

1	LAND USE COMMISSION	
2	STATE OF HAWAI'I	
3	HEARING	PAGE
4	A09-782 TROPIC LAND, LLC, (O'ahu)	6
5	ACTION	
6	A07-775 CASTLE & COOKE HOMES, HAWAII, INC.	11
7	HEARING (cont'd)	
8	A09-782 TROPIC LAND, LLC, (O'ahu)	18
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## 12 TRANSCRIPT OF PROCEEDINGS

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15 The above-entitled matters came on for a Public  
 16 Hearing at Conference Room 111 A&B Kakuhihewa Bldg.  
 17 601 Kamokila Boulevard, Kapolei, Hawai'i,  
 18 commencing at 9:45 a.m. on Thursday, September 9, 2010  
 19 pursuant to Notice.

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



1 INDEX cont'd.

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

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

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

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

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11 For the Intervenor  
Sierra Club: ROGER HARRIS

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1	I N D E X cont'd	
2	A09-782 Tropic Land, LLC	
3	PUBLIC WITNESSES	PAGE
4	Patricia Patterson	19
5	Donna Malinowsky	21
6	Faith Arakawa	23
7	James Manaku	26
8	Pono Kealoha	30
9	Lilette Subedi	31
10	Jolyn Ballenti	39
11	Pake Salmon Mahelona	41
12	Paulette Kaonohi Kaleikini	43
13	Lucy Gay	45
14	Edward Hanohano	46
15	David Hoppe-Cruz	50
16	Angela Hoppe-Cruz	54
17	Candace Fujikane	57
18	Georgette Meyers	65
19	Mapuana Tector	71
20	Rocky Naeole	74
21	Alii Tampos	76
22	Patty Teruya	78
23	Kimo Kekii	92
24	Shelley Muneoka	103
25	Darlene Rodrigues	10

1	INDEX cont'd.	
2	PUBLIC WITNESSES	PAGE
3	Kamuela Kamaka	111
4		
5	---	
6		
7		
8	DOCKET WITNESSES	PAGE
9	ALBERT SILVA	
10	Direct Examination by Mr. Yuen	119
	Voir Dire Examination by Ms. Townsend	121
11	Cont'd Direct Examination by Mr. Yuen	125
	Cross-Examination by Mr. Yee	132
12	Cross-Examination by Ms. Townsend	135
	Redirect Examination by Mr. Yuen	145
13		
14	JOSEPH LAPILIO	
15	Direct Examination by Mr. Yuen	147
	Cross-Examination by Mr. Yee	163
16	Cross-Examination by Ms. Townsend	177
	Re-cross Examination by Ms. Townsend	199
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 September 9, 2010

2 CHAIRMAN DEVENS: Call this hearing to  
3 order. First of all, why don't we take up the  
4 adoption of the minutes. Anyone have any corrections  
5 or addition to the minutes?

6 COMMISSIONER CONTRADES: Move to approve.

7 COMMISSIONER KANUHA: Second.

8 CHAIRMAN DEVENS: Discussion? None. Show  
9 of hands those approve? Unanimous. Dan, you want to  
10 give us the tentative meeting schedule?

11 MR. DAVIDSON: Thank you, Chair. The  
12 meeting schedules before you. It's pretty much set up  
13 through December. And the HHFDC Forest City matter is  
14 now definite for the Big Island October 6 and 7 and  
15 October 21, 22. Any questions or concerns about the  
16 schedule, contact either Riley or myself. Thank you.

17 CHAIRMAN DEVENS: Thank you, Dan. Let's go  
18 into the first item on the agenda Alpha 09-782 Tropic  
19 Land, LLC. This is a hearing to amend the  
20 Agricultural Land Use District boundaries into the  
21 Urban Land Use District for approximately 96 acres in  
22 Lualualei, Wai'anae District, O'ahu, Hawai'i Tax Map  
23 Key No. (1)8-7-09:02.

24 On July 1st, 2010 the Commission granted the  
25 Motion to Waive Commission Rules and the Petition to

1 Intervene filed by the Concerned Elders of Wai'anae.

2           On July 13, 2010 the Land Use Commission and  
3 the parties held a pre-hearing conference.

4           On August 3, 2010 the Use Commission  
5 received written correspondence from Arick Yanagihara.

6           On August 10, 2010 the Commission received  
7 the following: Written correspondence from OP  
8 requesting a two-day extension to file lists and  
9 exhibits; Petitioner's List of Witnesses; List of  
10 Exhibits; and Exhibits 13b and 15 through 49.

11           Intervenor Concerned Elders of Wai'anae  
12 Statement of Position, First Witness List, First  
13 Exhibit List, Exhibits 1 through 13.

14           And the City and County's list of exhibits,  
15 Exhibit 3, testimony, which is Exhibit 4, and excerpts  
16 from the General Plan of the City and County of  
17 Honolulu marked as 5, and the City's Wai'anae  
18 Sustainable Communities Plan marked as Exhibit 6.

19           On August 12, 2010 the Commission received  
20 OP's List of Exhibits, List of Witnesses, Exhibits 1,  
21 5 through 7, 10, 8 alpha, 9 through 18, 20 and 21.

22           On August 18, 2010, the Commission conducted  
23 a site visit to the Petition Area.

24           On August 24, 2010 the Commission received  
25 Petitioner's Rebuttal Witness List, Revised Exhibit

1 List and Exhibits 50 through 54.

2 On September 1st, 2010 the Commission  
3 received the following: the Petitioner's Revised  
4 Exhibit List, Revised Witness list and Exhibits 55  
5 through 63; and Intervenor's Expert Witness Written  
6 Statements, Exhibits 14 through 19.

7 On September 3rd of this year the Commission  
8 received OP's First Amended List of Exhibits, and  
9 Exhibits 2, 3, 3 alpha, 3 bravo 4, 8 and 19.

10 On September 8, 2010 the Commission received  
11 written correspondence from Clarentia Batongbacal.

12 Let me briefly run over the hearing  
13 procedure for today. Just so the parties know we'll  
14 go through the introductory portion of this case,  
15 going to take a short recess, and get to the Castle &  
16 Cooke matter and then we'll come back to the Tropic  
17 Land hearing.

18 On this Tropic Land matter, first we'll have  
19 the parties identify themselves. Then we'll give the  
20 opportunity for the Petitioner to comment on the  
21 Commission's policy governing reimbursement of hearing  
22 expenses. After this, the Commission will recess to  
23 take up Agenda Item No. V.

24 When the hearing on this matter resumes, I  
25 will call for those individuals desiring to provide



1 public testimony for this public hearing to identify  
2 themselves. All such individuals will be called in  
3 turn to our witness box where they will be sworn in.  
4 A 3-minute time limit on testimony will be enforced.

5           After completion of the public testimony  
6 portion staff will provide its map orientation. After  
7 staff has provided its map orientation, I will give  
8 the opportunity for the parties to admit to the record  
9 their exhibits.

10           After admission of exhibits to the record  
11 the Petitioner will start with its case. Once  
12 Petitioner is completed with its presentation it will  
13 be followed in turn by the City and County of  
14 Honolulu, the State Office of Planning and the  
15 Concerned Elders of Wai'anae.

16           The Chair would also note for the parties  
17 and the public that from time to time we will be  
18 calling for short breaks. Are there any questions on  
19 our procedure today? Hearing none, will the parties  
20 please identify themselves for the record starting  
21 with Petitioner. Mr. Yuen.

22           MR. YUEN: Good morning, Mr. Chairman, and  
23 Commissioners. My name is William Yuen. I'm  
24 appearing on behalf of Tropic Land, LLC. With me is  
25 Arick Yanagihara who is the project manager for Tropic

1 Land.

2 MS. TAKEUCHI-APUNA: Good morning. Deputy  
3 Corporation Counsel Dawn Takeuchi-Apuna of behalf of  
4 the Department of Planning and Permitting. Here with  
5 me today is Mike Watkins.

6 MR. YEE: Good morning. Deputy Attorney  
7 General Bryan Yee. With me is Abbey Mayer from the  
8 Office of Planning.

9 MS. TOWNSEND: Aloha. I'm Marti Townsend on  
10 behalf of the Concerned Elders of Wai'anae. With me,  
11 Alice Greenwood.

12 CHAIRMAN DEVENS: Good morning to you all.  
13 Mr. Yuen, you've appeared before us numerous times.  
14 You're aware of our policy regarding reimbursement of  
15 hearing expenses. If so could you please state the  
16 client's position with respect to the policy.

17 MR. YUEN: We are agreeable to the policy.

18 CHAIRMAN DEVENS: At this point we're going  
19 to recess to move into the next item, the Castle &  
20 Cooke agenda No. 5.

21 (Recess in place)

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1                   CHAIRMAN DEVENS: We're back on the record.  
2 We're on item No. 5 Castle & Cooke Homes Hawaii, Inc.  
3 Docket No. alpha 07-775. This item was scheduled for  
4 a Deliberation and Action Meeting to amend the  
5 Agricultural Land Use District Boundary to the Urban  
6 District for approximately 767.649 acres at Waipio and  
7 Waiawa, Island of O'ahu, State of Hawai'i.

8                   Oral argument on this docket was heard on  
9 august 19, 2010.

10                  On September 8th, 2010 the Commission  
11 received from Intervenor Sierra Club the following:  
12 Motion to disqualify Commissioner Charles Jencks, Nunc  
13 Pro Tunc, as of August 6, 2010, along with the  
14 Declaration of Colin Yost, Exhibits A through E.

15                  Also received was a Motion to Disqualify  
16 Commissioner Duane Kanuha, Nunc Pro Tunc, as of April  
17 26, 2010 together with the declaration from Mr. Yost  
18 and Exhibits 1 through 3.

19                  On September 8, 2010, the Commission also  
20 received Petitioner's Memorandum in Opposition to  
21 Intervenor's Sierra Club Motion to Disqualify Charles  
22 Jencks, Nunc Pro Tunc, as of August 6, 2010; along  
23 with the Affidavit of Curtis T. Tabata and Exhibit A.

24                  Also received was a Memorandum in opposition  
25 to Intervenor The Sierra Club's Motion to Disqualify

1 Duane Kanuha, Nunc Pro Tunc, as of April 26, 2010,  
2 filed on September 8, 2010, along with the Affidavit  
3 of Mr. Wyeth Matsubara, Exhibits 1-4.

4 At this point in time the Chair will  
5 entertain a motion to go into executive session.

6 COMMISSIONER CHOCK: So moved.

7 COMMISSIONER TEVES: Second.

8 CHAIRMAN DEVENS: Show of hands. Unanimous.  
9 We'll take a short recess to go into executive  
10 session.

11 (Executive session held 10:10)

12 CHAIRMAN DEVENS: We're back on the record.  
13 Before we go any further why don't we have the parties  
14 introduce themselves for the record.

15 MR. MATSUBARA: Good afternoon, Chair  
16 Devens, members of the Commission. Ben Matsubara,  
17 Curtis Tabata and Wyeth Matsubara on behalf of Castle  
18 & Cooke Homes Hawai'i, Inc. With me also is Laura  
19 Kodama director of planning.

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

24 MR. YEE: Good morning. Deputy Attorney  
25 General Bryan Yee on behalf of the Office of Planning.

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

2 MR. HARRIS: Good morning and aloha. My  
3 name's Robert Harris appearing on behalf of Sierra  
4 Club Hawai'i Chapter.

5 CHAIRMAN DEVENS: Good morning to you all.  
6 Have all of you received the motions and the  
7 memorandums in opposition?

8 MR. MATSUBARA: Yes, we have.

9 CHAIRMAN DEVENS: Everybody has had a chance  
10 to review the pleadings?

11 MR. YEE: We have.

12 MR. HARRIS: Yes.

13 CHAIRMAN DEVENS: Mr. Harris, I wanted to  
14 ask you why did you decide at this point in time to  
15 file the two motions? It appears they were filed  
16 yesterday at 10:58 and 10:59 in the morning. Why the  
17 last minute filing?

18 MR. HARRIS: You know, we didn't realize  
19 Mr. Kanuha or Mr. Jencks was acting in this case, and  
20 particularly Mr. Kanuha was acting as a holdover  
21 member, until the August 19th hearing. We are a small  
22 nonprofit with limited resources. We attempted to  
23 file this as expeditiously as we could. We wrote it  
24 in about two weeks and then filed it this week.

25 So, again, we apologize for the last minute

1 nature of it. And it wasn't an attempt to be last  
2 minute. It was an attempt simply to try to do it as  
3 quickly as we could. And we, if I could extend an  
4 apology too to the parties again, I do recognize these  
5 things are not easy to react to in a quick fashion.  
6 We e-mailed it out actually before we filed it to give  
7 the parties notice quicker.

8 CHAIRMAN DEVENS: Well, my concern is why do  
9 you file it without asking for a hearing? What do you  
10 want us to do with this?

11 MR. HARRIS: I think it's something we could  
12 rely on the written briefs. I'm not sure it's  
13 something that does require a hearing in and of  
14 itself.

15 CHAIRMAN DEVENS: So did you expect to come  
16 in and do oral arguments today and have us rule on it  
17 right now?

18 MR. HARRIS: It is something that we hoped  
19 you rule on.

20 CHAIRMAN DEVENS: Today?

21 MR. HARRIS: It would be preferred if  
22 possible because I think it would certainly clarify  
23 matters. If you choose to continue a hearing on it,  
24 continue it till later, it's certainly something  
25 within your right to do so.

1                   CHAIRMAN DEVENS: Well, how do you expect us  
2 to rule on it today when you filed it yesterday and we  
3 have to properly notice this for a hearing for the  
4 public? How can we do that?

5                   MR. HARRIS: I think that's something  
6 Mr. Davidson can perhaps answer better than I can.

7                   CHAIRMAN DEVENS: I'm asking you.

8                   MR. HARRIS: Under the rules we can file a  
9 motion at any point. We did file it. It says whether  
10 or not we want to request a hearing. Again, we had  
11 notice on Mr. Kanuha's actions on August 19th. We had  
12 to go back and research, find out if there had been an  
13 interim appointment or some other appointment to  
14 justify his continuing. And we filed as quickly as we  
15 could.

16                  CHAIRMAN DEVENS: Would you have any  
17 objection if we put it off and set it for a hearing?

18                  MR. HARRIS: No objection at all.

19                  CHAIRMAN DEVENS: Commissioners have any  
20 questions you want to ask? Okay. As a result of the  
21 recent filing what the Chair wants to do is have this  
22 set for a hearing. So we're going to defer any ruling  
23 or arguments on these two motions for today. And  
24 we're looking at setting this for September 23.

25                  At the same time we're going to have to move

1 off, defer the deliberations that were planned for  
2 today, reluctantly. And it is our plan to set it for  
3 the same day. So we'll have the hearing, rule on  
4 these motions and hopefully we have enough  
5 Commissioners here so we can go right into  
6 deliberations. So that is the tentative plan that we  
7 are trying to schedule.

8               So with that what we're going to set as the  
9 deadline is that any party desires to file an opposing  
10 or supporting memorandum in response to the motions  
11 must do so by September 15th. Any response thereto  
12 must be filed by September 20th by the Movant. Do  
13 those dates work for the parties?

14               MR. MATSUBARA: Yes, they do, Mr. Chair.

15               CHAIRMAN DEVENS: Keeping in mind that we're  
16 trying to -- we have a timeline that we have to keep  
17 here. We want to make sure that we can get this done  
18 after all the time we've put into the case and the  
19 parties have put into the case.

20               MR. MATSUBARA: Excuse me. So the  
21 deliberation will then occur -- the deliberation and  
22 action that was scheduled for today will be on the  
23 23rd.

24               CHAIRMAN DEVENS: Yes. That is the plan  
25 unless something comes up between now and then and



1 Mr. Davidson tells us otherwise, that is the schedule  
2 that we will post.

3 MR. MATSUBARA: And there will be a meeting  
4 subsequent to that for adoption?

5 CHAIRMAN DEVENS: Yes. We're not sure on  
6 the dates with that, but we may have to have a special  
7 hearing to make sure we get that in on a timely  
8 manner.

9 MR. MATSUBARA: Thank you very much.

10 CHAIRMAN DEVENS: Since this is an agenda  
11 item we'll call for any public witnesses. Are there  
12 any public witnesses that want to speak on this  
13 matter? No public witnesses. So we're going to  
14 adjourn on this matter. Parties have any questions on  
15 this on what the procedure's going to be?

16 MR. YEE: No. Thank you.

17 MR. HARRIS: Thank you very much.

18 CHAIRMAN DEVENS: Okay. Thank you. Take a  
19 short recess to go back to the Tropic Land item.

20 (Recess was held.)

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1                   CHAIRMAN DEVENS: We're back on the record  
2 in the Tropic Land matter. Before we resume I wanted  
3 to make one disclosure. When I went to the site  
4 inspection and again here today I recognized Alii  
5 Tampos, somebody I know but I've not seen in years. I  
6 actually know Mr. Tampos through his cousin who's a  
7 police officer that I worked with many, many years  
8 ago. So it's the first time I've seen him in many  
9 years. I've not had any contact with him.

10                  I'm not sure what his affiliation, if any,  
11 may be with the Petitioner other than I saw him  
12 holding up one of the site maps at the site  
13 inspection. But I want to make that disclosure.

14                  There's no question I can remain impartial  
15 and objective in this matter and reviewing all the  
16 evidence. So that would not affect me in any way.  
17 But if the parties have any concerns they can raise  
18 them at this time. Hearing none --

19                  MR. YEE: No objection.

20                  CHAIRMAN DEVENS: -- hearing none we will  
21 move into the public testimony. What we're going to  
22 do is call the witnesses up in the order that they  
23 have signed up. Mr. Davidson will call you up in  
24 order. We will give you three minutes to give your  
25 testimony. And Mr. Davidson will warn you when

1 there's 30 seconds left so you can keep track of the  
2 time that way. Mr. Davidson.

3 MR. DAVIDSON: First we have Patricia  
4 Patterson followed by Donna Malinowsky. The first two  
5 can testify where they are and then everyone else come  
6 up to the table.

7 CHAIRMAN DEVENS: Ma'am, before you start  
8 can you raise your hand.

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

12 THE WITNESS: I do.

13 CHAIRMAN DEVENS: Before you start your  
14 testimony could you give your name and your address.

15 THE WITNESS: Patricia Patterson, Makaha  
16 Valley. Is that enough address?

17 CHAIRMAN DEVENS: P. O. Box or residential  
18 address.

19 THE WITNESS: 84-755 Ala Mahiku No. 72-A  
20 Makaha.

21 CHAIRMAN DEVENS: Thank you.

22 THE WITNESS: All right. I am against this  
23 situation for several reasons. No. 1 is our  
24 Farrington Highway one way in and out. Four years ago  
25 I was among those who sat at the corner of Lualualei

1 Naval Magazine Road and Farrington Highway. We  
2 counted a truck a minute 24 hours a day. On Thursday  
3 June 9th from 7:26 to 7:59, 44 minutes, 48 trucks.

4 Monday from 1 to 1:30, 37 minutes, 48 trucks  
5 and that was typical.

6 We don't need another 500 trucks coming in,  
7 going out on our one road. We don't even know what  
8 they're carrying, where they're taking it, where it's  
9 coming from and if it's going from Lualualei Magazine  
10 to Makua Valley. The whole Waianae Coast is apt to  
11 have all the dust and yucky stuff and contaminated  
12 soil perhaps. We don't know.

13 No. 2. This change from ag to urban does  
14 not fit into the Wai'anae Sustainable Communities  
15 Plan.

16 MR. DAVIDSON: Thirty seconds.

17 THE WITNESS: Thank you. Okay. And I want  
18 you to remember that we do need all ag land we have.  
19 Some sons of farmers do not want to farm, but we have  
20 four farms who are growing farmers. When they  
21 graduate we need more land. And that is what's going  
22 to return the Waianae Coast to become the bread basic  
23 of O'ahu. Mahalo.

24 CHAIRMAN DEVENS: Thank you. Next witness?  
25 I'm sorry, any questions from the parties?

1 MR. YUEN: No questions.

2 CHAIRMAN DEVENS: Commission? Hearing none,  
3 thank you very much.

4 MR. DAVIDSON: Donna Malinowsky followed by  
5 Faith Marukawa.

6 CHAIRMAN DEVENS: May I swear you in first,  
7 please.

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

11 THE WITNESS: I do.

12 CHAIRMAN DEVENS: State your name and your  
13 address.

14 THE WITNESS: My name is Donna L.  
15 Malinowsky, Donna Lei Malinowsky. I live at 84-755  
16 Ala Mahiku #69A, Makaha.

17 I do have in front of me petitions -- I'm  
18 against changing ag land to urban. And I have  
19 signatures of 1,001 people who also do not want ag  
20 land turned to urban land. And I'm going to present  
21 that here for the council.

22 Also the reason I'm concerned about the  
23 Waianae Coast, in gathering these names I've gone to  
24 bus stops. I've talked to the people. And one thing  
25 that has never been available to people in the

1 homesteads is communication. There's no communication  
2 of what's going on here. And the people that I did  
3 speak to from the homesteads were appalled that they  
4 never knew of this change from ag land to urban.

5           And it's really important that communication  
6 happens. You can't just ignore 45,000 people; 45,000  
7 residents on the Waianae Coast live there. It's not  
8 just a tourist attraction. They live there. This is  
9 their home.

10           And out of the 45,000, out of -- the Native  
11 Hawaiians are -- the most Native Hawaiians in all the  
12 islands of Hawai'i live on the Waianae Coast of O'ahu.  
13 You cannot deny them. You cannot ignore them. You  
14 have to address them.

15           One thing else about the Waianae Coast, of  
16 course it's a one-way in/one-way out. I was in the  
17 Oakland fire storms. And I was there when they were  
18 happening. And that was one of the crucial things  
19 that caused a lot of damage and people's lives was  
20 that there was a one-way in/one-way out. When the  
21 roads got clogged with people trying to escape the  
22 fire --

23           CHAIRMAN DEVENS: 30 seconds.

24           THE WITNESS: -- when they were trying to  
25 escape the fire they blocked the roads. And then the

1 people from the fire department and other services  
2 couldn't get in. And it was just terrible. These  
3 people were running down streets because they couldn't  
4 move their cars. They couldn't get in front of the  
5 other cars that were trying to leave.

6               So one-way in/one-way out, we need no more  
7 congestion. The infrastructure cannot handle it.  
8 We're not a city. We're an agricultural area. We  
9 cannot handle the -- the structure cannot handle it on  
10 the roads. There just isn't enough there.

11              MR. DAVIDSON: That's time. Thank you.

12              CHAIRMAN DEVENS: Parties have any  
13 questions?

14              MR. YUEN: No questions.

15              CHAIRMAN DEVENS: Hearing none,  
16 Commissioners? Parties have any objection to making  
17 the petition that she gave to us as part of the  
18 record?

19              MR. YUEN: No objections.

20              CHAIRMAN DEVENS: Okay. Hearing none it  
21 will be made part of the record. Next witness.

22              MR. DAVIDSON: Faith Arakawa followed by  
23 James Manaku.

24              CHAIRMAN DEVENS: Ma'am, can we swear you in  
25 please.

1 FAITH ARAKAWA

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

4 THE WITNESS: I do.

5 CHAIRMAN DEVENS: State your name and your  
6 address.

7 THE WITNESS: Faith Arakawa. I live at  
8 86-214 Kawili Street, Wai'anae, Hawai'i 96792. Okay.  
9 As stated my name is Faith Arakawa and I live right  
10 now on Kawili Street in Wai'anae. But previously I  
11 had lived at 86-232 Pu'uhawai'i Road in Lualualei  
12 Valley in Wai'anae. My parents were chicken farmers.  
13 We had a small chicken farm. And before we moved to  
14 Wai'anae in 1959 we lived in Waialae Kahala. But when  
15 it was rezoned for development we had to move out so  
16 we moved to Wai'anae in 1959.

17 And my parents had a small chicken farm, a  
18 little over an acre. They liked the lifestyle of  
19 being their own bosses and such. But it was hard for  
20 them to make a go as farmers.

21 And I'm opposed to this rezoning for Tropic  
22 Land, Inc. I believe that we should keep as much as  
23 we can ag land ag land. Because I don't know, um, how  
24 many of you can say that the last time you purchased a  
25 chicken in the supermarket it was locally grown and



1 raised except for those, of course, from your own  
2 backyard?

3 I mean I hate to see that happen to all our,  
4 you know, agriculture products. We need to keep as  
5 much land ag as possible. So that's why I'm opposed  
6 to this zoning changed. Because even for a small area  
7 it makes it so much easier for the next request to  
8 come in and get the zoning changed. We need to put a  
9 stop to our loss of ag land throughout our island.

10 Thank you.

11 CHAIRMAN DEVENS: Parties have any  
12 questions? Hearing none, Commissioners?

13 MR. YUEN: One question.

14 CHAIRMAN DEVENS: Go ahead, Mr. Yuen.

15 MR. YUEN: Ms. Arakawa, are you presently  
16 farming?

17 THE WITNESS: No, because -- well, I'm a  
18 librarian now. But then my parents quit the farming  
19 because it was just getting too difficult for them to  
20 make a sustainable living. In fact the last year my  
21 father farmed he had a minus income for his tax  
22 return. That was a time when there was not so many  
23 programs to help farmers and such. So he then became  
24 a janitor with the state system.

25 But no, I no longer farm and I chose to

1   become a public librarian instead.

2                   MR. YUEN:  Does anybody in your family  
3   presently farm?

4                   THE WITNESS:  No, they do not.

5                   MR. YUEN:  Thank you.  No further questions.

6                   CHAIRMAN DEVENS:  Any questions from the  
7   parties?  Hearing none, Commissioners?  Thank you for  
8   your testimony.  Next witness.

9                   MR. DAVIDSON:  James Manaku followed by Pono  
10  Kealoha.

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

14                   THE WITNESS:  Yes.

15                   CHAIRMAN DEVENS:  Name and address.

16                   THE WITNESS:  James Manaku Senior, 87-143  
17  Lilipaka Street, Wai'anae.  Thank you for this  
18  opportunity, ladies and gentlemen of the Commission.  
19  You know, before you is a request, again another  
20  request to take away precious, precious land for  
21  farming, yeah?

22                   And we need to recognize that we're an  
23  island, yeah?  The two things that are very important  
24  to an island is food resources and water.  Now, I'm  
25  not against any kind of businesses getting involved.

1                   But when you take away land that will take  
2 away my future generation's food from the table, it's  
3 very concerning to me. I'm just glad that one of the  
4 state laws says that you're not supposed to take  
5 productive agricultural land out of agriculture for  
6 any reason.

7                   I hope you folks can see that today, you  
8 know. As was stated earlier most of our food is  
9 coming from third world countries. It's very  
10 frightening to me because they don't have the health  
11 standards and safety mechanisms that protects the  
12 people that receiving all of these goods that come in  
13 from their country. So it's really concerning to me.  
14 Hopefully it's concerning to you.

15                  As an example, in the '60s Wai'anae provided  
16 87 percent of eggs, chickens, pork, milk, vegetables.  
17 And today that number is disappearing because of the  
18 changing of rezoning of many of our areas. And we  
19 need your help. Because as you know, those of you  
20 that were raised in the '50s will know they  
21 emphasized, really emphasized about good food, the  
22 freshness of the food.

23                  Without having any kind of protection from  
24 you folks you know what will happen to the future  
25 generations? Do we depend on the third world

1 countries? Like I said it's very concerning to have  
2 these things come because the only way we'll find out  
3 something is wrong is that one of us will have to die.  
4 Then you say, "Oh, wow, we have to check this." Until  
5 you guys can change those health, safety things --

6 MR. DAVIDSON: 30 seconds.

7 THE WITNESS: -- we need to look at. So  
8 please I'm asking you to protect the future  
9 generations. And I know that many of us may not be  
10 farmers. I have a lot of family that farm. I have  
11 family that maybe in the future my great grandchildren  
12 may want to farm. But where will they farm,  
13 especially on O'ahu?

14 So please make a decision that will help us.  
15 Wai'anae is already at the most dangerous highway in  
16 the state of Hawai'i. The section we're talking about  
17 will become so dense it will be pathetic. So please  
18 try to protect our future farming land so that our  
19 children can have fresh food. With that, thank you.

20 CHAIRMAN DEVENS: Let me see if the parties  
21 have any questions, Mr. Manaku.

22 MR. YUEN: One question. Mr. Manaku, are  
23 you a farmer?

24 THE WITNESS: No, sir, I'm not. But I do  
25 farm -- I'm not a big farmer. I raise vegetables and

1 fruit in my yard.

2 MR. YUEN: No further questions.

3 CHAIRMAN DEVENS: Thank you. Any questions  
4 from the parties?

5 MS. TOWNSEND: Aloha, uncle. Are you or  
6 were you a member of the Nanakuli Neighborhood Board?

7 THE WITNESS: I'm still a member of the  
8 Nanakuli Neighborhood Board. I've been a Neighborhood  
9 Board member since 1985.

10 MS. TOWNSEND: Thank you very much for your  
11 service. Was the resolution about this proposal  
12 brought to the Nanakuli Neighborhood Board?

13 THE WITNESS: Yes. Well, not really. We  
14 were informed that this meeting was going to be held.

15 MS. TOWNSEND: Did the Nanakuli Neighborhood  
16 Board pass a resolution regarding this Tropic Land?

17 THE WITNESS: According to the chairman,  
18 yes.

19 MS. TOWNSEND: It's okay. That's all right.  
20 Thank you.

21 THE WITNESS: Thank you.

22 CHAIRMAN DEVENS: Parties have any follow-up  
23 questions? Hearing none, Commissioners? None. Thank  
24 you for your testimony.

25 MR. DAVIDSON: Pono Kealoha followed by

1 Lilette Subedi.

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3 xx

4 PONO KEALOHA

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

7 THE WITNESS: My name is Pono. Does that  
8 say enough to you?

9 CHAIRMAN DEVENS: We're following some  
10 procedures here, that's all. If you can state your  
11 name and your address.

12 THE WITNESS: My name is Pono Kealoha.  
13 Yeah, what I say is my truth. Okay. Aloha. My name  
14 is Pono Kealoha. And I really question what the hell  
15 gives you the jurisdiction to rule over our legally  
16 occupied 'aina. You show me the treaty that turns it  
17 over to the USA, then we can talk.

18 Until then every one of you is continuing  
19 manifest destiny against Hawai'i, against our 'aina,  
20 against our kanaka maoli. You guys are all guilty of  
21 genocide of our race of our 'aina. You guys are  
22 raping our resources. You guys are prostituting our  
23 culture.

24 What kind of pride do you take in that? And  
25 you are continuing this in Iraq and around the world.

1 This is the hewa program that the USA is made of. USA:  
2 home of greed, land of slaves, eo.

3 CHAIRMAN DEVENS: Any questions?

4 MR. YUEN: No questions.

5 CHAIRMAN DEVENS: None. Commissioners?

6 Thank you for your testimony. Next witness.

7 MR. DAVIDSON: Lilette followed by Jolyn  
8 Ballenti.

9 LILETTE SUBEDI

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

12 THE WITNESS: Yes, I do.

13 CHAIRMAN DEVENS: State your name and your  
14 address.

15 THE WITNESS: I'm Lilette A. Liliakala  
16 Subedi of 84-766 Lahaina Street, Makaha. If you don't  
17 mind I've prepared my remarks in writing.

18 Morning, Commissioners. My name is Lilette  
19 Subedi. And I'm appearing today before you as a  
20 Native Hawaiian, a private citizen, and as president  
21 of Hawai'i O Makaha, an agriculturally based private  
22 nonprofit organization who works with education.

23 I'm deeply concerned about the rezoning  
24 request by Tropic Land, Limited Liability Corporation  
25 as it pertains to their proposed industrial park

1 development, and urge all of you to uphold your  
2 responsibilities and sworn duties to preserve and  
3 protect the integrity of this agricultural parcel.

4           While the land in question is currently  
5 lying fallow, it remains a viable resource for food  
6 production, an opportunity with great urgency.  
7 Culturally this parcel resting in the shadow of  
8 Pu'uheleakala and Nioiula Heiau is only a small part  
9 of the landscape that's of tremendous significance to  
10 Native Hawaiians.

11           This is the Wai'anae O'ahu homesite of Maui  
12 Akalana and his mother Hina Kowea or more simply Maui  
13 and Hina. It is where Maui snared the sun and slowed  
14 her travels in order for his mother's kapa or bark  
15 cloth to dry properly.

16           Hawaiian kapa, once so highly prized, sacred  
17 and respected, can also be regarded today as metaphor  
18 describing the plight of my people, my history and  
19 culture gallantly challenging dismissal and  
20 extinction.

21           Environmentally the proposed Project will --  
22 and I emphatically state this -- will provide more  
23 than ample opportunities for toxins to leach into the  
24 earth thereby further poisoning and wiping out a  
25 viable land resource that would better serve all of us



1 if put to use in the production of food. Let's grow  
2 food not pavement and landfills.

3           It is incredibly sad and unconscionable that  
4 more than 85 percent of the food that we access and  
5 eat in Hawai'i today is imported from virtually all  
6 over the world, not to mention GMO factor and  
7 chemically manufactured food stuffs that contribute to  
8 increasing obesity and chronic illness especially  
9 among Native Hawaiians living in our Waianae Coastal  
10 community.

11           Healthy land will produce healthy food that  
12 sustains healthy people. Healthy bodies, healthy  
13 minds, healthy spirits mean productive participatory  
14 and contributory citizens.

15           Morally and ethically I firmly believe that  
16 the vast majority of Wai'anae Coastal community  
17 residents if properly and appropriately informed would  
18 overwhelming choose to maintain a cleaner environment.

19           Just look at the discontent with the ongoing  
20 saga of the Waimanalo Gulch Landfill. And in  
21 reference to that, as I hear, the PVT meeting last  
22 week there was so much contention that the police were  
23 called. We will hear the refrain of "Keep the country  
24 country." Additionally as adults and parents we are  
25 re-instilling and reinforcing our Native Hawaiian

1 traditional practices of malama 'aina and aloha

2 'aina --

3 MR. DAVIDSON: Thirty seconds.

4 THE WITNESS: -- loving the land and caring  
5 for the land, surviving healthily through sustaining  
6 ourselves through fresh natural food that we  
7 cultivate. Unfortunately many of us do not have  
8 access to a plot of land wherein we can establish a  
9 food garden to sustain our families.

10 Agriculture land is a commodity already  
11 becoming a rare commodity in our beloved island home  
12 in exchange for promises of a few short-term  
13 employment opportunity tied to urbanization.

14 We live in a place with limited and  
15 diminishing resources. And many of us are unmindful  
16 of the consequences of our own actions in choosing  
17 urban development over basic survival practices such  
18 as sustainable agriculture and food production.

19 MR. DAVIDSON: That's time.

20 THE WITNESS: Thank you.

21 CHAIRMAN DEVENS: Parties, any questions?

22 MR. YUEN: No questions. Hearing none,  
23 Commissioners? Commissioner Lezy. Ma'am, if you can  
24 hang on the Commissioner has a question.

25 COMMISSIONER LEZY: Just one question.

1 Thank you for your testimony. Can you describe the  
2 work that your organization does?

3 THE WITNESS: We work on five acres of land  
4 leased from the Catholic Diocese of Hawai'i. Three of  
5 the acres contain food gardens. We work as a  
6 community anchor in partnership mainly with Makaha  
7 Elementary School where we service the 600 children  
8 who are enrolled there in grades K through 6.

9 Each grade level has a garden. And they  
10 grow food. They are taught about their relationship  
11 to land and their responsibilities to their families  
12 and community.

13 The food that we do grow is not really sold  
14 on the market. We're not commercial farmers. We do  
15 this to educate our children for the future. The food  
16 that is grown is shared in the community with the  
17 homeless or houseless families who do reside within  
18 the community.

19 But more importantly the majority of the  
20 food, bushels of fruits and vegetables are provided to  
21 the families of the especially immediate local area in  
22 Makaha. But the children do come from throughout the  
23 Wai'anae coastal community.

24 In addition, each year we welcome and host  
25 at least 6,000 -- at least 6,000 unduplicated

1 children, school children grades K through 12 from  
2 throughout the island. And we do this with a staff of  
3 six. We work. Our hearts are there. Although I  
4 don't have my garden there I have my garden at home.  
5 I do grow my own fresh fruits and vegetables. That's  
6 also important. So we practice what we preach. This  
7 is how we live.

8 COMMISSIONER LEZY: Thank you.

9 THE WITNESS: You're welcome.

10 CHAIRMAN DEVENS: Followup questions from  
11 the Commission? Parties have any followup questions?  
12 Commissioner Contrades.

13 COMMISSIONER CONTRADES: How do you propose  
14 that farming be expanded, just for example, on O'ahu?

15 THE WITNESS: It takes a lot of time,  
16 patience and a lot of education. This is a big  
17 concern. I'm really involved in the educational  
18 aspect of taking a look at not just sustainability --  
19 that's become a buzz word in the last decade or so --  
20 it's more about survivability.

21 People tend to -- this is generic -- tend to  
22 throw around the term "ahupua'a" as sustainable land  
23 management. It wasn't about that. It was about basic  
24 survivability, about knowing how to utilize natural  
25 resources, and knowing how to cultivate or domesticate

1 practices that at least allowed healthy survivability  
2 of the people on the land.

3           It was about reciprocity. It was about  
4 relationships. So we need to have more support for  
5 real active educational awareness initiatives so that  
6 not just the children learn. It's a good place to  
7 start with the kids so they go home and they tell  
8 their parents, grandparents even reconnect. We don't  
9 have those opportunities.

10           Even with regard to this parcel of land, of  
11 course it's been laying fallow. We don't have access.  
12 Now it's held in private ownership. Before that it  
13 was maybe going to be a golf course used by the  
14 military.

15           Hawaiians have been cut off because we, from  
16 way back when, didn't understand the whole concept of  
17 realty.

18           Real estate is not part of my history and  
19 tradition. It is about taking care of the land, being  
20 responsible for it. Of course today we learned how to  
21 hold title and we can farm, or we can live whatever.  
22 So we really need to educate and raise levels of  
23 awareness about the necessity of food production.

24           If we're cut off -- like after 9/11 remember  
25 couple days no planes, no boats. People started to

1 panic. "What do we do?" For those of us who know how  
2 to go to the ocean, those of us who know how to hunt,  
3 those of us who already grow food, how many of us will  
4 be inundated by those who think, "I have nothing. How  
5 am I going to feed my family?" Hello. We all grew  
6 up, many of us, learning how to do this. Now it's  
7 very difficult. We are challenged in even wanting to  
8 do this.

9               So part of awareness thing we teach about  
10 container gardening for those who don't have the plots  
11 of land I referenced. You can grow your fruits and  
12 vegetables in large buckets, in the detergent buckets  
13 you get from Costco or Sam's. You can grow tomato  
14 plants. You can grow lettuce. Children learn how to  
15 do this. Their families learn how to do this.  
16 They're so proud to eat the food that they have cared  
17 for that they know will care for them.

18               So these kinds of initiatives are ongoing.  
19 We have been doing this at Ho'oaina for 31 years now  
20 so it's not something trivial. That's why I feel pono  
21 in providing my testimony today. Thank you,  
22 Commissioner.

23               CHAIRMAN DEVENS: We appreciate. Thank you  
24 very much.

25               THE WITNESS: Thank you.

1                   MR. DAVIDSON: Jolyn Ballenti followed by  
2    Salmon Maheluna.

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

6                   THE WITNESS: Yes.

7                   CHAIRMAN DEVENS: State your name and your  
8    address.

9                   THE WITNESS: Jolyn Ballenti. I live at  
10   89-630 Haleakala Avenue in Nanakuli. I'm a resident  
11   of Nanakuli Homestead. I've lived in Nanakuli my  
12   entire life. I'm here to testify against building a  
13   industrial park at Lualualei Valley due the negative  
14   environmental and cultural impact on the residents  
15   that live there.

16                  Since travels, I've listened to stories of  
17   the kupuna say that Lualualei is established as a  
18   sacred place or wahipana, through our mo'olelo the  
19   history of Maui the demigod and the cultural hero of  
20   the Hawaiian people. It has been established in oral  
21   histories that the cape of Maui's mother Hina, where  
22   he captured the sun and held it up so she could finish  
23   making her kapa, still exists here in Lualualei  
24   Valley. Therefore culturally Lualualei is a sacred  
25   place.

1                   The second point against having an  
2 industrial park built in Lualualei is the negative  
3 environmental impact on the land where the people  
4 live. For some years I've been working at a grass  
5 root level as an advocate in seeking environmental  
6 justice in our communities through an organization  
7 called Kawaiola o Wai'anae, the living waters of  
8 Wai'anae.

9                   I've witnessed the negative impact that  
10 illegal dumping has had upon our streams that flow  
11 into the ocean that harm all of our natural resources  
12 limiting fishing and annihilating the harvest of limu  
13 in many areas from Keawaula to Honouliuli.

14                  In closing I just would like to further  
15 express the negative cultural and environmental impact  
16 that building an industrial site in Lualualei is hewa.  
17 Mahalo.

18                  CHAIRMAN DEVENS: Any questions by the  
19 parties?

20                  MR. YUEN: No questions.

21                  MR. YEE: No questions.

22                  CHAIRMAN DEVENS: Hearing none,  
23 Commissioners? Thank you for your testimony.

24                  MR. DAVIDSON: Pake Salmon Mahelona followed  
25 by Kaleikini.



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3 PAKE SALMON MAHELONA

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

6 THE WITNESS: Yes, I do.

7 CHAIRMAN DEVENS: State your name and your  
8 address.

9 THE WITNESS: My name is Pake Salmon  
10 Mahelona. I live 84-849 Fricke Street, Makaha. Good  
11 morning, Commissioners. I'm reading off of my iPhone  
12 what I wrote. I'm against this proposed zoning change  
13 because we need to keep ag lands in agricultural lands  
14 for food security of O'ahu as well as it's the right  
15 thing to do in this day and the green age.

16 We are importing more than 70 percent of our  
17 food when we have the best agricultural lands in the  
18 world. Also our community of Wai'anae doesn't have  
19 the infrastructure to support this kind of development  
20 at Lualualei. My future hope for Wai'anae is that it  
21 can become the bread basket that it was for the early  
22 Hawaiians feeding the whole community of the Wai'anae  
23 Moku through farming and fishing.

24 I am proud that we have a cultural  
25 historical site like Hina and Maui's cave in this

1 area. It will be desecrated if these agricultural  
2 lands are converted to an industrial park.

3 Campbell Industrial Park is right down the  
4 road. I urge you to tell the developers to use that  
5 for what that purpose is, an industrial park.  
6 Building an industrial park doesn't match the  
7 community sustainability plan. We want to "Keep the  
8 country country." Malama ka 'aina.

9 In closing I'd like to see our community  
10 stay a rural community. Our community has had enough  
11 of our share of environmental injustice, cultural  
12 injustice and social injustices.

13 We need clean land, clean air and clean  
14 streams for our children and our families. Thank you  
15 for hearing me today. And please help keep our  
16 communities rural for our keiki and our families.  
17 Mahalo.

18 CHAIRMAN DEVENS: Any questions from the  
19 parties?

20 MR. YUEN: No questions.

21 CHAIRMAN DEVENS: Hearing none,  
22 Commissioners? None. Thank you for your time. Next  
23 witness.

24 MR. DAVIDSON: Paulette Kaonohi Kaleikini  
25 followed by Lucy Gay.

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3 PAULETTE KAONOHU KALEIKINI

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

6 THE WITNESS: Yeah.

7 CHAIRMAN DEVENS: State your name and your  
8 address.

9 THE WITNESS: Paulette Kaonohi Kaleikini. I  
10 live at 89-107 Nana'ikala in Nanakuli. I strongly  
11 oppose the rezoning of the Tropic Land Company from ag  
12 to industrial. Sections of this parcel are designated  
13 preservation lands. State laws require that these  
14 preservation lands be protected. The state must and  
15 should protect the cultural resources of these lands.  
16 Presently Tropic Land Company does not have  
17 a permit to operate any business on these lands. Yet  
18 Tropic Land Company has allowed for the desecration of  
19 parts of this preservation sites. They mined and  
20 allowed and sold pohaku to Wal-Mart Company on  
21 Ke'eaumoku Street to build an ahu for a burial site  
22 there. And they also sold, took pohaku from this  
23 'aina and sold it to private landowners on Royal  
24 Summit. I totally disagree to that. They have  
25 totally desecrated our 'aina and sacred sites.

1                   And to this I would prefer that Tropic Land  
2   Company not be allowed to have a permit to operate  
3   their business. And I think preventing the rezoning  
4   of this land from ag to industrial will prevent stuff  
5   like this. I mean the desecration of our 'aina will  
6   just continue if this is allowed. They can go and  
7   operate their business someplace else.

8                   MR. DAVIDSON: Thirty seconds.

9                   THE WITNESS: You know what? That's another  
10   thing that's irritating me, about how you know, you  
11   guys call out our people to come and speak from our  
12   na'au for something that is very important. Land  
13   issues for Native Hawaiians are very important. Okay.  
14   So when we come out and speak from our na'au to  
15   protect our 'aina do not give us a time constraint.  
16   I'm sick and tired of that: Two minutes here, three  
17   minutes there. The military gives us time  
18   constraints. The city does. And now you guys.

19                   This is a very important issue for Native  
20   Hawaiians concerning our 'aina, concerning the future  
21   of our 'ohana, of our keiki. So I totally resent  
22   that. You guys got to rethink this. Now when we come  
23   out to speak from our na'au do not give us any time  
24   constraints. Mahalo.

25                   CHAIRMAN DEVENS: Ma'am, let me see if the

1 parties have any questions for you.

2 MR. YUEN: No questions.

3 CHAIRMAN DEVENS: Commissioners? Thank you  
4 for your testimony.

5 THE WITNESS: Mahalo.

6 MR. DAVIDSON: Lucy Gay followed by Edward  
7 Hanohano.

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

11 THE WITNESS: Yes.

12 CHAIRMAN DEVENS: Please state your name and  
13 your address.

14 THE WITNESS: My name is Lucy Gay. And I  
15 live at 47-214 Kamehameha Highway. I have concerns  
16 that I wish to convey. The official Wai'anae  
17 Sustainable Community Plan, that's the official one,  
18 details the land use policy to preserve ag lands. It  
19 also establishes boundaries as to where these sort of  
20 activities will -- we would prefer that it occur. And  
21 I'm urging this body to honor those concerns that have  
22 been expressed by the community.

23 And why it's significant is because in  
24 trying to manage a very complex, large society we have  
25 as a people determined that there shall be some way to

1 organize our work. So there are provisions for the  
2 state government to develop some General Plans to give  
3 us some direction.

4           The counties have plans to help them  
5 determine how things will occur on the ground. Then  
6 at the lowest level, at the communities level average  
7 citizens, regular citizens have an opportunity to  
8 participate in that process of how they intend to live  
9 well, well in their place.

10           So the Wai'anae sustainable plan is a very,  
11 very important document for this body to consider as  
12 we move forward in our deliberation. And I point to  
13 the official one, because as far as I'm concerned that  
14 is what we have been working with from the time that  
15 this Project was brought to the community's attention.

16           And I think that's it. Thank you.

17           CHAIRMAN DEVENS: Let me see if the parties  
18 have any questions for you.

19           MR. YUEN: No questions.

20           CHAIRMAN DEVENS: Hearing none,  
21 Commissioners? Thank you very much.

22           MR. DAVIDSON: Edward Hanohano followed by  
23 Hoppe-Cruz.

24                           EDWARD HANOHANO  
25 being first duly sworn to tell the truth, was examined

1 and testified as follows:

2 THE WITNESS: Yes.

3 CHAIRMAN DEVENS: Can you state your name  
4 and your address.

5 MS. KUWAYE: My name is Edward Hanohano. I  
6 come from 87-119 Laiku Street in Nanakuli.

7 CHAIRMAN DEVENS: Go ahead.

8 THE WITNESS: Um, the place that you guys  
9 talking about I was raised there. I know the -- I  
10 know the property and the surroundings there. That  
11 used to be my home across the street. I used to live  
12 in that third road where Quonset huts are now. I used  
13 to at one part go to the farm over there. We used to  
14 know them. And I used to go over there steal  
15 watermelons, you know, at that time. Agriculture is  
16 good. It's a food source, you know.

17 As a young kid that was the things that I  
18 used to do, you know, granted we knew the family.  
19 They knew our family. Because we was kids they let us  
20 go. I'm not saying nothing good or bad about it.

21 But I like to see if there's a development  
22 where they keep the rainwater because it's a mountain  
23 from running down. That's what our problem the  
24 mountain water comes down to our Quonset hut. We  
25 could never stop it.

1                   As far as issues I don't know if I'm for it  
2 or against it. I don't know nothing about this. I  
3 just came to share my mana'o. I was raised there. I  
4 know the property there. I know the land surrounding  
5 stay. If you guys do develop I know you guys going  
6 take away a lot of birds, things around there.

7                   Farms usually bring life and that's what we  
8 do. As far as, you know, farming I do farm every day  
9 and I talk about farming as my family. I culture my  
10 family the same way I culture vegetables. That's the  
11 same way I do.

12                  Other people like build on it. Well, I  
13 can't stop them but I'm just sharing my mana'o. I  
14 know what happened in that valley as far as a young  
15 boy. That's all.

16                  CHAIRMAN DEVENS: Parties have any  
17 questions? Go ahead.

18                  MS. TOWNSEND: Thank you very much for your  
19 testimony. So just to clarify when you were a young  
20 man on this parcel there were issues with flooding?

21                  THE WITNESS: Yes.

22                  MS. TOWNSEND: Can you describe a little bit  
23 the flooding?

24                  THE WITNESS: The flooding come from  
25 Lualualei Valley. When it rains the water comes down.



1 There's no way beyond letting the water come through  
2 because that area is mountains. I don't know how you  
3 guys going to stop water from coming down on the  
4 mountain. I really don't know, but there's a lot of  
5 water coming down.

6 MS. TOWNSEND: Thank you very much. Just to  
7 clarify. In 2008 did you sign the petition in support  
8 of the Tropic Land parcel?

9 THE WITNESS: I not sure. It could be  
10 foggy. I not sure.

11 MS. TOWNSEND: Okay. At the time that you  
12 may have signed this document did you understand what  
13 was being proposed?

14 THE WITNESS: As far as my understanding  
15 they was gonna develop up above Nanakuli -- not  
16 Nanakuli. Nakatani housings. And Nakatani's housing  
17 is right across PVT. That's all I was told when I  
18 signed the paper. I go for development there. But  
19 anything beyond that I'm not sure.

20 MS. TOWNSEND: Thank you very much.

21 CHAIRMAN DEVENS: Any follow-up questions  
22 from the parties? Mr. Yuen.

23 MR. YUEN: One question. You mentioned that  
24 there was flooding comes down from the mountain?

25 THE WITNESS: Yes.

1                   MR. YUEN:  Would the crops on the property  
2 be wiped out at the time?

3                   THE WITNESS:  Um, that part it's hard to  
4 say.  They won't get wiped out because I guess farmers  
5 do know how to divert water.  I don't know.  Majority  
6 of the time there's always something for me to eat on  
7 that farm.

8                   MR. YUEN:  No further questions.

9                   CHAIRMAN DEVENS:  Commissioners, any  
10 questions?  Hearing none, next witness.

11                  MR. DAVIDSON:  David Hoppe-Cruz followed by  
12 Angle Hoppe-Cruz.

13                                 DAVID HOPPE-CRUZ  
14 being first duly sworn to tell the truth, was examined  
15 and testified as follows:

16                  THE WITNESS:  I do.

17                  CHAIRMAN DEVENS:  State your name and your  
18 address.

19                  THE WITNESS:  My name is David Hoppe-Cruz.  
20 My address is 84-744 Manuku Street, Makaha, Hawai'i.

21                  CHAIRMAN DEVENS:  Go ahead.

22                  THE WITNESS:  And I am just completely  
23 against the, I guess, development of any more ag land  
24 turning it over to industrial purposes.  I was born  
25 and raised here.  I can remember when where we are

1 right now looking at it as child seeing it as  
2 sugarcane, nothing but that. And it just -- I  
3 remember seeing, seeing when the land was being  
4 converted from ag use to urban use how much it  
5 distressed me.

6           And I have a 5 year-old son. I don't want  
7 him to see his community becoming something that was,  
8 you know, kind of wild, rural not so many structures,  
9 just you know, the perceptions you have a child with  
10 where you live. I don't want him to have that same  
11 distress looking at his community.

12           And just beyond that we need every bit of ag  
13 land we can get. We are on an island. We have  
14 limited resources here. What will happen if our  
15 shipments stop? Like was mentioned earlier, I don't  
16 know what the exact figure is. We have, like, a 2  
17 week supply of food if Matson stops shipping, if Young  
18 Brothers stops shipping. So that's a big concern.

19           We need to move towards producing as much  
20 food as we can locally not just because it's healthier  
21 for the community but because that might be the  
22 difference between us surviving a major national or  
23 global catastrophe.

24           It's something that's kind of a common sense  
25 thing to do. We need to really address those issues

1 as a community.

2           The mainland, they're not going to care. If  
3 we get cut off and there's a catastrophe that big  
4 they've got their own problems. We're not going to  
5 see food shipments immediately. We're not going to  
6 see aid immediately. Because something of that nature  
7 would be just so catastrophic that we would really  
8 have to fend for ourselves.

9           And are we going to be able to grow food in  
10 an industrial area versus really trying to look at the  
11 whole way our system is set up and try to give  
12 ourselves more food security?

13           Aside from that the issue with, you know,  
14 how heavily used the roads are going to be. I mean  
15 either as a student or as a professional driving out  
16 of Wai'anae for work pretty much my whole adult life.  
17 Anybody who lives out there can tell you traffic is,  
18 miserable as it is, you had 500 trucks an hour peak  
19 hours and 400, I don't know whatever the figure is, on  
20 off-peak hours. And then add it to the personal  
21 vehicles of the people driving those trucks it's just  
22 going to snarl traffic. The roads are already being  
23 perpetually worked on.

24           I just really don't think it's a good thing  
25 for the community to allow it to happen. So thank

1 you.

2 CHAIRMAN DEVENS: Parties have any  
3 questions?

4 MR. YUEN: Are you presently a farmer?

5 THE WITNESS: No, I'm not. But I would like  
6 to -- I'm actually going to start an aquaponic system  
7 at my grandparents' house so we can have some form of  
8 food production.

9 MR. YUEN: No further questions.

10 THE WITNESS: Any questions from the  
11 parties? Hearing none, Commissioners? None. Thank  
12 you for your testimony.

13 MR. YUEN: Thank you.

14 MR. DAVIDSON: Angela Hoppe-Cruz followed by  
15 Candace Fujikane.

16 ANGELA HOPPE-CRUZ,  
17 being first duly sworn to tell the truth, was examined  
18 and testified as follows:

19 THE WITNESS: Yes.

20 CHAIRMAN DEVENS: State your name and your  
21 address.

22 THE WITNESS: My name is Angela Hoppe-Cruz,  
23 84-744 Manuku Street, Wai'anae, 96792. Good morning,  
24 Commissioners. Thank you for considering my testimony  
25 in making a decision that will support the health of

1 the Wai'anae community. The health of the Wai'anae  
2 community --

3 MS. ERICKSON: Would you slow down just a  
4 little bit.

5 CHAIRMAN DEVENS: The reporter's going to  
6 have a hard time keeping up with you.

7 THE WITNESS: Thank you for considering my  
8 testimony in making a decision that will support the  
9 health of the Wai'anae community. The health of the  
10 Wai'anae community lies in its rich agricultural  
11 resources, not in industrialization. The decreasing  
12 parcels of agricultural land pose a great cultural  
13 loss to the community.

14 Examples of models of sustainability are  
15 being practiced right now with Ma'o Organic Farms,  
16 Ho'oaina Makaha, and Ka Ala Farms. We need to empower  
17 our youth and utilize agricultural land in these ways  
18 so that we look beyond imported food, we look beyond  
19 cash money, we look beyond contaminating our land.

20 There is nothing sustainable about paving  
21 over rich fertile ground. There's nothing sustainable  
22 about 500 trucks per hour at peak time. There's  
23 nothing sustainable about 433 trucks at peak time  
24 while we have one road in and one road out.

25 As my husband mentioned I drive that commute

1 every single day trying to sustain my family and live  
2 in this beautiful island.

3           Where do you live? Would you like an  
4 industrial park butting up against your property line?  
5 Would you like the pollution that that brings for your  
6 children, for yourselves? The Wai'anae people, the  
7 youth of the community and the kupuna deserve no less  
8 than what you would like.

9           The future of Wai'anae and the vision that I  
10 have is to see the continued growth of our youth  
11 learning to return to their roots through great  
12 establishments like Ho'o Aina Makaha, like Ma'o  
13 Organic Farms. That's what we need to return to.

14           We're not moving in a positive way when we  
15 want to bring an industrial park into a community that  
16 is so far impoverished in one way and so rich in other  
17 ways. We need to tap into what is natural. We need  
18 to return to what can sustain us. And it's not just  
19 dollar bills. We have some time to read I think...

20           MR. DAVIDSON: 30 seconds.

21           THE WITNESS: "There's heavy rains" -- a  
22 study on floods -- "heavy rains on November 11, 1996  
23 resulted in extensive flooding in Leeward and Central  
24 O'ahu. The rainfall during this period was reported  
25 by the National Weather Service as being the heaviest

1 in 50 to a hundred years.

2 "Rainfall runoff sheet flowing from the base  
3 of the surrounding mountains and across the moderately  
4 sloping open lands in the upper portion of Lualualei  
5 Valley collected on the valley floor. Homes and  
6 portions of area roadways were inundated for up to 7  
7 days. The areas reported to flood during the '96  
8 rainfall even were typically located near drainage  
9 structures such as open channels, culverts and  
10 bridges."

11 Thank you for your time.

12 CHAIRMAN DEVENS: Any questions from the  
13 parties?

14 MR. YUEN: I have a couple of questions.  
15 Ms. Hoppe-Cruz, where do you work?

16 THE WITNESS: I work for the University of  
17 Hawai'i as a cultural and linguistics coordinator.

18 MR. YUEN: No. Where do you work?

19 THE WITNESS: At the University of Hawai'i  
20 at Manoa. The office is in Manoa.

21 MR. YUEN: Do many people find it necessary  
22 to commute out of Wai'anae every day for work?

23 THE WITNESS: Yes, sir. They do find it  
24 necessary to commute out of Wai'anae every day for  
25 work which is why programs such as Ma'o Farms,



1 Searider Productions are making great efforts to grow  
2 the community so that we do not have to be forced to  
3 the choose to leave and drive an hour and a half each  
4 way.

5                   And I don't -- we don't have our own farm  
6 but we do raise swiss chard, green onions on our  
7 family property. And if there were more lands for  
8 youth that had access to Lualualei Valley that would  
9 be another great opportunity to provide food for the  
10 homeless and for the houseless.

11                   MR. YUEN: No further questions. Thank you.

12                   CHAIRMAN DEVENS: Any other questions from  
13 the parties? Commissioners? Hearing none, thank you  
14 very much for your testimony.

15                   MR. DAVIDSON: Candace Fujikane followed by  
16 Georgette Meyers.

17                                   CANDACE FUJIKANE  
18 being first duly sworn to tell the truth, was examined  
19 and testified as follows:

20                   THE WITNESS: I do.

21                   CHAIRMAN DEVENS: State your name and your  
22 address.

23                   THE WITNESS: My name is Candace Fujikane.  
24 I am from Kaneohe, 46-318 Haiku Road. I'm an English  
25 professor at the University of Hawai'i. And I teach

1 courses in literature and land struggle. I'm here to  
2 oppose the rezoning of agricultural land for  
3 industrial use. And I have maps here because I'm  
4 concerned about Tropic Land's agriculture feasibility  
5 report which characterizes the land as being  
6 unproductive. And that's only if you look at the  
7 lands as being unirrigated.

8           Once you classify the land -- if once you  
9 irrigate the lands it actually becomes very farmable  
10 like the same classification of lands that Ma'o Farms  
11 is actually on. (using diagrams) So I don't know how  
12 to do this.

13           CHAIRMAN DEVENS: You can pick that up.

14           THE WITNESS: I have two maps here because  
15 the part -- the Petition Area actually takes up 2  
16 pages of the Land Study Bureau's detailed land  
17 classification Island of O'ahu. And this was  
18 published in 1971 and 1972. So this is actually the  
19 same -- it's the same parcel. It's just that the  
20 information is spread out over 2 pages. So this is  
21 page 159 and this is page 160. Maybe I'll just use  
22 this one, which has the same information, to show that  
23 according to their feasibility report they say that 80  
24 percent of the land is classified as E lands.

25           So in the Land Study Bureau classification A

1 would be the lands of the highest productivity and E  
2 would be the lands of the lowest productivity. So  
3 they're saying 80 percent of the lands are classified  
4 as E lands.

5 But if irrigated E-63 lands become B-63 I  
6 land. Again Ma'o Farms is located on lands that are  
7 classified B-63 I lands.

8 If you have look at these E-63 lands and  
9 irrigate them then two-thirds of the parcel,  
10 66 percent, becomes class B lands, the second highest  
11 productivity classification.

12 So I think in this map you see here this  
13 B-62 would be Mr. Araki's farm, the 17 acres that he  
14 farmed from 1955 to the early 1980s. And you can see  
15 other parcels in that same area also have that same  
16 classification B-62-I irrigated. Lands that are  
17 irrigated become B lands. Okay. So two-thirds of the  
18 Petition Area become B lands if irrigated.

19 The other thing that I wanted to point out  
20 is that Mr. Araki did not -- he farmed that land for  
21 30 years. Thirty years of farming does not speak of  
22 insustainability.

23 And I think what's very important is that he  
24 did not leave the land because he couldn't farm it.  
25 He left the land because McCandless raised the rent

1 and was going to take a 10 percent cut of his crop  
2 yield. I think that's very significant.

3 I think what Mr. Araki's farm illustrates is  
4 a commitment to farming that we see in farms  
5 throughout that valley. There are several farms in  
6 this petition site area. And the farmers there all  
7 speak of that tremendous commitment to farming.

8 And I'm hoping that the Land Use Commission  
9 will support and support that kind of commitment. I  
10 don't know -- there's other information.

11 The other thing is that -- I'm not a soils  
12 scientist -- but I did consult one at the University  
13 of Hawai'i. I spoke with Professor Jonathan Deenick  
14 from the Department of Tropic Plant and Soil Sciences.  
15 And I asked him --

16 MR. DAVIDSON: Thirty seconds.

17 THE WITNESS: -- I asked him to confirm  
18 whether the information I have here is correct. He  
19 said yes, it is correct. And he's also submitting his  
20 own statement on the productivity of the Lualualei  
21 soils series. And he's arguing against rezoning the  
22 land.

23 I know I went through it so fast I was  
24 thinking I only had 3 minutes. Let's see. Ah, I  
25 guess that would be it. I think to reiterate what

1 other people have said, I think Tropic Land is trying  
2 to argue that no one would be interested in farming  
3 this land.

4 But as others have mentioned, Ma'o Farms has  
5 a youth leadership program. They're cultivating  
6 farmers who will need lands to farm. And I think we  
7 need to keep that possibility open for them. Thank  
8 you.

9 CHAIRMAN DEVENS: Ms. Fujikane, the 3-page  
10 exhibit you gave us we will make that part of the  
11 record. All right?

12 THE WITNESS: Okay. Great.

13 CHAIRMAN DEVENS: Just so the record  
14 reflects the demonstrative evidence you're using is  
15 page 1. Is that correct, the diagram?

16 THE WITNESS: Yes. Page 1. This one is  
17 page 2. And the map with Ma'o Farms and the Land  
18 Classification for Ma'o Farms is page 3 -- I'm sorry  
19 the overall productivity rating is page 3 for Ma'o  
20 Farms. It's on B-63-I lands and A-100-I land.

21 CHAIRMAN DEVENS: We'll definitely make that  
22 part of the record. Let me see if the parties have  
23 any questions for you.

24 MR. YUEN: I have some questions but I'd  
25 like to see the handout that she showed first.

1

2 CHAIRMAN DEVENS: You know what, we've been  
3 going about an hour. Why don't we give the court  
4 reporter a 5 minute break and give you time to review  
5 the document. Take a short recess.

6 (Recess held 11:20-11:30)

7 CHAIRMAN DEVENS: We're back on the record.  
8 Mr. Yuen, you had questions for the witness?

9 MR. YUEN: Yes. Ms. Fujikane, you testified  
10 that you're an English professor at the university.  
11 Is that correct?

12 THE WITNESS: Yes.

13 MR. YUEN: Have you had any prior experience  
14 in farming?

15 THE WITNESS: My stepfather tried to farm  
16 but he didn't have, like, a farm. History of farming.  
17 So if he had known about biodiversity like bio-diverse  
18 cropping or he'd known about microclimate I think he  
19 would have been successful. But he didn't go to  
20 school too much to learn about the farming. So I  
21 think other people have spoken to the importance of  
22 education, how to farm. He didn't know how to but he  
23 wanted to. And this was in Upcounty Maui.

24 MR. YUEN: Okay. You've also testified that  
25 if irrigated the land that's rated E might be become

1 rated B. Correct?

2 THE WITNESS: Yes.

3 MR. YUEN: Do you know if irrigation water  
4 is available to the property?

5 THE WITNESS: Well, Tropic Land has proposed  
6 using -- I think actually the feasibility report, I'm  
7 sorry, the proposal's a little confusing. I'm not  
8 exactly sure how much water they're proposing to use.  
9 But it's, like, at one point it's 22,000 gallons of  
10 potable water, 22,000 gallons of non-potable water per  
11 day.

12 But at the same time there's also another  
13 number of about 65,000 gallons per day for peak  
14 period. So I'm not exactly sure how much the Tropic  
15 Land is requesting water. I think that that same  
16 amount could be used for this parcel.

17 MR. YUEN: But you don't know if irrigation  
18 water is available to the property.

19 THE WITNESS: No, I don't know.

20 MR. YUEN: And have you seen the property?

21 THE WITNESS: Yes, I have.

22 MR. YUEN: Do you know if the terrain is  
23 adequate or is satisfactory for farming?

24 THE WITNESS: Well, if you take a look again  
25 at Page 3, figure 3, if irrigated do you see Ma'o

1 Farms is on B-63-I land. There is a huge --

2 MR. YUEN: I'm sorry. That's not the  
3 question I asked. I asked do you know if the terrain  
4 of the property is suitable for farming.

5 THE WITNESS: Well, I'm saying that the same  
6 classified soil is suitable for farming in these  
7 parcels here. So I mean it's the same classification  
8 B-63-I. Huge swaths of farmlands that are classified  
9 B-63-I.

10 MR. YUEN: You testified at one point that  
11 the Arakis only farmed on a small portion of the  
12 property. Do you know why they didn't farm on the  
13 remainder of the property?

14 THE WITNESS: Well, they were farming  
15 17 acres which is 20 percent of that Petition Area.  
16 So it's not a small portion. And for farmers in  
17 Hawai'i generally they're running farms from 5 to  
18 16 acres. It also has to do with their leasing of the  
19 land.

20 I don't know the conditions of their lease.  
21 They were leasing the lands from McCandless. I don't  
22 know the conditions of that. But 17 acres in Hawai'i  
23 is quite a large farm actually.

24 MR. YUEN: No further questions.

25 CHAIRMAN DEVENS: Any questions from the



1 parties? Commissioners? Thank you, Professor. Thank  
2 you for your testimony, taking the time coming down  
3 here today.

4 THE WITNESS: Thanks very much.

5 MR. DAVIDSON: Georgette Meyers followed by  
6 Mapuana Tector.

7 THE WITNESS: Good morning. Is it still  
8 morning? My name is Georgette Meyers....

9 CHAIRMAN DEVENS: Georgette, can we swear  
10 you in first, if you don't mind.

11 THE WITNESS: I have to swear in?

12 CHAIRMAN DEVENS: Yes.

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

16 THE WITNESS: Tell the truth? Yes, I'll  
17 tell the whole truth.

18 CHAIRMAN DEVENS: If you can state your name  
19 and the address for the court reporter.

20 THE WITNESS: My name is Georgette Meyers  
21 and I live in Nanakuli. The whole street name?

22 CHAIRMAN DEVENS: That'd be fine.

23 THE WITNESS: 89-346 Mano Avenue. Nanakuli  
24 Homestead.

25 CHAIRMAN DEVENS: Go ahead. If you can use

1 the microphone to testify.

2 THE WITNESS: It's on a stick. It helps if  
3 I stand up because everybody is nervous. Aren't we  
4 all nervous this morning? (laughter)

5 CHAIRMAN DEVENS: Take your time to get  
6 through this.

7 THE WITNESS: Okay. I'm here this morning  
8 to oppose this changing in the zoning. I was with the  
9 Higa farmers. That was in the '80s. And I hear, I  
10 listen to a lot of people talking about Ma'o. They're  
11 producing, God, 3,000 crates of fresh vegetables at  
12 that time. So I don't understand why water is an  
13 issue. 'Cause if they were farming 3,000 crates of  
14 vegetables at that time, that was in 1987, there  
15 should be suitable water to continue the farming.

16 As you know in O'ahu a lot of the farmers  
17 was evicted from Waikiki area, Sandy Beach and they're  
18 all out in Wai'anae. They're out in the west side.  
19 The west side they say is the best side. I agree.  
20 But I'm saying that there is no other place to be  
21 farming than the Wai'anae Coast.

22 So if you're going to keep changing the  
23 zoning from ag to urban or from ag to industrial, they  
24 should go to Campbell Industrial Park. That's the  
25 best place to be doing a lot of your industrial waste

1 stuff. We need to continue to keep our ag lands. We  
2 don't want to pay big bucks for the mainland to bring  
3 in our food from Matson, stuff like that. So we have  
4 to continue to fight.

5           If you want to do good deeds, landlords, in  
6 that area, you should donate the land into -- a lot of  
7 people are going into natural foods these days. If  
8 you're going to ask me if I'm a farmer I can tell you  
9 I'm a domestic farmer. I eat my chicken eggs from my  
10 yard. I eat my papayas, I eat my mangoes from my  
11 yard. I am a domestic farmer. I eat everything from  
12 my yard. So that's what everybody should be doing.

13           But then I'm telling you if we keep going  
14 on the destroying of the ag land then we're going to  
15 have to end up eating golf balls that we were fighting  
16 at the time that Frank Fasi had to put a moratorium on  
17 the golf courses. No more golf courses. Thank God  
18 for that.

19           If you want to continue to eat golf balls,  
20 people, in the future, then go ahead by all means  
21 change all the land into urban and into industrial.  
22 But I'm telling you it's a serious thing because we  
23 all gotta eat. That's all I have to say.

24           CHAIRMAN DEVENS: Georgette, did you want to  
25 make the handouts part of the record?

1                   THE WITNESS: Yes. I'm going to submit  
2 everything that we have.

3                   CHAIRMAN DEVENS: Okay. If you can give a  
4 copy of that to Riley we'll make that part of the  
5 record for you.

6                   THE WITNESS: Okay. Thank you very much.

7                   CHAIRMAN DEVENS: Parties have any questions  
8 for Georgette?

9                   MR. YUEN: No questions.

10                  MS. TOWNSEND: I have a question.

11                  CHAIRMAN DEVENS: Go ahead, Ms. Townsend.

12                  MS. TOWNSEND: Hi, Georgette.

13                  THE WITNESS: Hi.

14                  MS. TOWNSEND: So you worked with Mr. Higa.

15                  THE WITNESS: Yes.

16                  MS. TOWNSEND: Mr. Higa farmed the property.

17                  THE WITNESS: Right.

18                  MS. TOWNSEND: He farmed the property until  
19 what? What made him stop?

20                  THE WITNESS: Well, he's old. Too bad that  
21 his children didn't want to continue because  
22 economically, you know, farming is hard work. It's  
23 not an easy thing. So I really give my hats off to my  
24 farmers. We thank God for them because otherwise  
25 nobody can eat golf balls, believe me. We tried at

1 the Land Use Commission the lady poked it, it flew off  
2 the plate, and it bounced all over the plate in  
3 Wai'anae Intermediate cafeteria. It was embarrassing.  
4 But it did happen. We boiled it for 24 hours and it  
5 didn't happen. You can't eat it. (Laughter). I'm  
6 sorry. It's impossible. Didn't even get soft!  
7 (Laughter)

8 MS. TOWNSEND: This is in reference to the  
9 community's effort to save this particular parcel --

10 THE WITNESS: Absolutely.

11 MS. TOWNSEND: -- when Oban took those as a  
12 golf course?

13 THE WITNESS: Right.

14 MS. TOWNSEND: The documents you have here  
15 are community signatures in support of keeping this ag  
16 land?

17 THE WITNESS: Oh, yes. There's several  
18 thousands and thousands of petition, not just  
19 Wai'anae. But like I said Frank Fasi did get  
20 involved. He was forced to untie his hands by  
21 developers and say no more golf courses because we  
22 cannot eat golf balls.

23 MS. TOWNSEND: Mr. Higa, he coined that  
24 phrase "cannot eat golf balls."

25 THE WITNESS: That's right.

1 MS. TOWNSEND: So he was farming this parcel  
2 and was forced to stop because of the golf course?

3 THE WITNESS: He was forced to stop based  
4 what happened at the land changes from McCandless. I  
5 guess she lost it in the stock market. Now, there's a  
6 lot of new landowners and they've got all these big  
7 ideas and they don't even come into our community and  
8 talk to us.

9 Actually I just found out from my professor  
10 just yesterday about this whole thing. And I'm very  
11 active in my community. I'm surprised that this guy  
12 kind of shibai'd this thing under the blanket I guess.  
13 But I got hold of it and I'm here today.

14 MS. TOWNSEND: Thank you very much for  
15 coming. So to clarify that so do you live in Nanakuli  
16 Homestead?

17 THE WITNESS: Yes, I do.

18 MS. TOWNSEND: And you were not -- the first  
19 you heard of this proposal from --

20 THE WITNESS: Lucy, my professor.

21 MS. TOWNSEND: Okay, Professor Lucy. Did  
22 any representatives from the Nanakuli Homestead board  
23 contact you?

24 THE WITNESS: No. Nobody. And I've been  
25 very active in my community. Have been for the last

1 43 years.

2 MS. TOWNSEND: Do any of your neighbors know  
3 about this proposal in Nanakuli Homesteads?

4 THE WITNESS: Actually I told 7 of 'em just  
5 last night. And they were, "You going to go to the  
6 hearing, aunty? You going tell 'em right."

7 "Yes."

8 MS. TOWNSEND: Just to clarify, the  
9 community has been fighting for this parcel to keep it  
10 in ag land for a long time?

11 THE WITNESS: Since 1987.

12 MS. TOWNSEND: And the reason why it's not  
13 in farming now is because the landowners don't allow  
14 farming.

15 THE WITNESS: No.

16 MS. TOWNSEND: Thank you very much.

17 CHAIRMAN DEVENS: Follow-up questions from  
18 the parties?

19 MR. YUEN: No questions.

20 CHAIRMAN DEVENS: Commissioners? Thank you  
21 very much.

22 MR. DAVIDSON: Next witness Mapuana Tector  
23 followed by Rocky Naeole.

24 MAPUANA TECTOR

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

1 and testified as follows:

2 THE WITNESS: I do.

3 CHAIRMAN DEVENS: Can you state your name  
4 and your address.

5 THE WITNESS: I'm usually used to swearing  
6 on the Bible. Mapuana Tector. Do I need to spell my  
7 name?

8 CHAIRMAN DEVENS: Yeah, please. You can for  
9 the court reporter.

10 THE WITNESS: M-a-p-u-a-n-a T-e-c-t-o-r.  
11 Okay. I'm a lifetime resident of Nanakuli Hawaiian  
12 Homestead. As my tutu cowboy was given the property  
13 in 1933 I believe it got -- the zone changes was from  
14 pastoral to ag or combination. Now it's residential.  
15 Some of the people on the homestead still  
16 have animals and they still farm. We had kalo. I  
17 believe it did very well. I mean that's what  
18 sustained us. More of my history, graduating from  
19 Nanakuli. Hearing about changes in our community such  
20 as Ko Olina, I seen my parents attending meetings  
21 opposing a lot of things even to the point where  
22 developers came back and forth negotiating.

23 As a kid I never knew what was going on. So  
24 Ko Olina is in existence today. But in the '70s they  
25 kind of did the negotiation or probably oppose.



1                   So to make a long story short it's now Ko  
2   Olina is here. That's jobs. That was jobs. It's  
3   jobs for me today and my friends and family. And what  
4   I'm experiencing now the developers have negotiated  
5   and have spoke within our community, community  
6   meetings I believe the past 6 months or so even prior.  
7   So I had knowledge of that.

8                   I'm kind of shocked that they're wanting to  
9   rezone. Then again development is occurring,  
10  everything. Disney, nobody held them accountable.  
11  They're built. They may have promised jobs but I  
12  don't think our local people will get any of that.

13                  As far as the developers for Tropic LLC I've  
14  been in the main stream. I've been in the opposition  
15  from the beginning. I just didn't want more of our ag  
16  land taken away. As a matter of fact when Nanakuli  
17  separated, the Neighborhood Board separated from  
18  Wai'anae neighborhood that kind of gave us more  
19  advantage to get involved.

20                  I appreciate Tropic LLC actually negotiating  
21  with us. Doesn't mean they're going to listen.  
22  Doesn't mean they're going to see our best interests.  
23  I am still in opposition.

24                  MR. DAVIDSON: 30 seconds.

25                  THE WITNESS: Whether that holds or not

1 they're going to still negotiate. But I want them to  
2 fulfill their obligation. And if they say they're  
3 going to do a certain thing on that land I want them  
4 to do that. So we're going to keep them accountable.  
5 Okay.

6 I'm not clear about spot zoning. But all I  
7 recall is Kaiser having a spot zoning for concrete.  
8 If some of your are familiar it's right behind Pine  
9 Ridge on Lualualei. So the spot zoning currently?  
10 Why just one parcel? So please just consider that.  
11 And if you're going to develop it's going to happen  
12 whether I like it or not but it's going to affect my  
13 children and my grandchildren. So my opposition will  
14 be as stands. Thank you.

15 CHAIRMAN DEVENS: Questions from any of the  
16 parties?

17 MR. YUEN: No questions.

18 CHAIRMAN DEVENS: Hearing none  
19 Commissioners? Thank you very much.

20 MR. DAVIDSON: Rocky followed by Ali'i  
21 Tampos.

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

25 THE WITNESS: Yes, I will.

1                   CHAIRMAN DEVENS: State your name and your  
2 address.

3                   THE WITNESS: My name is Rockwell Kalua'aina  
4 Naeole. I live at 84-961 Lahaina Street, which is in  
5 Makaha.

6                   I fully support this Project with Tropic  
7 Land. There's a whole bunch of reasons why I support  
8 it. I will pick just one main reason. That this  
9 Project will help our community. It will bring a lot  
10 of jobs to our community.

11                  It will help our small businesses to come to  
12 this industrial, light industrial area and to have a  
13 place there like trucking outfits. Even farmers can  
14 come over there too and do things, educational  
15 programs.

16                  This is a real important Project that we  
17 need in the Wai'anae Coast. I've been living in the  
18 Wai'anae Coast for 50 years now and I farm too a  
19 little too. It's hard work. I also understand the  
20 opposition. I am 99 percent Hawaiian, 1 percent Pake.  
21 (Laughter).

22                  With this I leave this up to you to decide.  
23 I thank you very much for having me here to speak.

24                  CHAIRMAN DEVENS: Let me see if the parties  
25 have any questions.

1 MR. YUEN: No questions.

2 CHAIRMAN DEVENS: Commissioners?

3 THE WITNESS: Thank you.

4 CHAIRMAN DEVENS: Thank you very much.

5 MR. DAVIDSON: Alii Tampos followed by Patty  
6 Teruya.

7 ALII TAMPOS

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

10 THE WITNESS: Yes.

11 CHAIRMAN DEVENS: State your name and your  
12 address.

13 THE WITNESS: My name is Alii Tampos. I  
14 live 91-1765 Puhiko Street in 'Ewa Beach. I'm here to  
15 testify on behalf of Tropic Land. I'm an independent  
16 truck owner. There's no yards or industrial yards  
17 that's affordable to us. So most of da truckers are  
18 from Wai'anae.

19 They are all on illegal agriculture land  
20 that got turned in. And they're trying to find place  
21 too. I'm just testifying on behalf of them say I hope  
22 this thing does get passed. Okay?

23 CHAIRMAN DEVENS: Let me see if the parties  
24 have any questions for you, Ali'i.

25 MR. YUEN: No questions.

1                   CHAIRMAN DEVENS:   Hearing none from the  
2 parties -- Mr. Yee.

3                   MR. YEE:   Actually if I could just ask a few  
4 questions.  You're a trucker, is that right?

5                   THE WITNESS:  Truck owner.

6                   MR. YEE:  Truck owner.  So you're looking  
7 for a place to park your trucks?

8                   THE WITNESS:  Yes.

9                   MR. YEE:  So it's important that -- you're  
10 supporting this because this will provide you an  
11 opportunity to park your truck at this location?

12                   THE WITNESS:  Yes.

13                   MR. YEE:  So would it also then be important  
14 that the stated purpose of this development remain as  
15 an industrial rather than, let's say, a retail or mall  
16 type so that remains consistent within things like  
17 truck parking?

18                   THE WITNESS:  Yes.  For me.

19                   MR. YEE:  Thank you.  Nothing further.

20                   CHAIRMAN DEVENS:  Ms. Townsend has a  
21 question, Alii.

22                   MS. TOWNSEND:  Mr. Tampos, just to make sure  
23 I'm accurate, you've expressed interest in leasing or  
24 owning a lot at the...

25                   THE WITNESS:  Yes.

1 MS. TOWNSEND: So is it leasing or owning?

2 THE WITNESS: Leasing for me. I don't have  
3 the money to purchase.

4 MS. TOWNSEND: Okay. All right. Do you  
5 know who would own?

6 THE WITNESS: No, I don't.

7 MS. TOWNSEND: Okay. Thank you.

8 CHAIRMAN DEVENS: Commissioners, any  
9 questions? Hearing none, thank you very much.

10 MR. DAVIDSON: Patty Teruya followed by Kimo  
11 Keki'i.

12 PATTY TERUYA

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

15 THE WITNESS: Yes.

16 CHAIRMAN DEVENS: Please state your name and  
17 your address.

18 THE WITNESS: Aloha. Patty Kahanamoku  
19 Teruya. I'm testifying as the Nanakuli-Maili  
20 Neighborhood Board Chair this morning. I know in your  
21 packets you probably have some of the documents from  
22 the Neighborhood Board starting from Wai'anae Coast  
23 Neighborhood Board when I was the Chair there of this  
24 Tropic Land LLC.

25 These are just summarized initial meetings

1 that we have held with the landowners of Tropic LLC  
2 effective from September 4th, 2007. I sat in the  
3 audience and I picked up some of the concerns that  
4 some of the residents was not familiar of this  
5 Project. This Project is overkill Project. They've  
6 continued to come to the board. We had them in  
7 planning and zoning October 2007.

8 November was another follow-up meeting as  
9 Wai'anae Board separated from the Nanakuli Board  
10 May 30th, 2008. We initially had that on our agenda  
11 for discussion. Then in June we had it in the  
12 planning and zoning committee so there were numerous  
13 committee meetings in the community of this Project  
14 and what this Project was consisted of.

15 I'm not going to go over the copies but as  
16 the Nanakuli Neighborhood Board we did have  
17 resolutions. And I hope that you have that in your  
18 packet. And the resolutions has stated -- I'm not  
19 going fo read it entirely -- but the board support and  
20 why they support this Project, proposed Project.

21 The other copy that I wanted to also hand in  
22 was the committee meetings of the community with the  
23 Wai'anae Sustainable Community Plan that the members  
24 and community members attended.

25 Part of this meeting that we have openly was

1 expressed to the city while the draft Wai'anae  
2 Sustainable Community Plan was to add a symbol in the  
3 Wai'anae Sustainable Community Plan as we move  
4 forward.

5 I understand now that their recent  
6 sustainable plan is just almost completely finished.  
7 It should be moved to City Council. And we did have  
8 support in adding the industrial symbol into that map.

9 Another copy that we have from our board is  
10 a resolution again stating that we support the  
11 Wai'anae Sustainable Community Plan and to add the  
12 symbol to this as a light park industrial. These are  
13 the copies here.

14 I also brought the copy of our Wai'anae  
15 Sustainable Community Plan. Lot of the residents  
16 here, they were part of the initiating planning this  
17 plan 10 years ago. We revise this plan every 5 years  
18 within the community.

19 On this particular part that I did want to  
20 touch that in our sustainable plan it encourages light  
21 industrial businesses for the area. This is what  
22 statements the community imply to DPP and take it to  
23 City Council.

24 The other page it says no heavy industrial.  
25 But if you look at the site at Lualualei, right now



1 you have two heavy industrial sites there. One is PVT  
2 Landfill. Two, you have the Kaiser quarry which is a  
3 heavy industrial site. How did that happen? I'm not  
4 sure. So this is really important because we have a  
5 Sustainable Community Plan that directs us into land  
6 use and how we properly use our properties in the  
7 area.

8 MR. DAVIDSON: 30 seconds.

9 THE WITNESS: So in closing I as the chair  
10 can only sit here and tell you of the meetings that we  
11 did have, the open meetings and how the board  
12 supported this unanimously. And we did have very good  
13 open relationships and community meetings. So I'm not  
14 sure why.

15 The other hat I wear as a Hawaiian homestead  
16 board director we also discussed this at the Hawaiian  
17 homestead meeting. The young lady said that it wasn't  
18 discussed. It was discussed. And in your packet you  
19 would have a copy from our president, Kamaki Kanahele,  
20 supporting this Project.

21 So this whole Project was discussed into the  
22 community. And I commend actually the Tropic LLC for  
23 not leaving us out in the dark. We participated. So  
24 with that I'll close.

25 CHAIRMAN DEVENS: Thank you, Ms. Teruya.

1 Let's see if the parties have any questions for you.

2 MR. YUEN: A couple questions. First,  
3 Ms. Teruya can I ask you just explain why you're in  
4 favor of the Project.

5 THE WITNESS: Well, as living on Nanakuli I  
6 live in Nanakuli homestead and another home at Moili  
7 Street near PVT. I have seen numerous -- we don't  
8 have industrial sites -- and I've seen the problems  
9 with the state and the city actually violating a lot  
10 of our residents that have -- they do have whether  
11 it's a trucking company or whether they're doing it at  
12 home. They're actually doing it at home already on  
13 homestead or ag lots.

14 We are looking at a light industrial  
15 property that can accommodate, accommodate the working  
16 business people there so they don't get, illegally get  
17 violated.

18 The people in Wai'anae that do have small  
19 businesses, they can't afford the square feet cost  
20 that is being charged in Campbell Industrial. And  
21 too, Campbell Industrial is full.

22 So if you look at Wai'anae area they need to  
23 have a light industrial to assist the small business,  
24 incubator them. Economic and development is very,  
25 very important in the Wai'anae Coast. It's not just

1 having homeless shelters. It's not just having  
2 landfills here.

3           We need to bring positive jobs and help our  
4 small businesses to grow and be-green that area.  
5 That's what they're doing in Waimanalo too. And I  
6 support that.

7           You know, this land, it is a special land.  
8 But I was there when they were proposing the golf  
9 course. There's no potable or drinking water in that  
10 area. That land has been sitting there. A lot of our  
11 ag lands have been sitting there. And it is used now  
12 as landfills. Come on, everyone.

13           Now we're stepping up saying we need food.  
14 Now we're stepping up saying we have nonprofits that  
15 are doing this. That's good. But this property is  
16 not a property that's on Farrington Highway. You  
17 can't see the property. It doesn't affect the  
18 operation of the community.

19           And I lived in Nanakuli for over 40 years  
20 and I will support this Project in many ways as a  
21 business economic engine.

22           MR. YUEN: Thank you very much. No further  
23 questions.

24           CHAIRMAN DEVENS: Parties have any other  
25 questions? Mr. Yee.

1               MR. YEE: Just so that I'm clear, you're  
2 chair of the Nanakuli Board?

3               THE WITNESS: Yes, sir.

4               MR. YEE: And is your testimony today on  
5 behalf of yourself or on behalf of the Nanakuli Board?

6               THE WITNESS: As I said earlier I'm speaking  
7 on behalf of the Nanakuli-Maili Neighborhood Board 36  
8 Chair. The documents will show you that motions and  
9 the resolutions were discussed openly at our meetings.

10              MR. YEE: And your testimony in support, as  
11 I understand it, is contingent on or is based upon the  
12 representation that the property will be used for  
13 light industrial.

14              THE WITNESS: Yes.

15              MR. YEE: Was one of the concerns -- or do  
16 you have any concerns regarding the possible use of  
17 the property for nonindustrial uses like a general  
18 commercial, bars, that kind of thing?

19              THE WITNESS: And I'm glad you asked me that  
20 because the board strongly, strongly discussed that  
21 about alcohol. We're very-- we are very anti-alcohol  
22 on Farrington Highway.

23              And in our amendment resolution we worked it  
24 out with the owners that there shall be no convenience  
25 stores or liquor sold there.

1                   We also did that in another project in  
2   Maili, DR Horton, the whole subdivision there that  
3   they were having a convenience store. And we worked  
4   with DR Horton that the convenience store will sell no  
5   alcohol. And till today, bless them, they do not sell  
6   any alcohol.

7                   So we worked with them as no night clubs, no  
8   alcohol in this resolution. And I know that things  
9   like that would not happen working with the partners  
10   and everyone in the community strongly discussed that  
11   that we did not want to do that.

12                  MR. YEE: To ensure that these kinds of  
13   limitations are imposed would you support a condition  
14   in the LUC order?

15                  THE WITNESS: Of?

16                  MR. YEE: To require that they follow  
17   through on their representations that it be used for  
18   light industrial which does not include some of these  
19   other non-industrial uses.

20                  THE WITNESS: Yes, sir.

21                  MR. YEE: Nothing further. Thank you.

22                  THE WITNESS: Thank you.

23                  CHAIRMAN DEVENS: Ms. Townsend.

24                  MS. TOWNSEND: Ms. Teruya, so your support  
25   of the proposal is because, and I understand, just a

1 clarification, is because there are trucking  
2 businesses currently in Wai'anae that park their  
3 trucks at home and they need a place to park their  
4 trucks.

5 THE WITNESS: No, that wasn't really the  
6 one. The strong reason I support that area it is  
7 because it is a good site to have a light industrial  
8 area. And also to assist our people that live in that  
9 area that they can have the opportunity to have a use  
10 of a light industrial whether they lease or whether  
11 they --

12 MS. TOWNSEND: When you say --

13 THE WITNESS: -- I'm sorry, I didn't finish.  
14 Whether they lease or they own that area. So it would  
15 be for us --

16 MS. TOWNSEND: -- when you say "that area"  
17 do you mean Lualualei?

18 THE WITNESS: Oh, yeah.

19 MS. TOWNSEND: Or Nanakuli?

20 THE WITNESS: I'm talking about Nanakuli,  
21 Lualualei, O'ahu.

22 MS. TOWNSEND: Okay. Can you -- just to  
23 clarify so you brought a, you have a copy with you of  
24 the Wai'anae Sustainable Communities Plan?

25 THE WITNESS: Yes, ma'am.

1 MS. TOWNSEND: Would you mind turning to  
2 Page 3-29?

3 THE WITNESS: Page 3.

4 MS. TOWNSEND: 3-29. It's 3.7.2.3.

5 THE WITNESS: I should know this by heart  
6 because I sit down and work from this. I'm sorry.

7 MS. TOWNSEND: That's okay. The last  
8 paragraph F on that page entitled Incompatible Land  
9 Uses, can you please read that paragraph out loud.

10 THE WITNESS: "New residential subdivisions  
11 with lot sizes less than two acres, new commercial  
12 uses, public and private schools, congregate housing  
13 or elderly care homes, golf courses, resorts, theme  
14 parks and other farms of large scale commercial or  
15 industrial development should generally not be  
16 permitted in agricultural areas.

17 "Large lot subdivisions intended for luxury  
18 homes with no bona fide agriculture activity are also  
19 not a compatible land use."

20 MS. TOWNSEND: So my understanding from the  
21 Community Sustainable Use Plan is that the industrial  
22 usage should be focused along Farrington Highway.

23 Do you know if there're industrial lands  
24 currently available, vacant along Farrington Highway?

25 THE WITNESS: Say that again?

1 MS. TOWNSEND: Are there current industrial  
2 lands vacant along Farrington Highway?

3 THE WITNESS: I don't -- I'm not too sure  
4 that we have a lot of industrial zoning along  
5 Farrington Highway.

6 MS. TOWNSEND: The Wai'anae Wastewater  
7 Treatment Plan?

8 THE WITNESS: Okay.

9 MS. TOWNSEND: The parcel of industrial land  
10 next to the Weinberg Estate.

11 THE WITNESS: But, see, this industrial,  
12 light proposed light industrial, ma'am, is not along  
13 Farrington Highway. It is up into Lualualei. It is  
14 not what you see in Farrington Highway.

15 MS. TOWNSEND: Yes. It's along  
16 Farrington -- I mean it's not along Farrington.

17 THE WITNESS: It is about 3 miles per  
18 Farrington.

19 MS. TOWNSEND: Yes. Three miles into the  
20 agricultural zoning.

21 THE WITNESS: Sure.

22 MS. TOWNSEND: Right. To reference the  
23 resolutions passed by the Nanakuli Maili Neighborhood  
24 Board you mentioned 2007, 2008. I'm curious do you  
25 have any record of testimony in opposition to the



1 resolution?

2 THE WITNESS: As a Chair I was just prepared  
3 to bring the board's position. I think in your folder  
4 you might have some oppositions. But as a Chair I was  
5 just hear to speak and to let the LUC Commission know  
6 what was the Chair's position.

7 MS. TOWNSEND: Okay. The position that the  
8 board took on 2007, 2008 were they before or after the  
9 EIS on this proposal was released to the public?

10 THE WITNESS: The EIS, this was before the  
11 EIS. It's normally before and then you wait for the  
12 EIS to make a statement, comment period time.

13 MS. TOWNSEND: So the comments that you  
14 highlighted from this resolution were based on  
15 information that the Neighborhood Board members were  
16 voting without information in the EIS.

17 THE WITNESS: Well, this resolution -- and  
18 we're very thankful to have a lot of great people put  
19 it together, board Members Rezentes and Mr. Kealii, we  
20 all put it together as a board member. And so --

21 MS. TOWNSEND: What did you know when you  
22 put it together?

23 THE WITNESS: What we know?

24 MS. TOWNSEND: What did you know when you  
25 put it together?

1                   THE WITNESS: We started working with that  
2 what we didn't want alcohol, convenience stores and  
3 things like that. This is what the community had  
4 input during the meeting and what we have put together  
5 as a board.

6                   MS. TOWNSEND: But you did not have the  
7 information in the 2010 EIS.

8                   THE WITNESS: Yeah.

9                   MS. TOWNSEND: Okay. Thank you. One last  
10 question. Is there bus service up Lualualei Naval  
11 Access Road?

12                  THE WITNESS: Is there ...?

13                  MS. TOWNSEND: Is there bus service?

14                  THE WITNESS: Bus service?

15                  MS. TOWNSEND: Yeah. Can you take TheBus?

16                  THE WITNESS: Not right now. Not right now  
17 you can't.

18                  MS. TOWNSEND: Is the city planning to  
19 expand bus services?

20                  THE WITNESS: Well, first of all, you should  
21 ask if the city is gonna obtain Lualualei and work it  
22 out with the military. Once that is -- once that is  
23 settled between the city and the military who's gonna  
24 take priority of the road structure, then you'll  
25 probably see a better infrastructure. And you'll see

1 lights and sidewalks and poles. So it is -- right now  
2 I can't see for the military or the city. So it is in  
3 negotiation of that Lualualei who's going to take  
4 charge of it.

5 MS. TOWNSEND: Do you work for the city?

6 THE WITNESS: Ah, yes, I do.

7 MS. TOWNSEND: Thank you.

8 THE WITNESS: As a special event coordinator  
9 though, not administration, just for the record.

10 CHAIRMAN DEVENS: Parties have any follow up  
11 questions for this witness?

12 MR. YUEN: No questions.

13 MS. TOWNSEND: Actually I forgot one.

14 CHAIRMAN DEVENS: Go ahead.

15 MS. TOWNSEND: I'm curious. You  
16 referenced -- so you're also Nanakuli Homestead.

17 THE WITNESS: I'm Nanakuli Hawaiian  
18 Homestead member.

19 MS. TOWNSEND: I was curious you referenced  
20 the letter written by the president Kamaki.

21 THE WITNESS: My vice chair will touch that  
22 basis because --

23 MS. TOWNSEND: Okay.

24 THE WITNESS: -- because he is the vice  
25 chair and I don't have the permission from Kamaki. So

1 he does. So he should.

2 MS. TOWNSEND: Okay. Thank you.

3 THE WITNESS: Thank you very much.

4 CHAIRMAN DEVENS: Commissioners have any  
5 questions for this witness? Hearing none we have two  
6 more witnesses listed and we'll then break for lunch.

7 MR. DAVIDSON: Kimo Kelii followed by  
8 Shelley Muneoka.

9 KIMO KELII

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

12 THE WITNESS: Yes.

13 CHAIRMAN DEVENS: Please state your name and  
14 your address.

15 THE WITNESS: Kimo Kelii, 89-234 Pililaau  
16 Avenue, Nanakuli, Hawai'i 96792.

17 CHAIRMAN DEVENS: Go ahead.

18 THE WITNESS: As Patty had stated I have my  
19 testimony and I need to ask if I have the opportunity  
20 to testify on behalf of the president of the  
21 association. Patty, you have copies of this letter so  
22 I can give -- or they have a copy?

23 MR. YUEN: It's in the record or it's marked  
24 as Petitioner's Exhibit 49.

25 THE WITNESS: Here's copies of my testimony.

1 E kala mai.

2 CHAIRMAN DEVENS: We can get that circulated  
3 but you can go ahead.

4 THE WITNESS: Okay. Aloha kakou.

5 AUDIENCE: Aloha.

6 THE WITNESS: My name is Kimo Kelii. I'm a  
7 Nanakuli Hawaiian Homestead resident and a community  
8 leader. And I'm gonna go real quick because three  
9 minutes can go fast.

10 I'm an educator at Nanakuli High/  
11 Intermediate School, a farmer for pikake and pakalana  
12 nursery in Lualualei Valley, executive director for  
13 Mana Mana Lima (phonetic) which is a nonprofit focused  
14 on helping the homeless population with looking at  
15 agriculture as a sustainable income.

16 I'm the president of Nanakuli Alumni  
17 Association, Vice-president of the Nanakuli Hawaiian  
18 Homestead Community Association. I'm a board member  
19 of the Nanakuli Maili Neighborhood Board 36. I'm the  
20 chair of the education committee of the Neighborhood  
21 Board. I'm the chair of the parks and recreation  
22 committee of the Neighborhood Board. I'm also the  
23 chair of the Kawaihona Public Charter School. I'm the  
24 LSD compliance committee chair. I'm a grant  
25 technician for the Nanakuli High School PTSA. I'm a

1 community member for the Nanakuli High School school  
2 community council. I'm an education chair for the Na  
3 Na I Ka Pono Hawaiian Civic Club. And I'm also the  
4 chair of several ohana reunion committees. This past  
5 July my family the four tutu we had over 800 attend a  
6 reunion at Maili Park.

7 I've mentioned all of this to let you folks  
8 know my ear is to the ground of my community. I'm  
9 here to share with you that I strongly support the  
10 Nanakuli Community Baseyard Project being developed by  
11 Tropic LLC in my precious and beloved Nanakuli ea ea.

12 Would you believe that exactly one week ago  
13 I was united in voice and opposition with all of these  
14 same people here testifying today against the Nanakuli  
15 Community Baseyard Project. And we were testifying at  
16 a public hearing with the Department of Health  
17 regarding the PVT landfill.

18 So as I'm here, you know, agreeing,  
19 disagreeing, it's very healthy as it relates to  
20 honoring and respecting the perception and beliefs of  
21 all of the community ohana here today.

22 However, having a difference of opinion and  
23 perception about the issue, this particular issue,  
24 does not make us bad people or haters. To me standing  
25 our ground in what we believe it just makes us more

1 diverse and pono with Ke Akua. Only He has the  
2 ultimate -- is He the ultimate judge of our choices  
3 and decisions we make today. I totally respect Lucy  
4 Gay, Aunty Alice Greenwood and all the Concerned  
5 Elders of Wai'anae and all who have testified before  
6 me. They are truly and genuinely and sincerely the  
7 watchdog group of our community.

8           My stance today is not uncommon with this  
9 same particular group. I was one of the lead advocate  
10 and organizers of separating the Nanakuli Maili  
11 Neighborhood Board or Nanakuli Maili leaders from the  
12 second oldest Neighborhood Board in the city which was  
13 Wai'anae.

14           And the reason why I lead this charge was  
15 because Wai'anae was imposing their will on Nanakuli.  
16 And I was able to go around Nanakuli and Maili,  
17 garnish the necessary amount of signatures on a  
18 petition. And then a public hearing was held by the  
19 Neighborhood Commission after two well-attended public  
20 meetings. It was approved and we were able to  
21 separate. And we were able to accomplish many things  
22 that we would have never accomplished had we stayed  
23 with the Wai'anae Neighborhood Board.

24           MR. DAVIDSON: 30 seconds. Sorry.

25           THE WITNESS: Fifteen people tried to make

1 decision on that entire post left us constantly  
2 spinning wheels and getting nowhere. I was part of  
3 looking at the Wai'anāe Sustainable Plan. And in that  
4 plan there's a lot of inconsistencies. It talks about  
5 agriculture, how important it is.

6 But yet on the same breath it says,  
7 "However, the district has a limited amount of good  
8 agriculture soils. If agriculture is to grow and  
9 expand there needs to be an emphasis."

10 So when you read the plan it's riddled with  
11 inconsistency. Economic development is a priority in  
12 the plan. It emphasizes economic choices. But on the  
13 same token then it encourages economic development.  
14 And several pages down it discourages economic  
15 development.

16 MR. DAVIDSON: Time limit.

17 CHAIRMAN DEVENS: Mr. Kelii, we will  
18 definitely make your written testimony part of the  
19 record. Let me see if the parties have any questions  
20 for you.

21 MR. YUEN: I have a couple of questions.  
22 First, Mr. Kelii, why do you support this Project?

23 THE WITNESS: I support this Project because  
24 in 1995 and 1996 as the economic development Chair of  
25 the Nanakuli Homestead Association I surveyed over 900



1 residents just in the Nanakuli Homestead corridor, not  
2 where this development is located.

3           And surprisingly enough there is a site in  
4 our community called Camp Andrews where we have Huli  
5 Huli Chicken. And in the survey was to look at this  
6 site and ask the community what would they like to see  
7 developed on this site.

8           Well, the number one priority for that site  
9 in terms of feedback from the community was  
10 commercial. They wanted an opportunity to have  
11 commercial entrepreneurship. They wanted -- a lot of  
12 home entrepreneurs who make crafts and arts, they  
13 wanted a place where they could have kiosks. So  
14 commercial was the number one.

15           Surprisingly enough light industrial was  
16 number two. As my Chair Patty had stated earlier, we  
17 had several trucking owners who have large parcels of  
18 Hawaiian Home Lands and are storing their trucks in  
19 our homestead, washing their trucks down with all  
20 these contaminated items.

21           So the feedback that came back I was shocked  
22 to see that you had education facilities, you had  
23 all -- but they had light industrial as 6. So with  
24 that I started to read the comments as to did the  
25 community even have the concept of what light

1 industrial means.

2               So I was taken aback. But on the same token  
3 I was surprised to see that we had residents in the  
4 homestead that knew one of issues in our community was  
5 that they were parking buses in the community. They  
6 were doing mechanical work in their garages.

7               They're a lot of industrial businesses  
8 occurring on the homesteading, garages in homesteads.  
9 So they knew to be in compliance with health and  
10 safety -- because it was all going to our ocean --  
11 they wanted a place that could be developed for light  
12 industrial so that in that industrial area there could  
13 be compliance where the drains would capture all the  
14 oil.

15              So I was shocked to see that the community  
16 were responsible enough to say: We know we're doing  
17 wrong washing out trucks going down the stink pond in  
18 Nanakuli. We gotta stop this, so build us a light  
19 industrial place.

20              So when I heard this developer coming in and  
21 saying that a light industrial opportunity was  
22 available for our community, it just, a light turned  
23 on. And I went, "Wow." So with that I was the  
24 economic development chair at the Wai'anae  
25 Neighborhood Board --

1                   CHAIRMAN DEVENS: Mr. Kelii, I apologize for  
2 interrupting but we got more witness before we break  
3 for lunch.

4                   THE WITNESS: Okay. Well, that's why I  
5 support it because it was in line with what I was  
6 already surveying and doing with the community.

7                   MR. YUEN: Thank you.

8                   CHAIRMAN DEVENS: Any other questions.  
9 Mr. Yee.

10                  MR. YEE: The boards's support of Tropic  
11 Land's petition is based upon the representation that  
12 the Petition Area will be used for light industrial,  
13 correct?

14                  THE WITNESS: Correct.

15                  MR. YEE: So you would want to -- you would  
16 support a condition requiring them to comply with that  
17 representation, correct?

18                  THE WITNESS: Everything that was listed by  
19 the Concerned Elders, if this developer cannot comply  
20 to it they need to get out.

21                  MR. YEE: Thank you.

22                  THE WITNESS: Because all those conditions  
23 that the Elders have listed are valid and very serious  
24 concerns so I agree with it.

25                  MR. YEE: Nothing further. Thank you.

1                   CHAIRMAN DEVENS:   Ms. Townsend?

2                   MS. TOWNSEND:   Thank you very much,  
3   Mr. Kelii.   So you said the majority of people  
4   interested in the light industrial park they currently  
5   have a business and --

6                   THE WITNESS:   Homestead.   In the homestead.

7                   MS. TOWNSEND:   So why do they not park their  
8   trucks at the existing industrial parks along  
9   Farrington Highway?

10                  THE WITNESS:   They can't afford it.

11                  MS. TOWNSEND:   They can't afford it.

12                  THE WITNESS:   Economics.   They cannot afford  
13   it.

14                  MS. TOWNSEND:   I understand.

15                  THE WITNESS:   And you guys, many times as  
16   the community residents who live next to these people  
17   complain.   Hawaiian Home Lands has so many different  
18   exemptions and laws and rules that it falls on deaf  
19   ears.

20                  MS. TOWNSEND:   Do you know how much they're  
21   going to charge for use of the Tropic Land industrial  
22   park?

23                  THE WITNESS:   Well, in our communication  
24   with the developer, they have -- I am so impressed  
25   with this developer.   They have made a lot of -- it's

1 communication kuka kuka. They have assured us that  
2 they're going to look at each individual resident on  
3 our coast promising us that the residents will have  
4 first priority in looking at the various incubators.

5 And so, yes, there are promises. I'm not an  
6 idiot. They better keep their promises.

7 MS. TOWNSEND: Did they tell you how much  
8 it's going to cost?

9 THE WITNESS: No facts or figures have been  
10 discussed. There needs to be some due diligence on my  
11 part. I gotta do my homework and find out what is out  
12 there, what is the cost and they are matching us or  
13 really giving us the kinda discounts we need.

14 MS. TOWNSEND: Thank you. I appreciate you  
15 joined us on our environmental justice bus tour last  
16 summer. Appreciate that. Just curious --

17 THE WITNESS: I didn't -- I never went on  
18 that bus tour.

19 MS. TOWNSEND: Okay. To follow up on the  
20 questions I asked of your chair did you have the  
21 environmental impact statement in front of you when  
22 the Nanakuli Board considered its resolutions?

23 THE WITNESS: Absolutely not. What we did  
24 have was all the data that I did see in the  
25 environmental impact statement. Meaning the data they

1 had given to make this report that was the same data  
2 that they shared with us.

3 Now, the feedback is all -- it was very  
4 good, very good. Meaning it educated me as to the  
5 feedback from the various agencies having to research  
6 the data they presented.

7 MS. TOWNSEND: Did you have the 11-page  
8 Cultural Impact Statement?

9 THE WITNESS: I looked at the -- I looked at  
10 everything, yeah. You know what? You're right. We  
11 need to relook -- the board needs to, everybody needs  
12 to relook at this and keep this developer in  
13 compliance and in just making sure that if there is  
14 anything that the community has a concern they need to  
15 address it.

16 MS. TOWNSEND: Thank you. One last  
17 question. Are you now or have you been employed by  
18 Tropic Land?

19 THE WITNESS: No. But I do want to make a  
20 declaration of a conflict of interest.

21 MS. TOWNSEND: Thank you.

22 THE WITNESS: Their consultant, their  
23 agricultural and cultural is related to me. So is  
24 several different opposition people, my sister, my  
25 nephew all related, (audience laughter). So on the

1 support and the opposition they're related to me.

2 MS. TOWNSEND: Thank you.

3 CHAIRMAN DEVENS: Commissioners have any  
4 questions for this witness? None. Thank you very  
5 much for your testimony. Last witness signed up.

6 MR. DAVIDSON: Shelley Muneoka.

7 MR. KELII: Oh, Kamaki's testimony.

8 CHAIRMAN DEVENS: You can give that to  
9 Riley.

10 SHELLEY MUNEOKA,  
11 being first duly sworn to tell the truth, was examined  
12 and testified as follows:

13 THE WITNESS: Yes.

14 CHAIRMAN DEVENS: Can you state your name  
15 and your address.

16 THE WITNESS: Aloha. My name is Shelley  
17 Muneoka. I live at 46-142 Humu Place, Kane'ohe,  
18 Hawai'i 96744.

19 Aloha, everybody. Mahalo for the  
20 opportunity to testify in this important issue. I'm  
21 here today to testify in opposition to the rezoning of  
22 this parcel from ag to urban.

23 A few months ago I and a few others went  
24 door knocking along Hakimo Road, which is the road  
25 that will be potentially affected by over 400 trucks

1 an hour if this parcel is developed.

2           Of all the homes we visited we did not find  
3 a single person who knew about the proposals. And  
4 then when we informed them about the proposal we  
5 didn't find a single person who was support of it. I  
6 just wanted to also re-highlight the earlier thousand  
7 people who signed the petition that said they did not  
8 want this parcel to be developed.

9           I apologize my testimony is kind of jumping  
10 all over the place. I wanted to talk briefly about  
11 PVT and West O'ahu Aggregate which I believe may be  
12 used to justify an urban classification for the area  
13 seeing there's other urban uses.

14           And I think it's important to note that  
15 those are a result of spot zoning and they should not  
16 be used to justify other bad development because they  
17 should not have been there in the first place.

18           I think we are all fighting the stereotype  
19 that Wai'anae is too hot and too dry to farm. But  
20 after spending time in the area two things became  
21 evident: No. 1 the climate in the backs of the  
22 valleys are worlds apart from the conditions we see  
23 along Farrington Highway.

24           I think even on your site visit to the  
25 property you experienced the rain that falls in the



1 back of the back of the valley.

2               Secondly, when visiting the surrounding area  
3 we see that there are many farms up and running  
4 despite the dry conditions. I think there's a  
5 perception that there's no future in agriculture in  
6 Hawai'i. And I disagree. I can personally think of  
7 six unrelated friends of mine who are young people who  
8 are actively pursuing farming as a profession.

9               In addition to that we know that Ma'o Farms  
10 is operating in the same valley large acreage organic  
11 farming. Yeah? And we also know that they're  
12 fostering in young people the knowledge and the desire  
13 and passion to farm. And they're going to need  
14 parcels in the next coming years to continue this  
15 practice.

16              In addition to that I have also worked with  
17 Ai Pohaku which is a program in Wai'anae Intermediate  
18 School that also talks about the importance of growing  
19 our own food as well as Onipa'a Na Hui Kala and the  
20 Hawai'i Farmers Union, all organizations that are  
21 concerned with food security and food sovereignty  
22 issues in Hawai'i.

23              Moreover, I've also worked on organizing a  
24 food sovereignty conference just a few months ago and  
25 over 300 people attended that. This is the fifth

1 annual conference we've had. There's other  
2 conferences on other islands too. I mention this only  
3 to say that this is a really important and big issue  
4 that many people are concerned about. It's not just a  
5 few of us. Yeah?

6               Lastly, I just wanted to say that quite  
7 frankly I think it's a little bit cruel to dangle jobs  
8 in front of a community that we know is struggling  
9 with poverty. I think it's important to note that  
10 that agriculture too creates jobs without poisoning  
11 lands. I think we can reframe the way we look at --

12               MR. DAVIDSON: Thirty seconds.

13               THE WITNESS: Mahalo -- economic development  
14 and know that agriculture is also economic  
15 development, yeah? Without poisoning the resources in  
16 the area. I think that's it. Mahalo.

17               CHAIRMAN DEVENS: Parties have any questions  
18 for this witness?

19               MR. YUEN: No questions.

20               CHAIRMAN DEVENS: Hearing none,  
21 Commissioners? Commissioner Lezy.

22               COMMISSIONER LEZY: Thank you for your  
23 testimony. Just a couple of question. The friends  
24 that you mentioned where do they farm?

25               THE WITNESS: They farm all over: Waiahole,

1 He'eia, Big Island. Sorry, off the top of the head  
2 that's -- oh, Kalihi also.

3 COMMISSIONER LEZY: And what crops do they  
4 farm?

5 THE WITNESS: Um, kalo, vegetables, I  
6 mean -- and by "vegetables" I mean nontraditional  
7 Hawaiian foods. So lettuce and regular -- I don't  
8 know how to classify those foods.

9 COMMISSIONER LEZY: Are they commercial  
10 farmers?

11 THE WITNESS: I couldn't say with certainty.  
12 But they are selling but I don't know it's on what  
13 scale.

14 COMMISSIONER LEZY: Thank you very much.

15 THE WITNESS: Mahalo.

16 CHAIRMAN DEVENS: No further questions,  
17 thank you very much. That's the last witness we have  
18 on the list. We'll break for lunch. We'll reconvene  
19 at about 1:30.

20 (Recess was held. 12:20)

21 CHAIRMAN DEVENS: (1:30) We're back on the  
22 record. Looks like we have two more witnesses, public  
23 witnesses that will be testifying. You want to call  
24 the first one, Dan.

25 MR. DAVIDSON: Darlene Rodrigues followed by

1 Kamuela Kamaka.

2 xx

3 DARLENE RODRIGUES

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

6 THE WITNESS: Yes, I do.

7 CHAIRMAN DEVENS: Can you state your name  
8 and your address.

9 THE WITNESS: Sure. My name is Darlene  
10 Rodrigues. I live at 94-338 Ulukoa Street in  
11 Mililani.

12 CHAIRMAN DEVENS: Go ahead.

13 THE WITNESS: I'm here as someone who does  
14 not live in Wai'anae but as someone who actually lives  
15 in Mililani. However, I was able to work this summer  
16 in Wai'anae, um, with youth, person called the company  
17 Kaiula o Wai'anae and you actually met some of the  
18 youth that came and testified.

19 Unfortunately they're in school right now.  
20 And those who are even in college are in school right  
21 now. So they couldn't come down.

22 But I wanted to at least make sure that you  
23 hear some of the things I remember and recall from  
24 what they told us when they were -- during the summer  
25 when we took them around to places like Ma'o Farms and

1 Ka'ahumanu Farms and Ka'ala Learning Center.

2           And for them, learning about things like the  
3 Lualualei vertisol and learning that there's nothing  
4 like it in the world gave them something to be proud  
5 of.

6           One of the things we asked them was, "What  
7 are you proud of being from Wai'anae?" And it was  
8 hard for them. They understood that they came from a  
9 place that people came and dumped on. They understood  
10 that people came and saw them as just being violent.

11           They saw and understood what it was like for  
12 other people to come and talk about them and do things  
13 to them and do things to their community.

14           Some of them live close by to -- in  
15 Lualualei in the area close by and they understood the  
16 effects of what that might mean, the effects of more  
17 trucks on their roads, the effects of having more  
18 industry that they kind of don't want to see for their  
19 future.

20           When we asked them pointed -- we didn't --  
21 we actually got on camera -- sorry, we didn't have a  
22 chance to put it together as a video to show you what  
23 it is they hoped for.

24           They wanted things like more Ma'o Farms  
25 because they understood and saw how it affected

1 people, their peers, people a little bit older than  
2 them giving them a sense of hope and a future for  
3 Wai'anae, and helping feed people like myself who  
4 don't live in Wai'anae.

5           And that gave them a sense of pride, a sense  
6 of hope, a sense that the place where they live can  
7 actually be productive for Hawai'i and help people on  
8 O'ahu, especially for folks like myself who aren't  
9 from there.

10           So I wanted to make sure that the youth  
11 really felt those impacts and they actually really  
12 want to see the agriculture be protected.

13           They're sad that there's not more. That's  
14 one thing that they said. They want water to come  
15 back. They want more people farming. And they  
16 themselves want to farm.

17           MR. DAVIDSON: 30 seconds.

18           THE WITNESS: I also want to say coming from  
19 Mililani and seeing the multitude of trucks, I have  
20 never seen so many going there five days of the week.  
21 I know we never would stand for that in a place like  
22 Mililani where we pay fees.

23           I also go to Wahiawa a lot and I've never  
24 seen that amount of trucks there either. This is a  
25 concern of pollution and concern for traffic and

1 damage to the roads. Just because my family can pay a  
2 fee to some association, I don't think that people who  
3 live in Wai'anae shouldn't have to face the same kind  
4 of things just because they don't pay a fee that  
5 someone else to pay. So that that doesn't happen. So  
6 that's my personal appeal. Yeah, that's all I have to  
7 say. Thank you.

8 CHAIRMAN DEVENS: Let me see if the parties  
9 have any questions. Questions?

10 MR. YUEN: No questions.

11 CHAIRMAN DEVENS: None. Commissioners?  
12 Thank you for your time and your testimony. Last  
13 witness.

14 MR. DAVIDSON: Kamuela Kamaka.

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

18 THE WITNESS: Yes.

19 CHAIRMAN DEVENS: Could you state your name  
20 and your address?

21 THE WITNESS: My name is Kamuela Kamaka. I  
22 live in Wai'anae, 85-538 Wai'anae Valley Road.

23 CHAIRMAN DEVENS: Go ahead.

24 THE WITNESS: Okay. I read my mom's culture  
25 statement and it's something that my teacher them

1 didn't teach me at Kawaihona. I graduated from that  
2 school. I just learned something new about my  
3 history. And I am for the light industrial park  
4 because my mom is pro-light industrial park. I see my  
5 mom working so hard for Kawaihona and the community  
6 and I trust her judgment and her choice and dependence  
7 in God. That's all I have to say.

8 CHAIRMAN DEVENS: Questions from the  
9 parties?

10 MR. YUEN: No, no questions.

11 CHAIRMAN DEVENS: None. Commissioners?  
12 There being none, that will conclude the public  
13 testimony portion of the hearing. Are there any other  
14 witnesses that would like to testify that haven't had  
15 a chance to sign up? Hearing none, we'll move  
16 forward. We'll have Bert give us the orientation of  
17 the property.

18 MR. SARUWATARI: Okay. Staff has prepared a  
19 map on the wall for this docket. It's a GIS composite  
20 of three USGS quadrants. The Petition Area, which is  
21 shown in yellow, is located on the Schofield Barracks  
22 quadrant. The other colors on the map represent the  
23 State Land Use districts. Red indicates the Urban  
24 District. The green areas represent the Conservation  
25 District. And the uncolored or white portions



1 represent the Agricultural District.

2           The scale on this map is one inch equals to  
3 2000 feet. And north is straight up. The main  
4 thoroughfare in this area is Farrington Highway with  
5 primary access to the Petition Area via Lualualei  
6 Naval Access Road.

7           This morning in public testimony there was  
8 references to the PVT Landfill. That landfill is  
9 located in the State Land Use Urban District further  
10 makai of the Petition Area right at the band of the  
11 Urban District.

12           Also testimony was on the Ma'o Farms. That  
13 farm is located approximately in this area in the  
14 Agricultural District.

15           Are there any questions on the map  
16 orientation?

17           CHAIRMAN DEVENS: No. Thank you very much,  
18 Bert. We'll move on to each parties' exhibits  
19 starting with you, Mr. Yuen. If you want to identify  
20 the exhibits you want admitted into evidence. Then  
21 we'll take any objections from any other party.

22           MR. YUEN: I have filed 63 exhibits. I'd  
23 like to move into evidence at this time Petitioner's  
24 Exhibits 1 through 63.

25           CHAIRMAN DEVENS: Any objections from any of

1 the parties?

2 MR. YEE: No objection.

3 CHAIRMAN DEVENS: Ms. Townsend?

4 MS. TOWNSEND: We object to Exhibit 50, the  
5 revised Wai'anae Community Sustainability Plan.

6 CHAIRMAN DEVENS: On what basis?

7 MS. TOWNSEND: Okay. Several bases. First,  
8 it's a pre-decisional document. We're concerned that  
9 this document might influence Land Use Commission  
10 decisions but it's actually not something that's  
11 enforceable.

12 The City and County of Honolulu hasn't  
13 approved this document yet, so it's possible that it  
14 could change after public comment to the City and  
15 County of Honolulu to the council members.

16 In addition it's not a public document. And  
17 my clients have been following this issue for many  
18 years and this -- to their knowledge this document  
19 hasn't been noticed for public release. So while it's  
20 referred to as a public draft document it's not,  
21 actually not public yet.

22 In fact, we have been, on a regular basis  
23 have tried to contact Department of Permitting and  
24 Planning to get updates on when this document would be  
25 released for public review. They told us they're not

1 quite sure, to wait. And the 'Ewa plan would be  
2 adopted first, then the Wai'anae one would come up.  
3 So for this to come up now we're concerned it will  
4 influence the Land Use Commission decisions and it may  
5 be changed before it's actually final documented.

6 CHAIRMAN DEVENS: Mr. Yuen, are you going to  
7 be using that Exhibit No. 50 for a particular witness?

8 MR. YUEN: Yes. I believe Glenn Kimura is  
9 going to be referring to that exhibit. This document  
10 No. 50 is the Draft Sustainable Communities Plan that  
11 the City and County Department of Planning and  
12 Permitting released I believe in November 2008. It's  
13 available on the DPP website. It's been out there for  
14 over a year and a half.

15 CHAIRMAN DEVENS: Since you're going to be  
16 using it for a witness the Commission will admit all  
17 the other exhibits except for No. 50 and we'll let you  
18 attempt to admit it with the witness. That way we can  
19 hear the objections at that time. We're not ruling  
20 that it's inadmissible at this time. We'll reserve  
21 ruling on that.

22 MR. YUEN: Thank you.

23 CHAIRMAN DEVENS: So 1 through 49, 51  
24 through 63 are received into evidence.

25 MR. YUEN: Thank you.

1 CHAIRMAN DEVENS: City and county.

2 COMMISSIONER KANUHA: The City is submitting  
3 Exhibits 1 through 6.

4 CHAIRMAN DEVENS: Any objections from any  
5 party?

6 MR. YUEN: No objection.

7 MR. YEE: No objection.

8 MS. TOWNSEND: No objection.

9 CHAIRMAN DEVENS: Received. OP.

10 MR. YEE: The Office of Planning has  
11 submitted Exhibits 1 through 21 which we would just a  
12 note for the record includes, there's certain alpha  
13 numbers including 3A, 3B and 8A in addition to the  
14 regular numbers. We'd ask that they be admitted into  
15 evidence.

16 CHAIRMAN DEVENS: Any party have any  
17 objection to those exhibits?

18 MR. YUEN: No objection.

19 MS. TOWNSEND: No objection.

20 CHAIRMAN DEVENS: Hearing none those will be  
21 received into evidence. Elders?

22 MS. TOWNSEND: The Concerned Elders of  
23 Wai'anae would like to admit Exhibits 1 through 19  
24 noting that that includes the expert witness  
25 statements that we filed on September 1st.

1           CHAIRMAN DEVENS: Parties have any  
2 objections to those exhibits?

3           MR. YUEN: I'd like to object to Exhibits 14  
4 through 19 until such time as we have an opportunity  
5 to cross-examine these witnesses.

6           CHAIRMAN DEVENS: What's the concern with  
7 those exhibits?

8           MR. YUEN: Basically the veracity of the  
9 statements that the Intervenor proposes to introduce.

10          CHAIRMAN DEVENS: Those are 14 through 19?

11          MR. YUEN: Yes, those are the exhibit expert  
12 statements.

13          CHAIRMAN DEVENS: We'll rule the same way,  
14 Elders. We're not ruling on the admissibility or  
15 inadmissibility. We'll reserve that ruling when we  
16 hear your witnesses. We'll admit the other Exhibits 1  
17 through 13.

18          MS. TOWNSEND: Thank you.

19          CHAIRMAN DEVENS: Are there any other  
20 preliminary matters that we need to take up before we  
21 have the Petitioner start their presentation?

22          MR. YUEN: Nothing.

23          CHAIRMAN DEVENS: Hearing nothing, Mr. Yuen.

24          MR. YUEN: Can I have my assistant, give her  
25 a few minutes to set up? I first intend to call

1 Albert Silva.

2 MR. YEE: Can I ask a quick question while  
3 we're waiting?

4 CHAIRMAN DEVENS: Sure.

5 MR. YEE: Do you have the order of witnesses  
6 that you're intending?

7 CHAIRMAN DEVENS: Yeah, just to kind of give  
8 you our schedule as well, we're looking to break at  
9 about 3:30. Mr. Yuen, we're going to break at about  
10 3:30. So do you know which witnesses you're wanting  
11 to be calling today so the other parties have an idea  
12 who they are?

13 MR. YUEN: Yes. I have today following  
14 Mr. Silva, Mr. Joe Lapilio, and either Arick  
15 Yanagihara or Harvey Hida, depending on how much time  
16 we have, and then the rest of my witnesses tomorrow.

17 CHAIRMAN DEVENS: Fine. Whenever you're  
18 ready. (pause) Mr. Yuen, you want to take a short  
19 break?

20 MR. YEE: Yes.

21 CHAIRMAN DEVENS: Take a short break.

22 (Recess was held.)

23 CHAIRMAN DEVENS: Back on the record.

24 Mr. Yuen, you want to proceed?

25 MR. YEE: Yes.

1 CHAIRMAN DEVENS: Go ahead.

2 MR. YUEN: My first witness is Mr. Albert  
3 Silva.

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

7 THE WITNESS: Yes, sir.

8 CHAIRMAN DEVENS: Go ahead, Mr. Yuen.

9 DIRECT EXAMINATION

10 BY MR. YUEN:

11 Q Please state your name and address for the  
12 record.

13 A My name is Albert Silva. And I'm at lot 6,  
14 7 and 8 at Kea'au, Wai'anae, O'ahu.

15 Q Mr. Silva, can you please describe your  
16 lineage and your traditional Hawaiian background?

17 A I was born in 1929 one fourth -- one quarter  
18 Hawaiian. My parents were Manuel Silva and Emi Kaliko  
19 McCandless Silva, half Hawaiian.

20 CHAIRMAN DEVENS: Let me interrupt, and I  
21 apologize for interrupting. Mr. Yuen. If he's just  
22 going to be reading is that something you want to give  
23 to all of us? Or is he going to be testifying on  
24 direct examination? We don't want him reading.

25 MR. YUEN: Okay.

1                   CHAIRMAN DEVENS: Otherwise his prepared  
2 testimony might as well just give it us and we can  
3 accept it and go to the next witness.

4                   MR. YUEN: His PowerPoint is listed as  
5 Exhibit No. 56 and the bullet point answers are what  
6 he is basically saying.

7                   Mr. Silva, were you basically raised in a  
8 Hawaiian 'ohana?

9           A       Yes. My grandmother was Kalikopoi, pure  
10 Hawaiian. My mother was Annie Kaliko McCandless  
11 Silva.

12          Q       Mr. Silva, do you consider yourself a kupuna  
13 in the Lualualei area?

14          A       I certainly am. I traveled that whole  
15 valley from knee high with my parents and then later  
16 on horseback and hunting and hiking also.

17          Q       And were you consulted as a kupuna for the  
18 cultural impact study that was prepared for this  
19 Project?

20          A       I was. I was consulted.

21                   MR. YUEN: Based on Petitioner's Exhibit No.  
22 37, which is Mr. Silva's resumé or statement of his  
23 background and Exhibit No. 13, appendix L which is a  
24 letter that Mr. Silva prepared and is attached as, I'm  
25 sorry, Appendix L to the environmental impact



1 statement, I'd like to move to qualify Mr. Silva as an  
2 expert in Native Hawaiian traditions and cultural  
3 practices in the Lualualei area.

4 CHAIRMAN DEVENS: Parties have any  
5 objections to that offer? Ms. Townsend?

6 MS. TOWNSEND: May I ask Mr. Silva a  
7 question? Is that how it works? Or do I just talk?

8 CHAIRMAN DEVENS: Do you have any  
9 objections?

10 MS. TOWNSEND: Yes, I do. I'm concerned  
11 that he's not an actual cultural expert. He may be an  
12 expert in the history of Lualualei but maybe not  
13 Native Hawaiian cultural expert. I'm concerned is he  
14 a member of a halau who is kumu -- that kind of stuff  
15 like his other experience outside of ranching and  
16 farming on this land.

17 CHAIRMAN DEVENS: Do you want to voir dire  
18 him, ask him some preliminary questions on that?

19 MS. TOWNSEND: Yes.

20 CHAIRMAN DEVENS: Go ahead.

21 VOIR DIRE EXAMINATION

22 BY MS. TOWNSEND:

23 Q Aloha, Mr. Silva.

24 A Aloha.

25 Q It's clear from the written testimony that

1 you have a lot of experience with Lualualei Valley.

2 But I was curious do you engage in either traditional  
3 customary or religious practices common to Native  
4 Hawaiian culture?

5 A I've been involved in, like, the Hawaiian  
6 Civic Club and other Hawaiian organizations. My  
7 Hawaiian knowledge is from the time of birth.

8 Q Yes. I understand that you were raised in a  
9 Native Hawaiian family. But do you engage in  
10 activities as if you were a professional in Native  
11 Hawaiian cultural practices? For example, are you a  
12 member of a lua group or a hula group or something of  
13 that nature?

14 A I'm not associated -- I'm a member of a  
15 Hawaiian group that perpetuates Hawaiian food.

16 Q Okay.

17 A And the name of the group is Mamaka Aiau.

18 Q Is this the annual luau that you used to  
19 hold?

20 A We have a couple of luaus a year. But we do  
21 have one annual one that we solely do Hawaiian dishes.

22 Q Do you serve poi?

23 A Oh, all the time.

24 Q Okay. But do you engage in any sort of  
25 religious practice around, for example, the

1 preparation of poi?

2 A Yeah, sure. We get that. We do that all  
3 the time.

4 Q So are you farming your own kalo and  
5 pounding your taro?

6 A No. We had a taro patch when I was a  
7 youngster maybe 17 years old, 18 years old, pulled  
8 taro, cleaned the weeds. But, you know, and taro is  
9 not easy work.

10 Q Yes, I know.

11 A So I've done that. I did all of that.

12 Q Do you do it now or in the recent history?

13 A No. No. I've been doing different things,  
14 but I still have that background. I have the  
15 beginnings that was Hawaiian not, you know, from the,  
16 not from the books. My Hawaiian is from the piko.

17 Q So what do you do with your time mostly now?  
18 Ranching I can see from the written.

19 A Community service is a big part of my  
20 activity.

21 Q What kinds of community services? Can you  
22 describe?

23 A One, Neighborhood Board. Two, Rotary.

24 Q Rotary.

25 A Three is the advisory council. Four is a

1 member of the board of the St. Francis systems.

2 Q That's a lot.

3 A Couple of days, maybe three days a week I'm  
4 engaged in some community service kind of activity.

5 MS. TOWNSEND: Okay. Based on that  
6 testimony, while I would agree that Mr. Silva has a  
7 lot of direct personal experience in Lualualei Valley  
8 and with ranching and agriculture activities in this  
9 area, I don't think that he qualifies as a Native  
10 Hawaiian cultural practitioner or an expert in  
11 traditional customary religious practices of Native  
12 Hawaiians.

13 CHAIRMAN DEVENS: Mr. Yuen, what is the  
14 expert expertise that this witness is being offered  
15 for again?

16 MR. YUEN: Basically his expertise is in the  
17 background of the cultural practices and the beliefs  
18 of Native Hawaiians as it relates to the property, the  
19 significance of the property to Native Hawaiian  
20 culture.

21 CHAIRMAN DEVENS: Okay. I'm going to  
22 overrule the objection. I think his qualifications go  
23 to the weight of his testimony. And I think the  
24 Commission will be able to weigh that.

25 MS. TOWNSEND: Thank you.

1                   CHAIRMAN DEVENS: He's so qualified,  
2 Mr. Yuen.

3                   MR. YUEN: Thank you.

4                   CONTINUED DIRECT EXAMINATION

5           Q     Mr. Silva, how are you familiar with the  
6 Tropic Land property that is the subject of this  
7 petition?

8           A     I live just across the street from Tropic  
9 Land property. And I visited the Araki Brothers',  
10 that property that's in question. I visited that  
11 place.

12                   I walked from that valley to the next  
13 valley, up the ridge, down the ridge, you know,  
14 covered that whole valley many times.

15          Q     Did you raise cattle on a portion of this  
16 property?

17          A     I did. Yeah, the part that the Araki boys  
18 didn't use I grazed cattle there.

19          Q     How long have you grazed cattle in that  
20 area?

21          A     I grazed cattle in that area for about five  
22 or six years and found that the cattle didn't do so  
23 good mainly because of the kind of soil conditions I  
24 guess, because it was grass and the animals wouldn't  
25 get fat. They were what Hawaiians call wiwi. So it

1 wasn't a good place.

2           Q     Mr. Silva, I'd like to ask you to discuss  
3 the significant cultural sites in Lualualei, in this  
4 portion of the Lualualei Valley.

5           A     Well, in that area, that particular area  
6 where we're discussing about, I walked every foot of  
7 that valley, of that area. That's a valley, right.  
8 Heleakala. That's the same of that place, Heleakala.  
9 I walked in there, walked all over the ammunition  
10 depot because I did a lot of pig hunting. And when  
11 you hunt pigs you're going to cover the ground. You  
12 gotta cover the ground. If not, you ain't going find  
13 no pig.

14                     So I did that, covered that entire valley.  
15 And I know where every mountain apple tree is in that  
16 valley, the mauka side. Not makai. Makai had  
17 nothing.

18           Q     Are there any significant cultural sites in  
19 the vicinity of the Petition Area?

20           A     No, nothing. Zero. But mauka oh, there's  
21 lot of beautiful he'iaus, well kept. The government  
22 keeps it intact. They don't touch it. They've done a  
23 wonderful job. Believe me. Go up there, you can see  
24 it. There's one place in particular that I need to go  
25 on -- don't mind me.

1           Q     Please.

2           A     There's one place in particular that my  
3 grandfather had problems with the cattle. So he did  
4 not believe in kahuna. So, but he went to the kahuna  
5 for help because the cattle were rundown, skinny, had  
6 worms on the back.

7                     So he went to the kahuna for advice, what he  
8 could do. So the kahuna told him, "You kalua a pig in  
9 the corral." And this is stone corral, just below the  
10 he'iau. "And kalua the pig, then everybody kau kau,  
11 eat. Then leave everything there and go home."

12                    So he did that. Couple, three weeks, a  
13 month later the cattle was all -- they were all well.  
14 And that particular event is -- was written in a book  
15 that the Navy had in their office, in their main  
16 office at Lualualei.

17                    And how I know about that too from the  
18 captain who was there told my brother Adrian that  
19 "There's a story about the problems that your  
20 grandfather had. And he went to the kahuna." and da  
21 da da, "and the cattle got well." So that's another  
22 kind of -- another area....

23           Q     So this location, where the location of this  
24 he'iau is this what was referred to the Ni'u'ula  
25 Heiau?

1           A     Yes. That's the name of the heiau. That's  
2     'bout two miles up the valley, two, three miles maybe.

3           Q     Okay. Were you aware of the Maui silhouette  
4     as you were growing up?

5           A     No. No such thing. No. Somebody made that  
6     up I'm sure, but that's okay.

7           Q     Are you aware of any Hawaiians using the  
8     Tropic Land property for any cultural or spiritual  
9     purposes or for gathering of any plants, flowers or  
10    other purposes?

11          A     No. Not ever, no.

12          Q     Are you aware of any night marchers known to  
13    frequent this property?

14          A     No 'cause I hunt and I walk in that place  
15    dark, and no more marchers. Take my word for it. If  
16    there was, I'd be outta there. I wouldn't have gone  
17    in that valley.

18          Q     I'd like to turn to farming. You submitted  
19    a letter to Tropic Land that's been listed under what  
20    we've marked as Exhibit 13 of Appendix L. And we have  
21    also submitted a letter by Mr. Takashi Araki. Do you  
22    know Mr. Araki?

23          A     I certainly do.

24          Q     Did Mr. Araki farm a portion of the Tropic  
25    Land property?



1           A     Yes, he did, he and his two other brothers.

2           Q     Approximately when did they farm this land?

3           A     It was in the '50s. They were there and  
4 they were my good friends. They became better friends  
5 because I had my cattle grazing right next to their  
6 property. And they provided me with water.

7           Q     Were the Araki brothers successful in  
8 farming this property?

9           A     They went day-to-day, but they were  
10 struggling, poor guys. Gosh, they did everything that  
11 anyone could do in that area. They brought in chicken  
12 manure, cow manure. They brought all kinds of, you  
13 know, material to do the, redo the soil. They had all  
14 kinds of problems with the soil. The plants drowned  
15 because of too much water. The water wouldn't drain.

16          Q     Is this water, flood water or irrigation  
17 water?

18          A     Well, if it was irrigation wouldn't get to  
19 the roots. And if it was flood the plants would  
20 really drown. Because when they irrigate it they had  
21 little control over above the water got to the plants.

22          Q     Did they also have problems with winds and  
23 pests?

24          A     Oh, the winds knocked their crops for a  
25 loop. It was a sad note, believe me. The corn went

1 down flat. Few crops down flat. They plant string  
2 beans, womp, down. And to witness that kind of  
3 damages that they went through was a sad note. Anyone  
4 that don't, you know, don't see the sorrow in that,  
5 you know, not human.

6 Q Mr. Silva, did anyone else try and farm the  
7 property after the Arakis?

8 A Yeah, that Mr. Higa. He tried to farm. He  
9 did that for a little while but he too was having  
10 problems. By that time, you know, I moved on.

11 Q Do you feel that the Tropic Land property  
12 can be farmed successfully or should another use be  
13 tried on this property?

14 A Well, for what they trying to do, what is  
15 being tried to get accomplished done is beneficial to  
16 man, to mankind, especially like some young guy like I  
17 was when I got out of -- I not going to say the school  
18 because anyway when I got out of high school, you  
19 know, being in Wai'anae.

20 CHAIRMAN DEVENS: Hold on. I thought this  
21 witness was for the Native Hawaiian traditions and  
22 cultural impacts. We're getting into farming and  
23 feasibility, so on. Is that where this witness is  
24 going? He's going to be qualified for that?

25 MR. YUEN: I'm not asking him as an expert

1 on whether he thinks it ought to be -- I'm just  
2 asking -- I'm going to ask him if he supports the  
3 Project and that's it.

4 CHAIRMAN DEVENS: As far as feasibility of  
5 farming?

6 MR. YUEN: As far as it relates to the  
7 feasibility of his -- I'm sorry -- as far as he can  
8 relate from his experience of witnessing the property  
9 being farmed, does he think it's good farmland or does  
10 he think it ought to be put to another use.

11 CHAIRMAN DEVENS: Okay. All I'm saying is  
12 it's going away from what he was offered as an expert  
13 on.

14 MR. YUEN: I understand.

15 CHAIRMAN DEVENS: If we can keep it in that  
16 area. Unless you're going to qualify him on this  
17 area.

18 MR. YUEN: No. I'm asking him based on his  
19 experience of his being a neighbor of this property.

20 CHAIRMAN DEVENS: All right.

21 Q (By Mr. Yuen): Mr. Silva, again, do you  
22 believe that this property is good farmland or should  
23 it be put to another use?

24 A It should be put into another use.

25 MR. YUEN: Thank you. I have no further

1 questions.

2 CHAIRMAN DEVENS: City?

3 MS. TAKEUCHI-APUNA: No questions.

4 CHAIRMAN DEVENS: Mr. Yee.

5 CROSS-EXAMINATION

6 BY MR. YEE:

7 Q You know, Mr. Silva, I'm pure Chinese but  
8 other than blowing up fireworks on New Year's Eve I  
9 don't really know that I have a lot of insight into  
10 Chinese cultural practices.

11 So my question to you is: I understand you  
12 grew up there and you have a lot of experience in  
13 Lualualei, and you have a Native Hawaiian background  
14 at least through your parents.

15 Did you, when you were growing up, engage or  
16 could you describe what cultural practices you engaged  
17 in or you were taught when you were young?

18 A When I was young church was very important,  
19 family was very important. When someone died, a  
20 Hawaiian, we all went to the services. And the oli,  
21 they ue, -- I don't know if you understand that -- ue  
22 means they cry, they chant like at the beginning of  
23 the home or the funeral home. But they uê. And I  
24 grew up in that environment.

25 So it was very spiritual and very family

1 'ohana. We used that term now "'ohana" oriented. At  
2 that time they didn't use 'ohana like they do now. It  
3 was family. They were more English and American.

4 But, yeah, there was a lot of family  
5 get-togethers, especially like funerals.

6 Q In these family get-togethers or at any  
7 other time did you learn any stories or legends about  
8 the Lualualei area?

9 A Oh, yes. Oh, yeah. There were a lot of  
10 he'iaus in Lualualei. And the thing about that was  
11 Hawaiians didn't like for anybody -- anyone to go to  
12 the he'iau because it was sacred place. So I had that  
13 built in.

14 Every time I see, you know, like a he'iau,  
15 anything that resembled a he'iau, a wall, I back off  
16 because the beginnings was "Do not enter those areas.  
17 That's sacred areas." That's where lot of people's  
18 spirit lay. They're there in that area like a  
19 sanctuary for their spirit.

20 Q One of the public witnesses talked about the  
21 significance of Maui to the area, not necessarily the  
22 silhouette but the story. Is this one of the stories  
23 that you were told about?

24 A No. No, not that, no.

25 Q So you're not at least, that was not one of

1 the things you're told about when you were growing up.

2       A     But I was told about like this of interest.  
3 Haleakala Road in Nanakuli is right next, alongside  
4 Pu'uheleakala. I was told about those things, the  
5 positive criticisms that exist. Now so far nobody has  
6 caught it yet.

7       Q     I'm sorry. What do you mean by the  
8 "positive criticisms"?

9       A     Like, you know, what is wrong to be, you  
10 know, used as an Hawaiian version or Hawaiian, you  
11 know, I guess, cult. And I need to say that because  
12 it is true. Lot of things that, you know, my mother  
13 brought to my attention or our attention was to be  
14 correct.

15       Q     And were you one of the individuals who were  
16 questioned in order to analyze the cultural impacts of  
17 this area?

18       A     I was one of 'em I'm sure, that they asked  
19 me what I thought about the area there. And there was  
20 nothing. You know that I went Heleakala, that valley  
21 there, from when I was, like, 10 years old. I'm going  
22 to be 81 in a week.

23               Now, I used to go there with the plantation  
24 molasses truck, to tell you the truth. So I know a  
25 lot about that place. I been there and growing up and

1 concerned and wanting to know about how important a  
2 place was spiritually, especially. I wanted to know  
3 because I didn't want to cross that line to be wrong.

4 Q Have you been -- have you also been used as  
5 a source for cultural impact surveys for anything  
6 else?

7 A Well, maybe questions I been asked, yeah. I  
8 been asked questions pertaining to culture.

9 Q By whom? Or just by individuals?

10 A By individuals plenny.

11 Q But not for purposes of preparing a report.

12 A Oh, no, no, no.

13 Q This was the first time?

14 A I'm not doing this for business or money.  
15 I'm doing this for my community. As you can tell I  
16 already stated that I'm involved in lot of community  
17 service activities. It cost me money but that's the  
18 way it goes. You give back and that's the Hawaiian  
19 tradition to give back.

20 Q Well, congratulations on your 81st birthday.

21 MR. YEE: I have no further questions.

22 CHAIRMAN DEVENS: Elders?

23 MS. TOWNSEND: Yes, likewise, happy  
24 birthday.

25 CROSS-EXAMINATION

1 BY MS. TOWNSEND:

2 Q I just wanted to go over so that we're on  
3 the same page about the questions, the interview  
4 process that you went through for Tropic Land for this  
5 parcel. So you were asked the five questions in the  
6 11- page cultural impact assessment, right?

7 It was: What are your recollections of the  
8 ahupua'a of Lualualei?

9 What are your recollections of the specific  
10 property owned by Tropic Land?

11 Is there any cultural significance  
12 associated with the area?

13 A No.

14 Q Yeah. Okay. So you remember being asked  
15 those five questions.

16 A Oh, yes. But I want to tell you about that  
17 so that you know, the board knows that as a Hawaiian  
18 you never want to go beyond your allowance, like. And  
19 I'm a lineal descendants so I go back to about 300  
20 years at least in Wai'anae.

21 My mother, when I was born my mother was  
22 '98 -- I'm sorry, 1889. But she died. She passed  
23 away. She was 98 years old. So look at it from that  
24 standpoint. And the nurturing of this lady.

25 Now, this lady never steered me wrong and I



1 don't want to steer you people wrong either. But  
2 knowing that, this place is a tough place to grow  
3 anything, take my word for it.

4 Q Let's go in that. So you had a lot of  
5 experience with this land.

6 A Sure.

7 Q So you were on the land from 1938 or so.

8 A Oh, yeah, sure.

9 Q If I can draw your attention to Intervenor's  
10 Exhibits 3 A through D are you familiar with these  
11 images? Does this look familiar to you?

12 MR. YUEN: Would you mind bringing it close  
13 to him.

14 MS. TOWNSEND: Yeah. So what is the  
15 protocol? Do I get up and walk over?

16 CHAIRMAN DEVENS: Yes, you can. Give him a  
17 fair chance to look at them.

18 MS. TOWNSEND: Sorry. I don't know the  
19 protocol.

20 CHAIRMAN DEVENS: Have enough light,  
21 Mr. Silva?

22 THE WITNESS: Yeah, thank you.

23 CHAIRMAN DEVENS: Okay. Which exhibit is  
24 this that you handed to him?

25 MS. TOWNSEND: He's looking at Exhibit 3.

1 And that page has A,B,C and D on it. Just for gross  
2 generalization if he was familiar with those photos  
3 taken. They were taken of the Petition Area in the  
4 late 1960s, early 1970s. They show Mr. Araki holding  
5 his prized melons and shows the vegetable farms on the  
6 property.

7 Q I'm just curious if you recognize any of  
8 that.

9 A Oh, yeah, I recognize the Quonset hut, let  
10 me tell you. (audience laughter) When they say hut  
11 H-U-T it should be H-O-T.

12 Q So you are familiar with that. You do  
13 recognize the produce being produced on the property?

14 A Hmm-hmm.

15 Q You also said that you raised cattle in the  
16 area.

17 A Yeah.

18 Q Extensively?

19 A Well, all they could handle.

20 Q Okay.

21 A They weren't fat, I tell you that.

22 Q How many heads of steer or whatever the  
23 number is?

24 A About 27 head, around that number. It  
25 couldn't hold any more.

1 Q For how long?

2 A I had the cattle there for about, I would  
3 say, about two years.

4 Q You said eventually you moved on.

5 A Yes. I moved -- I got other property over  
6 in the Navy base and moved the cattle there.

7 Q Okay.

8 A I had better results naturally.

9 Q So in your experience with the Petition Area  
10 so how long -- I'm getting kind of confused. You  
11 ranched there for two years.

12 A I ranched over two years. But because I was  
13 friends with the people I was there like, you know,  
14 like fly on you know what.

15 Q Okay.

16 A I was like a pest there. They know that.

17 Q So then can you talk a little bit more about  
18 their experiences then with the flooding that happened  
19 there?

20 A The flooding, the flooding was -- they even  
21 brought university people to help them. And I got to  
22 take notes, wow. They brought like a tub, galvanized  
23 tub with a little outlet that when they put the water  
24 in they had the measurement. Then they could tell  
25 what kind of drainage the soil could provide.

1                   'Cause they had to do that. And when they  
2 did that they found out that that soil was pretty  
3 tough like all Lualualei clay. Lualualei clay has  
4 that, has that kind of problem.

5                   MR. YEE: Excuse me. Chair, at this point  
6 I'd like to note -- and I'm not sure if I'm going to  
7 object -- this falls outside this person's expertise  
8 with respect to the quality of the soil.

9                   To the extent that he testified he had a  
10 long history in the area I didn't object. I  
11 understand that this cross-examination is following up  
12 on that issue.

13                   But, you know, at this point I think we're  
14 going far afield with his experience in the area of  
15 cultural practices. We want to make sure the  
16 Commission certainly understand this is not as an  
17 expert witness on that.

18                   MS. TOWNSEND: I'd like to actually echo  
19 that. My question is more about his personal  
20 experience in the flooding. Should I just interrupt  
21 him?

22                   CHAIRMAN DEVENS: We're giving her some  
23 latitude because of what was testified to on direct.  
24 But, yeah, if you can keep to what was on direct that  
25 will help everybody.

1 MS. TOWNSEND: Okay.

2 Q All I'm looking for, Mr. Silva, was just if  
3 you could describe a little bit how often it flooded,  
4 where it flooded, that kind of information.

5 A It flooded every time it rained.

6 Q Oh, okay.

7 A The plants, the plants just wheeepp (witness  
8 whistling). You don't need to be -- you don't have to  
9 have a degree to look, you know, to take note when the  
10 plants curl up. Simple as this.

11 Q Okay. Thank you very much.

12 CHAIRMAN DEVENS: Commissioners, any  
13 questions? Commissioner Lezy.

14 COMMISSIONER LEZY: Thank you for your  
15 testimony, Mr. Silva. You mentioned just a moment ago  
16 that I think, if I understood you correctly, you're  
17 not being paid anything for your testimony today?

18 THE WITNESS: No. Community service. Thank  
19 you.

20 COMMISSIONER LEZY: I think you mentioned in  
21 line with that community service was you wanted to do  
22 something to help your community.

23 I'm just wondering what benefit it is you  
24 believe your community will be afforded if this  
25 petition is approved.

1                   THE WITNESS: Well, look at it from this  
2 perspective. Out of high school, you don't want to go  
3 to college. You can go to college but you don't want  
4 to so you go look for a job.

5                   Wai'anae don't have jobs anymore.  
6 Ammunition depot closed down, the radio station. So  
7 where are we? If I'm out of high school I going be  
8 suckin' thumb because I'd have to go all the way to,  
9 if lucky, Campbell Industrial Park or Honolulu.

10                  I know when I got out of high school I had a  
11 lot of job opportunities in Honolulu, believe me:  
12 American Factors, "Honolulu Star-Bulletin" Commercial  
13 Motors, blah, blah, blah, blah, blah. I had that  
14 opportunity but it wasn't -- it was too far. It cost  
15 money and I didn't have a car.

16                  So how many of them out in Wai'anae High  
17 School, Nanakuli High School, you think I'm happy when  
18 I see them young guys coming out of there? It hurts  
19 because I know their problem. They need a job if they  
20 don't wanna go to college. I feel it. I see 'em. I  
21 was there.

22                  It's a sad note. But best I can do is be  
23 here today and ask you or tell you the best I can in  
24 my own language how important it is to have job  
25 opportunities. That's it.

1                   COMMISSIONER LEZY: So it's your expectation  
2 if that industrial park is built that it will generate  
3 jobs for the community?

4                   THE WITNESS: Oh, absolutely. The  
5 ammunition depot shut down. There's nothing. What  
6 else is there? And I lived right outside the gate  
7 with my parents and I walked to work at the ammunition  
8 depot. I didn't have money. I didn't have a car,  
9 just outta high school I went and got a job as a  
10 laborer, but it was a job.

11                   So this industrial place will offer an  
12 opportunity to earn some money to get started in one's  
13 life. One of these high school kids come out, guys,  
14 even if they hire one guy I would be so happy, because  
15 I was there.

16                   COMMISSIONER LEZY: One other question for  
17 you, Mr. Silva. There was some public testimony this  
18 morning about the Araki and Higa farms that were  
19 located on a portion of the Petition Area. And that  
20 testimony was that they operated for about 30 years.  
21 Is that your recollection?

22                   THE WITNESS: No. No. I don't think so.  
23 No. They struggled. I don't think it was 30 years.

24                   COMMISSIONER LEZY: Do you have a  
25 recollection of how long the Araki and Higa farms

1   functioned?

2                   THE WITNESS:  I think they went around maybe  
3   15, 18 years I think so.

4                   COMMISSIONER LEZY:  And during that time  
5   they were growing crops and selling crops.

6                   THE WITNESS:  Yes.  It was unfortunate  
7   that -- you know they shared their experience with me,  
8   you know.  I was their friend and they were having  
9   hard time.  That were having real hard time.

10                  COMMISSIONER LEZY:  Thank you for your  
11   testimony, Mr. Silva.

12                  CHAIRMAN DEVENS:  Commissioner Kanuha.

13                  COMMISSIONER KANUHA:  Thank you, Mr. Silva.  
14   You know, when you ran your cattle on this property  
15   did you fence the perimeter?  Or was it already  
16   fenced?  How was it?

17                  THE WITNESS:  The highway -- you know, the  
18   Ammunition Depot Road, that access road, was fenced  
19   the Araki farm was not fenced.  I fenced it.  And I  
20   fenced it.  I made a straight line as I could into the  
21   pile of rocks because was a big area of rocks, huge  
22   rocks.  And I made right to the rocks.

23                  And the cattle never cross that rocks  
24   'cause, you know, just mountain of rocks in there.  So  
25   I did make a fence, make a corral, catch pen, water



1   trough, all of that.

2                   COMMISSIONER KANUHA:   So based on your  
3   upbringing, before you made those improvements, you  
4   know, on the property, did you notice anything else  
5   that could have been, you know, sites, he'iaus,  
6   structures, things of that nature?

7                   THE WITNESS:   No more.

8                   COMMISSIONER KANUHA:   Thank you.   That's all  
9   I have.

10                  CHAIRMAN DEVENS:   Any other questions?  
11   Redirect?

12                  MR. YUEN:   I have one short redirect  
13   question.

14                  CHAIRMAN DEVENS:   Sure.

15                               REDIRECT EXAMINATION

16   BY MR. YUEN:

17           Q     Ms. Townsend asked you to look at a picture  
18   of the Araki watermelons.   Can you tell the Commission  
19   were these watermelons any good?

20           A     Well, I tell you what.   Another sad note.  
21   Tadashi or Kazu, the owner, I went, "Hey, you got  
22   plenny watermelon, you know."

23                       "Help yourself, hopu."

24                       I said, "Oh, maybe I take one or two."   The  
25   disappointment was that watermelon crop had this bug

1 or kind of weevil or whatever they call it, it bored  
2 the watermelon leaves, the leaves of the watermelon  
3 vine. And the watermelon looked so beautiful, but no  
4 flavor. Like it was, you know, whachu call it,  
5 tasteless watermelon.

6 Oooh, that was disappointment. I thought  
7 oh, I made a mistake. I went and got one more. But  
8 Tadashi, told me, "Hey, Albert, no more sweet kine.  
9 All the leaf miner." They call leaf miner insect bore  
10 holes and took all the, destroyed the plants to give  
11 that sugar to the melon. So nice looking melon but I  
12 don't know if that one was sweet.

13 So anyway that was one of the sad things  
14 that occurred. And I want to share that with you. It  
15 was really sad. They had a big sprayer, but didn't do  
16 anything.

17 MR. YUEN: No further questions.

18 CHAIRMAN DEVENS: Thank you for your  
19 testimony, Mr. Silva.

20 THE WITNESS: Thank you for allowing me to,  
21 you know, share with you. And I appreciate your  
22 patience. And hopefully when you see me on the street  
23 say hello.

24 CHAIRMAN DEVENS: Thank you. Why don't we  
25 take a short break, few minutes.

1 (Recess was held. 2:40)

2 CHAIRMAN DEVENS: We're back on the record.

3 Mr. Yuen, you have your next witness.

4 MR. YUEN: Yes. My next witness is

5 Mr. Joseph Lapilio.

6 JOSEPH LAPILIO, III

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

8 and testified as follows:

9 THE WITNESS: Yes, I do.

10 CHAIRMAN DEVENS: Go ahead, Mr. Yuen.

11 DIRECT EXAMINATION

12 BY MR. YUEN:

13 Q Please state your name and address for the  
14 record.

15 A My name is Joseph Lapilio. I live at 87-151  
16 Iwiana Street in Lualualei.

17 Q Mr. Lapilio, where were you born and raised?

18 A Born and raised in Wai'anae. Lived there  
19 all my life with the exception of a couple years when  
20 I lived in town for school on the mainland.

21 Q Can you describe your involvement in the  
22 Wai'anae Coast community.

23 A For most of my adult life I've been involved  
24 in community work or community development work. I've  
25 been in almost every agency that works in Wai'anae,

1 any nonprofit group that's in Wai'anae. I've been  
2 there at least for a couple years in some capacity.

3 I've been on boards of several  
4 organizations: Wai'anae Coast Comprehensive Health  
5 Center, a member of the Lualualei Hawaiian Civic Club.  
6 I'm involved with Hawai'i Technology Institute. I'm  
7 also with the Rotary Club.

8 But a lot of my work, as I mentioned, was in  
9 community development work. In the past several years  
10 I have been wearing several hats. I'm the director,  
11 volunteer director of the Wai'anae Business Center.  
12 I'm also the executive director of Wai'anae Coast  
13 Coalition.

14 And then actually my public job is  
15 administrative officer of Alternative Structures  
16 International, or ASI. ASI currently operates and I  
17 help administer two homeless shelters. One is Ulu  
18 Kekukui Maili. We have 80 units there. The other one  
19 is Ohana Ola in Lualualei. We have 48 units.

20 I also manage in that ASI organization  
21 Kahumana, which has Kahumana Farms, and Kahumana Cafe.

22 Q Is Kahumana Farms, is that an organic farm?

23 A It's a certified organic farm called NAHOFA.  
24 Yes, it is.

25 Q What does it take to be a certified organic

1 farm?

2       A     Well, there are stringent requirements for  
3 organic certification. There's actually an  
4 application form you to submit. NOFA actually had a  
5 whole series of questions and you gotta go in and  
6 actually do your, submit the plans that you have for  
7 crops, what your crop rotation is, where you're  
8 selling the crops, what materials you're using to grow  
9 the crops.

10               Maybe just for your information as well but  
11 NAOFA has ceased doing certification as of this year.  
12 So we probably will be getting our certification from  
13 a group on the mainland that will be doing it in their  
14 stead.

15       Q     Turning back to the Wai'anae Business  
16 Center, could you describe some of the services you're  
17 providing to the entrepreneurs or business community  
18 in Wai'anae.

19       A     We actually have two sets, actually several  
20 sets of support. One is we provide business services  
21 for emerging business, just kind of basic business  
22 support work we do. We have a little print shops. We  
23 do printing, layouts. We design, banners, posters  
24 whatever businesses need to get started.

25               We also provide business training classes.

1 Most of our work over the past decade has been in  
2 micro-enterprise because that seems to be a real niche  
3 in our community to better work with people who are  
4 starting off with very small businesses.

5           We also do technical assistance and provide  
6 networking and referrals for small businesses that  
7 come in to help. We are also working with the  
8 Department of Business Economic Development and  
9 Tourism to do training and technical assistance for  
10 non-profit organizations.

11       Q     Next, Mr. Lapilio, what is your perception  
12 of the need for business development on the Wai'anae  
13 Coast?

14       A     Well, as I mentioned I've been in pretty  
15 much a lot of different agencies. And in Wai'anae  
16 there's been a large approach or large emphasis on  
17 human services. This has been probably the beginning  
18 of most of my experience in the community. Not so  
19 much in terms of business development.

20           And I guess as I have evolved, one of the  
21 questions I've always had: What do we do with people  
22 who are in the human service programs and addressing  
23 some of the issues they've got when a lot of them seem  
24 to be economically caused? There wasn't as much  
25 emphasis on business development.

1           In the group I mentioned, the Wai'anae Coast  
2 Coalition, we've had annual meetings in our community.  
3 We call them community summits. We have these  
4 meetings.

5           We invite the community, have the community  
6 kind of tell us what they think the primary issues  
7 are, where we should be focusing our energy, what  
8 some of the direction ought to be.

9           And about 15 years ago there was a real  
10 emphasis from the community that one of the areas that  
11 was lacking had to do with economic development. And  
12 we needed to look at how we can help develop more  
13 businesses in the community.

14           So the business center started about 12  
15 years ago in the community. We went out and got some  
16 funding. We found a location and opened up shop and  
17 did business work.

18           The experience we're finding is the  
19 community in general is not necessarily business  
20 oriented. There seems to be a lot of people with  
21 entrepreneurial desires, entrepreneurial energy.  
22 There's not a whole lot of support for it.

23           Like I said we have a plethora of different  
24 human services agencies to the point we have  
25 duplication in some of these agencies. There's not a

1 whole lot of duplication goin' on in business  
2 development. And this is more what I would consider  
3 the soup to nuts kind of business support where we  
4 actually get somebody who's kind of sparking an  
5 interest in business all the way to helping them set  
6 up and manage their business.

7 Q In your experience are there a lot of  
8 non-conforming businesses in your community?

9 A I heard earlier the testimony came up a lot  
10 of trucks and how some of those are on large  
11 properties. Maybe I can take my particular street as  
12 an example. As I mentioned, I live in Maili, Liliana  
13 Street. We have about -- it's one of those roads  
14 alongside Farrington that has a dead end as you're  
15 driving towards Maili.

16 And we have about 20 homes on my street.  
17 About two-thirds of the homes on my street operate  
18 some form of business in their homes. You come out of  
19 my house and you look to the right I've a guy who does  
20 a towing company. And he does a catering service.

21 Right across the street is a travel or bus  
22 kind of a van company that takes, picks up tourists  
23 and takes them to the Ihilani Hotel.

24 My neighbor next to me makes patellas. He  
25 sells them in a van on the side of the street in



1 Kapolei.

2           The guy right across her has an auto repair  
3 shop where people come in and he fixes their cars. I  
4 mean it so goes like this throughout my street. And I  
5 don't know if my street's unique. I haven't gone  
6 through every street in Maili. But it's a real  
7 indicator that there's a lot of energy in this  
8 community. And there's a lot of people who are  
9 conducting business, again, in places that maybe they  
10 ought not to.

11           I mean I operate one of my businesses out of  
12 my house. It's a consultant businesses. No problem.  
13 I can do that in my house. The auto repair guy can be  
14 sometimes a real pain in the butt. It's not exactly  
15 the best place for those kind of businesses to happen.

16           The real concern of that had to do with one  
17 particular person who was on my street. They were a  
18 towing company. He was trying to operates off his  
19 5,000 square foot lot. They would bring cars in. And  
20 he would do a lot of repo work, so he would go out on  
21 repossessions. And kinda did some side work on the  
22 side by fixing cars. He had three people working with  
23 him. He had hired his brother and a couple other  
24 people.

25           But what was happening for people like him

1 is you can't expand anymore. You can't grow. And  
2 when the pressures for him grew too great he ended up  
3 having to shut down his business. So there went three  
4 people out of work.

5           The other tragedy was that because he  
6 couldn't find another place to go in the community  
7 this guy had a lot of potential to be able to actually  
8 open up a viable small business that would hire  
9 people. He couldn't do that.

10           That story is replicated in the community  
11 many times. So I think, as one of the testimonies  
12 mentioned earlier, you have people, trucking companies  
13 other businesses that don't have the location in which  
14 they can actually put their businesses.

15           I mentioned we do micro enterprise in the  
16 business center. So we do a lot of very, very small  
17 businesses. And we're actually trying to get people  
18 set up. And we have been successful in getting people  
19 to set up small businesses for less than a thousand  
20 bucks. These are people that can, like I said,  
21 operate out of their homes, and maybe do work that  
22 they can start there and actually get themselves on  
23 their feet.

24           There's no place for them to go when they  
25 get out of the micro stage and are able to maybe move

1 into a small business or get a location where they can  
2 actually have some economic benefit for the community,  
3 and they get into a place where they can hire more  
4 people. That's not happening. Again, I guess that's  
5 the crux of the question.

6 Q Why do you support the Nanakuli Community  
7 Baseyard?

8 A I think, for the points I just mentioned.  
9 Number one is that there is a need for a place for our  
10 small micro-businesses to be able to evolve into when  
11 they grow. There aren't a lot of locations in the  
12 community that allow that. I know of other small  
13 businesses and these are not micro, small businesses.  
14 They're a lot larger. They have a little bit more  
15 employees that are operating on illegal property. We  
16 have them coming into our office and getting other  
17 forms of help. And when he talk to them we're finding  
18 this information out as well.

19 I mean I know a couple people who've  
20 actually been shut down by the city and asked to  
21 relocate over to some industrial park. It's been very  
22 difficult for them to do that because of cost reasons  
23 and other factors. So that's kind of one piece of it.

24 But the other is going after those I was  
25 mentioning about, enabling businesses to grow to the

1 next level where they can hire people.

2 I support the light industrial park because  
3 I see that has an opportunity for that to happen. If  
4 we can get our businesses into an area where they can  
5 experience some growth, and hire people, it will have  
6 a positive economic benefit in my community.

7 Q Can you explain how you first met Tropic  
8 Land's people and how you came to support the  
9 industrial park?

10 A It probably was about five years ago. We  
11 were having these conversations in our group and our  
12 board about how we deal with this issue of ill-placed  
13 businesses and the lack of growth opportunities for  
14 those businesses.

15 And we had come up with the idea of a light  
16 industrial park. We had no idea what it would take to  
17 do an industrial park but we really believed it was  
18 needed.

19 We had actually gone out and kind of scanned  
20 the tax maps to kinda look at what properties would be  
21 good. We felt, number one, was that it needed to be  
22 in a location that didn't have a whole lot of  
23 residents around it; it needed to be significant in  
24 size; it needed to have, say, a hundred or so acres so  
25 that there would be some synergy with the businesses

1 that would locate on the site.

2           And we had identified a couple places. So  
3 we were kind of real interested in this. So I went  
4 over to the Sustainable Community Plans meeting that  
5 were kicking up at the time because we wanted to go in  
6 and talk about this niche need.

7           We had also made some overtures to the  
8 Nanakuli Homestead and others in the community that  
9 this was something we felt was needed; that we will be  
10 bringing it up to the Sustainable Community Plan  
11 process.

12           When we went to the meeting that's when I  
13 met Arick at, I don't know what company Arick works at  
14 but that's where we met Arick. And they had mentioned  
15 they were looking at a light industrial park. And so  
16 for us that was kind of a wonderful opportunity.

17           Number one, like I said, we don't know beans  
18 about light industrial parks and how to set one up.  
19 But we did feel it was needed enough that we had to  
20 put something on the table.

21           When we came across Arick and Tropic Land,  
22 LLC, this was the opportunity to kind of work with  
23 somebody else that maybe had a little bit more  
24 experience and wherewithal to set it up. We decided  
25 to work with them on it. It was also -- by the way,

1 before we went to the Sustainable Communities Plan it  
2 was in an area that we thought would be appropriate.

3 Q You're involved in a group planning a  
4 business incubator that you would like to locate at  
5 Tropic Land. Can you describe this business incubator  
6 project?

7 A Well, one of the things we mentioned to  
8 Tropic Land, LLC was that, again, based on what we  
9 were looking at in terms of other industrial parks  
10 there is an opportunity sometimes for some of these  
11 parks to run away from the community.

12 And our concern was that, again, our  
13 interest was in terms of locating emergent businesses.  
14 And we wanted to make sure that that would happen. So  
15 we ended up in conversations with Arick and others at  
16 Tropic Land, LLC that we wanted to look at an  
17 incubator, a small business incubator at the  
18 industrial. And they agreed.

19 So we entered into conversations with them  
20 about how we might be able to utilize a portion of the  
21 light industrial park for an incubator. At that point  
22 once Tropic Land, LLC reapplied for planning grant  
23 from the city with the Leeward O'ahu Community  
24 Benefits program, we see the small amount, \$40,000, to  
25 initiate planning of our incubator, brought together a

1 group of people to help us put together the incubator  
2 idea.

3           And initially for us it was kind of one of  
4 those wide open incubators. Anybody kinda coming out  
5 in the community would be able to locate there. But  
6 we pulled together people who had some experience in  
7 developing incubators to give us some advice on it.

8           So with the funding we went out and got a  
9 project manager to help us with this. And the idea  
10 evolved into a digital incubator. And there are a  
11 couple of factors for this.

12           One was that there was an emerging  
13 population in Wai'anae of young people, particularly  
14 young people but not only young people, who were  
15 coming out of the Searider program, coming out of  
16 Makaha Studios, or coming out of Kapolei that had both  
17 some expertise and interest in digital media.

18           Second, was that there was an emerging  
19 direction of energies coming out of West O'ahu College  
20 and some of what was going on in West O'ahu that would  
21 support digital media. And then there was also the  
22 arrival of Disney who we felt was a real opportunity  
23 to look at doing this.

24           So a lot of that advice made sense for us.  
25 So we have been spending the past six months on what

1 would it take for us to develop a digital media  
2 incubator at Tropic Land, LLC's light industrial park.

3 Q Turning to another area, what do you see as  
4 the future for farming in Wai'anae and Lualualei?

5 A I would like to see a positive future. I  
6 think Wai'anae has a lot of opportunity for that.  
7 Mentioned that we have our farm. Kahumana is a  
8 14-acre property. Seven acres of that property is  
9 devoted to our organic farm. We have a farm manager.  
10 We utilize the farm as a training site for people who  
11 are living in our homeless shelters as well as others  
12 who have an interest in farming.

13 We're going to have to do a lot of work on  
14 developing agriculture in Wai'anae. Right now every  
15 time a development comes up there is conversation, or  
16 a voice in terms of agriculture. I think that's a  
17 good thing.

18 What I'm concerned about is a lot of our  
19 community action doesn't match the conversation. We  
20 have had an opening for a farm manager at my organic  
21 farm for some time. I have been making overtures to  
22 all the farms in my community. We have posted the  
23 position. And we don't get a lot of local takers.

24 I got an application yesterday from a guy  
25 interested in being the farm manager from



1 Massachusetts. I really would love to have people  
2 from my community come and apply for these positions  
3 but it's not happening.

4 I have a couple of local people that are  
5 working in my farm as farm laborers. And as part of  
6 the training program one of them is from Ma'o Farms.  
7 And he's not even clear right now if he wants to be a  
8 farmer.

9 I could probably farm more of my property if  
10 I were able to get more people interested in farming.  
11 I can also understand why they don't want to be  
12 farmers.

13 As was mentioned in some of the earlier  
14 testimony it's hard work. It's also that I think part  
15 of our own fault, and this is us as a community, is  
16 that we have put a lot of energy and resources on  
17 training farm laborers. We have not done a very good  
18 job of training farm managers and farm owners. It's  
19 something I think we ought to do.

20 So going back to the question, I'd like to  
21 see a very positive future for agriculture. I don't  
22 think we are there yet. I think we've got a lot of  
23 work to do.

24 Q What do you think as a person who's involved  
25 in both business and agriculture, what do you think is

1 necessary to stimulate agricultural growth in  
2 Wai'anae?

3       A     One of the -- I guess we're toying around  
4 with -- as I mentioned when I look at the different  
5 farms and what they're doing in terms of training a  
6 lot of the emphasis is on farm laborers. This is at  
7 the low end of the pay scale.

8             It's hard work -- well, it's all hard work  
9 but it's hard outside-in-the-sun-in-the-ground work.  
10 And the experience I'm seeing is the majority of the  
11 people that come out of these programs don't stay in  
12 farming. There's just such an almost insurmountable  
13 challenge to anybody who wants to do farming, not only  
14 in Wai'anae but anywhere, but in Wai'anae in  
15 particular. You've got access to land issues. You've  
16 got access to water issues.

17            You've got access to capital issues. You've  
18 got business training and management background and  
19 human relations and marketing, and all those pieces  
20 that make it very difficult for any farm laborer to be  
21 able to make a commitment to move into farming.  
22 You've got to really, really want it.

23            So I think in terms of where the opportunity  
24 is for us it's maybe to look at how we might be able  
25 to bridge that gap a bit and train people who can then

1 take on positions that are better paying and much more  
2 in control than, say, farm laborers.

3 As I mentioned earlier there's a real  
4 opportunity for us to develop farm managers and farm  
5 owners.

6 Q Thank you, Mr. Lapilio. I have no further  
7 questions.

8 CHAIRMAN DEVENS: City, any cross?

9 MS. TAKEUCHI-APUNA: No questions.

10 CHAIRMAN DEVENS: Mr. Yee.

11 CROSS-EXAMINATION

12 BY MR. YEE:

13 Q You're engaged in discussions regarding a  
14 business incubator project on the Petition Area,  
15 correct?

16 A Correct.

17 Q Could you give me any more details about how  
18 this incubator project would work?

19 A Right now the idea we have, we have some  
20 initial schematic concepts of this. And we are  
21 holding a meeting, community meetings where we can  
22 talk with the community. The idea is to get people  
23 who are in digital media and get some sense what it is  
24 they would look for if they came to the site.

25 We have looked around at different models on

1 the mainland to see what some of these look like. The  
2 way basically it would work would be like almost any  
3 other incubator. There would be locations onsite for  
4 someone who is doing digital media work.

5           They would be able to rotate through the  
6 business. There would be a sound stage in which  
7 they're going to have to film and do productions. We  
8 are toying around with the idea of actually having  
9 classrooms where maybe we could even bring in a  
10 charter school that might look at digital media.

11           But the idea is, number one, you provide a  
12 cheap -- not cheap -- less expensive location for  
13 these emerging businesses to locate and provide  
14 training and technical assistance that they need to be  
15 able to successfully manage their businesses and grow  
16 their businesses.

17           You provide some synergy with others who are  
18 in the area or in the same building that might be able  
19 to help them develop the business. And then you help  
20 them get out. So the idea might be after three or  
21 five years -- we haven't worked out the details on  
22 this yet -- that they actually move on and locate  
23 somewhere else.

24           Q     So there would need to be an entity  
25 presumably, I assume, a nonprofit entity that would --

1 would they own the original location?

2 A We haven't had that conversation yet. Right  
3 now we're, like I said, we just got the grant. We're  
4 in the project development stage. We're trying to  
5 look at what would this look like.

6 Then we can kind of make some decisions  
7 about once we get a better idea of who the players are  
8 going to be in it and what's going to be needed, then  
9 we can come up with who are the best people or the  
10 best entity to actually manage the facility.

11 Q Would you need, though, an entity to control  
12 the larger piece of property in which the digital  
13 media business occupy?

14 A The conversation we have had a Tropic Land,  
15 LLC is that they would set aside five acres for the  
16 digital incubator. So I'm assuming you're speaking  
17 about that piece of property or you're speaking about  
18 the industrial park?

19 Q Let's backtrack. You're looking at a size  
20 of approximately five acres, correct?

21 A Right.

22 Q And who's going to control this business  
23 incubator project? Will it be the Petitioner? Will  
24 it be a nonprofit entity?

25 A I would see it as a nonprofit entity and not

1 the Petitioner.

2 Q So the Petitioner would have to enter into  
3 an agreement with this nonprofit entity for  
4 five acres.

5 A That's correct.

6 Q And then this nonprofit entity would  
7 presumably, I guess, build the building with these  
8 capital improvements such as the studio and  
9 classrooms, et cetera?

10 A Well, as I mentioned we're in the first  
11 phase of this in terms of what the design would look  
12 like. There are several options that we can look at  
13 for the actual construction of the building.

14 One of them is if the nonprofit were to get  
15 the site and then go out and raise the money and  
16 construct the building themselves, I mentioned I was  
17 on the Wai'anae Coast Comprehensive Health Center  
18 Board.

19 And one of the challenges we had, 'cause we  
20 did the same thing. We had a medical building that we  
21 put up. It took well over 10 years for us to design  
22 the building. That's way too long. But it is one of  
23 the options.

24 The other option is to actually, perhaps,  
25 have the Petitioner, the developer, or whomever build

1 the building and we would actually try to find the  
2 funds to buy it from them. One of the challenge can  
3 become how do you find the funds. But at least  
4 building something sooner, get the incubator off the  
5 ground and running a lot quicker.

6 Q Then the location. Presumably as an  
7 incubator project you're looking at lease rents that  
8 are, you said, relatively inexpensive?

9 A Correct.

10 Q Does that mean below market?

11 A I don't know.

12 Q And you have money for the planning grant.  
13 But I assume you need to use that money before you can  
14 then get other monies before actually implementing the  
15 project.

16 A There's actually -- the planning grants was  
17 to go in. And we asked for what we call phase 1 which  
18 was project development, developing the concept,  
19 trying to put all the pieces together, getting  
20 community feedback.

21 We have another proposal going in to DBEDT  
22 to put together the business plan which is then at  
23 that time I could answer the question about what would  
24 the rents be. Right now we don't know what answer's  
25 gonna be.

1                   And then we have -- we have submitted  
2 another grant to the city in their recent RFP process  
3 to look at how do we develop a capitalization plan so  
4 that we can actually raise the funds to do the  
5 building.

6                   So it's kind of a phased out piece. There  
7 are some other grantors and funding sources we're  
8 looking at, some of them at the federal level.

9                   But the point where we are at this point in  
10 time is really getting a better handle on the design  
11 of the project before we actually move into those  
12 steps.

13           Q       It sounds like at some level, the amount  
14 you're not sure, but at some point you're going to  
15 need some type of subsidy to move forward with the  
16 project?

17           A       We are looking -- in terms of grants?  
18 Subsidy?

19           Q       Well, yeah, I'm trying to use the word  
20 "subsidy" in as large of a definition as I can.  
21 Because I get the sense you're not sure how you're  
22 going to get the additional money. But it might be  
23 government, it might be private, but somehow you're  
24 going to need to get some extra money from people who  
25 are willing to subsidize the project.



1           A     We actually -- well, we know that the cost  
2 of the project will far exceed the planning costs of  
3 the project. I mean that we're very clear on.

4                     The options we're looking at: There are  
5 some federal funds that are available for capital  
6 improvements. Looking into new market tax credits has  
7 been something else we are also exploring. And that's  
8 something we will probably get into more full force in  
9 the second phase of our planning project.

10          Q     Are you familiar at all with the community  
11 foundation requirement under the current unilateral  
12 agreement for the Petition Area?

13          A     Are you talking about the -- was this the  
14 funds that the Petitioner would set aside for the  
15 community?

16          Q     Yes. Let me backtrack. You're aware that  
17 at one time they were looking at a golf course for the  
18 Petition Area, right?

19          A     Yes.

20          Q     So a unilateral agreement was entered into  
21 at that time for a golf course?

22          A     That I'm not familiar with.

23          Q     Okay. Are you aware there was a promise to  
24 create a community foundation with respect to that  
25 golf course?

1           A     Was that with the previous owner or with the  
2   Petitioner?

3           Q     The previous owner, I believe.

4           A     I'm unaware of that.

5           Q     Are you familiar with the current --

6           A     I understand the Petitioner is looking at  
7   setting aside a fund for the community. But I only  
8   know it in terms of general -- I only know it in  
9   general terms.

10          Q     Have you had any suggestions regarding  
11   tapping into that community fund or community benefit  
12   to help subsidize the business incubator project?

13          A     No, I have not.

14          Q     Is that something you're looking at or is  
15   that something you've ruled out?

16          A     I -- we haven't looked at it, to be real  
17   honest with you. We haven't looked at it. I think  
18   there are sufficient resources outside to be able to  
19   find the planning money we need.

20                 The other is that -- now again I don't know  
21   what the purposes of that fund are going to be. I  
22   would assume the community would have some  
23   conversation about how it would utilize that fund. So  
24   without knowing what that is we haven't thought about  
25   it.

1           Q     With respect to leasing the five acres from  
2     the Petitioner, are you looking at paying market rate  
3     or do you think it's going to be at a lower than  
4     market rate?

5           A     We haven't had that conversation yet.

6           Q     Have you looked at all at whether or not  
7     there could be an agricultural component in your  
8     discussions with business incubation?

9           A     We are looking at an agricultural incubation  
10    project but not at this site. Our rationale for that,  
11    number one, was there're purposes moving in -- let me  
12    take a step back on that because there's different way  
13    to look at this. Number one is there's a possibility  
14    that there could be activity at the light industrial  
15    park that would support agriculture.

16                   Now whether that would be a clearinghouse or  
17    distribution center, or those kind of things that  
18    might happen.

19                   Now, terms of an actual agricultural  
20    production or crop-growing site, that we haven't  
21    looked at. But I think the idea that this light  
22    industrial park, depending on who ends up there and  
23    what they do could actually help agriculture in  
24    Wai'anae.

25           Q     Because it could have a connection to

1 existing or new agricultural farms in the area?

2       A     Correct. But then I go back with the  
3 conversation what I was saying about Ma'o Farm. I  
4 think probably one of the most successful farms that  
5 we have in the community is Ma'o Farm. So they're  
6 really gotten to the point where they're able to  
7 market -- they produce and they market and they sell  
8 quite a lot of produce both in and out of the  
9 community.

10               We're probably, as I mentioned, we're a  
11 little bit away from actually having a really strong,  
12 organic farm industry in Wai'anae. It's something  
13 that could probably evolve and get to. We would  
14 probably need a place.

15               That said, I don't know what the organic  
16 certification requirements would be in terms of if you  
17 create a distribution site what some of the issues  
18 would be. So that bridge would have to kinda get  
19 crossed when we get to it.

20       Q     With respect to agricultural, incubation,  
21 helping people learn how to be a farmer with an actual  
22 farm, is that something that could be done on 40 acres  
23 of land?

24       A     I think it's something that could be done --  
25 of course it could be done on 40 acres of land. I

1 think the model we're looking at is a group in  
2 California called ALBA in which is an agricultural  
3 incubator project focused on low income Latinos.

4           Bascially what they're doing there is they  
5 go through what everybody in Wai'anae is doing now  
6 which is retraining laborers. But then the idea would  
7 be how can we set up something in which they might get  
8 two or three acres for three to five years?

9           They actually learn how to do agriculture  
10 and then, again, like any other incubator you would  
11 spin them off and get them their own site. That would  
12 be something that might work. But then, again, again  
13 going back to our understanding -- again, I'm not a  
14 soils expert and all of those kinds of things. I know  
15 what we have in our farm. But one of the things you  
16 don't want to do is set up your farmers for failure by  
17 putting them on a site that will be extremely  
18 difficult for them.

19       Q     Let me ask with respect to the need for  
20 either farming, et cetera. I know there are a lot of  
21 moving parts to a successful commercial farm. Would  
22 you agree that one of the essential elements is a  
23 lease price that's low enough to make the farming  
24 commercially successful?

25       A     This would be post incubator?

1           Q     Well, let's start with post incubator. I  
2 mean one of the issues for a successful commercial  
3 farm is that the farmer needs the lease price low  
4 enough to make the farm economically successful.

5           A     That's interesting. Because one of things  
6 we are also farming with organics -- and again this  
7 has been a discovery for me in the past year -- is  
8 that you can take a much smaller piece of land and if  
9 you do organic farming you can match if not exceed the  
10 revenues you would get off of a farm that mono-crops  
11 at three or four times the size of the organic farm.

12                     So going back to your question, I guess the  
13 element might be it's entirely possible that you would  
14 be able to look at some of the market rates of land if  
15 our farmers went organic.

16           Q     So if you intensify the production you're  
17 saying get a higher productivity yield, you can afford  
18 to pay a higher price for land than you otherwise  
19 could.

20           A     You could, but I don't know -- again,  
21 there's a lot of moving pieces, right? You could. I  
22 don't know if you'd want to. It depends on all the  
23 other factors that would come into your business plan.

24           Q     Well, but one of the factors is going to be  
25 the lease price.

1           A     Right.

2           Q     And one of the factors is how intensely you  
3 can grow crops on the existing acreage you've got.

4           A     Correct.

5           Q     And oftentimes, would you agree with me,  
6 that in order to intensive the production yield, in  
7 order to increase the production yields additional  
8 capital costs are often required?

9           A     Ah, there's another farming methodology we  
10 use which is biodynamics. That has been one of the  
11 things we're integrating into our organic farm. So  
12 when you talk about the capital investment piece I  
13 guess, right, any farm would have that. You've got to  
14 put in your water system. You've got to put in your  
15 processing center. You've got to get maybe some  
16 equipment to be able to do this. So I guess it  
17 depends.

18          Q     I'm not saying it always requires increase  
19 in capital costs.

20          A     Right.

21          Q     But very often in general you can increase  
22 you productivity by increasing your capital costs.

23          A     Correct in general.

24          Q     But then on the other hand you often need  
25 financing, correct?

1           A     Correct.

2           Q     I've been told, and I would ask you, would  
3 you agree financing often means that a long-term lease  
4 is preferable to a short-term lease because you can  
5 then capitalize your cost over the term of the loan.

6           A     Correct. And I also don't think you'd  
7 probably get financing from nobody who would give you  
8 money unless you had some commitment to the property.

9           Q     And so what you're looking at from, if you  
10 had to do an incubator project on 40 acres, would be a  
11 piece of acreage that would have a good technical  
12 soil, water, et cetera, all those essential elements,  
13 plus a lease price that's going to be low enough and a  
14 lease term that's going to be long enough for you to  
15 then have a successful commercial enterprise?

16          A     I think that's a good building block. Not  
17 the only piece but it's a good building block.

18          Q     And this particular Petition Area, while  
19 even if it doesn't contain the actual farm on it,  
20 you're saying could have a synergistic or a beneficial  
21 impact to farming by locating certain agricultural/  
22 industrial applications on this particular Petition  
23 Area, correct?

24          A     I'm sorry. Say that last part again?

25          Q     Yes. That this particular Petition Area



1 could be used as a light industrial area which would  
2 help farming by providing agriculturally-related light  
3 industrial uses.

4 A Correct. As I mentioned data processing  
5 center, marketing center, those kinds of pieces. I'm  
6 sure there are other kinds of infrastructure stuff  
7 that would help farmers.

8 Q And with that that would help farming within  
9 th Wai'anae/Nanakuli area.

10 A That's one of the pieces, yeah.

11 Q And you support the growth of farming in the  
12 Wai'anae/Nanakuli area.

13 A Correct.

14 MR. YEE: I have nothing further. Thank  
15 you.

16 CHAIRMAN DEVENS: Elders?

17 CROSS-EXAMINATION

18 BY MS. TOWNSEND:

19 Q Aloha.

20 A Hi.

21 Q I just want to thank you very much for your  
22 commitment to the Wai'anae community and all the  
23 things that you do. It's very much appreciated.

24 Actually I went to the 30th birthday for  
25 Kahumana.

1           A     Yes.

2           Q     It was very, very impressive. I really  
3 appreciate the work there. And how are you associated  
4 with Kahumana through a board member?

5           A     Well, Kahumana is a portion of Alternative  
6 Structures International which is the mother 501C3 of  
7 Kahumana and the two transitional housing shelters.  
8 I'm the chief administrative officer for Alternative  
9 Structures International.

10          Q     So ASI has been in existence for more than  
11 30 years?

12          A     Thirty-six years.

13          Q     Okay. Cool. And have you been the chief  
14 operating officer the whole time?

15          A     No. I've been CAO for two years.

16          Q     For two years. And what was your  
17 relationship to Kahumana prior to the two years?

18          A     Well, I knew of the individuals. We had  
19 both mostly personal relationships or friends with  
20 them. I had done some consulting work now and then for  
21 them, strategic planning. I was on the board at one  
22 time. I left their board. That was probably about, I  
23 guess about five, six years ago.

24          Q     So you've really been intimately involved  
25 with Kahumana for two years?

1           A     I don't know if it's intimate but I have  
2     been involved, yes.

3           Q     Thank you. I really appreciate a lot of the  
4     effort that you have committed to improving Wai'anae.  
5     It's obvious you're committed to improving the  
6     economic situation for Wai'anae.

7                     I was wondering if you could talk a little  
8     bit about just in general, you know, what does it take  
9     to be economically successful? What is the business  
10    need? You're talking about moving from that sort of  
11    micro business situation and expanding. Can you talk  
12    a little bit about some of the elements you see are  
13    necessary for a business to be successful?

14          A     You mean to move from micro into a small  
15    business?

16          Q     Right. Correct me if I'm wrong. That's  
17    what you're talking about, right, when you're trying  
18    to help those small entrepreneurs working out of their  
19    homes making that leap.

20          A     Well, you know, like we do with all of our  
21    participants, our clients, it basically comes out of  
22    the business plan. The idea is depending on where  
23    you're headed, what you want to do, where you're  
24    going, what you're going to sell, how you're going to  
25    staff it, how you're going to manage it, how you're

1 going to finance it, how you're going to market your  
2 crops, and how you're going to sell them and at what  
3 price.

4           So there is a lot more to it. Then all of  
5 those pieces have to be able to fit for you to make it  
6 work. So part of what we would do is work them on  
7 developing that. You're going from a micro, which  
8 tends to be kinda home-base. Now you're moving in  
9 terms of now you're moving to a location where you're  
10 going to rent a property or lease a property or  
11 purchase a property and your financial liabilities  
12 just increase tremendously. So you've got to kinda  
13 tighten that up a bit.

14       Q     Okay.

15       A     I guess, well, let me -- the most important  
16 factor as to whether you move from a micro to a small  
17 is you're able to sell your product or service in a  
18 way that allows you to grow. That's the bottom.

19       Q     Okay. What kinds of -- can you give some  
20 examples of these micro businesses that are making the  
21 leap to something a little bigger?

22       A     Well, one that I'm really happy with. We  
23 had one individual that came a couple years ago. I'll  
24 just called her Nova. She actually came in. She had  
25 injured herself at a previous job and wasn't able to

1 find a job because of her injuries. She actually set  
2 up a residential and commercial cleaning company.

3           So she came in and got a business plan, got  
4 a couple vacuum cleaners. And with her and her  
5 husband they went out and started cleaning other  
6 residences. They opened up two commercial sites. Now  
7 she's got, like, you know, I think last time I checked  
8 was about a dozen employees.

9           She's going after contracts in Schofield.  
10 She's developed it out further. She's training her  
11 family to create little kinda like small franchise  
12 pieces of what she's developed. And she's just one of  
13 them.

14       Q     So cleaning. And I'm sure for people who  
15 went to the PVT hearing there's a lot of money to be  
16 made in cleaning houses. So okay, residential,  
17 commercial house cleaning kinds of things. What else?  
18 Just examples. You don't have to go through the whole  
19 story.

20       A     Well, we have one person. Again, this goes  
21 back to the idea of the light industrial park. We  
22 work with Dansen, Dansen's Auto Repair in Wai'anae.  
23 He was one of the earlier clients, participants at the  
24 business center. He operates his business on highway  
25 frontage in Wai'anae.

1           We've done business with Sun Sushi. We've  
2 done work with Wai'anae Jewel Masters. We're  
3 currently working right now with AIKEA T-Shirts or  
4 AINOKEA T-shirts. Sorry.

5       Q     Okay. So these small micro-businesses are  
6 starting to make that leap into actual small  
7 businesses and they have taken on these sort of  
8 liabilities. Right? You were talking about to make  
9 that leap you have to make these kinds of investments.

10           In your experience is there enough  
11 capitalization available especially I don't -- I'm not  
12 an economist. I listen to Planet Money but that's  
13 about the extent of my understanding of the economic  
14 downturn. But it's clear from that that banks aren't  
15 loaning.

16           Is it your experience that these kind of  
17 small micro businesses are getting loans?

18       A     Most of the -- again, most of the work that  
19 we do is with micros. There are some micro funds out  
20 there. We work with Pacific Gateway. They have a  
21 real manini program for micro loans. Other  
22 organizations provide micro-loans.

23       Q     Okay.

24       A     That's where we put a lot of our focus.

25       Q     So sorry. I'm trying to, like, make sure I

1 stay on topic.

2 A Okay.

3 Q So I don't get in trouble. So your  
4 experience is with micro business loans. But what  
5 we're talking about for the light industrial park  
6 would be that next step up, right, small business  
7 loans?

8 A Mmm-hmm.

9 Q So you don't have any experience with those?

10 A No, no, we do. But we also work with --  
11 part of what we do, and I mentioned Pacific Gateway as  
12 an example, we work with a lot of other people. We're  
13 in the process right now of trying to get our business  
14 center certified as a community development financial  
15 institution.

16 We have been working with groups on the  
17 mainland in that process. That would allow us to be  
18 able to get funding from the federal government for  
19 loan programs. We don't know if we want to do that.  
20 It's probably much better for us to look at  
21 partnerships and find others to do that.

22 Q How long would this take? Basically what  
23 I'm hearing you say there aren't these kinds of small  
24 business loans available right now?

25 A No, no. I'm not saying that.

1 Q Okay.

2 A What I'm saying there aren't those  
3 opportunities right now in our outfit but they are  
4 available in other organizations that we can partner  
5 with.

6 Q Okay. So in your experience have any of the  
7 micro businesses in Wai'anae making the leap to a  
8 small business in the last year, have they gotten a  
9 small business loan?

10 A I would be unaware of all of them.

11 Q Have any? Do you have any examples?

12 A Well, Sun Sushi would be one them. They  
13 opened up a shop. But they went through a whole  
14 different funding source. This was a group that was  
15 primarily -- it's a company run by immigrants and they  
16 had a whole different funding that they went through  
17 to set themselves up.

18 Q Thank you. As you know there's -- as far as  
19 you know there aren't really examples of small  
20 business loans.

21 A I could probably come up with some.

22 Q Have you read the economic analysis that the  
23 Tropic Land included in the EIS?

24 A I glanced at it when it first came up. I  
25 think that was a couple months ago.



1           Q     So you're aware according to that economic  
2 analysis the overwhelming majority of the laborers  
3 would come from outside Wai'anae to make the  
4 industrial park viable?

5           A     That I don't know. You know, because again,  
6 like I said, I focus on the incubator. I also see an  
7 opportunity for a lot of other companies, like I  
8 mentioned, who are probably ill-located in Wai'anae  
9 who would be able to go there. Depends a lot, I  
10 assume, on who ends up moving to the site and what  
11 companies go there and where the employees are from.

12          Q     Let's talk about the business center. Where  
13 is the business center located?

14          A     It's located right below Leeward Community  
15 College in Wai'anae.

16          Q     For those who are not familiar you need to  
17 help describe where that is.

18          A     If you're not familiar with Wai'anae I don't  
19 know how to describe it.

20          Q     Is it in Wai'anae Mall?

21          A     No. It's right next to Wai'anae Mall.

22          Q     Right next to Wai'anae Mall. Right next to  
23 Dansen's?

24          A     No that is what I considered more downtown  
25 Wai'anae. Yeah, we're kinda like right next to

1 Wai'anae Mall.

2 Q Behind Café Inn.

3 A Behind Café Inn, right.

4 Q There's a Chinese restaurant, there's a gas  
5 station, right? Longs is right over there?

6 A Right.

7 Q Right on Farrington Highway.

8 A Kind of.

9 Q So plenny foot traffic.

10 A Foot traffic?

11 Q People, they go Longs and they stop by the  
12 business center and they get copies. They go class,  
13 they stop by the business center they get copies.

14 A Well, we get people coming by. A lot of  
15 them, like I mentioned earlier we provide support for  
16 business. People come in. I don't know if it's foot  
17 traffic because Wai'anae is not a foot town. So  
18 usually someone will drive in ask for business cards  
19 or they'll drive in and for banners or stuff.

20 Q The idea there is a lot of activity in this  
21 Wai'anae Mall and neighboring Wai'anae Mall area.

22 A Probably one of the better places in the  
23 community that you'll find in.

24 Q That was probably a good business choice for  
25 the incubator, right, to be located next to other

1 businesses?

2       A     Ah, if a site were available that might  
3 work, correct. Again, at that time when we first  
4 looked at the incubator we weren't that clear about  
5 the idea of a digital incubator. So a lot of  
6 activities we are looking at probably would not have  
7 fit in the Wai'anae Mall.

8       Q     Okay. So, I'm sorry. I got confused.  
9 Understandably your vision for the incubator has  
10 evolved over time. And you're now thinking about this  
11 digital media center. And it's graduates from Sea  
12 Rider. And they would take the bus to the incubator.

13       A     Among them would be graduates of Sea Rider.  
14 It's been kind of interesting over the past several  
15 months --

16       Q     How would they get there?

17             MR. YUEN: Excuse me. I'd appreciate if  
18 Ms. Townsend would allow witness an opportunity to  
19 answer her question before she asks another question.

20             CHAIRMAN DEVENS: Yes. Ms. Townsend, if you  
21 could give the witness a chance to answer it will just  
22 be easier for the court reporter as well. You can ask  
23 th questions you need to ask.

24             THE WITNESS: First of all not all of them  
25 would come from Searider Productions. Again, we're

1 really looking at people who would fit the idea of a  
2 digital incubator.

3           When we floated the idea of the incubator it  
4 was also very interesting to find out -- and we never  
5 knew this -- how many people were actually conducting  
6 digital media work in their homes. We actually had a  
7 couple people that surfaced and came in helping us  
8 plan the facility.

9           Now, I think part of other piece in terms of  
10 the transportation, and this kind of goes on from my  
11 philosophy of business: If you want to run your  
12 business you'll figure out a way. We're not going to  
13 pick you up at the bottom of the highway and bring you  
14 up to the digital incubator. You figure it out. It's  
15 your business. So in a lot of ways that's my initial  
16 response to your question.

17           The other one being I'm going to also assume  
18 that if we do move forward with the idea of a light  
19 industrial park, that we will have to go to the  
20 Neighborhood Board and go the city and work out how we  
21 develop transportation options for people who want to  
22 go there.

23           Right now there isn't a reason for us to go  
24 up to the site. If a light industrial park were there  
25 there would be.

1           Q     So it would a magnet for people to go up,  
2 something the city would provide bus services up  
3 there?

4           A     We would, I'm sure, petition for it.

5           Q     Thanks. Just to get clear on the incubator.  
6 You get \$40,000 from DBEDT from the state --

7           A     From the city.

8           Q     Sorry, from the city to plan the incubator.  
9 And you're at the five acres from Tropic Land from the  
10 industrial park. Okay. How long has this process  
11 been so far? How long do you anticipate the timing of  
12 it in the future?

13          A     We submitted the planning proposal in 2009.  
14 I think this was around June 2009. We were awarded  
15 the funds and received the funds in January 2009. So  
16 it's been a relatively new effort.

17          Q     How long do you see it taking getting to  
18 Phase 2?

19          A     Again, we did apply for funding from the  
20 city for Phase II. I don't know when they're going to  
21 make an announcement for the proposals due in April.  
22 I would assume we would have heard by now. We have  
23 not. But if that money becomes available Phase 2  
24 starts as soon as we receive the funding. If not then  
25 we have to figure out what to do.

1           Q     Okay. And have you submitted any other  
2 funding requests?

3           A     We have submitted. We are actually in the  
4 processes of doing a proposal, I think I may have  
5 mentioned, to DBEDT for the business plan. Again,  
6 once we get the design down and develop the  
7 capitalization plan, that gives us a better idea on  
8 how to move forward with looking for other funds.

9           Q     But it's still pretty loose. Like it  
10 doesn't sound very solidified. Like you're not quite  
11 sure of the source of the funds are. You're not quite  
12 sure who's going to be using the incubator. You're  
13 not quite sure how much it's going to cost the five  
14 acres or the leasing.

15          A     We're pretty sure we're going to use the  
16 incubator. It will be people who are doing digital  
17 media work right now that need a location. We've got  
18 even people who said they would be interested in  
19 coming.

20                We probably don't have enough to build the  
21 building. We have a general idea of what funding we  
22 would have to go after for this. As I mentioned  
23 earlier there are USDA funds. There are other funds  
24 that would have to go through that provide for federal  
25 money that capitalize projects. Then we're also

1 looking at new market tax credits.

2 Q And how much are you looking at?

3 CHAIRMAN DEVENS: Ms. Townsend, I apologize  
4 for interrupting. Do you know about how much more you  
5 have? 'Cause we're running out of time.

6 MS. TOWNSEND: What time is it?

7 CHAIRMAN DEVENS: It's almost about 3:30.  
8 But I'd rather finish up so we don't have to have this  
9 witness come back.

10 MS. TOWNSEND: Can we do, like, 10 minutes?  
11 Five minutes? I'm not quite sure, I have three or  
12 four more questions.

13 CHAIRMAN DEVENS: Do you have much redirect  
14 off what you heard so far?

15 MR. YUEN: Not much.

16 CHAIRMAN DEVENS: 'Cause I'd like to finish  
17 up with this witness so he doesn't have to come back  
18 again.

19 THE WITNESS: I appreciate that.

20 CHAIRMAN DEVENS: Why don't we plow ahead if  
21 we can cut through this.

22 MS. TOWNSEND: I'll try to go fast.

23 Q So about how much are you looking that you  
24 would need?

25 A At this point we don't know.

1           Q     You don't know. You talked about how right  
2 now you have nonconforming small businesses uses on  
3 people's homes, backyard kind of things and they're  
4 forced to relocate. I'm curious why they don't go to  
5 the currently vacant industrial parks that are on old  
6 baseyards, old Wai'anae baseyard along Farrington and  
7 there's the one just past Wai'anae Comp Health.

8           A     My understanding of the baseyard, number  
9 one, it is on Hawaiian Home Lands. That's my  
10 understanding. Could be wrong.

11                     Number two is that I know at one time the  
12 Comprehensive Health Center was entertaining the idea  
13 of expanding their facilities to include that  
14 baseyard. I don't know much they've looked at that  
15 because I have left the board. So that was one. If  
16 they're going after it I think it would be a great  
17 idea. The Comprehensive Health Center is a huge  
18 employee in the community. And if they need it for  
19 their facilities, fine.

20                     But in terms of why any individual  
21 businesses wouldn't go there, number one I don't think  
22 they know how. Maybe number two is again -- and you  
23 bring up a good point. I drive past that location  
24 quite a lot.

25                     And again maybe it's because I'm thinking



1 about the Wai'anae Comprehensive Health Center we  
2 never even thought about how do we help a business go  
3 and get this.

4 Q Just to wrap up. So there's talk about the  
5 agricultural incubator. I understand it's still not  
6 quite set. Would it be value added kinds of  
7 activities or real crops, crops in the ground? Then  
8 you also talked about digital media. And I'm curious  
9 how compatible are those two ideas, those incubator  
10 ideas with the truck use.

11 Have you read the traffic analysis? There's  
12 expected 500 trucks approximately an hour going in and  
13 out. So I mean how do you see that being compatible?

14 A Number one, we have a very distinct facility  
15 at the site. I also don't know what some of the other  
16 businesses that will be like that locate there. I  
17 think number one it's going to be more based on what  
18 it is we offer in terms of the costs for the  
19 participants, will we provide technical assistance and  
20 training for them? And how we can help them become  
21 successful.

22 Right now we have Makaha Studios operating  
23 on the second floor of a delapidated shopping center  
24 in Makaha. So people are basically going wherever  
25 they can.

1           Q     Can you in your mind describe the difference  
2 between light industrial, heavy industrial and  
3 commercial use?

4           A     Well, light industrial would probably be  
5 what you see at Campbell Industrial Park where they  
6 take my garbage and burn it.

7           Q     That's light.

8           A     No, no. That's heavy. Light industrial  
9 park from my understanding, you don't have those kinds  
10 of uses at the park. They-re kinda more along the  
11 lines, could be more along the lines up above Waipahu  
12 where you set aside sites for companies to build a set  
13 of warehouses and do that kind of work.

14                     And commercial would be kind of what I was  
15 hoping we would have seen if they didn't build Halewai  
16 this side you know, Wai'anae. But the idea there  
17 would be retail establishments that would be located,  
18 people would go to purchase products and services.

19           Q     Okay. So you're looking more towards  
20 commercial or more towards light?

21           A     More...

22           Q     For the Tropic Land parcel.

23           A     No, no. We're looking for light. Basically  
24 this would be -- again, it's a use of a light  
25 industrial park for digital media incubator. People

1 would probably come in, purchase services in the same  
2 way they would with any other company that would be  
3 located at the site.

4 MS. TOWNSEND: Okay. Thank you.

5 CHAIRMAN DEVENS: Are you done?

6 MS. TOWNSEND: Yes. Sorry.

7 MR. YUEN: I have no redirect.

8 CHAIRMAN DEVENS: Commissioners have any  
9 questions? Commissioner Lezy.

10 COMMISSIONER LEZY: Thank you, Chair. Very  
11 quick. Thank you for your testimony, Mr. Lapilio. As  
12 I said, just a couple of quick questions for you. The  
13 first is regarding this, I think it's an assumption on  
14 your part that if the petition is granted and this  
15 light industrial park was built that it will attract  
16 these nonconforming home businesses on the Wai'anae  
17 Coast. Fair to say?

18 THE WITNESS: Correct.

19 COMMISSIONER LEZY: Have you ever done any  
20 sort of valuation or are you aware of any sort of  
21 valuation that quantifies what the overhead  
22 requirement would be in order to attract one of these  
23 nonconforming businesses to a light industrial park?

24 I'm assuming that not only is it a matter,  
25 perhaps, of not having somewhere to go available, but

1 a big part of it I'm sure, if you can use your home  
2 you avoid the overhead of having to take a space and  
3 the comparable expenses.

4 Are you aware of any sort of valuation of  
5 what that would require in order to attract those  
6 kinds of businesses?

7 THE WITNESS: We haven't done a survey of  
8 number one of how many businesses or what the  
9 businesses would be looking for in an industrial park.  
10 There's a couple of steps here.

11 Number one is I think we gotta get better  
12 ideas whether or not the park is going in. Then the  
13 developer has an idea of what the costs are going to  
14 be. It's my understanding the lots at the park are  
15 going to be condominium style. So you have various  
16 owners probably subletting or using the sites  
17 themselves. But there's a lot of different variables  
18 that we'd have to kind of look at.

19 I think one of the other factors too I want  
20 to go back to my street. I put up with the guy on my  
21 street with the auto repair shop because he has  
22 nowhere else to go. If there were options he  
23 probably -- we'd have different discussions.

24 I'm also aware of other people who are in  
25 the same situation that things are happening around

1   them that they would prefer not to happen around them,  
2   but we are all aware there is nowhere else for these  
3   people to go.

4               COMMISSIONER LEZY:   One other question.   You  
5   mentioned in your testimony that before Tropic Land --  
6   before you became aware of the Tropic Land's plan,  
7   that you had participated in an evaluation and search  
8   for potential sites for a light industrial park.   I'm  
9   wondering what sites you folks identified as  
10  candidates?

11              THE WITNESS:   We kind of had an underlying  
12  motive in it as well.   One is, I think you're probably  
13  well aware most people in Wai'anae do not want another  
14  landfill.   I think this one was Nanakuli B or Maili B  
15  or whatever it was.   But the two sites we looked at  
16  was the one is being discussed right now for the  
17  petition.

18              The other was an old quarry kind of makai of  
19  Pa'akea Road up above Maili that was also being  
20  considered for one of the options for a landfill.   So  
21  that was also not a place -- again because of the size  
22  that that was one of the sites we were looking at.  
23  Again, that was for the industrial park, not  
24  necessarily the incubator.

25              COMMISSIONER LEZY:   So there were only two

1 sites you identified then, one being the Tropic Land  
2 site?

3 THE WITNESS: There were only two sites that  
4 made sense to us. Number one because we considered,  
5 again this cursory. It wasn't something we did, took  
6 up funding and hired somebody to actually do for us.

7 It also had to be something that would kinda  
8 be near, nearer to the entrance of Wai'anae than  
9 something further back in Wai'anae or Makaha.

10 Because then you would have other issues  
11 that would arise if you had the people utilizing the  
12 industrial park that would have to go all the way  
13 minute through Wai'anae. So those two sites seemed to  
14 be the most attractive to us for the location as well  
15 as the size.

16 COMMISSIONER LEZY: But so I understand, you  
17 identified the Tropic Land site specifically as a  
18 potential?

19 THE WITNESS: That area. But we didn't --  
20 at that point we didn't know who the owner was. We  
21 didn't know what the plans were. We looked at it as  
22 an area.

23 COMMISSIONER LEZY: And the site in Wai'anae  
24 was that urban designation?

25 THE WITNESS: It was in Maili.

1 COMMISSIONER LEZY: Pardon me. The Maili  
2 site, was that already designated urban?

3 THE WITNESS: That I don't know.

4 COMMISSIONER LEZY: Thank you.

5 CHAIRMAN DEVENS: Nothing else? The witness  
6 is excused.

7 MS. TOWNSEND: Can I do a quick redirect  
8 based on the Commissioner's questions?

9 CHAIRMAN DEVENS: Recross.

10 MS. TOWNSEND: Recross. Sorry.

11 CHAIRMAN DEVENS: How many questions do you  
12 have?

13 MS. TOWNSEND: Just one.

14 CHAIRMAN DEVENS: Okay.

15 RECROSS EXAMINATION

16 BY MS. TOWNSEND:

17 Q Based on what you just said about it being  
18 someplace closer to the beginning of Wai'anae as  
19 opposed to farther, is there a reason why you didn't  
20 consider the Nanakuli Village?

21 A The Nanakuli Village, my understanding is a  
22 commercial site. It is designed to be more along the  
23 lines of a shopping area. It has some residences in  
24 plans but it's not a production or kind of a light  
25 industrial site. But we have been in communication

1 with everybody working on the site from Kimo to Mike  
2 Aikina to Kali Watson.

3 CHAIRMAN DEVENS: Okay? That's it. We will  
4 be in recess. We'll reconvene tomorrow at 9:00  
5 o'clock. Thank you very much.

6

7 (The proceedings were recessed at 3:35 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 9th day of September 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.

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14

15 DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2010

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20 \_\_\_\_\_  
21 HOLLY M. HACKETT, CSR #130, RPR  
22 Certified Shorthand Reporter  
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