriculture raise should be sent through the
19 Legislature and should not be imposed on an ad hoc
20 basis through an unwritten policy with no criteria, no
21 standards.

22 MR. YEE: So just to be clear, you don't
23 have a position on whether or not to grant or deny the
24 petition. You just don't think a condition should
25 include agricultural easements?

1 THE WITNESS: I think I answered that
2 question. Our position is that agricultural
3 easements -- I'm not testifying in favor or against
4 the petition.

5 MR. YEE: You're just opposed to
6 agricultural easements.

7 THE WITNESS: We're saying -- no, I didn't
8 say we're necessarily opposed to ag easements period.
9 I said something as that concept should go through the
10 Legislature rather than an ad hoc -- and, you know,
11 the whole basis of this are off-the-record
12 conversations between the Department of Agriculture
13 and OP.

14 I don't want to say they're secret. But
15 they're not open to the public. So is that what you
16 folks stand for? Implement a policy excuse me...
17 sorry. Sometimes the Waipahu comes out. (Laughter).

18 MR. YEE: It's okay. So all you're really
19 saying at this point is you don't want this Commission
20 to impose agricultural easements, but you agree that
21 that's an idea that's appropriately discussed and
22 vetted in another forum.

23 THE WITNESS: Correct.

24 MR. YEE: Okay. I have nothing further.

25 MR. YOST: I have a few questions, Chair.

1 CHAIRMAN PILTZ: Okay. Go ahead.

2 MR. YOST: Thank you. First, I'd just like
3 to clarify, Mr. Arakawa, who are you testifying for
4 today? You've mentioned a number of times "our" and
5 "we". Are you testifying on behalf of your
6 organization LURF?

7 THE WITNESS: Yes, Land Use Research
8 Foundation.

9 MR. YOST: Okay. And Castle & Cooke you
10 mentioned is a member of your organization, correct?

11 THE WITNESS: Yes.

12 MR. YOST: Castle & Cooke supports the
13 positions that you're taking today, correct?

14 THE WITNESS: I would think so because the
15 LURF members support my testimony.

16 MR. YOST: Right. So you're here
17 essentially as a Castle & Cooke witness, correct?

18 THE WITNESS: I signed up as a public
19 witness. They don't tell me what to say. I'm not
20 sup -- on the record supporting their petition.

21 MR. YOST: You're here supporting their
22 position, though, correct? That's what you just said
23 a moment ago.

24 THE WITNESS: No. We're not here supporting
25 their petition. We're not supporting their petition.

1 I answered that before. All we're doing is saying,
2 gee whiz, gee -- I'm so sorry if it doesn't -- all
3 we're saying is gee whiz. This seems like such an
4 important issue we were involved in IAL law passage
5 with all the other ag stakeholders.

6 And gee whiz. This idea, if it floats, if
7 it flies is so important to the Department of
8 Agriculture and OP, why don't they just take it to the
9 Legislature? Gee whiz. I mean that's what we're
10 saying.

11 MR. YOST: What is the fundamental purpose
12 of the IAL legislation?

13 THE WITNESS: It's in the law. And it is to
14 support agriculture. It's in the IAL law. It's in
15 the constitution.

16 MR. YOST: Isn't it more specifically to
17 preserve and promote the preservation of prime ag
18 lands in Hawai'i?

19 THE WITNESS: Exactly.

20 MR. YOST: That's the purpose, correct?

21 THE WITNESS: Correct.

22 MR. YOST: Are you aware that the land at
23 issue in this petition would meet the criteria for
24 prime ag land under the IAL statute?

25 THE WITNESS: I don't know that.

1 MR. YOST: Okay. Well, I'll represent to
2 you -- let's assume that it will meet the criteria.
3 If the Commission -- well, first of all, you're not
4 aware of any requests by Castle & Cooke to designate
5 the land that's involved in this petition as IAL land,
6 are you? They haven't done that, right? They're
7 asking to reclassify, not to --

8 THE WITNESS: You know what? I'm, I'm only
9 here. I don't know any of that. I'm here just to say
10 gee whiz. This is such an important issue it should
11 be before the Legislature. It's a simple issue. And
12 it shouldn't be discussed in secret and imposed on an
13 ad hoc basis. That's all we're saying.

14 MR. YOST: My question to you is: Given that
15 the Petitioner, Castle & Cooke, is asking for this
16 land to be reclassified as urban use land not
17 preserved as IAL land, the purpose of the IAL statute
18 is not being -- is not being accomplished in this
19 proceeding, is it?

20 THE WITNESS: I don't -- I don't understand
21 your -- I don't know enough about the petition to be
22 able to answer that.

23 MR. YOST: If the ag land in this petition
24 is paved over forever, will it be preserved as
25 important ag land?

1 THE WITNESS: Obviously not.

2 MR. YOST: Thank you. No further questions.

3 CHAIRMAN PILTZ: Commissioners, any
4 questions? Thank you. We have Shaina Hunt. After
5 that were going to have -- Mr. Poirier has some
6 elected officials that we'd like to hear from before
7 it's too late and they have to go back.

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

11 THE WITNESS: Yes.

12 CHAIRMAN PILTZ: State your name and address
13 for the record.

14 THE WITNESS: My name is Shaina Hunt. And
15 my address is 99-228 Keonekapu Place.

16 CHAIRMAN PILTZ: Go ahead.

17 THE WITNESS: Aloha. My name is Shaina
18 Kaleiwa Hunt. I have here with me petitions against
19 the proposed Koa Ridge Project.

20 The Petition against the proposed Koa Ridge
21 was an initiative organized by a group of Native
22 Hawaiian students from UH Manoa and Leeward Community
23 College.

24 I'm one of the founders of the petition
25 along with Zia Aki and Brandy Haiden who are in

1 Tucson, Arizona at the Native American Indigenous
2 Studies Association Conference speaking on
3 sustainability in Hawai'i.

4 A couple of Native Hawaiian students were
5 able to collect 220 signatures over a couple of days
6 against the proposed Koa Ridge Project. I'm against
7 the proposed Koa Ridge Project because it calls for
8 the rezoning of the agricultural lands to urban lands.

9 These agricultural lands contain some of the
10 best soil in Hawai'i and should be used for farming,
11 not for building houses.

12 Once the building begins it is almost
13 impossible to get that nutrient-rich soil back. And
14 it will never be grade A or B soil ever again, prime
15 ag land.

16 Not too long ago Hawai'i's sustainability
17 was 100 percent. Now it is down to only 10 percent.
18 We only produce 10 percent of the food that we eat
19 here in Hawai'i.

20 A majority of our food comes in on ships and
21 if those ships should stop coming we would be in a lot
22 of trouble because we only have enough food to sustain
23 us for two weeks at most.

24 Overdevelopment is preventing us from having
25 the ability to sustain ourselves. Sustainability

1 means having the resources to fulfill all of our
2 necessities now and for the future generations to
3 come.

4 By rezoning agricultural lands to urban land
5 we are limiting our food security. Now, food security
6 is essential because everyone eats food and people
7 cannot eat healthy. The less food security we have
8 the less chance we have for survival when a disaster
9 presents itself.

10 My values as a Native Hawaiian are malama
11 'aina, aloha 'aina, and malama pono. These very
12 values mean to care for and love the land.

13 Hawaiians having the most functional system
14 of living farming from mauka to makai were the model
15 of sustainability. All necessities were provided:
16 Food, shelter, clothing, medicine.

17 Our kupuna knew that it was very essential
18 to love and care for the land because it was there for
19 us to cultivate and would provide everything we need
20 to live and prosper.

21 If we look today at what we have left we
22 would see we have many diseased wounds that may never
23 be able to heal because they, the land has been
24 greatly devastates and overdeveloped.

25 Somewhere along the line we forget how to

1 love and care for what is essential to our
2 sustainability and our living. We forgot about 'aina
3 and how we must care for it as it cares for us. 'Aina
4 has always provided for us all of our necessities. We
5 must give back and fight for 'aina to survive.
6 Because if 'aina does not prosper then neither will
7 we. Therefore, overdevelopment is only further
8 devastating the land and our ability to provide for
9 the people of Hawai'i.

10 The proposed Koa Ridge Project is
11 contributing to the further desolation and depravation
12 of our land and its ability to care for us. Thank
13 you.

14 CHAIRMAN PILTZ: Thank you. Questions by
15 Petitioner?

16 MR. MATSUBARA: No questions, Mr. Chair?

17 CHAIRMAN PILTZ: City?

18 MS. TAKEUCHI-APUNA: No questions.

19 CHAIRMAN PILTZ: Mr. Yee?

20 MR. YEE: No questions.

21 CHAIRMAN PILTZ: Mr. Yost?

22 MR. YOST: No questions.

23 MR. POIRIER: (Shaking head)

24 CHAIRMAN PILTZ: Commissioners, any
25 questions? Thank you. Mr. Poirier, do you have some

1 elected officials that you want to call?

2 MR. POIRIER: Yes. Thank you. We would
3 like to present three of our elected officials that
4 live in the area. The first one is Senator Michelle
5 Kidani.

6 SENATOR MICHELLE KIDANI
7 being first duly sworn to tell the truth, was examined
8 and testified as follows:

9 THE WITNESS: I do.

10 CHAIRMAN PILTZ: State your name and address
11 for the record.

12 THE WITNESS: Aloha. I'm Senator Michelle
13 Kidani. 415 South Beretania Street, State Capitol.
14 I'm here as a witness for Neighborhood Board No. 25 at
15 their request. I have lived in the community of
16 Mililani for 36 years. I represent the Mililani,
17 Mililani Mauka and Waipio Gentry districts.

18 And I must tell you upfront that this
19 community is divided on this issue. So I'm not here
20 as an opponent of the Project. I'm here because the
21 Neighborhood Board has asked me to be here.

22 And 36 years ago when I first moved to
23 Mililani, a community of 16,000 homes, the only way to
24 get to Mililani was through Kamehameha Highway.

25 In the 40 years that Mililani has been built

1 up we have since added the H-2. Those who live in the
2 mauka area will tell you that in the morning traffic
3 can be a nightmare because there is only one way in
4 and out.

5 So my concern for my district is
6 transportation issues. Had not the H-2 been built we
7 would still be using a two-lane Kamehameha Highway.
8 You can imagine what the traffic would be like with
9 the additional 40, 50,000 people now living in
10 Mililani.

11 The combined Project of Koa Ridge and Gentry
12 Waiawa would basically put another Mililani in Central
13 O'ahu. So I'm just asking you to keep in mind the
14 transportation issues.

15 The other issues of concern to Neighborhood
16 Board 25 are the educational facilities issue. And as
17 a new member of the State Senate I can tell you that
18 it is really up to the DOE and the BOE, when they come
19 before us, to request facilities to be built and when
20 they request teachers for those facilities.

21 And a case in point would be that Castle &
22 Cooke early on in their development had set aside a
23 middle school site in lower Mililani which the DOE
24 chose not to use. After about 10 or 12 years the land
25 went back to Castle & Cooke and a town home project

1 was put on the site.

2 So while there are some things that are not
3 within their control, there's still a concern by the
4 community that we will not have the educational
5 facilities needed for the residents who move into the
6 community and, of course, transportation issues.

7 I thank you for the opportunity to testify.
8 I recognize that you guys have a difficult decision to
9 balance need for affordable housing as well as the
10 need to keep agricultural land, prime ag land, in use
11 for our sustainability, our future sustainability.
12 Thank you very much.

13 CHAIRMAN PILTZ: Petitioner, questions?

14 MR. MATSUBARA: No questions.

15 CHAIRMAN PILTZ: City?

16 MS. TAKEUCHI-APUNA: No questions.

17 CHAIRMAN PILTZ: Mr. Yee?

18 MR. YEE: No questions.

19 MR. YOST: No questions.

20 CHAIRMAN PILTZ: Commissioners, questions?

21 COMMISSIONER DEVENS: I wasn't clear. I
22 know you're not opposing the Project. But are you in
23 favor of the Project? Are you taking any position one
24 way or the other?

25 THE WITNESS: I believe that we need

1 affordable housing, but I would also like to put this
2 to the developer that should this Project be approved,
3 that they look at ways to, to use more greening
4 efforts and be -- you know, they have been a good
5 developer in the Mililani area.

6 I will grant them that. But we are in a
7 different age. And we need to look to be more
8 environmental conscious about what we build. And I
9 would put this to the developer to be that role model
10 for us.

11 CHAIRMAN PILTZ: Thank you. All right.
12 Thank you.

13 THE WITNESS: Thank you.

14 MR. POIRIER: Our next witness is
15 representative Marilyn Lee.

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

19 THE WITNESS: I do.

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

22 THE WITNESS: Good morning. My name is
23 Marilyn Lee. I live at 95-170 Naiwai Place, Mililani
24 Hawai'i 96789. I have been a Mililani resident for 30
25 years and I live in one of the original model homes

1 created by Castle & Cooke in 1975.

2 I've served in the State Legislature for 14
3 years and I'm a former chair of Neighborhood Board 25.

4 Mililani's a special community. And the
5 developer's to be congratulated for the success of the
6 planned community which has replaced many of the
7 pineapple fields which once covered Central O'ahu.

8 As we consider the proposed Koa Ridge
9 development, my concerns are primarily those of
10 traffic and educational facilities. Traffic is the
11 number one concern of my constituents. Rush hour
12 traffic in and out of Mililani Mauka is a constant
13 challenge for commuters and is a safety concern
14 because of only one exit in and out.

15 The middle school location in mauka
16 compounds the traffic situation, and the unsafe
17 conditions for walking to school from mauka for some
18 to drive or be driven to school. As someone who was
19 involved when Mililani Mauka was improved, I wish I
20 could go back to those times to insist that a second
21 exit be a requirement for the development. And that's
22 one of the reasons I'm here.

23 In the case of Koa Ridge Project I feel an
24 exit on Kam Highway is an essential condition that
25 should be met now.

1 As far as educational facilities, it would
2 be a good idea for the Commission to authorize a fund
3 to mitigate impacts that will occur for students
4 living in Koa Ridge but attending school a community
5 away.

6 The overcrowding in Mililani schools is just
7 beginning to come under control. That's after 40
8 years. Think of the children who have had to endure
9 the heat and noise of the oldtime portables because
10 the state just did not have the resources to build
11 large enough facilities.

12 With the shortage of revenues for bus
13 transportation as well as increasing costs this need
14 must be met from somewhere. No doubt the traffic will
15 increase when this Project is completed. I continue
16 to dream that some day transit will extend to Central
17 O'ahu.

18 We can, at the very least, plan for bus
19 transportation and safe bike paths from Mililani to
20 the regional park and back.

21 The plans for a hospital and long-term care
22 facility are good ones, and if achieved will
23 complement Mililani. Koa Ridge will create some much
24 needed jobs for the construction industry. That's
25 certain. However, I believe the state Office of

1 Planning should be putting forth more concrete plans
2 to deal with the situation that thousands of new homes
3 will create.

4 The development, after all, will become the
5 home for many of those who build it. And it should be
6 built for the future. Thank you for the opportunity
7 to present testimony. Thank you.

8 CHAIRMAN PILTZ: Petitioner?

9 MR. MATSUBARA: No questions.

10 CHAIRMAN PILTZ: City?

11 MS. TAKEUCHI-APUNA: No questions.

12 CHAIRMAN PILTZ: Mr. Yee?

13 MR. YEE: No questions.

14 MR. YOST: No questions.

15 CHAIRMAN PILTZ: Commissioners, any
16 questions? Thank you.

17 THE WITNESS: Thank you very much.

18 CHAIRMAN PILTZ: Your next witness.

19 MR. POIRIER: Yes. Our final witness is
20 Representative Ryan Yamane.

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

24 THE WITNESS: Yes, I do. So help me, God.

25 CHAIRMAN PILTZ: State your name and address

1 for the record.

2 THE WITNESS: My name is Ryan Yamane,
3 representative for District 37. My address is 94-1466
4 Ukupu Street. I live probably less than a minute
5 drive from the proposed site. I live within the
6 district of the proposed Koa Ridge Project.

7 I'm here on behalf of the Neighborhood Board
8 and my constituents to express similar concerns that
9 the Senator as well as Representative Lee has
10 expressed regarding the proposed area which is traffic
11 and its impact on H-1/H-2 merge, as well as those
12 educational issues regarding having facilities up and
13 ready as families move in.

14 I understand that you guys have a very
15 difficult choice in front of you balancing the issue
16 of employment and affordable housing versus the use of
17 prime ag land.

18 You know, I do want you to know that over
19 the past several years I have been in the Legislature
20 since 2004. We met repeatedly both with the
21 Department of Education, Department of Transportation
22 as well as the developer, Castle & Cooke, to look at
23 how to mitigate potential issues with the Koa Ridge
24 Project.

25 I do want you to know that I also met with

1 the property owners of the Gentry Waiawa project which
2 is no longer Gentry Waiawa, returned back to
3 Kamehameha Schools, and also have talked to them as
4 well as seen the lands in question which is already
5 proposed for potential housing.

6 Again, would like to really reiterate the
7 issue of the impacts of H-1/H-2 merge. I do want to
8 note that the State Department of Transportation, when
9 given the opportunity to do a full traffic study,
10 declined to use \$1 million, which was appropriated to
11 them to do a full traffic study that would look at not
12 only H-1/H-2 merge but also Kamehameha Highway.

13 Before you, as you consider this Project and
14 move forward, please note that this Project is between
15 the current Mililani site as well as the Gentry.
16 There are valid concerns regarding the potential
17 impacts of additional vehicles on our roads.

18 However, you know, before you we're looking
19 at planning for 10, 20, a hundred years out. So,
20 again, would like to just express and reiterate the
21 concerns discussed by colleagues. Thank you.

22 CHAIRMAN PILTZ: Questions?

23 MR. MATSUBARA: No questions.

24 CHAIRMAN PILTZ: City?

25 MS. TAKEUCHI-APUNA: No questions.

1 MR. YEE: No questions.

2 CHAIRMAN PILTZ: Go ahead.

3 CROSS-EXAMINATION

4 BY YOST:

5 Q Thank you. You just mentioned that a
6 million dollars was appropriated.

7 A Yes.

8 Q For the purpose of allowing DOT to do a full
9 traffic study?

10 A Yes.

11 Q And that would have included an
12 understanding of how proposed developments would
13 affect the H-1/H-2 merge?

14 A Proposed developments as well as current
15 infrastructure and any other traffic alternatives that
16 would have been viable, including widening Kamehameha
17 Highway or any additional future planning.

18 Q Okay. Did they give a reason as to why they
19 turned down the million dollars appropriation?

20 A The Director Brennon felt that -- they felt
21 that the process in which the developer would go
22 through would be looking into that and that should not
23 be using state resources to look at planning for that.

24 Again, we disagreed. The Legislature did
25 disagree. We had full support of legislators that

1 went out towards North Shore as well as the Waianae
2 Coast, all supportive of the need to look at this.
3 However, the money was never expended by this
4 administration.

5 Q Are you aware that in the documents
6 presented by the Petitioner in this proceeding did not
7 do a full traffic study but instead only studied a
8 segment of H-2?

9 A My understanding is in past discussions that
10 they were required to do a study as proposed by the
11 requirements of this process. I am not sure if that
12 included the H-1/H-2 merge.

13 However, again, we talk about the H-1/H-2
14 merge, which is a major junction. It falls under
15 state highway. Again, my view is that that would have
16 been the requirement of the State Department of
17 Transportation. There was no excuse for them not
18 planning ahead.

19 Q Okay. So do you think it would have been
20 helpful in this proceeding to have a study that
21 included an analysis of the effects of this
22 development on the H-1/H-2 merge?

23 A Actually I think that an analysis of H-1/H-2
24 merge would have helped this committee in future
25 discussion of any project towards Kapolei and towards

1 the North Shore.

2 However, again, questions regarding the
3 value and the need for that has to be sent to the
4 Department of Transportation.

5 MR. YOST: Thank you very much.

6 CHAIRMAN PILTZ: Commissioners, any
7 questions? Vlad, go ahead.

8 COMMISSIONER DEVENS: You know, the
9 Petitioner has presented evidence and traffic studies
10 and experts on that issue of traffic and the impacts.
11 The evidence suggests that it's not going to have that
12 much of an impact on the travel time going up to a
13 certain point in Pearl City.

14 I know the assumptions weren't real clear to
15 me at least as to what was put into the formulas and
16 so on. But that's the evidence we have so far with
17 some examination of the witness that occurred. But if
18 the state isn't willing to bring the other side
19 forward with the studies, how do you propose we view
20 the evidence?

21 I may have my own questions in my mind about
22 the validity of the evidence so far. And I think we
23 can take judicial notice of the present conditions out
24 there which we all know are not very good.

25 THE WITNESS: Right.

1 COMMISSIONER DEVENS: But how do we look at
2 the evidence when we don't have that counter-point,
3 you know, if the state's not willing to do the study
4 to tell us whether or not Petitioner's information is
5 accurate or not?

6 THE WITNESS: Thank you, Commissioner, for
7 the question. Again, I'm not a lawyer or a developer.
8 I'm a social worker so please temper my response to
9 that. Okay. So I want us to feel good about it
10 versus... (Laughter)

11 The issue I think -- I have two parts to my
12 response. First, I don't think it's fair to penalize
13 the developer or any developer for the faults or the
14 misguidance of a state department or their lack of
15 follow through on their planning, if it's Department
16 of Transportation, DOE, Department of Land and Natural
17 Resources.

18 If they have been given the opportunity and
19 fail to look at that or plan ahead, that should not be
20 held the responsibility of an individual developer or
21 company.

22 With that being said, it is naive to think
23 that any type of devel -- any additional home will not
24 have an impact of more vehicles on the side of the
25 road.

1 It's very difficult for me to talk to you
2 about that because I'm unsure if there are alternative
3 mitigations to that merge from H-2 to H-1.

4 Right now there's two lanes. I know
5 previously in informal discussions the issue could
6 that be widened to three lanes. All those
7 alternatives, again, were not fully vetted out.
8 Again, that's the responsibility, for me, as the
9 Department of Transportation.

10 I hear you regarding evidence. You know, if
11 there is insufficient evidence that's not clarified
12 and you want clarity, I think as a Commissioner you
13 can ask that both from the Petitioner as well as those
14 that may have contradictory positions on what their
15 assessments are.

16 Again, I'm not an expert. I do think
17 there's going to be some impact. The question is is
18 there a systematic plan to address that? And I'm not
19 confident that the Department of Transportation has
20 looked at that.

21 However, your Commission can't force that.
22 Obviously we at the Legislature can't force that as
23 well. So I think that's a policy issue that we have
24 to look forward.

25 COMMISSIONER DEVENS: I appreciate the

1 response. I don't think anyone on the Commission is
2 looking to penalize the Petitioner in any way for
3 information that they simply may not have or the state
4 can't provide to us.

5 On the other hand, do you have any serious
6 concerns about the completeness or the accuracy of the
7 traffic impact analysis that the Petitioner has
8 presented?

9 THE WITNESS: I have not gone through it
10 fully. Again, my discussions with them has been the
11 development of the Project for the last six years. I
12 know there's a request by the Neighborhood Board to
13 add a Kamehameha access point, a second access point.
14 There's validity with that.

15 For example, years back in Pacific Palisades
16 there was a shooting. I'm not sure if you remember.
17 People, they closed off that one access point so
18 people had difficulty going in and out. However, the
19 issue is safety.

20 And off Kamehameha Highway if there's valid
21 concerns, I think that needs to be addressed and
22 should be presented to you on response by Department
23 of Transportation.

24 With that being said I'm not a traffic
25 expert, um, and I would say I would have to leave that

1 to the engineers.

2 COMMISSIONER DEVENS: Unfortunately neither
3 are any of us on the Commission. And I thank you for
4 your testimony.

5 THE WITNESS: Thank you very much for your
6 time.

7 CHAIRMAN PILTZ: Any other questions,
8 Commissioners? Thank you. We're going back to the
9 next person to testify to Karla Noa followed by Elaine
10 Kam.

11 KARLA NOA
12 being first duly sworn to tell the truth, was examined
13 and testified as follows:

14 THE WITNESS: Yes.

15 CHAIRMAN PILTZ: Name and address for the
16 record.

17 THE WITNESS: My name a Karla Noa. I live
18 at 89-989 Nanakuli Avenue. And I'm here to talk about
19 the Koa Ridge Project. Someone mentioned earlier
20 about petitions?

21 And I'm here to turn in those petitions as
22 well. I was one of the people, one of the students
23 who assisted in helping for petitions. So I'll be
24 turning that in today.

25 I oppose this Koa Ridge Project because it

1 calls for rezoning of agricultural land to urban land.
2 Many decades ago this land was used for growing of dry
3 kalo, uala, lahi, or a type of sugarcane, just to name
4 a few.

5 Food security is vital and essential.
6 Development on this land would -- on this land at this
7 time would -- food security would not happen at all.
8 As mentioned before, in 1982 5,000 acres of food was
9 provided at this 'aina for the state of Hawai'i. I
10 really don't want this to happen at all.

11 I kind of, like, want it to go back to
12 agriculture sustainability. Just as I mentioned
13 before, my family practices farming and culturally.
14 That's all. Mahalo.

15 CHAIRMAN PILTZ: Questions?

16 MR. MATSUBARA: No questions.

17 CHAIRMAN PILTZ: City?

18 MS. TAKEUCHI-APUNA: No questions.

19 CHAIRMAN PILTZ: State?

20 MR. YEE: No questions.

21 MR. YOST: No questions.

22 CHAIRMAN PILTZ: Mr. Poirier is not here.

23 Commissioners, any questions? Thank you. We have
24 next person is Elaine Kam followed by Kevin Killeen.

25 ELAINE KAM

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

3 THE WITNESS: Yes, I do.

4 CHAIRMAN PILTZ: Please state your name and
5 address for the record.

6 THE WITNESS: My name is Elaine Kam. My
7 post office box is 10102 Honolulu, 96816. Chairman
8 Piltz, and members of the State Land Use Commission,
9 I'm a mother, grandmother and 76 year-old resident of
10 Hawai'i. And I have a passion for eating healthy,
11 whole foods and serving that to my family. And I'm
12 also a great believer in our sustainability for our
13 islands.

14 I strongly urge you to keep Koa Ridge zoned
15 for agriculture so our farmers can grow and market
16 their crops. I believe that a percentage of land
17 should be designated for agricultural use throughout
18 our island.

19 Several years ago I learned the concept of
20 the Hawaiian word ahupua'a. To live in a good
21 ahupua'a site in Hawai'i was to live where you had
22 access to clean drinking water, a fishing area and a
23 farming area to grow your own food.

24 It's important that farmers have land
25 designated for agriculture so they could grow food for

1 themselves and the local people. Local farmers are
2 very important to our health and well-being.

3 We need to encourage their noble farming
4 profession and often risky efforts. If all good
5 things come to an end, we will some day be without
6 imported food. Please consider our people and their
7 need for fresh, local produce.

8 Once the land is rezoned from ag to urban
9 where will those farmers go? There is so little land
10 they could use. Where will we now get our fresh
11 produce? Will we ever be able to undue this great
12 zoning mistake, which I think is a mistake? Not
13 likely.

14 More than 33,000 houses are destined to be
15 built on the 'Ewa Plain and 12,000 more in Waiawa.
16 Isn't that enough? To achieve our necessary goal we
17 need to stop depending upon the farmers in California,
18 New Zealand and Mexico to grow our food for us. We
19 need to provide land for farmers, our farmers to grow
20 food locally.

21 In summary, I strongly urge you to remember
22 the priority and goal of our state to be
23 self-sustaining. It is important for both our farmers
24 and consumers, our future and our present to keep land
25 such as Koa Ridge zoned for ag. Please vote yes to

1 keep Koa Ridge zoned for ag and no for developing more
2 urban houses. Thank you.

3 CHAIRMAN PILTZ: Questions, Petitioner?

4 MR. MATSUBARA: No questions.

5 CHAIRMAN PILTZ: City?

6 MS. TAKEUCHI-APUNA: No questions.

7 MR. YEE: No questions.

8 CHAIRMAN PILTZ: Okay. Anything from
9 Commissioners? Thank you. Next person we have Kevin
10 Killeen. Next person following Kevin will be Dwight
11 Synan.

12 KEVIN KILLEEN

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

15 THE WITNESS: I do.

16 CHAIRMAN PILTZ: Your name and address.

17 THE WITNESS: Kevin Killeen. My mailing
18 address is 1750 Kalakaua, 96826. Other testifiers
19 spoke about the agriculture sustainability. There's
20 also a sustainability component here.

21 For biofuel you need feedstock from
22 agriculture. And Hawai'i Clean Energy Initiative will
23 fail without enough agricultural lands. So if you do
24 rezone this I think you do need to set aside
25 agricultural lands someplace else.

1 The United States spends, like, a billion
2 dollars a day on petroleum. Lots of it goes to the
3 countries that don't like us very much, to use a
4 cliché. The company that wants to develop wants to do
5 wind farms so they -- if you do less biofuels you have
6 to do more wind farms. Maybe they should subsidize,
7 even set aside more agricultural land so that there's
8 enough feedstock for the biofuels.

9 The Gas Company wants to do 50 percent of
10 their production they want to make biogas. I think a
11 lot of it depends on subsidies. And without land it
12 won't be for the feedstock, it won't be possible.
13 Clear fuels, you know, they can do it with government
14 subsidies but without land they can't continue to do
15 it.

16 On the employment side, the ag workforce
17 increased five percent last year. If you reduce the
18 amount of ag land that's going to decrease
19 construction jobs.

20 Guys might work six months, go on employment
21 for six months, more recently been on unemployment for
22 two years. This increases the cost to employers for
23 their unemployment insurance.

24 This is an island state. You're gonna run
25 out of land for construction eventually. If you use

1 it for ag land -- for ag use, you'll have the jobs
2 indefinitely. It's like the saying goes, "Give a guy
3 a fish, feed him for a day. Give him a fishing pole
4 feed him for the rest of his just life." Just
5 focusing on development it's just a fish. Thanks.

6 CHAIRMAN PILTZ: Questions, Petitioner?

7 MR. MATSUBARA: No questions.

8 CHAIRMAN PILTZ: City? State?

9 MS. TAKEUCHI-APUNA: No questions.

10 MR. YEE: No questions.

11 CHAIRMAN PILTZ: All right. Commissioners?

12 Thank you. Dwight Synan followed by William Metzger.

13 DWIGHT SYNAN,

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

16 THE WITNESS: Yes.

17 CHAIRMAN PILTZ: Please state your name and
18 address.

19 THE WITNESS: My name is Dwight Synan. My
20 address is 2089-A 10th Avenue Honolulu, Hawai'i 96816.
21 Thank you very much for allowing me to testify. I am
22 not, for the record, disclosure, not a lawyer, not a
23 developer, not a union member, not a member of any
24 group that is here. So contrary to what I tell my
25 three children I'm not an expert in anything.

1 So just want to let you know my feelings
2 about when I heard about the Koa Ridge development.
3 My understanding, and you are the experts, it's going
4 to be 5 percent of the remaining agricultural lands
5 that's left in Hawai'i.

6 With that, once again, it's prime
7 agricultural lands. We're looking at perhaps A and B
8 once again, the experts can tell you that. You're
9 probably more knowledgeable than I am.

10 We're looking at 5,000 new homes. And the
11 Mililani representatives were able to testify there
12 with the impact to traffic. With, once again, my
13 faulted math, 5,000 new homes could be 15,000
14 additional cars.

15 And I'm sure we have all ridden H-1/H-2.
16 It's a parking lot. H-1/H-2 when you got out that way
17 the addition of 15,000 additional cars I think will
18 only aggravate that situation.

19 Also, I believe earlier someone had a
20 question about what the population was in 1982. And
21 the Hawai'i population I was able to look up with my
22 handy-dandy little gadget phone that we have now,
23 just for the record it was 964,691 population of the
24 state of Hawai'i according to the Census Bureau.

25 In 2009 the figure 1,295,178. Once again,

1 I'm not a mathematician but that's a 74.5 percent
2 increase in population. Now, that question I think is
3 the basis how much land was set aside for the future
4 for agriculture.

5 I don't know of any new land being built,
6 being created in Hawai'i except for Lo'ihi. Lo'ihi --
7 once again, I'm not a volcanologist but Lo'ihi off Big
8 Island I don't think is gonna surface for another 10
9 to a hundred thousand years.

10 So we are taking away land that just can't
11 be created. Obviously population can be created. I'm
12 a father of three. I could easily be a father of
13 four. And with this I look down the road. There's
14 not going to be any chance for land that will be
15 available for agricultural use with access to
16 freshwater, not purple water, brackish water that we
17 need for fruits and vegetables.

18 Those are my concerns. Thank you very much
19 for listening once again.

20 CHAIRMAN PILTZ: 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: Mr. Poirier?

2 MR. YOST: No questions.

3 MR. POIRIER: No questions.

4 CHAIRMAN PILTZ: Thank you.

5 THE WITNESS: Thank you very much, sir.

6 CHAIRMAN PILTZ: Next person William Metzger

7 followed by Michael Kliks. William? Let's go on to

8 Michael Kliks. William is not here I guess.

9 MICHAEL KLIKS

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

11 and testified as follows:

12 THE WITNESS: I do.

13 CHAIRMAN PILTZ: Have a seat. State your

14 name and address for the record.

15 THE WITNESS: My name is Michael Kliks. I

16 live at 3081-G Paty Drive, Honolulu, Hawai'i in

17 beautiful Manoa Valley.

18 CHAIRMAN PILTZ: Go ahead.

19 THE WITNESS: Aloha no kakou to you

20 Commissioners. Thank you very much for giving us the

21 opportunity to have a public hearing on this matter

22 that's so vital to our future. I've submitted

23 testimony to you this time and previous hearings.

24 Basically it's the same testimony on behalf of the

25 Hawai'i Beekeepers Association.

1 I'm a farmer, I'm a rancher, I'm a beekeeper
2 and I operate Island Pollination Services. My bees
3 pollinate many of the crops on this island, and on
4 other places.

5 Without agriculture we won't have the food.
6 Without food we'll be dependent on outside sources.
7 I'm not going to dwell on my current testimony. I've
8 submitted it to you. You've probably all read it at
9 least once.

10 I'm not going to dwell on the current
11 problems that we have. You all know there is a
12 traffic problem, present land use and water use needs
13 and today's severe economic and job concerns. Those
14 are current issues. I stand on the testimony I have
15 submitted.

16 But I ask you Commissioners and others
17 present here, the Petitioners and Respondents to come
18 along with me on a bit of a mental exercise to the
19 future. Move along with me in your thoughts and
20 deliberations for just a few minutes, 35 years into
21 the future in the year 2045.

22 I'll be a 103 years old. I will be
23 testifying at this Land Use Commission hearing on a
24 similar matter I'm sure.

25 I'm sure that the Chair will be there and a

1 few other longevity, good genetically-based people.
2 We'll all be there. We'll have the same problems we
3 have now, but worse.

4 Mean sea level will be 1 to 3 meters higher.
5 That's unavoidable. That means lands within a mile to
6 up to 2 miles in some places of the shoreline will be
7 inundated with saltwater and ruined for agriculture.
8 Sure we can build dikes and protect dwellings but we
9 can't protect ag lands.

10 The population of O'ahu will be close to
11 three million, just O'ahu, if we continue to grow as
12 we're growing now, based on intrinsic growth and in
13 people who are immigrating to our state.

14 Those people will be driving six million
15 vehicles, and the service vehicles associated with
16 them, trucks, cars, cabs, everything else. There will
17 be no A or B ag lands left in this county. All of
18 them will be in use for ag or they'll be paved over.

19 Imagine, then, at this time in 2045 when
20 suddenly there's a massive level five hurricane that
21 hits our islands as it did 30 years ago.

22 Let's say it's a hundred-year hurricane.
23 Hurricanes are happening at a far greater frequency
24 than they have ever happened before and much more
25 powerful in the Atlantic and in the Pacific.

1 Let's say at the same time there's a massive
2 eruption of Kilauea Volcano and Pu'uo'o vent spewing
3 out clouds of volcanic ash. Look what happened in
4 Western Europe. Hundreds of billions of dollars were
5 lost and are still being lost. That could happen. We
6 already have vog. Vog is nothing compared to the ash
7 itself.

8 Air traffic would be disrupted. We couldn't
9 be helped from the outside for a period of time. Who
10 knows how long it might be. If that eruption were to
11 trigger an underwater landslide, and we had a massive
12 tsunami along with that sea level rise, I don't think
13 any of our planners can imagine what that would be.

14 We have seen some video documentary
15 projections of what that might be: 80-foot waves
16 coming through Waikiki all the way up to Manoa Valley.
17 I'm going to have my children invest in shoreline
18 property and get a yacht parked up there on Paty Drive
19 in Manoa.

20 You can pick your third disaster to go along
21 with those two. It could be bird flu, H-5/N-1 virus,
22 could be SARS. It could be terrorism attacks. It
23 could be heavy rains and winds. It could be the
24 continued drought that we have. It could be an
25 economic depression like we have now.

1 My question to you is: What will we eat?
2 It's not by chance that the word for land is 'aina.
3 "Ai" means to eat. You notice it's not "o" ina to
4 live, land. 'Aina means to eat. Land with something
5 we use to eat from.

6 These mental exercises are the tasks that
7 the Land Use Commission is mandated to perform as well
8 as the Legislature under article 7 of the
9 constitution. And I know you all are thinking about
10 these things.

11 But in our own daily lives we are lucky we
12 can think six weeks ahead of time let alone six years
13 or 35 years. But please on this issue and related
14 issues of Waiawa, Ho'opili and other Central O'ahu ag
15 lands conversions to urban, please think about 40
16 years, 35, 50 years from now.

17 That's where our responsibilities lie. Not
18 for us, not even for our children but for our
19 grandchildren. Thank you.

20 CHAIRMAN PILTZ: Questions?

21 MR. MATSUBARA: No questions.

22 CHAIRMAN PILTZ: City?

23 MS. TAKEUCHI-APUNA: No questions.

24 CHAIRMAN PILTZ: State?

25 MR. YOST: No questions.

1 CHAIRMAN PILTZ: Mr. Poirier?

2 MR. POIRIER: No questions.

3 THE WITNESS: Mahalo.

4 CHAIRMAN PILTZ: The next person is Jeffrey
5 Pedersen follows by Lucas Miller. We have about seven
6 more witnesses.

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

10 THE WITNESS: Yes, I do.

11 CHAIRMAN PILTZ: Name and address, please.

12 THE WITNESS: My name is Jeffrey Pedersen.
13 My primary address is at 98-1277 Ka'ahumanu in Aiea.
14 My secondary address is at 92-302 Kiaweo in Kapolei.

15 CHAIRMAN PILTZ: Go ahead.

16 THE WITNESS: All right. I'll try and keep
17 this brief. I'm another one of the non-expert
18 witness. I guess there's a line of us out there. I
19 guess same as the previous guy. I'm not an expert on
20 anything. However, I am a union member. Actually I'm
21 an electrician. And to be perfectly honest, work was
22 very hard to come by in 2008. Since 2009 effectively
23 I've been pretty much unemployed. I have been doing
24 my best to find work.

25 Now, this development, if it was to go

1 through, it would be pretty welcome. It would be
2 great to get some work out there. But I have to sit
3 there and think for a moment, yes, it could take care
4 of me for a little while if I can get some work there
5 helping to build a few thousands houses. But then
6 what comes ten years down the road, 20 years down the
7 road?

8 And social conscience has to kick in and
9 say, yeah, you know what? Maybe I can find a
10 different avocation or different way to earn money.
11 Somehow or another I'm going to make it.

12 It's not easy right not. I'm doing
13 everything I can to keep and hang onto the house I've
14 got. Sometimes I'm not even staying there because we
15 may be continuing to rent it out. So we're doing what
16 we can.

17 My primary concern was with Ho'opili. But
18 then I was reading through the paper and came across
19 this article. And I said to myself, "What is this Koa
20 Ridge?" And I started doing some research on it. And
21 I went, "Oh, you gotta be kidding me. It's happening
22 again somewhere else." They're taking away farmlands
23 and they're going to try to cover 'em over with
24 concrete and asphalt. Now, I've got nothing against
25 concrete and asphalt. That's part of what I used to

1 do for a living. And I really actually enjoy using
2 concrete and asphalt getting to and from work. It's a
3 lot better than using a lot of the bumpier roads I
4 grew up on.

5 But part of those bumpy dirt roads I grew up
6 on when I was young we assigned to a bunch of
7 farmland. And that farmland is incredibly important.
8 You're hearing people come in one after the next
9 saying, "Don't take away that farmland. It means
10 something." There's only so much land here. It's an
11 island. No kidding. I mean, yeah, that's true.

12 I decided to go back over some of my old
13 textbooks from college. And there was a gentleman by
14 the name of Maslow. I'm sure you've heard of him with
15 his Hierarchy of Needs. Had a pyramid of what's
16 really important in life and what's absolutely
17 necessary.

18 "If you don't have it it means everything to
19 you." It goes up to things you can kinda do without.
20 At the very bottom of that pyramid was "Need to
21 satisfy hunger and thirst," the absolute bottom.
22 Hunger and thirst. That means water and food.

23 Now, I'm sure you remember not too long ago
24 that gasoline costs were starting to approach almost
25 \$5 a gallon. I'm sure when the economy takes off

1 again it will definitely hit \$5 a gallon, probably
2 more. But that also means how much it's gonna cost to
3 ship in all the things that we survive on.

4 If we were to use every square inch of
5 available agricultural land, whether it's the best or
6 the worst or something in between throughout this
7 entire state, I think we would have a hard time trying
8 feeling --

9 MS. ERICKSON: Could you please slow down.

10 THE WITNESS: Okay. I'll finish up now. We
11 would have a hard time trying to feed the one and a
12 half million people here now or the projected two or
13 three that are coming.

14 Can we please protect what we have left?
15 I'm willing to make the sacrifices personally, me and
16 my family, so that maybe I don't have a job right now,
17 but I gotta look ahead. I mean we all got to live
18 here. Our kids gotta live here, our grandkids gotta
19 live here. Let's take care. Thanks very much for
20 your time. I really appreciate your willing to hear
21 me.

22 CHAIRMAN PILTZ: Questions, Petitioner?

23 MR. MATSUBARA: No questions.

24 CHAIRMAN PILTZ: City?

25 MS. TAKEUCHI-APUNA: No questions.

1 CHAIRMAN PILTZ: State?

2 MR. YEE: No questions.

3 CHAIRMAN PILTZ: Anybody? Thank you.

4 THE WITNESS: Thank you very much.

5 CHAIRMAN PILTZ: Next person Lucas Miller
6 followed by Charles Carole.

7 LUCAS MILLER

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.

13 THE WITNESS: Aloha. My name is Lucas
14 Miller. I live at 2140 A Mauna Place, Honolulu,
15 96822. I don't have anything formally prepared, and
16 I'm not the most educated person on the issues or the
17 topic at hand. But I do have a passion for
18 sustainability and the 'aina.

19 I've lived in Hawai'i for about five years
20 and never -- I couldn't have cared less before I moved
21 here about farmland and where my food was coming from
22 or the water quality that was coming into my home.

23 But Hawai'i's opened up my perspective. And
24 I just want to share that passion for, for our future
25 generations, for our current health and well-being.

1 And I think it all basically comes down to how we take
2 care of what we have ourselves, our neighbors, our
3 communities and our 'aina.

4 And I'm against the proposed
5 reclassification of the Koa Ridge area. I think
6 Hawai'i is all about -- this is the gathering island.
7 People should be able to come and move and live here.
8 I don't think -- I don't think, however, that we
9 should continue to rely on importing of foods as well
10 as the importing of new residents.

11 So let's keep our ag land, the good stuff
12 that we have, ag land, and work on developing other
13 areas that are, that would be less productive in
14 growing food and supporting our communities, our
15 families. Thank you.

16 CHAIRMAN PILTZ: Petitioner?

17 MR. MATSUBARA: No questions.

18 CHAIRMAN PILTZ: City?

19 MS. TAKEUCHI-APUNA: No questions.

20 CHAIRMAN PILTZ: State?

21 MR. YEE: No questions.

22 CHAIRMAN PILTZ: Mr. Yost? Mr. Poirier?

23 MR. YOST: No questions.

24 MR. POIRIER: No questions.

25 CHAIRMAN PILTZ: Okay. Commissioners?

1 Okay. Thank you. Next person is Charles Carole and
2 followed by Kioni Dudley.

3 CHARLES CAROLE

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

6 THE WITNESS: Yes, I do.

7 CHAIRMAN PILTZ: Your name and address,
8 please.

9 THE WITNESS: Charles Carole, 1310 Heulu
10 Street, Apartment 1002, Honolulu, 96822. I'm the vice
11 president of the League of Women Voters. And the
12 League has taken the stand of being against this
13 project. We feel that it should remain agricultural
14 and not urban.

15 And some of the reasons, I'd like to point
16 out, this is from the 2006 state data book. It's said
17 that the population in 2010 would be 952,000. In the
18 2007 data book the population for 2010 was 932,000,
19 20,000 less. In the 2008 data book for the population
20 in 2010 it was 912,000; 20,000 less, 40,000
21 altogether.

22 The population is not growing as much as it
23 has been projected. And the reason why the
24 population, they have been coming down with their
25 projections is because of the Census Bureau does an

1 annual population estimate, estimate -- that's the
2 important word -- for Honolulu. The last estimate for
3 2009 July the 1st, 2009 was 207,000 people -- excuse
4 me -- 907,000 people.

5 And I'd like to also point out the city in
6 their 2008 data book annual report they have a section
7 called "housing construction plans for O'ahu" where
8 they interview or get estimates from the developers
9 how much housing would be projected to be built and
10 what time.

11 And I took for 'Ewa for the fiscal year 2012
12 the developers had said that doing in 'Ewa, 1825 --
13 800 --excuse me 1,865 housing units would be built in
14 2012.

15 Now, they have a column "after 2012." And
16 for that, for 'Ewa it was 15,445 houses. And that
17 excludes the 11,750 houses that would have been built
18 if you had approved of the previous petition.

19 Also for Central O'ahu for after 2012 they
20 project, the developers, 8,500 units. I think there's
21 enough units being projected by the existing
22 developers without increasing the potential of 3500
23 houses.

24 And so that's one of the reasons the League
25 of Women Voters voted against this particular Project.

1 The next thing is: Do we need agricultural
2 lands? We definitely do for sustainability,
3 especially with peak oil coming in. The prices of the
4 petroleum, though, today they went down, but normally
5 they go up. And as they get more expensive we have to
6 be paying more for our imported food.

7 So it pays for us to grow our own food as
8 much as possible. So I'd like to say that's the end
9 of my testimony.

10 CHAIRMAN PILTZ: Thank you. Petitioner?

11 MR. MATSUBARA: No questions.

12 CHAIRMAN PILTZ: City?

13 MS. TAKEUCHI-APUNA: No questions.

14 CHAIRMAN PILTZ: State?

15 MR. YEE: No questions.

16 CHAIRMAN PILTZ: Mr. Yost? Mr. Poirier?
17 Commissioners?

18 MR. YOST: No questions.

19 MR. POIRIER: (Shaking head)

20 CHAIRMAN PILTZ: Thank you. Next person up
21 is Kioni Dudley followed by Michael Doyle.

22 DR. KIONI DUDLEY
23 being first duly sworn to tell the truth, was examined
24 and testified as follows:

25 THE WITNESS: I do.

1 CHAIRMAN PILTZ: Name and address, please.

2 THE WITNESS: My name is Dr. Kioni Dudley.

3 I live at 92-1365 Hauone Street in Makakilo. Good
4 morning, Commissioners, and, Mr. Chair. Good to see
5 you all again.

6 Today I come to speak against the Koa Ridge
7 development for two reasons. The first of them has to
8 do with traffic. I'd like to make the comment that
9 Waiawa Ridge has already been approved. And that's
10 17,500 homes. That's, again, the size of Mililani.

11 On the 'Ewa Plain we already have 29,000
12 homes. We've got 33,000 more planned, already
13 approved ready to be built. That's double what we've
14 got on the 'Ewa Plain.

15 Now, if we take double Mililani traffic and
16 double the traffic on the 'Ewa Plain and put all that
17 on the freeway, I just don't think it's possible that
18 it's only going to slow us down six minutes.

19 The reason that the Department of
20 Transportation was against Ho'opili was because
21 Ho'opili would bring us to a standstill on our
22 freeway.

23 Now, if Ho'ipili would do that there, then
24 why won't Waiawa Ridge do that to H-2? Aren't we
25 really talking about two hours to get to town and two

1 hours to get back? And can we really do that to our
2 people?

3 So, you know, while I don't have any
4 statistics saying that it's going to be anything other
5 than add six minutes, just common sense tells me
6 whether there're statistics or not when you double the
7 cars on the freeway you're going to double the time.
8 If it takes an hour for us to get to town now, it's
9 going to take at least two hours or more.

10 I'd like to talk about another point, and
11 it's something entirely different. It's the Urban
12 Growth Boundary. We have an Urban Growth Boundary
13 that, as you know, it's for Central and also for the
14 Leeward side.

15 On the Leeward side that Urban Growth
16 Boundary is about 13 years old; it's about eight years
17 old for Central. We've already got it filled except
18 for the last piece, Ho'opili on our side and the last
19 piece Koa Ridge on the Central side. Everything else
20 is built.

21 I'd like to just ask: I know that you folks
22 are concerned with the Urban Growth Boundary and it
23 does affect your decisions. And so I want to ask why
24 do we have it, you know? We have it so we can control
25 growth. There's a couple of reasons for that. One is

1 so that we don't cover everything over and lose all of
2 our agriculture. So there's an Urban Growth Boundary
3 to protect agricultural land.

4 But there's also an Urban Growth Boundary
5 just to protect the beauty of Hawai'i so that tourists
6 will still come. If we pave the place over we're
7 going to kill the golden goose.

8 So the Urban Growth Boundary is important.
9 We ought to look at the Urban Growth Boundary, which
10 is only eight years old, and say, "Don't we want this
11 for another hundred years?" You know? Where do we
12 want sprawl to sprawl to in a hundred years? Isn't
13 the Urban Growth Boundary really just about it?

14 And if that's so do we really -- does it
15 make sense to really take this last piece in the Urban
16 Growth Boundary and give it away now? Isn't that
17 something that should be done a hundred years from
18 now, a hundred fifty years from now?

19 There is good reason to hold onto the last
20 piece. And I'd like to suggest that it's really
21 important to do that.

22 I'd like to say that if you were to vote
23 against this Project it would not hurt jobs. You
24 know, it would not hurt construction. That's
25 something we really need to realize. We just need to

1 turn around and start focusing our construction on the
2 infilling of the Urban Growth Boundary. There's
3 plenty of space that's empty yet. There's plenty of
4 construction that's possible.

5 We need to realize that there are many
6 sections there are gettin' old that need to be --
7 they're delapidated. They need to be revitalized.
8 That's gonna take a lot of construction.

9 We need to realize we're going to have
10 rising seas. Moiliili is going to be completely
11 covered. We're going to have to go in there and take
12 all those homes out, raze the ground and build houses
13 again.

14 There's plenty of work in the future. And
15 we still have all of Waiawa's 17,000 houses yet to
16 build and the 33,000 on the plain. There's plenty of
17 work. Okay. We don't need this.

18 The only people who need this, honestly, the
19 only people who need it is Castle & Cooke. And the
20 only reason they need it is for profits. And those
21 profits will not stay in Hawai'i. So I ask you for
22 two reasons: The traffic and the Urban Growth
23 Boundary, protecting the Urban Growth Boundary, don't
24 build this last piece right now. Thank you.

25 CHAIRMAN PILTZ: Questions?

1 MR. MATSUBARA: No questions.

2 MS. TAKEUCHI-APUNA: No questions.

3 MR. YEE: No questions.

4 CHAIRMAN PILTZ: Mr. Yost?

5 MR. YOST: No questions.

6 CHAIRMAN PILTZ: Commissioners? Thank you.

7 Michael Doyle followed by Lydi Morgan.

8 MICHAEL DOYLE

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

11 THE WITNESS: I do.

12 CHAIRMAN PILTZ: Name and address, please.

13 THE WITNESS: My name is Michael Doyle. My
14 address is 92-1268 Kikaha Street, Kapolei, Hawai'i
15 96707. Um, I just, I just want to say I'm a student
16 at UH West O'ahu majoring in political science. And
17 we've heard a lot of great testimony here today, so
18 I'm just going to be brief 'cause I want you to think
19 about a few things.

20 The sustainability and food security is very
21 important. I mean importing more than 80 percent of
22 our food, I mean what if something happens. There are
23 people in this state who are starving and homeless
24 now.

25 We care more about making a quick buck with

1 a development rather than making sure we can support
2 all the people that live in this state.

3 Yeah. Also the traffic. I mean the traffic
4 is a huge issue, especially on my side. A lot of
5 people are opposed to anything that will bring more
6 traffic, especially since we're not really working on
7 an infrastructure solution that will solve the traffic
8 issue. So that's all I have to say right now.

9 CHAIRMAN PILTZ: Petitioner?

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: Mr. Yost? Mr. Poirier?

16 MR. YOST: No questions.

17 MR. POIRIER: No.

18 CHAIRMAN PILTZ: Commissioners? Okay, thank
19 you. Lydi Morgan followed by Amy Kimura.

20 LYDI MORGAN

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

23 THE WITNESS: I do.

24 CHAIRMAN PILTZ: Name and address.

25 THE WITNESS: Thank you. My name is Lydi

1 Morgan, 742 Olokele Avenue, Honolulu, Hawai'i 96816.

2 And I'm here as a concerned citizen. I'm
3 here as the vice president of the Hawai'i Farmers
4 Union representing over 300 farmers and farm
5 supporters.

6 I'm also part of the Sierra Club. And, I am
7 seventh generation Cooke descendant: 1834, Amos Star
8 Cooke and Juliette Montague Cooke.

9 So I believe we all know the saying that
10 says that we need to think of the seventh generation
11 in our decisions. I don't know if people have been
12 doing that up to now, but I would like for us to do
13 that at this time going forward.

14 I want to think about seven generations from
15 now what will this island be like. What will the
16 quality of life be like for those people 200 years
17 from now?

18 I'm here to present a vision for this land
19 and for O'ahu that is, I believe, absolutely possible
20 and really in the best interest of every single one of
21 us.

22 In regards to the Koa Ridge property it is
23 actively growing food right now. There is broccoli,
24 cabbage, zucchini, bananas, lettuce, taro, things like
25 that, you know, that we eat that is being grown right

1 now.

2 There's also the opportunity for development
3 of ways to integrate this piece of land into the
4 community and ways that, you know, everything from
5 farmers markets onsite to farm fresh restaurants to
6 centers where families can come, harvest produce.
7 People can get in touch with the growing of food.

8 This is absolutely critical for each and
9 everyone of us to be in touch with how our food is
10 grown. It is a real possibility for this land.

11 I believe if Castle & Cooke wants to talk
12 about benefit to their company and meanwhile to the
13 rest of us, which is their duty as stewards of this
14 land and meaningful part of what's going on on this
15 island, that they can and should look into this vision
16 that will benefit us all.

17 My other issue is water. I understand that
18 at least part if not all of the water that's used to
19 irrigate the farmland comes from Waiahole. This is
20 clean water.

21 I wonder if the development proposes to also
22 use this water or where they would be getting it. You
23 know, it is specifically for agriculture. And the
24 fact that the land is being farmed, it's got access to
25 water, it's actively growing food, you know, we've got

1 to protect it. We have to.

2 You know, we can't -- at this time the water
3 from the Lake Wilson, you know, is not available until
4 we stop polluting it. So there's a lot of open space
5 on this island which we do need to heal, we need to
6 farm it.

7 We do need to grow more of our food. But
8 this piece of land is so critical at this time to hold
9 onto and to grow our ability to feed ourselves, our
10 food security and our food sovereignty.

11 So in closing I would just like to say that,
12 you know, the lack of information on the traffic issue
13 alone should be a reason to not develop this land.
14 The fact that tens of thousands of homes are already
15 zoned and approved, that alone should be a reason to
16 protect this land as agriculture.

17 And, finally, our need to really recognize
18 where we are right now. Our intense vulnerability
19 right now with importing 80 percent of our food and
20 that being dependent on oil and the cost of oil, that
21 alone should be a reason to deny the petition to
22 rezone this land.

23 Together I hope and I pray that this
24 decision is crystal clear for each one of you. I
25 thank you for your service and thank you for hearing

1 my testimony.

2 CHAIRMAN PILTZ: Petitioner?

3 MR. MATSUBARA: No questions.

4 CHAIRMAN PILTZ: City?

5 MS. TAKEUCHI-APUNA: No questions.

6 CHAIRMAN PILTZ: State?

7 MR. YEE: No questions.

8 CHAIRMAN PILTZ: Mr. Yost?

9 MR. YOST: No questions.

10 MR. POIRIER: (Shaking head).

11 CHAIRMAN PILTZ: Anybody here? Okay. Thank
12 you very much. Next person is Amy Kimura.

13 AMY KIMURA

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

16 THE WITNESS: Yes. My name is Amy Kimura
17 and I live at 1310 Heulu Street in Honolulu. I live
18 in Honolulu in town and I have no connection
19 whatsoever to this development or anything out there.
20 And I speak mainly as a concerned citizen because I
21 can see how important it is to preserve prime
22 agricultural land.

23 And I'm very concerned that this is such a
24 large piece of land that, should it be rezoned, will
25 have a tremendous impact on our future ability

1 regarding food security and food sustainability, as so
2 many here have already spoken about.

3 And so I ask that the Land Use Commission
4 members, since you are in a position to make a very
5 important decision that would help our future food
6 security and sustainability, that you please consider
7 the population as a whole of O'ahu and also of the
8 state in coming to your decision. Thank you.

9 CHAIRMAN PILTZ: Questions?

10 MR. MATSUBARA: No questions.

11 CHAIRMAN PILTZ: City?

12 MS. TAKEUCHI-APUNA: No questions.

13 MR. YEE: No questions.

14 MR. YOST: No questions.

15 CHAIRMAN PILTZ: Anybody here? Okay. Thank
16 you. We're going to take a break now for lunch. We
17 will be back at 1:45. We're in recess.

18 (Recess was held.)

19 CHAIRMAN PILTZ: (1:50) We're back on the
20 record. Mr. Poirier, you're finished with your -- oh,
21 he's gone. Ms. Loomis?

22 MS. LOOMIS: We're done, thank you.

23 CHAIRMAN PILTZ: You're done. Thank you.
24 Mr. Matsubara, before you call your rebuttal witnesses
25 you've submitted some....

1 MR. MATSUBARA: Yes, I'll take care of those
2 housekeeping matters, Mr. Chair.

3 CHAIRMAN PILTZ: Would you do that.

4 MR. MATSUBARA: We filed a Third Amended
5 Exhibit List on which we included two new exhibits.
6 Exhibit 54 is the rebuttal written testimony of Ron
7 Nishihara.

8 And Exhibit 55 is the Land Use Summary and
9 "Greenspace" which basically was done to respond to
10 questions Commissioner Judge had when she was
11 reviewing the EIS.

12 So those are the two new exhibits that we
13 have listed in the Third Amended Exhibit List. I
14 would ask that those two exhibits be admitted into
15 evidence.

16 CHAIRMAN PILTZ: City, you have any
17 objections?

18 MS. TAKEUCHI-APUNA: No objection.

19 CHAIRMAN PILTZ: State?

20 MR. YEE: No objection.

21 CHAIRMAN PILTZ: Mr. Yost?

22 MR. YOST: I have a concern. And that is we
23 didn't receive the written testimony of Mr. Nishihara
24 until yesterday morning. And it's given us very
25 little time to prepare for any kind of

1 cross-examination. I'm also concerned that
2 Mr. Funakoshi was slated to testify today, and no
3 written testimony was provided for his testimony in
4 advance.

5 The last time he testified he was presented
6 as an expert. And generally we follow the standard,
7 as I understand it, of providing written reports of
8 experts in advance of their testimony.

9 I don't have an objection to them being
10 admitted into evidence. But I have a concern about
11 having a fair process and maybe giving us an
12 opportunity to provide something else in writing, you
13 know, a couple days from now to rebut data that may be
14 presented as part of the testimony since it was so
15 last minute.

16 CHAIRMAN PILTZ: So noted.

17 MR. MATSUBARA: Mr. Chair -- sorry.

18 CHAIRMAN PILTZ: Do you have anything?

19 MS. LOOMIS: No objection.

20 CHAIRMAN PILTZ: Okay.

21 MR. MATSUBARA: These are rebuttal
22 witnesses. When Mr. Funakoshi testified earlier as an
23 expert there were opinions that were rendered, that
24 was why written testimony was provided to the copies.

25 He's provide as -- he's coming back, a

1 rebuttal on factual issues as opposed to any opinion.
2 So under the circumstances I think the rules are a
3 little different in that regard. That's why he didn't
4 have any written testimony.

5 For example, the response to Commissioner
6 Judge's question on the greenspace, he's going to
7 assist in response to Commissioner Wong's questions
8 that were asked, so they will be factual statements.

9 CHAIRMAN PILTZ: Chair will so note your
10 concerns. Commissioners, are there any objections to
11 the submittals presented by the Petitioner?

12 COMMISSIONER CHOCK: I have no objection,
13 Mr. Chair, but I welcome the written comments in
14 response to rebuttal witness expert testimony.

15 MR. YOST: Thank you. It may or may not be
16 necessary. I just wanted to raise it as a concern.

17 CHAIRMAN PILTZ: Thank you.

18 MR. MATSUBARA: And the other housekeeping
19 matter, we filed a First Amended List of Rebuttal
20 Witnesses and we included Ron Nishihara as a rebuttal
21 witness. Initially it was just Rodney Funakoshi. But
22 for purposes of responding to the questions that were
23 raised by Commissioner Wong in the last hearing we've
24 included Mr. Nishihara.

25 CHAIRMAN PILTZ: We have that amended list.

1 Any problems with that, City?

2 MS. TAKEUCHI-APUNA: No.

3 CHAIRMAN PILTZ: State?

4 MR. YEE: No objection.

5 CHAIRMAN PILTZ: Mr. Yost?

6 MR. YOST: Same concerns as before but
7 otherwise nothing else.

8 CHAIRMAN PILTZ: So noted.

9 MS. LOOMIS: No.

10 CHAIRMAN PILTZ: Commissioners? Okay.

11 Thank you. Mr. Matsubara.

12 MR. MATSUBARA: For the first rebuttal
13 witness I'd like to call Mr. Nishihara. For purposes
14 of explanation, Mr. Nishihara will be responding --
15 Commissioner Wong had three questions.

16 The first related to the ag easement.

17 The second related to 10 percent of the
18 homes with PV.

19 And the third related to generation of
20 50 percent of the power for the commercial units.

21 Mr. Nishihara will be responding to the two
22 energy questions in regard to the factors that went
23 into Castle & Cooke's analysis on what position they
24 would take on energy.

25 And then Mr. Funakoshi will follow up on the

1 energy commitments by Castle & Cooke.

2 CHAIRMAN PILTZ: Very good. Thank you.

3 RONALD NISHIHARA,

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

5 and testified as follows:

6 THE WITNESS: I do.

7 CHAIRMAN PILTZ: Name and address, please.

8 THE WITNESS: My name is Ron Nishihara. My

9 business address is 1916 Young Street, suite 102.

10 MR. MATSUBARA: Mr. Nishihara is still under

11 oath, Mr. Chairman?

12 CHAIRMAN PILTZ: Yes, he is.

13 MR. MATSUBARA: Thank you.

14 DIRECT EXAMINATION

15 BY MR. MATSUBARA:

16 Q Mr. Nishihara, pursuant to our request you

17 prepared written testimony which we have marked as

18 Exhibit 54, did you not?

19 A Yes.

20 Q In your written testimony you addressed two

21 of the questions that Commissioner Wong asked that

22 related to energy issues?

23 A Yes, I did.

24 Q Could you restate the question and your

25 response to Commissioner Wong's concerns that were

1 raised?

2 A Sure. The first question was with regard to
3 the photovoltaic requirement on the residential units
4 on single-family homes. Kind of going back to how we
5 developed the sustainability plan was that we came up
6 with estimates of what a normal home for a family of
7 four would be.

8 And then we came up with targets of what we
9 thought that we could achieve. And the targets we
10 ended up coming up with was a 35 percent reduction
11 over an older home or a 25 percent reduction over a
12 similar newer home. And that's assuming a family of
13 four.

14 And along with that we identified the types
15 of strategies we would use or could use, and we have a
16 whole long list of them. Included in that is
17 photovoltaics.

18 Because each house is going to be different,
19 what we want to be able to do is maintain the
20 flexibility so that when the houses are designed we
21 can pick and choose from that whole list of strategies
22 that we have and come up with the one that would be
23 the most optimal.

24 The second with regard to the commercial and
25 having 50 percent of the --

1 Q Just a moment. Before you get to that
2 question, wasn't one of the concerns you had in regard
3 to the necessity of having the flexibility to utilize
4 energy saving devices was the rapid rate which
5 technology changes?

6 A That's correct. That's another concern.
7 And that list of strategies that we would have we
8 envision that would be changing as strategies -- as,
9 I'm sorry, as technologies evolve.

10 Q So it's your understanding that what Castle
11 & Cooke has designed in regard to meeting the concerns
12 raised by that question takes into consideration those
13 points that you raised.

14 A Yes.

15 Q Could you address the second question
16 please?

17 A The second question relates directly to the
18 last question with regard to technology and how
19 quickly the technology is evolving.

20 The example I used in my written testimony
21 is in my lifetime I've seen vinyl records, cassette
22 tapes, eight tracks, compact discs, now the iPod.

23 When the Walkman came out I never envisioned
24 there would be something better than that. I don't
25 know what's going to come out better there. And

1 similarly I don't know what would be superior to a PV
2 system. It could be out there. We just don't know.
3 But we would want to maintain the flexibility to be
4 able to accommodate a new technology should it come
5 along.

6 Q On the commercial issue?

7 A Yes, on the commercial issue it's that same
8 issue of the potential obsolescence of the technology
9 that's there today. And, you know, another issue is
10 that with regard to incentives versus mandates I spoke
11 about the last time.

12 We have seen how quickly the use of
13 photovoltaics on commercial projects has been growing
14 recently with the current incentives that are there.

15 And given that we -- it's already -- I think
16 at a previous hearing there was an exhibit that was
17 shown that showed the rapid increase in the use of
18 photovoltaics. So that's already happening. Through
19 the incentives that are already there that's already
20 happening. The PV is happening or renewable energy is
21 happening in the commercial area.

22 Q Is the exhibit you're referring to the
23 exhibit that was used by Sierra Club's witness Jeff
24 Mikulina?

25 A That's correct.

1 Q If I recall, the exhibit reflected the fact
2 the use of PV as an alternate energy device increased
3 significantly between 2005 and 2009.

4 A That's correct.

5 Q Is there any mandatory statute or ordinance
6 that requires the use of PV energy-saving devices on
7 homes?

8 A No. It's been, it's been all incentive
9 driven, primarily tax credits.

10 Q So the increase in the use of PV
11 installations has largely resulted from the incentives
12 that have been provided?

13 A I believe so.

14 Q So it's voluntary.

15 A Yes.

16 MR. MATSUBARA: Thank you. That concludes
17 my questions relating to those issues. Mr. Nishihara
18 is available for questions in regard to those issues.

19 CHAIRMAN PILTZ: City, do you have
20 questions?

21 MS. TAKEUCHI-APUNA: No questions.

22 CHAIRMAN PILTZ: Mr. Yee, questions?

23 CROSS-EXAMINATION

24 BY MR. YEE:

25 Q Thank you. Mr. Nishihara, when you

1 calculated the energy usage for the homes to be
2 designed, do you have a calculation for the amount of
3 anticipated energy usage for air conditioning,
4 lighting and appliances?

5 A Yes. That's in the sustainability plan.

6 Q Do you remember what that amount was?

7 A You mean as far as a breakdown?

8 Q Yes. For the air conditioning, lighting and
9 appliances.

10 A Are you talking about the baseline or the
11 proposed?

12 Q The proposed. Again, I'm only talking about
13 air conditioning, lighting and appliances.

14 A Air conditioning would have been 27 percent.

15 MR. MATSUBARA: Mr. Nishihara, could you
16 just reference the page.

17 THE WITNESS: Unfortunately the pages aren't
18 numbered but the heading is Typical Koa Ridge
19 Single-family Home with Four Occupants.

20 MR. MATSUBARA: This is in the
21 sustainability plan submitted as Petitioner's
22 Exhibit 20.

23 MR. YEE: Thank you.

24 THE WITNESS: I'm sorry, what was...

25 Q (By Mr. Yee) Let's stop at air conditioning

1 for a moment. You said 27 percent.

2 A Correct.

3 Q What does that mean? I was looking for
4 amount of electrical usage. So you give me a
5 percentage. Do you have an actual energy usage?

6 A Projection would be 187-kilowatt hours a
7 month.

8 Q Then for lighting and appliances?

9 A Lighting total would have been 55.

10 Q And appliances?

11 A Appliances we've got them all separately.
12 So...

13 Q You would add up those appliances together.
14 So I can get it all from that table you're saying.

15 A Right.

16 Q So when you look at the reduction in energy
17 usage that can be accomplished, the 35 percent
18 reduction as compared to the older homes and
19 25 percent reduction as compared to the newer homes,
20 those reductions can be achieved without PV, correct?

21 A Correct.

22 Q So if the Land Use Commission was interested
23 in imposing a requirement of 10 percent of the homes
24 having photovoltaic, that would have been over and
25 above the 25 and 35 reduction. You understand that?

1 A That's correct.

2 Q And you express your concern about the issue
3 of changing technologies. Do you remember that?

4 A Yes.

5 Q Wouldn't that concern be addressed if the
6 requirement was simply that 10 percent of the homes
7 achieve a certain level of kilowatt hours per month
8 from a renewable energy source?

9 A That would.

10 Q And what would be the amount of kilowatt
11 hours for an average home that would be expected from
12 a PV installed in that home?

13 A Um, roughly 291 kilowatt hours per month for
14 a 3-kilowatt system.

15 Q So your concern about changing technologies
16 could be addressed by requiring 10 percent of the
17 homes having or producing 291 kilowatt hours per month
18 from renewable sources such as photovoltaic, correct?

19 A Yes.

20 MR. MATSUBARA: Just for clarification,
21 Counsel, the question I posed to him was the verbatim
22 question that Commissioner Wong asked that ten percent
23 of the units be PV. And that's why we focused on
24 PV-outfitted homes.

25 MR. YEE: I think I'm responding to the

1 written testimony that referred to the concern about
2 PV in particular regarding technology and exploring,
3 then, the issue well, then, what other condition could
4 then be required that would meet his concern about PV.

5 A different way to address the question
6 would be to require homes to have -- 10 percent of the
7 homes have a net zero energy requirement. That would
8 also address the changing technology concerns,
9 correct?

10 A I'm sorry. Could you repeat that?

11 Q You expressed concerns about changing
12 technology which made a specific PV requirement
13 problematic, correct?

14 A Yes.

15 Q If instead of requiring PV in particular you
16 require that 10 percent of the homes achieve net zero
17 energy, that would also be a different way to address
18 those changing technology concerns.

19 A Well, the net zero is a different issue.
20 The measurement of how you would reduce the amount of
21 energy, whether it be net zero or whether it be just a
22 higher percentage, but specifying a higher percentage
23 would be a way.

24 Q Okay. You testified regarding commercial
25 units about a target number of reduction in the use of

1 fossil fuels.

2 A Correct.

3 Q And you, as I read your testimony you were
4 in favor of a target number as a way of addressing the
5 question.

6 A Correct.

7 Q Is it your understanding that a target is
8 not enforceable?

9 A Well, a target -- any time that you come up
10 with a target it's going to be based on a model prior
11 to construction. What makes a big difference is how
12 the building is going to be used.

13 The example that I used is we can come up
14 with a target of 35 percent reduction on a home. But
15 if the user of the home leaves all of the TVs on and
16 leaves all of the air conditioning on, obviously
17 they're not going to hit that target.

18 Q I just want to be clear I understand. So
19 you'd be in favor of a 50 percent reduction fossil
20 fuel used for commercial buildings as long as the
21 understanding was it's based upon a series of
22 assumptions. And you would design to meet that
23 requirement based upon the assumptions.

24 A That's generally how it's done.

25 Q Okay. So the target is not just a general

1 vague goal you want to achieve, and maybe you will and
2 maybe you won't. It actually is a specific
3 achievement to be accomplished that can be measured at
4 the time of construction.

5 A Usually at the time of design.

6 Q Measured at the time of design.

7 A Correct.

8 Q So you can determine whether it's met or not
9 met at the time of design.

10 A Right.

11 Q So in that sense the target is enforceable.

12 A Correct.

13 Q In terms of with that definition of what the
14 requirement would be, i.e. not actual usage but the
15 design would meet the target?

16 A That's correct.

17 Q Then you discuss incentives in your written
18 testimony. Do you remember that?

19 A That's correct.

20 Q Would you agree with me there are different
21 ways to reduce fossil fuel use, one of which is
22 incentives?

23 A Yes.

24 Q A different requirement would be something
25 like a requirement for solar water heating.

1 A That's one way.

2 Q Another way would be a general requirement
3 to use Best Management Practices to reduce energy
4 usage.

5 A Yes.

6 Q And the Land Use Commission, would you
7 agree, has no jurisdiction to provide for incentives?

8 A I'm not familiar whether or not they are.

9 Q Okay. So in your discussion about
10 incentives you're not asking the Land Use Commission
11 to provide incentives, correct?

12 A No.

13 Q And so with respect to what conditions the
14 Land Use Commission imposes, the Land Use Commission
15 has to look at the other tools that are available to
16 it for reducing fossil fuel use.

17 A If that's one of the objectives of the Land
18 Use Commission.

19 Q Thank you. I have nothing further?

20 CHAIRMAN PILTZ: Mr. Yost?

21 MR. YOST: Thank you, Chair.

22 CROSS-EXAMINATION

23 BY MR. YOST:

24 Q I'd like to follow up a little bit about the
25 discussion of the A/C usage Mr. Yee was talking about.

1 A Yes.

2 Q Are you aware that on Kaua'i, at least in
3 2009, only 3 percent of the homes on Kaua'i had air
4 conditioning?

5 A I wasn't aware of that.

6 Q Are you aware that there are means of
7 architecture where you can use architectural shading
8 orientation and window design for natural ventilation
9 to achieve comfortable temperatures inside a home
10 instead of using air conditioning?

11 Are you aware of those alternatives?

12 A Yes. And that's a lot of what we were
13 taking into account with the energy model.

14 Q But the homes that you're comparing when you
15 talk about the newer single-family Koa Ridge home,
16 comparing it to an alternative newer single-family
17 home, you were making the assumption that air
18 conditioning is going to be part of the construction
19 for both of those types of homes, correct?

20 A Well, it wouldn't be offered as a standard,
21 as a standard feature. When we did the comparison the
22 comparison against the newer home, assumes that there
23 is central air conditioning because that's what most
24 of the competitors are providing.

25 With regard to the model that we came up

1 with we figured that we would be using things like
2 enhanced insulation, low-e so that we wouldn't have to
3 offer air conditioning as a standard.

4 Whether or not a homeowner decides to put in
5 air conditioning, whether it be through an option or
6 whether it be an after-market installation, that's
7 what this assumes. But standard air conditioning is
8 not assumed in the model.

9 Q But isn't a large amount of your efficiency
10 gain in the comparison you've made relating to air
11 conditioning? You have one for the typical current
12 single-family home. It's 52 percent of the energy.
13 Your saying in the Koa Ridge home it's only 27
14 percent.

15 That's almost -- that's 25 percent right
16 there, right? That's the entire reduction. If you
17 talk A/C out of the equation would you still be 25
18 more efficient than a current single-family home that
19 doesn't have air conditioning? Or have you not done
20 that comparison?

21 A No, we have not done that comparison.

22 Q So based on the model that you showed us,
23 isn't the entire efficiency being gained by alleged
24 efficiencies in the use of air conditioning?

25 A No. There are other factors.

1 Q Fifty-two minus 27 isn't 25? I'm just
2 trying to understand. I'm sorry if I don't
3 understand.

4 A The new home versus the old, there were some
5 adjustments to the ceiling fan usage because we were
6 going with the assumption that there would be less air
7 conditioning in a Koa Ridge home.

8 Q Right.

9 A So we increased the amount of ceiling fan
10 usage. And I believe the rest of it was kept the
11 same.

12 Q Are you aware that approximately 56 percent
13 of the homes on O'ahu currently have air conditioning?

14 A I wasn't aware of that.

15 Q So you got 44 percent, let's just make that
16 assumption, don't have air conditioning at all. If
17 the Koa Ridge homes have air conditioning they
18 probably wouldn't be more efficient than the existing
19 homes that do have air conditioning, correct? Because
20 air conditioning is an enormous drain on the
21 electrical load of a house, correct?

22 A That's correct.

23 Q Would you be willing to consider conditions,
24 or have you discussed conditions where you might have
25 a certain number of houses that don't have air

1 conditioning, that you guarantee X number just don't
2 have it?

3 A I haven't had that discussion and I wouldn't
4 be in a position to make a commitment on behalf of
5 Castle & Cooke.

6 Q Okay. You're aware of the Hawai'i Clean
7 Energy Initiative, correct?

8 A Yes.

9 Q And you're aware of the statutes HRS 269-92
10 that has to do with the renewable portfolio standard.

11 A Yes.

12 Q And you're aware of HRS 269-96 that has to
13 do with the energy efficiency portfolio standard,
14 correct?

15 A I'm not familiar with the exact HRS chapter
16 number, but...

17 Q Okay. But you're aware that those statutes
18 relating to those two portfolio standards exist.

19 A Yes.

20 Q The statute relating to the renewable energy
21 generation portfolio, the goal -- or not the goal but
22 the mandate in that statute is for 40 percent of our
23 state's electricity production to be from renewable
24 sources by the year 2030, correct?

25 A Ah, yes.

1 Q And on the efficiency side, the overall goal
2 of the Hawai'i Clean Energy Initiative is to achieve a
3 70 percent reduction in fossil fuels through a
4 combination of energy efficiency and renewable energy
5 generation, right?

6 A Yes.

7 Q So the efficiency side is essentially 30
8 percent of that equation by the time we get to 2030.

9 A Right.

10 Q So isn't it the case that what you're
11 proposing thus far really only addresses the energy
12 efficiency side of that coin? You have two sides.
13 You have the renewable energy generation side and then
14 the efficiency side.

15 So you've been talking a lot about
16 efficiency, but that really only addresses the
17 30 percent efficiency mandate, correct?

18 A Um....

19 Q I can try to ask a simpler question. It's a
20 little long.

21 A Yeah.

22 Q If you're saying -- if we have a goal, not a
23 goal, a mandate of essentially achieving a 30 percent
24 efficiency improvement by 2030, and you're saying that
25 you can provide 25 percent better efficiency with this

1 Project, that's not even going to meet the 30 percent
2 energy efficiency goal, is it?

3 A Numbers-wise no.

4 Q And then it doesn't address at all the
5 40 percent renewable energy generation side of the
6 equation because you're not making any promises as to
7 how much of the Project's electricity use is going to
8 be generated by renewable energy sources, correct?

9 A I think that Mr. Funakoshi is going to be
10 addressing the renewable side for Castle & Cooke's
11 entire project portfolio later.

12 Q Okay. You just recently purchased a 3
13 kilowatt PV system for your own home, is that right?

14 A Yes.

15 Q Are you willing to tell us how much that
16 cost you?

17 A Sure. The entire system was \$28,840. After
18 the tax credits it was \$15,188. But because it's
19 rolled into the mortgage the total cost over 30 years
20 is \$28,522.

21 Q Your own system is rolled into your
22 mortgage?

23 A Yes.

24 Q Okay. So you didn't get any tax credits
25 because you rolled it into your mortgage?

1 A No, there is a tax credit.

2 Q Okay. I understand. So did you calculate
3 or are you aware of what your rate of payback is for
4 that system, when it will pay itself off?

5 A Yes, assuming an 8 percent escalation in
6 electric cost the payback is 17 years.

7 Q Over the course of a 30-year mortgage.

8 A Yes.

9 Q We can agree that technologies are going to
10 change and likely improve. But you yourself made a
11 decision that it made sense today, based on your own
12 economic interests, to install that system now, right?

13 That system is better than what you had
14 previously in terms of your own economic interests,
15 correct?

16 A Well, it wasn't just an economic interest.
17 And again it goes back to it becomes a personal
18 decision of whether or not you're gonna do this. I'm
19 going to be the only one in this home.

20 And so I could afford to make the decision
21 to go with the smaller home with PV as opposed to,
22 say, a family of four who would not have that
23 opportunity. They'd have to get a bigger home without
24 the PV.

25 Q Okay. But it does make sense for your

1 economic interests as well as other interests,
2 correct, over the long term of your mortgage?

3 A It's hard to say. I mean a 17 year payback
4 I don't know if a lot of people would say that's a
5 good payback.

6 Q But you're paying less each month for
7 electricity. So the cost of actually living in your
8 home has to be factored as well, correct?

9 A Right.

10 Q So that would relate to your equation. Did
11 you take that into account in terms of what the
12 benefit would be to you over time?

13 A Yes.

14 Q Now, if you -- if Castle & Cooke was
15 installing 10 percent of 5,000 houses with some kind
16 of renewable energy technology upfront, it's going to
17 be a lot cheaper for that kind of installation to take
18 place on a large scale than it would be to just do
19 your individual house, correct?

20 A That I'm not sure. I'm not sure about that.

21 Q We can provide data to that effect. That's
22 an example of something I would like to follow up with
23 the Commission to provide data on economies of scale.

24 With regard to commercial energy usage, you
25 said you kind of prefer the fossil fuel reduction

1 model.

2 A Yes.

3 Q Rather than a requirement that renewable
4 energy be generated to meet that 50 percent, right?
5 That was your testimony?

6 A No. What I am saying is that it would be
7 better to be incentivized as opposed to being
8 mandated.

9 Q Okay. So you're saying you wouldn't agree
10 to a mandate in this proceeding for fossil fuel
11 reduction?

12 A No, I would prefer to see an incentivized
13 program.

14 Q But if the LUC is not able to provide
15 incentives that would make your suggestion kind of
16 moot in this proceeding, right?

17 A Correct.

18 MR. YOST: No further questions.

19 MS. LOOMIS: No questions.

20 CHAIRMAN PILTZ: Commissioners, questions
21 for Mr. Nishihara? Commissioner Wong.

22 COMMISSIONER WONG: Mr. Chairman, I have a
23 few questions of Mr. Nishihara.

24 Mr. Nishihara, in your home how many people
25 are using electricity?

1 THE WITNESS: It's just me.

2 COMMISSIONER WONG: So that if, in fact, you
3 had four people living in the house wouldn't the
4 payback period be substantially reduced?

5 THE WITNESS: Um, no. The factors that are
6 calculated into the payback are the cost of the
7 system, the cost of my financing, the estimated
8 escalation of the electric cost and the base electric
9 cost right now.

10 COMMISSIONER WONG: So that if they're more
11 people there'll be greater savings. In other words,
12 instead of paying 200 a month it will be maybe 150.
13 But if you have five people in the house, instead of
14 paying \$500 a month for electricity you would be
15 paying 300. Wouldn't it be so?

16 THE WITNESS: Um...

17 COMMISSIONER WONG: Put it another simpler
18 way. If no one uses any electricity you wouldn't save
19 anything, would you?

20 THE WITNESS: Well, if no one's using
21 electricity, then the system is generating electricity
22 during the day.

23 COMMISSIONER WONG: So the electric company
24 hasn't adopted a trade thing where they pay you,
25 right?

1 THE WITNESS: They do.

2 COMMISSIONER WONG: In other words, they pay
3 you. Is it net metering or they pay you?

4 THE WITNESS: No, it's net metering.

5 COMMISSIONER WONG: Net metering means they
6 do not write you a check, is that correct?

7 THE WITNESS: Correct.

8 COMMISSIONER WONG: So that, Mr. Nishihara,
9 if you went on a trip for two months you wouldn't use
10 any electricity, assuming you turned off everything.
11 Did you save any money by putting in the system?

12 THE WITNESS: No.

13 COMMISSIONER WONG: So if you have two
14 people using a lot of electricity you save more, isn't
15 is that right?

16 THE WITNESS: Ah, let me think about that
17 one. The more that you -- the system will generate a
18 fixed amount of electricity per month.

19 COMMISSIONER WONG: Yes. And the
20 electricity that's produced is such that you're fully
21 utilizing it. Because you have more people your
22 savings will achieve more, isn't that correct? You
23 have more savings with more utilization. And no
24 savings is nobody using it.

25 THE WITNESS: Right.

1 COMMISSIONER WONG: Right?

2 THE WITNESS: Right.

3 COMMISSIONER WONG: So there would be more
4 savings if more people, right?

5 THE WITNESS: Um, right as a percentage.

6 COMMISSIONER WONG: So in your case where
7 you have only one person using electricity your
8 savings is less than if there were four people using
9 the electricity, isn't that true?

10 THE WITNESS: Um, if the amount of
11 electricity being used -- or if the amount of
12 electricity being generated is less than the amount of
13 electricity being used, then the more people that you
14 have -- um, it's just -- the amount that you use is
15 just going to go up.

16 COMMISSIONER WONG: Yes. So the dollar
17 amount goes up but the amount of savings would be up
18 too wouldn't it, compared to what you have to pay the
19 electric company?

20 THE WITNESS: I'm afraid I'm not following
21 that.

22 COMMISSIONER WONG: In other words,
23 Mr. Nishihara, in your case it takes 17 years to pay
24 back. But if there are four people living in the
25 house it might take only ten or 11 years to pay back,

1 isn't that true?

2 THE WITNESS: Um, I'm not sure about that.

3 COMMISSIONER WONG: Are you familiar with
4 studies that indicate with a family of four it takes
5 about eleven years to pay back on the average?

6 THE WITNESS: Um, I've heard varying
7 numbers. But, again it all depends on what you're
8 assuming in terms of whether you're financing the
9 system and what your estimated escalation in the
10 electricity costs will be.

11 COMMISSIONER WONG: Assuming the same
12 financing, assuming the same escalation. Isn't it
13 true that with more people, like an average home of
14 four people, it may take around 11 years to pay back
15 rather than 17? Or you don't know?

16 THE WITNESS: No, I'm not sure.

17 COMMISSIONER WONG: Okay. You don't know.
18 Let me ask you: In your case after 17 years you paid
19 back, who pays the electric bill?

20 THE WITNESS: I do.

21 COMMISSIONER WONG: And you would have total
22 savings because it produces electricity, wouldn't you,
23 Mr. Nishihara?

24 THE WITNESS: Yes.

25 COMMISSIONER WONG: And therefore that would

1 be tremendous savings to you, wouldn't it be?

2 THE WITNESS: It would be a savings.

3 COMMISSIONER WONG: And that is one of the
4 reasons why you put in a PV system to save money, not
5 to spend more money, isn't that true?

6 THE WITNESS: Yes.

7 COMMISSIONER WONG: All right. Thank you
8 very much. Let me ask you this. On the average you
9 paid about -- with 28,000 with 3 kilowatts you paid
10 about \$9,000 a kilowatt.

11 As an expert in LED do you know what the
12 average cost of LED kilowatt system, for example of a
13 bigger size? Would it go up or would it go down?

14 THE WITNESS: When you say "LED"....

15 COMMISSIONER WONG: I'm sorry. Photovoltaic
16 system. You paid about 9,000 per kilowatt.

17 THE WITNESS: Right.

18 COMMISSIONER WONG: Isn't it true when you
19 have a bigger system the price goes down?

20 THE WITNESS: Correct.

21 COMMISSIONER WONG: So it could be, like, as
22 low as \$6,000 per kilowatt.

23 THE WITNESS: On a larger system.

24 COMMISSIONER WONG: On a larger system. So
25 the savings would be even greater, wouldn't it be

1 true?

2 THE WITNESS: Yes.

3 COMMISSIONER WONG: Now, let me ask you:

4 You indicated that there's tax credits. What kind of
5 tax credits are you getting, Mr. Nishihara?

6 THE WITNESS: On the federal side it's
7 8,600. On the state side it's 5,000.

8 COMMISSIONER WONG: That's because the 5,000
9 is the limit, right?

10 THE WITNESS: Correct.

11 COMMISSIONER WONG: The state credit is, in
12 fact, 35 percent of the system?

13 THE WITNESS: Right.

14 COMMISSIONER WONG: And even with that
15 credit limitation it still comes out such that you pay
16 back in 17 years with one person using the
17 electricity, right?

18 THE WITNESS: Yes.

19 COMMISSIONER WONG: You said that the cost
20 is built into your mortgage. How much did it cost you
21 more to pay on your mortgage?

22 THE WITNESS: 28,840.

23 COMMISSIONER WONG: I understand. How much
24 did it cost you per month because of this \$28,000
25 expenditure?

1 THE WITNESS: I haven't run that calc.

2 COMMISSIONER WONG: When you get back the
3 credits did you apply that money to reduce the
4 mortgage?

5 THE WITNESS: I haven't gotten back any
6 credits.

7 COMMISSIONER WONG: When you do will you be
8 using it to reduce your mortgage?

9 THE WITNESS: Um, probable not.

10 COMMISSIONER WONG: Probably not. In other
11 words, you get to put this money in your pocket,
12 right?

13 THE WITNESS: Right.

14 COMMISSIONER WONG: There we go. Now, let
15 me say to you, for example, that the additional --
16 excuse me -- do you know what your mortgage would have
17 been without the system and what your mortgage
18 payments per month is with the system?

19 THE WITNESS: No, I haven't run that.

20 COMMISSIONER WONG: You have no idea. Would
21 it be more than the savings from the electricity bill?

22 THE WITNESS: Um, I'm not sure.

23 COMMISSIONER WONG: Obviously not because
24 there is a payback period, right?

25 THE WITNESS: Mm-hmm.

1 COMMISSIONER WONG: So obviously it is less
2 than what your electricity bill would be, right?

3 THE WITNESS: Right.

4 COMMISSIONER WONG: So there's a savings on
5 your monthly electric bill and tremendous savings
6 after 17 years, is that true?

7 THE WITNESS: Yes.

8 COMMISSIONER WONG: Now, let me ask you:
9 You said that today technologically is feasible. Your
10 words here is that "As of today photovoltaic
11 technology is feasible given current tax incentives,"
12 correct?

13 THE WITNESS: Yes.

14 COMMISSIONER WONG: You also say that you're
15 concerned that with technological increases that might
16 not be good for PV, is that correct?

17 THE WITNESS: In the long term there may be
18 something that comes along.

19 COMMISSIONER WONG: Right. For example, if
20 you give the example of vinyl records, you know,
21 music, right?

22 THE WITNESS: Mm-hmm.

23 COMMISSIONER WONG: One vinyl record in the
24 old day can play only one song, some day they had long
25 ones you can play five or six songs. Today you have

1 an MP that can play a thousand songs, right?

2 THE WITNESS: Right.

3 COMMISSIONER WONG: So technology made it
4 better, right?

5 THE WITNESS: Right.

6 COMMISSIONER WONG: So that you don't have
7 to carry a thousand vinyl, you can carry music for one
8 song, you can have one little MP that can carry a
9 thousand songs, right?

10 THE WITNESS: Right.

11 COMMISSIONER WONG: So technology doesn't
12 make things worse, do they?

13 THE WITNESS: No.

14 COMMISSIONER WONG: So if you put in a PV
15 system, are you suggesting that technology increases
16 or advancement would demolish the effect of PV?

17 THE WITNESS: No. I'm saying that if you
18 make it a mandate you would be forcing people to put
19 something in that very shortly could be obsolete.

20 COMMISSIONER WONG: Oh, yes. So that are
21 you saying that PV someday is gonna be obsolete like
22 the MP would be obsolete too? But yet you buy the MP
23 to play music, right?

24 THE WITNESS: Right.

25 COMMISSIONER WONG: So you're not saying

1 that technology turns human nature or human practice
2 backwards.

3 THE WITNESS: No.

4 COMMISSIONER WONG: It makes us go forward,
5 right?

6 THE WITNESS: Right.

7 COMMISSIONER WONG: In other words,
8 technology, if anything, it might increase the
9 efficient of a PV system.

10 THE WITNESS: Or replace it.

11 COMMISSIONER WONG: Or replace it. If it's
12 gonna replace it is it going to make it worse or is it
13 gonna make it better?

14 THE WITNESS: Hopefully better.

15 COMMISSIONER WONG: That's right. No one
16 would replace it if it goes backwards, right?

17 THE WITNESS: Right.

18 COMMISSIONER WONG: We would not go back to
19 the horse and buggy days because that's going
20 backwards.

21 THE WITNESS: Right.

22 COMMISSIONER WONG: So technology will take
23 us forward. Isn't that true, Mr. Nishihara?

24 THE WITNESS: Yes.

25 COMMISSIONER WONG: So, therefore, when we

1 talking about technology are we saying that with
2 technology there's greater efficiency, isn't that
3 true?

4 THE WITNESS: Hopefully, yes.

5 COMMISSIONER WONG: Do you disagree that it
6 would not be more efficient?

7 THE WITNESS: No, I don't disagree.

8 COMMISSIONER WONG: Right. So you agree it
9 would be more efficient.

10 THE WITNESS: Yes.

11 COMMISSIONER WONG: All right. You agree
12 with technology prices would come down.

13 THE WITNESS: Hopefully it will.

14 COMMISSIONER WONG: Aside from hopefully now
15 with an expert in LED, do you think prices go up or
16 prices go down?

17 THE WITNESS: Come down.

18 COMMISSIONER WONG: Come down. Thank you.
19 So with technology you get greater efficiency prices
20 come down, right?

21 THE WITNESS: Right.

22 COMMISSIONER WONG: And while electricity
23 costs go up isn't the savings even greater?

24 THE WITNESS: Yes.

25 COMMISSIONER WONG: So technology gives you

1 greater savings, right?

2 THE WITNESS: Yes.

3 COMMISSIONER WONG: All right. Yet you're
4 afraid of technology? Strike that. Did you think
5 electricity's going up or going down?

6 THE WITNESS: Up.

7 COMMISSIONER WONG: That's why when you put
8 in your PV system you took into effect there's an
9 escalating effect of electricity.

10 THE WITNESS: That's correct.

11 COMMISSIONER WONG: So when you say a
12 payback period of 17 years in fact it may be 17 years,
13 if electricity continues to go up, isn't that true?

14 THE WITNESS: An 8 percent is factored in.
15 So...

16 COMMISSIONER WONG: Yes. So if electricity
17 goes up more than 8 percent it would be less than 17
18 years.

19 THE WITNESS: It'd be shorter.

20 COMMISSIONER WONG: And we have no control
21 over that.

22 THE WITNESS: Right.

23 COMMISSIONER WONG: And could be that
24 electricity price might drop, right?

25 THE WITNESS: Right.

1 COMMISSIONER WONG: But what is the
2 likelihood, Mr. Nishihara, in your opinion?

3 THE WITNESS: Over the long term I think it
4 would go up.

5 COMMISSIONER WONG: Thank you. So,
6 Mr. Nishihara, just say that technology advancements
7 should preclude Castle & Cooke from installing PV
8 system's not really true, isn't that right,
9 Mr. Nishihara?

10 THE WITNESS: Well....

11 COMMISSIONER WONG: I withdraw the question.
12 I have no further questions, Mr. Nishihara.

13 CHAIRMAN PILTZ: Any other questions from
14 the Commissioners? Commissioner Devens.

15 COMMISSIONER DEVENS: Mr. Nishihara, just a
16 quick question. How do you define a "normal home of
17 four people"? What does that consist of?

18 THE WITNESS: Well, what we did was we came
19 up with -- we used figures from Hawaiian Electric in
20 terms of the amount of energy used by each of the
21 various appliances.

22 And then what we did was we put in
23 calculations of how much hours each of those
24 appliances would be used.

25 And as a back check what we did was we had

1 people on the task force bring in their electric bills
2 so that we could actually compare what the model was
3 compared to what people's actual homes were being used
4 at.

5 So it's basically a local home. We didn't
6 want to go ahead and use mainland numbers. We wanted
7 to use a local home as a baseline and a family of
8 four.

9 COMMISSIONER DEVENS: When you say "a family
10 of four" is that two adults, two kids? Four adults?

11 THE WITNESS: No, two adults, two kids.

12 COMMISSIONER DEVENS: Thank you.

13 CHAIRMAN PILTZ: Any other questions for
14 Mr. Nishihara? Okay. Thank you very much.

15 THE WITNESS: Thank you.

16 CHAIRMAN PILTZ: Mr. Matsubara, your next
17 witness.

18 MR. MATSUBARA: Call Mr. Funakoshi.

19 RODNEY FUNAKOSHI

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

22 THE WITNESS: Yes.

23 CHAIRMAN PILTZ: Name and address, please.

24 THE WITNESS: Rodney Funakoshi, Castle &
25 Cooke Homes Hawai'i. We're in Mililani.

1 CHAIRMAN PILTZ: Thank you.

2 DIRECT EXAMINATION

3 BY MR. MATSUBARA:

4 Q Mr. Funakoshi, I have you listed as a
5 rebuttal witness to respond to issues that have arisen
6 during the course of the hearing where questions
7 existed. Is there any particular order you'd like to
8 take them in?

9 A Yeah. I think we'll start with Exhibit 55.

10 Q Exhibit 55, which we just added to the
11 exhibit list, relates to the greenspace issue that
12 Commissioner Judge had questions with as it was posted
13 in the EIS.

14 A Yeah, and I'll briefly explain. Not all of
15 you may have it in front of you. But in our January
16 hearing Commissioner Lisa Judge raised the question as
17 to the amount of parks and open space and basically
18 greenspace.

19 Because we also had a statement that the
20 developments will have parks, landscaped areas and
21 open space on approximately 200 acres or 25 percent of
22 the Project site.

23 But that was inconsistent with another table
24 that did not add up to that amount. Instead, parks,
25 open space areas only totaled 108 acres. So she

1 wanted to know what that discrepancy -- so we prepared
2 Exhibit 55 to reconcile that.

3 And basically what it amounts to is that
4 there's also a lot of common area open space,
5 landscaping, road sides within the multi-family and
6 single-family development areas that are open space
7 that are also considered green areas but not itemized
8 in any of the residential or commercial categories.
9 So that's what it is.

10 Again, we prepared this table in Exhibit 55
11 to reconcile the greenspace acreage. And essentially
12 what that amounts to is that includes other areas
13 within the development, the land use categories of
14 residential, commercial, school, medical and other
15 areas, roadways that incorporate greenspace.

16 So based on that table substantiates the
17 statement in the EIS of 200 acres of the Project site
18 being comprised of greenspace.

19 Q Thank you. You also were planning on
20 addressing Commissioner Wong's question relating to
21 the ag easements on ag land that Castle & Cooke was
22 leasing?

23 A Yes. I wanted to point out we have a number
24 of points to make relative to the agricultural
25 easement proposal proposed by the Department of

1 Agriculture, Office of Planning and asked by you
2 Commissioner Wong.

3 First, I'd like to point out that Koa Ridge
4 is designated within the Urban Growth Boundaries of
5 the City and County of Honolulu's Sustainable
6 Communities Plan. This plan, as well as the other,
7 city's other Sustainable Community Development Plans
8 already considers and identifies agricultural
9 preservation areas from an islandwide perspective.

10 The map behind me shows how Koa Ridge and
11 our Waiawa developments are within the Central O'ahu
12 Sustainable Community Plan's Urban Growth Boundaries.
13 I should point out these plans are designed to provide
14 a balance between urban development and protecting
15 farmlands in other areas such as Kunia, the North
16 Shore and other rural areas on O'ahu.

17 Secondly, we believe Castle & Cooke is fully
18 mitigating impacts on the agricultural operations of
19 its impacted farmer. We have arranged for the full
20 transition and relocation of Aloun Farms to fallow
21 Dole lands that have doubled the acreage, comparable
22 soil quality and wear availability.

23 Our relocation of Aloun Farms provides the
24 proper and best mitigation of impacts on actual
25 farming operations. Aloun Farms chose the land and is

1 happy with the arrangement which including the waiver
2 of rents for the transition period.

3 No other landowner in any petition
4 reclassifying agricultural lands has done as much, we
5 believe, including the state of Hawai'i for UH West
6 O'ahu and the Department of Hawaiian Home Lands in
7 their Ewa Plains development.

8 The purpose of an ag easement was stated to
9 preserve an agricultural land base even though the
10 amount of land needed to be preserved was not known.
11 This purpose is already addressed by state law in
12 Hawai'i's Important Agricultural Lands statute.

13 The protection of agricultural lands is
14 already being implemented through the process of
15 designating IAL. Landowners, policy-makers, farmers
16 and many other stakeholders worked long and hard in
17 crafting state IAL legislation and should be entitled
18 to rely on it as the state's law and policy.

19 In Hawai'i Revised Statutes section 205-41
20 states, "IAL policy, to conserve the state's
21 agricultural land resource base, assure long-term
22 acceptability of agricultural land for agricultural
23 use, to achieve the purposes of conserving and
24 protecting agricultural lands, promoting diversified
25 agriculture, increasing agricultural self-sufficiency

1 and assuring availability of agriculturally suitable
2 lands pursuant to the Hawai'i State Constitution."

3 These IAL objectives are identical to those
4 being made in arguments for the ag easement. And the
5 Hawai'i Legislature has determined that they should be
6 achieved through the IAL process.

7 I would also note that the IAL designation
8 runs with the land and not the ownership. Even if IAL
9 land is sold it remains subject to the IAL
10 requirements set forth in the law.

11 Castle & Cooke Homes supports diversified
12 agriculture in Hawai'i and is committed to preserving
13 prime agricultural lands through the IAL process. We
14 have developed a preliminary plan for voluntary IAL
15 designation of Castle & Cooke Homes lands on O'ahu.
16 We are in the process of finalizing our review and
17 analysis and preparing the supporting materials
18 including maps, title reports, documentation of IAL
19 suitability relative to IAL criteria.

20 The designation we're pursuing would
21 preserve much greater acreage than what we are
22 reclassifying. We further intend to submit our
23 voluntary IAL designation to the Land Use Commission
24 before the end of the year.

25 We believe there are ample prime lands on

1 O'ahu and the neighbor Islands to meet Hawai'i's
2 future needs. Testimony from Bruce Plasch, our
3 agricultural expert, has found over 177,000 acres
4 statewide with 15,000 acres on O'ahu.

5 Most of these lands have high quality soils
6 rated prime A and B. They have ample sunshine and
7 access to irrigation water. A shortage of farmland is
8 not expected on O'ahu.

9 But even if this were to happen, the
10 production of vegetables, melons and other crops would
11 shift back to the neighbor islands, as was the case
12 before the 1990s closure of plantations.

13 The lower rents for farmland on the neighbor
14 islands partially offset the cost of shipping to
15 O'ahu.

16 You've heard a number of farmers involved in
17 the agricultural industry testifying to the shortage
18 of land is not the issue constraining agricultural
19 production.

20 There are a host of other factors such as
21 diminishing available labor and high operational costs
22 for equipment, transportation, water, rising fuel
23 costs, high incidents of ag theft and need for
24 security, sensitivity to market and global
25 competition, and lack of or reduced subsidies and

1 support by the federal, state, and county governments.

2 In summary, we believe we are fully
3 mitigating the impacts of our Project on agriculture
4 with our relocation of Aloun Farms and our voluntary
5 designation of IAL.

6 An additional ag easement condition on top
7 of this is not warranted, especially where we believe
8 there are sufficient prime agricultural lands on O'ahu
9 and the neighbor islands to meet Hawai'i's future
10 needs.

11 Q Mr. Funakoshi, let me just go over that
12 issue relating to Castle & Cooke's plans to voluntary
13 designate IAL lands. It is the intent to designate
14 more acreage as IAL lands than you are presently
15 reclassifying in this petition, is that correct?

16 A Yes.

17 Q And it is Castle & Cooke's intent to file a
18 petition before the year end before the end of 2010.

19 A Yes.

20 Q Thank you. You also are providing Castle &
21 Cooke's position in regard to certain energy issues
22 relating to PV installation and other energy endeavors
23 or initiatives undertaken by Castle & Cooke?

24 A Ah, yes. This relates to the second and
25 third questions raised by Commissioner Wong that were

1 at least partially answered by Mr. Nishihara.

2 Okay. On energy issues Castle & Cooke
3 concurs with the testimony of Ron Nishihara, our
4 sustainability expert. Ron worked closely with us and
5 guided the preparation of Koa Ridge's sustainability
6 plan with an in-house task force of employees from our
7 residential and commercial operations.

8 We are very excited about developing a fully
9 integrated community including a full suite of planned
10 sustainability actions.

11 With respect to the questions that were
12 raised regarding the use of photovoltaics for the
13 generation of energy from our renewable and abundant
14 sunlight, Castle & Cooke developed and currently has
15 the largest solar farm in Hawai'i just dedicated in
16 January 2009 on the Island of Lana'i.

17 This is a state-of-the-art PV facility with
18 7,400 solar panels that rotate with the sun and cover
19 10 acres of land on Lana'i. Its 1.2-megawatt capacity
20 can supply up to 30 percent of Lana'i's peak
21 electricity demands.

22 We are now working closely with the state
23 Department of Business Economic Development and
24 Tourism and HECO on preliminary planning of a large
25 wind farm project on Lana'i that via an interisland

1 submarine cable to be developed by the state could
2 potentially supply 10 percent of O'ahu's annual
3 electricity demand.

4 The proposed 200-megawatt wind farm would be
5 situated on the northwest corner of Lana'i in an area
6 that has strong and consistent winds, considered some
7 of the best in the state of Hawai'i as well as the
8 world.

9 On O'ahu and just across the gulch from Koa
10 Ridge we are planning a large solar farm in our
11 Mililani South Agricultural Park. Castle & Cooke
12 plans to lease sites to allow the development of four
13 5 megawatt solar PV facilities on approximately
14 140 acres to be known as the Mililani Solar Park.
15 This is envisioned to be the site of the largest
16 concentration of solar PV panels in the state.

17 The combined output of 20 megawatts will
18 provide enough power for more than 6,000 homes and
19 reduce the amount of imported oil by 75,000 barrels
20 annually.

21 With respect to Koa Ridge our sustainability
22 plan --

23 Q Mr. Funakoshi, is there any PUC involvement
24 in regard to that project you're currently processing?

25 A Right. Future HECO and regulatory approvals

1 will be needed. With respect to Koa Ridge, our
2 sustainability plan commits to achieving reduction of
3 energy use of at least 25 percent over typical newer
4 homes and at least 35 percent over older homes.

5 We will be offering PV as an option and
6 educating residents about their long-term benefits.

7 Provided that solar PV continues to be the
8 most feasible technology, we will further design the
9 single-family homes to be PV ready, meaning that we
10 will make our best efforts to accommodate PV on the
11 rooftops, providing a conduit from the attic and
12 providing space for an inverter.

13 We consider Castle & Cooke to be a leader in
14 the pursuit of renewable energy for the state. Our
15 Koa Ridge development, likewise, will reflect this
16 ethic of energy management to reduce and conserve
17 energy use through efficient community layout and
18 building design incorporating alternative energy
19 sources wherever feasible. Thank you.

20 MR. MATSUBARA: Thank you. Mr. Funakoshi is
21 available for questions.

22 CHAIRMAN PILTZ: City?

23 MS. TAKEUCHI-APUNA: No questions.

24 CHAIRMAN PILTZ: Mr. Yee?

25 CROSS-EXAMINATION

1 BY MR. YEE:

2 Q Thank you, Mr. Funakoshi. First of all, the
3 Office of Planning does appreciate the efforts Castle
4 has made to address our concerns. And while we're not
5 sure how that will eventually impact our final
6 position, we certainly acknowledge the sincere efforts
7 you have made.

8 I do, however, have several questions
9 regarding the information you've presented today. On
10 a somewhat more minor note with regard to your
11 calculation of open space, is there any requirement
12 either in the CC&R's or the deeds that will require
13 the landowners to have that assumed amount of open
14 space on their property?

15 A Those are planning estimates. But, you
16 know, they have to incorporate your normal setbacks,
17 side yard, rear yard, front yard. We have made some
18 allowances so they are very conservative.

19 But roadways and whatnot, greenspace areas
20 are based on our roadway sections, preliminary roadway
21 sections. Best efforts have been made to estimate
22 accurately the amount of greenspace.

23 Q This would be true for commercial as well?

24 A Yes.

25 Q So it will be part of the design that there

1 will be this amount of open space for commercial and
2 residential properties?

3 A Ah, yes. But again those are planning
4 estimates.

5 Q And what does that mean?

6 A In general some rules of thumb in terms of
7 how much covered versus landscaped areas would be
8 probable in the development because we don't have full
9 control over what specifically would go on every piece
10 of property.

11 Q So the amount may be less than the 200.

12 A Yes. But we have endeavored to be
13 conservative in our estimates.

14 Q Okay. You understand that the Office of
15 Planning's role, or one aspect of the Office of
16 Planning's role is to propose mitigation of any
17 impacts caused by development.

18 A Yes.

19 Q Okay. And your proposal to mitigate the
20 impacts of urbanizing a fairly large piece of
21 agricultural land to mitigate the cumulative impacts
22 of this further urbanization, would that be your IAL
23 proposal?

24 A Well, we are, um, using the IAL process to
25 address the overall state concerns for preservation of

1 ag land and so forth, correct.

2 Q I'm sorry. Please finish.

3 A Yes. So I mean I went through some of the
4 purposes of the IAL law which we feel mirror the
5 concerns that have been expressed relative to the need
6 for an ag easement. So our preference is that
7 preserving ag land be pursued through the IAL process.

8 Q Would you agree to a condition in this case
9 that an IAL application be made by the end of the year
10 for amount of land equal to or greater than the
11 Petition Area?

12 A It's our every intention to at least file.
13 Whether we can actually get an approval, we may not
14 have control over that.

15 Q Will you commit to filing by the end of the
16 year?

17 MR. MATSUBARA: It will be a representation
18 in the finding of fact which will be covered by the
19 condition relating to developer's representations,
20 yes.

21 Q (By Mr. Yee) In this request for IAL will
22 you be waiving the 15 percent credit for
23 reclassification?

24 A That has not been decided.

25 Q So you may be coming to this Commission to

1 ask, to declare a certain amount of land to be IAL and
2 also asking to either urbanize 15 percent of the
3 similar amount of land or at least get credit for
4 that?

5 A We have not decided that particular point.

6 Q Do you have a range of acreage for this IAL
7 request?

8 A Not that we can disclose at this time since
9 we are still in the process of assessing the various
10 holdings.

11 Q Do you have any commitments on what you will
12 be doing on these IAL lands? Will it be used for
13 farming?

14 A Um, I'm not sure that, you know, we -- I
15 don't think I can answer that right now.

16 Q You're aware that an IAL designation other
17 than some limitations on farm dwellings does not have
18 a use restriction?

19 A Correct.

20 Q So when you determine these lands to be IAL,
21 a land could be reclassified to urban and still stay
22 in IAL at least technically under the law, correct?

23 A We consider that to be very highly unlikely.

24 Q Will you commit to not urbanizing the lands
25 upon which you declare lands to be IAL?

1 A I don't think I can do that.

2 Q So will you commit to not having the land
3 reclassified to rural?

4 A No, I don't think I can commit to that
5 either.

6 Q Will you commit to having the use of the IAL
7 lands to be solely for farming and accessory, farming
8 and accessory uses?

9 A Can you repeat that?

10 Q The purpose of IAL is for things like
11 diversified agriculture and farming, correct?

12 A Okay, yes.

13 Q And the purpose of IAL is not to create more
14 land for cellular telephone towers or wind farms or
15 day camps, correct? That's not what IAL land is
16 supposed to be preserving, correct?

17 A Well, I'm not sure what the letter of the
18 law allows in IAL or agricultural land. Presumably
19 what is allowed in agricultural lands would be
20 allowable in IAL lands.

21 Q Do you remember your testimony regarding the
22 purpose of IAL?

23 A Yes.

24 Q And do you remember saying that the purpose
25 is to promote diversified agriculture and agricultural

1 self-sufficiency?

2 A Yes.

3 Q That points to issues such as farming rather
4 than things like cellular telephone antennas or day
5 camps, correct?

6 A Well, okay. But, well, I'm not sure. I'm
7 not sure.

8 Q So when you say that you're going to achieve
9 the same purpose as we have asked for for agricultural
10 easements, you're not prepared to limit the use of
11 these IAL lands to farming uses rather than all the
12 other types of non-farming uses that can occur on
13 agricultural lands?

14 A I thought we thought that IAL did not
15 address uses.

16 Q And I'm asking you that you're not going to
17 put any additional promises that this IAL land, that
18 you're going to come to the Commission with will be
19 used only for farming and farming accessory uses
20 rather than all the other uses that are potentially
21 allowed on agricultural lands, all the other
22 non-farming uses that are allowed.

23 A Okay, I'm not prepared to commit to that.
24 The IAL is a process that really addresses the
25 underlying land, not to my knowledge the use of it.

1 Q So is there any mitigation effort that
2 you're going to propose that will mitigate the
3 cumulative loss of prime agricultural lands at least
4 on the island of O'ahu?

5 A Well, we would hope that there are overall
6 plans to do that. And we believe the city has done
7 that through their various Sustainable Development
8 Plans, Community Plans. And those incorporate the
9 consideration of needs for agriculture as well as for
10 urban development.

11 And so we believe that's as good a process
12 as any to provide for the long-term protection and
13 supply of agricultural lands.

14 Q You've talked about what the city may be
15 doing. But what are you going to be doing to mitigate
16 your impact?

17 A Well, we believe we have fully mitigated.
18 When you have a development come into an area -- let's
19 say anywhere. Let's say the state, for example,
20 builds a highway.

21 What you do you're affecting an existing
22 potential resident or business that needs to be
23 relocated. So that's taken care of. Then the state
24 goes ahead and puts in its road or highway. Or the
25 city.

1 We are doing no different in fully
2 mitigating the displacement of an agricultural
3 operation. There's no loss of any farmlands. The
4 lands that it's being relocated to were already
5 fallow. So the farmer is happy. And there's no
6 effect on agricultural production. That we consider
7 is full mitigation.

8 Q You understand that I wasn't addressing the
9 question to the particular farmer but the larger
10 question of the reduction of the agricultural land
11 base. Did you understand that was the purpose of my
12 question?

13 A No, I'm sorry.

14 Q I wasn't addressing the question of what is
15 going to happen to Aloun Farms. I was addressing the
16 question of the impact this reclassification will have
17 in reducing the agricultural land base on the Island
18 of O'ahu.

19 And are you, Castle & Cooke, doing anything
20 to mitigate that cumulative loss in our agricultural
21 land base?

22 A Well, we have no control over a cumulative
23 loss. We only have control over our own lands. And
24 that is precisely the responsibility of commissions
25 such as this to determine that.

1 Q You have no control over the cumulative loss
2 but you have the control over this particular piece of
3 property, right?

4 A Only over what we own. And so...

5 Q And you have control over the other lands
6 that's owned by Castle & Cooke, correct?

7 A Yes.

8 Q So you could through, through limitations in
9 your other lands in effect or mitigate the cumulative
10 loss of land, the agricultural land base on O'ahu.

11 A Um, I believe that's precisely what we are
12 doing with the IAL process.

13 Q So that's -- in your mind the IAL is the
14 method by which you're proposing to mitigate that
15 impact from this reclassification?

16 A Yeah, we believe that's the established and
17 correct way to do it.

18 Q So if this is your mitigation, the IAL is
19 your mitigation, don't you think that should then be a
20 condition within the Decision and Order, a specific
21 condition?

22 A Well, I believe that if, as you say, your
23 purpose was to mitigate the impacts of our actions,
24 the mitigation is really what we have done in terms of
25 relocating Aloun Farms.

1 We bring IAL up not to have it as a
2 condition to our approval of this petition. We really
3 are bringing it up to just show you our commitment and
4 intention for preserving agricultural lands.

5 Q Moving on to energy. You've listed a
6 variety of projects that Castle & Cooke will be going
7 through subject to PUC approvals.

8 Is there a commitment -- are you making a
9 commitment to make these requests to the PUC for these
10 projects?

11 A Yes.

12 Q And as I understand it PV will be an option
13 to any homeowner in the Petition Area?

14 A Yes. We will provide that option.

15 Q All homes will be PV-ready?

16 A All single-family homes we will make them
17 PV-ready.

18 Q Why, then, won't you agree to a 10 percent,
19 at least 10 percent of the homes to have PV?

20 A Well, we believe strongly that specific
21 sustainability measures such as PV and particularly PV
22 is a tough one. There's a lot of reasons. one, of
23 course, is the cost. So, you know, solar water
24 heaters have been required. And of course we will
25 implement those.

1 But they actually have raised the cost of
2 the price of a home simply because we have to -- we
3 don't get -- the credits have been eliminated so it
4 really increases the cost of the house.

5 The PV system, if we were to have to absorb
6 that would result in a much greater increase in the
7 price of a house.

8 We would prefer that that be, you know, the
9 choice of the homeowner who can not only do it if we
10 can afford it, but then also can enjoy tax credits
11 which we most likely will not be able to use.

12 Q So for you the issue is cost.

13 A Well, it's much more than cost. Um, it's
14 really affordability. We will have to pass that on to
15 the homeowner. So you will affect the ability of
16 people to buy what are already expensive homes in the
17 state of Hawai'i.

18 Then the other consideration is really the
19 entire network. It's probably a more complicated
20 discussion than we want to get into here. But, HECO,
21 just as when you put a lot of renewables into a small
22 area it affects the circuit for that area in much more
23 severe way than it would when they are disbursed
24 islandwide, as currently is the case with PV
25 installations.

1 So when you force it to be in a concentrated
2 location, whether at a commercial area or, say, a
3 residential area, you know, it could have a much more
4 profound impact on the HECO grid.

5 So, you know, you would be complicating, we
6 believe, the discussion or -- you know we would -- it
7 would not be that simple a decision for you to make
8 that we would have to probably bring in HECO to
9 address some of the potential fluctuation issues that
10 may arise from the concentration of renewable energy
11 in one spot without proper planning.

12 Q But you don't think that's true if
13 10 percent of the homes had PV on it, do you?

14 A That could very well be. It really depends
15 on how the circuit is laid out. That could certainly
16 be a concern.

17 Q Okay. Well, that's a factual statement that
18 maybe we can leave for another day.

19 In your testimony, going back to your IAL,
20 you talked about the legislative effort to make IAL a
21 means of accomplishing these purposes. Do you
22 remember that?

23 A Okay.

24 Q Do you know how long it took from the time
25 the constitutional amendment was in place regarding

1 IAL to the time legislation was actually passed to
2 implement this?

3 A I don't know. Is it decades? Yeah, I mean
4 as long as I've been in planning, you know, they've
5 argued, they've called it different names. It used to
6 be LESA before. Now it's IAL. It's decades.

7 Q So if we had to rely solely through
8 legislative efforts for each specific means by which
9 we are to protect our agricultural lands, it would be
10 unfortunate if we had to wait an additional several
11 decades for any other protections for these
12 agricultural lands.

13 A My understanding is the deadlines are
14 imminent for designation of IAL. And, you know,
15 within the next year or two I would imagine there's
16 going to be a lot of activity in designating IAL.

17 Q But IAL is not the only means by which we
18 have to use to protect agricultural lands, right?

19 A We believe it's the -- I thought it was the
20 state's adopted means to do that.

21 Q In fact there are things such as the
22 planning process that's intended to protect
23 agricultural lands, correct?

24 A That's true and, you know, there are --

25 Q So we can't solely rely on the Legislature.

1 We also have to apply an analysis in the planning
2 process on how to protect agricultural lands, correct?

3 A So, again, I believe that what the counties
4 have done on O'ahu through their development and
5 Sustainable Communities Plans and on neighbor islands
6 through their community plans and general plans are
7 doing basically that, identifying where they would
8 want to see development happening and where they would
9 like to see remain in agriculture as part of their
10 planning efforts.

11 The state similarly can do a similar plan.
12 There was, for example, as part of the Water Code
13 allowance for an agricultural Water Use and
14 Development Plan that really has not taken on the
15 challenge of identifying what lands should be
16 preserved for agriculture.

17 Q Not to diminish those other efforts, but the
18 LUC also has a role in the protection of agricultural
19 lands, correct?

20 A That's true. Although it is on a
21 case-by-case basis --

22 Q Yes.

23 A -- and it would be preferable that it be on
24 a more comprehensive approach through a larger
25 consideration of availability, needs. We would have

1 hoped that that would precede and help support
2 Commission decisions.

3 MR. YEE: Thank you. I have nothing
4 further.

5 CHAIRMAN PILTZ: Okay. Mr. Yost.

6 MR. YOST: Thank you, Chair.

7 CROSS-EXAMINATION

8 BY MR. YOST:

9 Q The state's public policy that relates to
10 this particular parcel of land we're discussing in
11 this proceeding, Mr. Funakoshi, isn't it true that the
12 state's public policy is the land be preserved for
13 agricultural use because it's zoned agricultural,
14 correct?

15 A It is currently classified agriculture,
16 correct.

17 Q And isn't that zoning classification an
18 expression of the public policy that the land be
19 protected and used for agricultural purposes?

20 A It's an expression of what you can do with
21 the land today. The expression of what the state
22 wants for an area or what the city or county wants for
23 an area is reflected through a plan.

24 Q Well, not just a plan, right? Because if
25 you want to reclassify the land that's currently

1 designated as agricultural land, you have to come to
2 this Commission and you have to convince a super
3 majority of the Commission to reclassify.

4 So isn't that provision that a super
5 majority, not just a majority but a super majority of
6 the Commission, is required to change the zoning
7 classification, isn't that a public policy expression
8 that's designed to try to preserve the ag land as
9 opposed to make it easy to reclassify it?

10 A Well, you do need to demonstrate that it
11 meets the criteria of the district to which you want
12 to designate it to.

13 So, for example, if we wish to designate it
14 to urban, then there are decision-making criteria for
15 your project and the site that needs to be met.

16 So, for example, they want it to at least be
17 adjacent to already existing urban lands.

18 Q I'm sorry, Mr. Funakoshi, that wasn't my
19 question. My question is is the requirement that a
20 super majority vote in favor of reclassification, is
21 that an expression of public policy that it not be --
22 that the land should be preserved or at least in any
23 decision to reclassify should be done based on that
24 heightened standard?

25 Doesn't that heightened standard in effect

1 protect the ag land to some extent?

2 A No. I think, I just think that it means it
3 is an important decision, that they do want a clear
4 majority of the decision-making body to make that
5 decision. So we don't have a problem with that. It
6 is an important decision.

7 Q The Sustainable Communities Plan that you
8 referred to the county developed in December 2002,
9 when was that supposed to come up for public review?

10 A We thought beginning of this year.

11 Q Wasn't it supposed to be on a five-year
12 cycle?

13 A Yes.

14 Q And when would that have been? In 2007,
15 correct?

16 A Yes. But, you know, rarely, although they
17 say that rarely do any of the counties, much less city
18 and county adhere to the timeframe for updates of
19 these plans. They try to start it at least within the
20 five-year time and I think they have done that.

21 Q Has Castle & Cooke been involved at all in
22 discouraging the release of the updated Sustainable
23 Communities Plan for public review?

24 A No, not at all. We have not been involved
25 -- we have not -- our only communications have been

1 inquiries as to when we might expect it to come up.

2 So we have done that a number of times.

3 Q You haven't had any representative on any
4 sort of review commission with Belt Collins, members
5 of this county to discuss the renewal and public
6 review of the plan? You haven't had representatives
7 in those meetings?

8 A No.

9 Q You talked about a solar farm in Mililani.

10 A Yes. It's a proposed solar park.

11 Q What use was that land being used for before
12 you considered changing it to solar farm?

13 A Well, currently there are some farms on it.
14 And, you know, we are in the process of discussing
15 with some of the tenants relocation.

16 Q Haven't you served farmers on those lands
17 with notices of eviction?

18 A Um, no, not that I'm aware of.

19 Q You're not aware of that?

20 A No.

21 Q That they have six months to leave the land.
22 You're not aware of that?

23 A Ah, no I'm not aware of that.

24 MR. YOST: We'll have to provide information
25 separately to the Commission on that issue. It's our

1 understanding that that's the case.

2 A Okay.

3 Q The IAL designation process, that is a
4 process that contemplates that if a private landowner
5 offers land for designation, then 85 percent would be
6 preserved for agricultural use, under the currently
7 statutes anyway, not necessarily farming, then
8 15 percent would be freed up for urbanization,
9 correct?

10 A Yes, I believe so.

11 Q So is what you're proposing essentially if
12 you're going to do an equivalent amount of IAL
13 designation, let's say that's reduced by 15 percent
14 because you get a 15 percent allowance, then
15 effectively what you're doing is having 65 percent of
16 a total land area -- let's say the land area is the
17 Koa Ridge proposal -- and your IAL designation land --
18 you put 'em together and of that land 65 percent is
19 going to be urbanized, right?

20 A Sixty-five percent?

21 Q That's correct. Right? If you take the Koa
22 Ridge land and the IAL designation land of equivalent
23 size to the Koa Ridge land. Okay? And 15 percent of
24 the IAL land can be reclassified. And 100 percent of
25 the Koa Ridge land's gonna be reclassified. So you

1 put these two parcels of land together isn't
2 65 percent over all going to be reclassified? Or am I
3 getting my math incorrect? Is it something between 50
4 and 65 percent?

5 A Um, I'm not sure. You could be right, but
6 I'm not sure.

7 Q Okay. Well, my point is, my question is if
8 IAL is designed to try to preserve 85 percent of
9 eligible lands, the process that you're following is
10 perhaps preserving only 35 percent because you're
11 coming here and bringing lands to the Commission that
12 could qualify as IAL lands; you're asking that a
13 hundred percent of them be reclassified to urban.
14 Okay.

15 Then you're going someplace else. You're
16 saying okay, we'll reclassify the same number of
17 acres -- we'll present them for designation as IAL.
18 We want 15 percent of that to be urban as well.

19 So over all your process instead of looking
20 at the lands within your land portfolio that might
21 qualify for IAL, submitting all of those to be
22 designated, you're picking and choosing and deciding
23 that portions of your IAL-qualified portfolio should
24 be 100 percent urban as opposed of 85% ag/15% urban.

25 Do you see what I'm saying?

1 A Okay. But we see that, I mean it's a
2 separate process we're talking about.

3 Q But you're offering it as mitigation.

4 A We're offering....?

5 Q The IAL designation as mitigation.

6 A Mitigation of?

7 Q The urbanization of the parcel that's
8 proposed in this proceeding, right? Isn't that what
9 you're trying to say?

10 A Our mitigation has already been done as far
11 as we're concerned in terms of Aloun Farms.

12 Q You've talked about mitigation of the
13 agricultural production. But you haven't talked about
14 mitigation at all, I guess, about the land itself, the
15 loss of the land. Because we agreed the land will be
16 lost, forever, right? Once it's paved over it will no
17 longer --

18 A The use will be changed. The farmlands will
19 not be lost. The farm is simply being moved to
20 another location.

21 Q The farm land will be lost, correct?

22 A The land will be changed from agriculture to
23 urban. So you may have homes instead of crops, that's
24 true.

25 Q Okay. Mitigation means that you -- the word

1 "mitigation" means that you are offsetting the impact
2 of whatever you are doing, right? That's what "to
3 mitigate" means.

4 A Yes.

5 Q When you talk about full mitigation, isn't
6 it the case that in terms of the loss of this prime ag
7 land the only way you could fully mitigate that loss
8 would be to somehow create new prime ag land somewhere
9 else, like on the Big Island, which won't be ready for
10 10,000 years, you cannot fully mitigate the loss of
11 agricultural land inventory, correct?

12 A But, you know, I've never seen that done in
13 terms of a mitigation. It's not an irreplaceable -- I
14 mean there are other ag lands available.

15 Q Land is irreplaceable is it not, on this
16 island that we live on?

17 A Yes.

18 Q Okay. So it's partial mitigation. Whatever
19 you might propose at best is partial mitigation,
20 correct? It's not full mitigation of the impact.

21 A We believe it is full mitigation. If you
22 come in with a development and there is an existing
23 use, your obligation to mitigate the impact of your
24 development is to relocate that existing use. And we
25 have done that. And that's full mitigation as far as

1 I'm concerned.

2 Q I'm going to move on to the next issue.

3 You've mentioned that PV is going to increase the cost
4 of the house, right, if you install PV onto it?

5 A Yes.

6 Q But isn't it true that if it was
7 incorporated within a mortgage that it might actually
8 decrease the cost of living in that house over time
9 for the homeowner? Because you're going to be
10 offsetting the electricity bill, correct?

11 A For the homeowner, yes, but the initial
12 purchase price will be higher.

13 Q Right. But the homeowner, when they do
14 their budget, they look at their mortgage payment,
15 they look at their utility bills, they look at
16 everything altogether, right?

17 A No. They look at how much home they can buy
18 for what they can qualify for.

19 Q That's part of what they look at. But when
20 they look at how they can afford to live, doesn't
21 their budget include utility bills, other expenses?

22 A That's true. They need to incorporate that.

23 Q So when they think about how much they can
24 afford in terms of the monthly payment, that's going
25 to be influenced if they're saving none on their

1 electricity bill, right?

2 A Yes. But the initial upfront costs rarely
3 makes that a choice they would make.

4 Q Well, do you think it might make that a
5 choice for 10 percent of the potential buyers, just as
6 perhaps 10 percent of buyers of automobiles might
7 choose to by a Prius instead of a Honda Civic?

8 A It may well be that 10 percent may choose to
9 take that option.

10 Q Okay. You haven't done any market studies,
11 though, so you don't have any analysis, right?

12 A Not to that detail in terms of selection of
13 PV. But clearly that would be a significant cost item
14 that would clearly raise the price of the house that
15 they would be purchasing. So it would certainly, you
16 know -- they would need to consider it seriously.

17 Q Do you know how much it would increase the
18 cost of the house?

19 A Well, the price we have heard basically
20 \$30,000 is about the cost of a PV system.

21 Q You think that that's true in terms of
22 building to scale as was being proposed here for 500
23 houses? You think \$30,000 is the amount it would cost
24 if you built to scale?

25 A I'm not sure, but, you know, it could

1 probably come down a bit, presumably.

2 Q Okay. All right. If it came down as low as
3 between 15 and \$17,000 is that sort of increase in
4 cost of significant concern, do you think, to a new
5 home buyer in terms of the benefit they would receive
6 from having that on the house?

7 A I think so, especially given the high cost
8 of our homes already. That usually people are
9 stretched to their limit of their borrowing
10 capability. So, you know, normally they would always
11 defer those kinds of purchases.

12 Q But you have never tried it before so you
13 don't really know in terms of a PV house.

14 A Correct.

15 MR. YOST: I have no further questions.

16 CHAIRMAN PILTZ: Neighborhood Board?

17 MS. LOOMIS: No questions.

18 CHAIRMAN PILTZ: Commissioners?

19 Commissioner Teves.

20 COMMISSIONER TEVES: Hi, Mr. Funakoshi. I
21 have a couple questions regarding Castle & Cooke's
22 land on O'ahu only. My question is -- one of my
23 questions is: How many acres of undeveloped lands
24 does Castle & Cooke now hold on O'ahu?

25 THE WITNESS: I don't have that information

1 with me.

2 COMMISSIONER TEVES: Can you get that
3 information?

4 THE WITNESS: Yes, I suppose.

5 COMMISSIONER TEVES: And since we are on the
6 same subject, I want to know how much acres of land is
7 ag. The other question is -- but different classes of
8 that ag: A, B.

9 Does your company have right now any
10 undeveloped residential land that's not being built on
11 zoned for ag?

12 THE WITNESS: Undeveloped?

13 COMMISSIONER TEVES: I mean it's already
14 zoned for residential use, but you haven't built on it
15 yet.

16 THE WITNESS: We do not have any, I believe.

17 COMMISSIONER TEVES: Okay. Okay. Thanks.
18 So can you get me those answers to those other
19 questions, please.

20 THE WITNESS: Okay.

21 COMMISSIONER TEVES: Thank you. That's all
22 I have.

23 CHAIRMAN PILTZ: Any other questions?
24 Commissioner Wong.

25 COMMISSIONER WONG: Mr. Funakoshi, you

1 talked about relocating farmers so that they can have
2 farmland to use if this Project were to proceed; is
3 that correct?

4 THE WITNESS: Ah, yes. That's already in
5 the process of taking place. Aloun Farms is already
6 clearing and preparing the lands to which they're
7 being relocated.

8 COMMISSIONER WONG: And how many acres of
9 land would be available to replaced farmers?

10 THE WITNESS: (Pause)

11 COMMISSIONER WONG: 300 acres?

12 THE WITNESS: Um, wait. Let me double
13 check. We initially provided a 335-acre site and have
14 added an additional 332 acres. So that is a total of
15 667 acres, which is double what he currently
16 cultivates at Koa Ridge.

17 COMMISSIONER WONG: And having designated --
18 how many farmers do you have who will be using or
19 actually will be entering leases for those 667 acres?

20 THE WITNESS: We just have one lessee. So
21 Aloun Farms is leasing and will be, yeah, presumably
22 using the entire site.

23 COMMISSIONER WONG: So Mr. Aloun Farms would
24 be leasing 667 acres.

25 THE WITNESS: Yes.

1 COMMISSIONER WONG: As the replacement land
2 for the Koa Ridge property.

3 THE WITNESS: Yes.

4 COMMISSIONER WONG: And how long a lease
5 would he have?

6 THE WITNESS: We provided a ten-year lease
7 with a five-year option.

8 COMMISSIONER WONG: And would the lease rent
9 increase?

10 THE WITNESS: Um, I'm not sure.

11 COMMISSIONER WONG: If the rent -- put it
12 this way is it normal for the rent to increase or
13 decrease after ten years?

14 THE WITNESS: I'm not sure.

15 COMMISSIONER WONG: Do you know of any
16 leases where the rent went down after ten years?

17 THE WITNESS: (Pause) Okay. I don't know.
18 It probably wouldn't go down, but I'm not sure that it
19 would necessarily --

20 COMMISSIONER WONG: All right.

21 THE WITNESS: -- go up.

22 COMMISSIONER WONG: All right. It might
23 stay the same but it sure ain't gonna go down, right?

24 THE WITNESS: Probably not.

25 COMMISSIONER WONG: All right. Now, suppose

1 Mr. Aloun Farms does not renew the lease after ten
2 years, those lands might not be farmed. Is that
3 possible?

4 THE WITNESS: It's possible.

5 COMMISSIONER WONG: Yes. And so let me ask
6 you what is the adverse -- if truly you have a lease
7 with ten years and options, and assuming that the
8 options' exercised, how many years would it run out?
9 Twenty years?

10 THE WITNESS: How did you get 20 years?

11 COMMISSIONER WONG: I'm sorry. How many
12 options does he have?

13 THE WITNESS: Ten years, five-year option.
14 But it can certainly be renewed after that.

15 COMMISSIONER WONG: Yes. But does the lease
16 provide for it? The lease provides for a ten plus
17 five, is that correct?

18 THE WITNESS: Yes.

19 COMMISSIONER WONG: So that basically if
20 Aloun Farms continues it might be 15 years, right?

21 THE WITNESS: Okay.

22 COMMISSIONER WONG: And if Castle truly
23 believes that that land ought to be used for farming,
24 what is the negative impact to Castle & Cooke by
25 having an agricultural easement on that land?

1 THE WITNESS: Well, again, when you come
2 back to the whole notion of, you know, the proper
3 application of an ag easement in the course of
4 reclassifying another property. So that is where we
5 have a problem.

6 COMMISSIONER WONG: I'm sorry. But I
7 haven't heard any negative impact if it's going to be
8 leased for 15 years, an easement for 15 years makes no
9 difference other than, perhaps, a philosophical aspect
10 of: Well, should this kind of thing be done or not,
11 right? It doesn't cost Castle & Cooke a nickel, does
12 it, during the 15 years?

13 THE WITNESS: Ah, no, I suppose not.

14 COMMISSIONER WONG: All right. So, in other
15 words, there's no negative impact to Castle & Cooke
16 for that 15 years, isn't this true, Mr. Funakoshi?

17 THE WITNESS: Well, you know, just as you
18 know whenever you place that kind of a restriction you
19 are removing some of your rights as a landowner.
20 So...

21 COMMISSIONER WONG: Yes. But if you already
22 gave up that right by reason of the lease what right
23 are you giving up more?

24 THE WITNESS: Well...

25 COMMISSIONER WONG: Okay. Now,

1 Mr. Funakoshi, I can understand if the agricultural
2 easement were for 30 years that you will be giving up
3 something on the last 15 years. But you're not even
4 willing to give up the first 15.

5 Now, let me go on to the next question.
6 Let's talk about photovoltaic system. You heard the
7 testimony to the effect that where a photovoltaic
8 system can be infused, wrapped into the mortgage that
9 the increase in mortgage payment is less than the
10 electrical cost savings.

11 Isn't that true? You heard that testimony.

12 THE WITNESS: The increase in...?

13 COMMISSIONER WONG: In other words, you pay
14 a little bit more on the mortgage but you save a heck
15 of a lot of electricity per month, right?

16 THE WITNESS: Okay.

17 COMMISSIONER WONG: That's what
18 Mr. Nishihara was saying, is that right? You don't
19 disagree with that statement, do you?

20 THE WITNESS: Okay.

21 COMMISSIONER WONG: And that actually is a
22 reason why people put in photovoltaic systems with the
23 mortgage because your mortgage goes up but your
24 electric savings go higher than that, right? You
25 agree with that?

1 THE WITNESS: Okay. Assuming they can
2 qualify for the higher mortgage.

3 COMMISSIONER WONG: Oh, yes. Let's talk
4 about qualifying for the higher mortgage. How much
5 are these homes going to sell for?

6 THE WITNESS: We haven't determined that,
7 but the market at that time will help us determine
8 that.

9 COMMISSIONER WONG: Do you have an idea of
10 the range of what these prices will be? I can tell
11 you it ain't going to be a hundred thousand.

12 THE WITNESS: That's true.

13 COMMISSIONER WONG: All right. Let's hear
14 some other numbers.

15 THE WITNESS: Okay. It would be -- I don't
16 know. We're going to have a portion certainly that's
17 going to be in the affordable category.

18 COMMISSIONER WONG: Great.

19 THE WITNESS: So 30 percent. So some of
20 that will be available to people with less than,
21 making less than 80 percent of average median family
22 income. So you could have homes from 200,000 to, say,
23 600.

24 COMMISSIONER WONG: Okay. Let's take a
25 \$600,000 home. If you add 30,000 more to it how much

1 more are you increasing the home cost?

2 THE WITNESS: If you add what?

3 COMMISSIONER WONG: Thirty thousand for a
4 photovoltaic system.

5 THE WITNESS: Okay. So you would have,
6 what, a \$630,000 mortgage.

7 COMMISSIONER WONG: Correct. You indicated
8 that one of your objections to a photovoltaic system
9 is that it's going to be more difficult for the
10 consumer because you're going to pass the cost on,
11 right?

12 THE WITNESS: Well, it's gonna elevate the
13 amount that he has to qualify for.

14 COMMISSIONER WONG: That's because Castle &
15 Cook ain't gonna absorb that cost. It's going to pass
16 it on to the consumer, right?

17 THE WITNESS: Yes.

18 COMMISSIONER WONG: So your profit's not
19 going to be any less, would it, whether you have a
20 photovoltaic system on the building or not. Isn't
21 that true?

22 THE WITNESS: Ah, yes.

23 COMMISSIONER WONG: It ain't going to cost
24 Castle & Cooke a nickel, would it?

25 THE WITNESS: Yes. So it really, it's a

1 question of affordability.

2 COMMISSIONER WONG: Oh, it's a question of
3 affordability. We're not talking about putting them
4 on affordable homes, Mr. Funakoshi. I'm talking about
5 the \$600,000, home right?

6 THE WITNESS: Well, normally that already
7 stretches the limits of people's borrowing power.

8 COMMISSIONER WONG: Let's talk about
9 borrowing power. Apparently you're an expert on that.
10 Borrowing power takes into account how much a person
11 earns, doesn't it?

12 THE WITNESS: Okay. Yes.

13 COMMISSIONER WONG: And it takes into
14 account how much he has to spend to live, right?

15 THE WITNESS: Yes.

16 COMMISSIONER WONG: And it takes into
17 account how much he'll spend for the mortgage.

18 THE WITNESS: Yes.

19 COMMISSIONER WONG: And it takes into
20 account how much he has to pay for the electricity,
21 right?

22 THE WITNESS: Yes.

23 COMMISSIONER WONG: And if his electricity
24 savings is going to be more than his mortgage,
25 wouldn't his affordability be as equal if not better

1 because you're going to wrap it into the mortgage?

2 THE WITNESS: Well, he would need to qualify
3 for it.

4 COMMISSIONER WONG: Yes. The qualification
5 takes into consideration how much you net after you
6 pay all these expense? And if you've got savings from
7 the electricity, and we have already heard the
8 mortgage cost is cheaper, less with the electricity
9 savings, it becomes more affordable, doesn't it?

10 THE WITNESS: Okay. I don't believe so.

11 COMMISSIONER WONG: You don't know. You're
12 not an economist.

13 THE WITNESS: I'm not sure. I don't believe
14 so.

15 COMMISSIONER WONG: You don't believe so but
16 you have no figures to show otherwise.

17 THE WITNESS: Okay.

18 COMMISSIONER WONG: Now, let me ask the next
19 question on commercial. Mr. Nishihara never offered
20 any testimony as to why at least 50 percent of the
21 electrical consumption for the commercial spaces could
22 not be accomplished other than to say, oh, technology
23 might change.

24 Is that your same reasoning?

25 THE WITNESS: Well, you know, the generation

1 of electricity is not that simple for many commercial
2 establishments, especially if you have higher density
3 buildings with smaller roofs, multi-floors, you cannot
4 generate that amount of electricity.

5 COMMISSIONER WONG: With this huge amount of
6 767 or 69 -67.67 acres you're going to find some land
7 that might not be so suitable and pipe it into the
8 commercial building, Mr. Funakoshi?

9 THE WITNESS: We would have to designate
10 areas. You know, it would be -- you know, you could,
11 for example, put -- they have done over parking lots
12 basically put PV and double as, like, carports and
13 roofs. So that has been done. But those are
14 substantially higher costs. You know, I don't see how
15 we can commit to doing that.

16 COMMISSIONER WONG: I understand. That is
17 the same reason why Mr. Nishihara just said, "Well,
18 you know, because technological changes why we
19 shouldn't do it." So basically that's the same reason
20 you have, right?

21 THE WITNESS: Well, the generation of
22 electricity is a tough question. 50 percent is quite
23 a bit. It's a lot easier to achieve more the
24 efficiency type savings, which is where most people go
25 to.

1 So that's really, you know, what they do and
2 try to max out the efficiency savings.

3 COMMISSIONER WONG: When you say "most
4 people go to", I don't understand. I understand
5 people like a Costco or some of the big boxes, they're
6 going towards PV and other things.

7 So when you say "most people going to only
8 efficiency" do you have any support for that kind of
9 statement?

10 THE WITNESS: Well --

11 COMMISSIONER WONG: Or is that your
12 speculation?

13 THE WITNESS: No, rarely do any commercial
14 buildings start out with suggesting they would
15 generate 50 percent of the electricity they consume.

16 COMMISSIONER WONG: Oh, yeah. But --

17 THE WITNESS: Or even a lot of commercials,
18 they don't put those in. Those are really third-party
19 installations that provide that.

20 COMMISSIONER WONG: Well, I'm not concerned
21 whether it's third-party, fourth-party or maybe Castle
22 & Cooke can get a third-party to put it into. We're
23 not objecting -- I'm not opposed to a third-party
24 putting it in. I just want to know why it could not
25 be done. And so far I haven't heard testimony to that

1 effect. I have no further questions.

2 CHAIRMAN PILTZ: Okay. Commissioners, any
3 other questions? One question, Mr. Funakoshi, just
4 point of clarification. You did say that you have a
5 site across from Koa Ridge and there's four sites for
6 5 megawatt PV, is that correct?

7 THE WITNESS: Yeah. We have four lots of
8 five that will each produce 5 megawatts. So it's
9 four, 35-acre sites.

10 CHAIRMAN PILTZ: Okay, 35 acres each. And
11 just a matter of clarification. That right now our
12 request to see if you could do 10 percent PV on
13 10 percent of the homes is not a doable thing, right?

14 THE WITNESS: We would not want that
15 restriction.

16 CHAIRMAN PILTZ: Okay. All right. Very
17 good. Commissioners have any more questions or
18 comments? Do you have something? Yes, go ahead.

19 REDIRECT EXAMINATION

20 BY MR. MATSUBARA:

21 Q Following up on Chair Piltz' questions on
22 the Ag Park. To your knowledge it's currently in ag
23 currently in D and E land?

24 A Yes.

25 Q And the tenants are being offered relocation

1 to ag lands that is A and B lands?

2 A Um, yes or other areas, yeah.

3 Q But the quality of land they're being
4 offered is better than the D and E lands they're
5 currently on.

6 A Or comparable or, yeah, or A and B, yes.

7 Q In terms of our sustainability plans PV is
8 offered as an option to all homeowners?

9 A Yes.

10 Q Is it Castle & Cooke's intent to provide
11 that as an individual choice to each homeowner who
12 buys a home?

13 A For single-family homes, yes.

14 Q Yes, single-family homes so the homeowner
15 can choose whether he wants that option or not.

16 A Yes.

17 Q And if he so chooses it he can get the tax
18 credits, the tax benefits and wrap it up in his
19 financing when he goes to get his mortgage.

20 A Yes.

21 Q You're assisting in that regard by making
22 each of the homes PV ready?

23 A Yes.

24 Q So if he selects that option he has at least
25 the step of having a PV-ready home, is that correct?

1 A Yes.

2 Q So it's not a matter of not wanting to
3 provide 10 percent, you're providing it to all
4 homeowners. If they so choose they can have the PV
5 option.

6 A Yes.

7 Q Now, in terms of the concerns relating to
8 technology change that you mentioned -- Mr. Nishihara
9 mentioned -- that you two discussed before today, was
10 it the concern that if you were mandated to have 500
11 homes with PV that if better technology arose prior to
12 your completing building all 500 homes, you may be
13 forced to use an outmoded technology as opposed to
14 having the flexibility of using the best technology
15 that currently becomes available?

16 A True.

17 Q Isn't that the concern with technology
18 change being mandated to, perhaps, utilize the
19 technology that becomes outmoded?

20 A That's only part of it, yes.

21 Q Okay. Now, in terms of the IAL process,
22 isn't the IAL designation just an overlay of ag lands?
23 Over existing ag lands?

24 A Yes. Yes.

25 Q IAL does not consider any uses.

1 A Right.

2 Q It doesn't grant or restrict uses.

3 A Yes.

4 Q What it does, though, is designate a land as
5 IAL so it would be more difficult to remove it from
6 the agricultural district?

7 A Yes.

8 Q Now, if you wanted to remove it from the
9 agricultural district or change the classification
10 from ag to urban, who would you have to come to to do
11 that?

12 A The Land Use Commission.

13 Q Right. So the Land Use Commission would
14 have the authority to determine whether or not land
15 that you've put an IAL designation over gets
16 reclassified or not?

17 A If we would even submit such a petition,
18 yes.

19 Q I was just following up on OP's question.
20 If you wanted to remove the IAL designation who would
21 you have to go to to do that?

22 A The Legislature.

23 Q No. Assuming you didn't use the 85/15.

24 A Oh.

25 Q All you did was designate --

1 A Right. The LUC.

2 Q If you utilized the 15 percent credit you
3 would get --

4 A Yeah.

5 Q -- then you would go to the Legislature.

6 A Yes.

7 Q To remove that.

8 A Yes.

9 MR. MATSUBARA: Thank you, Mr. Chair. No
10 further questions.

11 COMMISSIONER WONG: Mr. Chairman?

12 CHAIRMAN PILTZ: Yes.

13 COMMISSIONER WONG: Mr. Funakoshi, I think
14 counsel asked you that your real concern is that if
15 you were mandated to do PV some day this would be
16 better technology, and you'd be jeopardized by being
17 forced to use PV system, right?

18 THE WITNESS: Well, that's always one
19 consideration.

20 COMMISSIONER WONG: But you said that was
21 the only one. That's what I understand. So if there
22 is better technology you would rather use the better
23 technology than the old PV system, right?

24 THE WITNESS: Yes.

25 COMMISSIONER WONG: So, for example, if this

1 Commission were to say that you must use PV system or
2 such other better than technology, that would take
3 care of your problem, wouldn't it?

4 THE WITNESS: That problem, yeah.

5 COMMISSIONER WONG: Thank you.

6 CHAIRMAN PILTZ: Okay.

7 MR. YOST: Chair, I've got one follow up on
8 the redirect if that's okay.

9 CHAIRMAN PILTZ: Go ahead.

10 MR. YOST: It's a brief thing.

11 RECROSS-EXAMINATION

12 BY MR. YOST:

13 Q Mr. Funakoshi, you mentioned there was a
14 concern about HECO having too much concentration of
15 renewable energy in one area.

16 A Yes.

17 Q Then Ben just asked you about how you're
18 going to offer every single homeowner in this area or
19 in the development the option of having PV on the
20 house.

21 So isn't it the case that in your own
22 planning you've already determined that there isn't a
23 problem with HECO's circuit? Because otherwise you
24 couldn't offer that option to a hundred percent,
25 right?

1 A We would offer it but we don't -- we
2 wouldn't expect that everyone will install it.

3 Q Okay.

4 A So that, it would happen, you know, very
5 slowly presumably, or very, on a very distributed
6 basis.

7 Q Well, 10 percent is a pretty small amount of
8 acceptance, wouldn't you agree, of that option? I
9 mean haven't you considered at least 10 percent might
10 take you up on the option so you'd have to be prepared
11 for that?

12 A That's certainly possible. Maybe the more
13 critical point is whether it's being required of us as
14 opposed to it being a homeowner's choice is really
15 more the concern or developer's choice, for that
16 matter.

17 Q If it's required, though, you could actually
18 plan for it and that might make it easier to deal with
19 HECO and whatever grid concerns exist, right? You
20 wouldn't have to do 10 percent, meaning the first 500
21 houses, you could do it over a staggered period of
22 time, so forth.

23 A Okay. That's true.

24 MR. YOST: No further questions.

25 CHAIRMAN PILTZ: Any other comments from the

1 Commission? Commissioner Chock.

2 COMMISSIONER CHOCK: Just wanted to address
3 one comment that was made at the last hearing raised
4 by one of the witnesses for the Intervenor
5 Neighborhood Board regarding potential conflicts of
6 interest on the Commission.

7 And personally, although she didn't
8 recognize anyone specifically, I did take some time
9 to research the matter. And from my personal
10 situation feel I have no conflict. I can be objective
11 on this petition as I have on every other petition,
12 will consider the evidence that's weighed on the
13 record before making any decision. So I just wanted
14 to address that, Mr. Chair.

15 CHAIRMAN PILTZ: So noted. Thank you for
16 that. Given that the parties have completed their
17 presentations before this Land Use Commission, I
18 declare the evidentiary portion of this proceeding to
19 have been completed subject to the receipt of various
20 follow up reports and/or answers that may have been
21 requested during the course of this hearing.

22 I direct that the parties draft their
23 individual findings of fact, conclusions of law and
24 decision and order based upon the record in this
25 docket and serve the same upon each other and the

1 Commission.

2 The proposed findings of fact must reference
3 the witnesses as well as the date, page and line
4 numbers of the transcripts to identify your facts.

5 In addition to the transcript the exhibits
6 in evidence should be referenced. I note for the
7 parties that the Commission has standard conditions
8 which we would like the parties to consider in
9 preparing your proposed orders. A copy of the
10 standard conditions may be obtained from the
11 Commission staff.

12 Of course, should any of the parties desire
13 to stipulate to any portion or all of the findings of
14 fact, conclusions of law and decision and order, they
15 are encouraged to do so.

16 Regardless of whether the parties pursue a
17 partial or fully stipulated order, I direct that each
18 party file its proposal with the Commission and serve
19 copies on the other parties no later than the close of
20 business on June 21, 2010.

21 All comments or objections to the parties'
22 respective proposals shall be filed with the
23 Commission and served upon the other parties no later
24 than the close of business on July 7, 2010.

25 Any response to the objections must be filed

1 with the Commission and served on the other parties no
2 later than the close of business on July 19, 2010.

3 However, could I prevail upon the parties to
4 consult with staff early in the process to ensure
5 that technical and non-substantive formatting
6 protocols be observed by the Commission and are
7 adhered to. Oral arguments will be scheduled after
8 the receipt of the parties' respective filings.

9 Are there any questions with respect to our
10 post-hearing procedures?

11 MR. MATSUBARA: No questions, Mr. Chairman.

12 MS. TAKEUCHI-APUNA: No questions.

13 MR. YEE: I have one question which was I
14 believe the Commission asked the Petitioner to prepare
15 the number of acres that Castle & Cooke owns,
16 undeveloped ag and classifications. I was wondering
17 if the Commission could ask the Petitioner when he
18 would intend to submit that to the Commission and the
19 other parties. As I would assume that could be a part
20 of the D&O we are preparing.

21 MR. MATSUBARA: It should be well in advance
22 of the due date for the D&O. We will keep you
23 apprised.

24 MR. YEE: Okay.

25 CHAIRMAN PILTZ: Mr. Yost.

1 MR. YOST: Perhaps we could set a date. We
2 don't have to do it immediately. Perhaps if he needs
3 to look at how long it would take, but we wanted to
4 submit something brief as well on the solar costs.

5 If we all had a date we would know when that
6 was, we could just stick to it. It might be easier
7 for everyone. Perhaps it doesn't need to be decided
8 today.

9 CHAIRMAN PILTZ: Yes. You can get with our
10 executive director. Well, thank you for your efforts
11 in efficiently presenting your case in this matter. I
12 thank you all very much. We're adjourned.

13

14 (The proceedings were adjourned at 4:00 p.m.)

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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 20th day of May 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

14 DATED: This _____ day of _____ 2010

15

16

17

18

19 _____
20 HOLLY M. HACKETT, CSR #130, RPR
21 Certified Shorthand Reporter
22
23
24
25

