

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LAND USE COMMISSION

STATE OF HAWAI'I

HEARING

DR10-41 MOLOKAI PROPERTIES LIMITED )  
)  
)  
)

---

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for a Public Hearing held at Mitchell Pau'ole Community Center, Kaunakakai, Molokai, Hawai'i, commencing at 1:55 p.m. on Thursday, February, 3, 2011 pursuant to Notice.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

COMMISSIONERS:  
THOMAS CONTRADES  
VLADIMIR DEVENS (Chairman)  
RONALD HELLER  
CHARLES JENCKS  
NORMAND LEZY  
NICHOLAS TEVES, JR.

EXECUTIVE OFFICER: ORLANDO DAVIDSON  
ACTING CHIEF CLERK: RILEY HAKODA  
STAFF PLANNERS: BERT SARUWATARI, SCOTT DERRICKSON

DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. DR10-41 Molokai Properties, Limited

For the Petitioner: CURTIS T. TABATA, ESQ.  
WYETH M. MATSUBARA, ESQ.  
PETER NICHOLAS, ED- MPL  
ROY SUGIYAMA, COO- MPL

For the County: MICHAEL HOPPER, ESQ.  
Deputy Corporation Counsel  
JEFFREY DACK, AICP  
Current Planning Division  
Department of Planning

For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
MARY ALICE EVANS  
Office of Planning  
RUSSELL KOKUBUN,  
Director Dept. of Ag

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

PUBLIC WITNESS	PAGE
Lori Buchanan	9
Andrew K. Arce	12
Cheryl Corbiell	14
Adolph Helm	16
Dawn Bicoy	19
Ku'ulei Arce	22
Lori Buchanan	25
Robert Stephenson	32
Renee Montizor	34
Rex Kamakana	36
Butch Haase	38

1

2           CHAIRMAN DEVENS: This meeting is called to  
3 order. This is a meeting of the Land Use Commission.  
4 Today is February 3rd, 2011. Before we get started I  
5 wanted to first thank the Molokai community for  
6 allowing us to hold the hearing today on your  
7 beautiful island.

8           As you know this a hearing an action meeting  
9 to consider DR10-41 Petition for a Declaratory Order  
10 to designate Important Agricultural Lands for  
11 approximately 4,919 acres at West Moloka'i, Molokai  
12 Hawai'i TMK:5-1-02:portion of 23, portion of 30.

13           Before we get started could we have the  
14 appearances by the parties starting with the  
15 Petitioner, Mr. Tabata.

16           MR. TABATA: Good afternoon, Mr. Chair,  
17 members of the Commission. Curtis Tabata and Wyeth  
18 Matsubara appearing on behalf of Petitioner Molokai  
19 Properties Limited. Also present to my right is Peter  
20 Nicholas, the executive director of Molokai Properties  
21 Limited and Roy Sugiyama, chief operating officer for  
22 Molokai Properties Limited.

23           CHAIRMAN DEVENS: Good afternoon to you all.

24           MR. HOPPER: Good afternoon, Chair. Michael  
25 Hopper with Maui County Department of Corporation

1 Counsel. To my right is Jeffrey Dack. We represent  
2 the Maui County Department of Planning.

3 CHAIRMAN DEVENS: Good afternoon.

4 MR. YEE: Good afternoon. Deputy Attorney  
5 General Bryan Yee on behalf of the Office of Planning.  
6 With me is Mary Alice Evans from the Office of  
7 Planning as well as Russell Kokubun, director of the  
8 Department of Agriculture.

9 CHAIRMAN DEVENS: Good afternoon to you all.

10 On November 30th, 2010 the Commission received  
11 Molokai Properties Limited Petition for Declaratory  
12 Order to designate Important Agricultural Lands and  
13 Exhibits A through Be.

14 On January 20th, 2011 the Commission received  
15 Petitioner's first Amendment to petition for  
16 Declaratory Order to Designate Important Agricultural  
17 Lands and Exhibit C.

18 On January 24, 2011 the Commission received  
19 Maui County Department of Planning's comment letter  
20 via e-mail.

21 On January 25, 2011 the Commission received a  
22 comment letter from the Department of Agriculture via  
23 fax and a letter from Petitioner requesting that  
24 DR10-41 be set for a contested hearing.

25 On January 26, 2011 the Commission received

1 State of Hawaii's Office of Planning's comment letter.

2           On February 1st, 2011 the Commission received  
3 Petitioner's second amendment to the Petition for  
4 Declaratory Order to Designate Important Agricultural  
5 Lands and Exhibit D.

6           Since this amendment was just received it is  
7 not reflected on the staff's map. The revisions --  
8 this revises the IAL acreage to approximately 5,093  
9 acres.

10           On February 2, 2011 the Commission received  
11 written correspondence via fax from Alton S. Arakaki,  
12 County Extension Agent, University of Hawai'i College  
13 of Tropical Agriculture and Human Resources.

14           February 3rd the Commission received written  
15 correspondence from Kay Mahealani Davis, Glenn Teves,  
16 of the county of Maui.

17           Mr. Tabata, you're aware of the Commission's  
18 policies regarding the reimbursement of hearing  
19 expenses and do you agree to that?

20           MR. TABATA: Yes, Mr. Chair, we're aware of  
21 the policy and we will comply.

22           CHAIRMAN DEVENS: Thank you. The Commission  
23 intends to take public testimony today. Before we get  
24 to that there's a preliminary matter that we need  
25 address. And that is namely the Petitioner's request

1 that this matter be set for a contested case pursuant  
2 to 15-15-100 and 15-15-103 of the Commission's rules.

3 For the benefit of the public, this request  
4 for a contested case, if granted, means that a hearing  
5 or hearings pursuant to public notice would be held  
6 here on Molokai in the future to decide this matter.

7 In addition there'd be an opportunity tot  
8 intervene as a matter in the contested case. Since we  
9 have limited time today the Chair, we suggest that we  
10 allow the Petitioner to present this request for the  
11 contested case hearing at this time. So we'll take  
12 those arguments. We'll see which way the Commission  
13 wants to rule and then we'll open up the proceedings  
14 to take public testimony. Petitioner?

15 MR. TABATA: Thank you, Mr. Chair. The  
16 request for the contested case hearing was intended to  
17 reflect the comments that we received from the  
18 Department of Agriculture.

19 The DOA had submitted its letter and raised  
20 issues we consider to be serious and perhaps requiring  
21 more information and evidence in order for the  
22 Commission to resolve this matter.

23 On that basis we felt that it would be best to  
24 make the request, understanding that the Commission is  
25 currently under a 90-day time clock. If the

1 Commission feels it requires more information to  
2 resolve this matter to make its ruling, then we would  
3 have no objection to this matter being set for a  
4 contested case hearing. We feel that if the  
5 Commission does need more information, then the  
6 contested case process would best serve that goal.

7 CHAIRMAN DEVENS: County, do you have a  
8 response?

9 MR. HOPPER: As the County's not a party at  
10 this time we wouldn't have any objection to the  
11 contested case hearing but would want to intervene in  
12 that hearing if granted. We think it's within the  
13 discretion of the Commission to grant one. So we  
14 would leave that up to the Commission. But the County  
15 would be interested in intervening so it can let its  
16 views known in such a hearing if you go that route.

17 CHAIRMAN DEVENS: As it stands from what  
18 you've heard you have no option to the request?

19 MR. HOPPER: That's correct.

20 CHAIRMAN DEVENS: Mr. Yee?

21 MR. YEE: Office of Planning has no objection  
22 to the request. In fact we concur with it. We would  
23 like to note for you that the Department of  
24 Agriculture would request to intervene and the Office  
25 of Planning will defer to the Department of

1 Agriculture.

2           CHAIRMAN DEVENS: Does anyone in the audience  
3 want to give any public testimony on this very narrow  
4 issue which is merely a request to turn this  
5 proceeding into a contested case hearing which would  
6 open it up to more information, allow other parties to  
7 intervene in the proceeding and would really give  
8 everyone an opportunity for a full and fair hearing,  
9 which would probably produce more information as  
10 opposed to the proceeding that we are now facing.

11           If anyone wants to make comments on that,  
12 please come up. If I can just swear you in first,  
13 ma'am.

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

17           THE WITNESS: Yes.

18           CHAIRMAN DEVENS: If you can just state your  
19 name and address before you begin.

20           THE WITNESS: My name is Lori Buchanan. I'm a  
21 resident of Molokai, P. O. Box 133, Ho'olehua 96729.  
22 Chair, I would also request to be listed to intervene  
23 in the contested case hearing.

24           CHAIRMAN DEVENS: What we'll do is -- right  
25 now we don't know -- we'll have the Commission

1 consider today whether or not it will grant the  
2 request. But if it does you'll have an opportunity to  
3 make your request and we'll take it up at that time.

4 THE WITNESS: Thank you, Chair.

5 CHAIRMAN DEVENS: Thank you. Anyone else in  
6 the public want to offer any comments or testimony  
7 regarding this very narrow issue regarding the request  
8 for contested case hearing? There appears to be none.  
9 Commissioners, your pleasure on this?

10 COMMISSIONER HELLER: Like to make a motion.

11 CHAIRMAN DEVENS: Commissioner Heller.

12 COMMISSIONER HELLER: Yes. In view of the  
13 fact that there does appear to be some opposition and  
14 that there may be additional information that we have  
15 not yet received, I move that we set this case for a  
16 contested case hearing.

17 CHAIRMAN DEVENS: Is there a second to  
18 Commissioner Heller's motion?

19 COMMISSIONER TEVES: Second.

20 CHAIRMAN DEVENS: There's a second. Any  
21 discussion on this? Commissioner Contrades.

22 COMMISSIONER CONTRADES: I have a question.

23 CHAIRMAN DEVENS: Sure.

24 COMMISSIONER CONTRADES: If we do this we  
25 still only have the 90 days to work with? No?

1           MR. DAVIDSON: Commissioner, it would be  
2 opened up to a full process more like the district  
3 boundary amendment. There'd be notice published in  
4 the papers, and it would be set for hearing subsequent  
5 to that. So, no, you can't have the same deadline.

6           COMMISSIONER CONTRADES: Okay. Thank you.

7           CHAIRMAN DEVENS: Any further discussion on  
8 then motion? Hearing none, Dan if you can call for  
9 the vote, please.

10          MR. DAVIDSON: Motion for a contested case.  
11 Commission Heller?

12          COMMISSIONER HELLER: Yes.

13          CHAIRMAN DEVENS: Commissioner Teves?

14          COMMISSIONER TEVES: Yes.

15          MR. DAVIDSON: Commissioner Contrades?

16          COMMISSIONER CONTRADES: Yes.

17          MR. DAVIDSON: Commissioner Jencks?

18          COMMISSIONER JENCKS: Yes.

19          MR. DAVIDSON: Commissioner Lezy?

20          COMMISSIONER LEZY: Yes.

21          MR. DAVIDSON: Chair Devens?

22          CHAIRMAN DEVENS: Yes.

23          MR. DAVIDSON: Motion passes 6/0, Chair.

24          CHAIRMAN DEVENS: Thank you. So what that  
25 means is that this matter will be reset for a

1 contested case hearing. Those that wish to intervene  
2 at that time will have to file the appropriate filings  
3 with the Commission. And we'll take each request up  
4 at the next hearing set in this matter.

5 But since we're here and the public has come  
6 out, if anyone wishes to give any public testimony  
7 pertaining to the petition, we'd welcome any comments  
8 at this time or any offerings of any testimony since  
9 you have taken the time to be here today.

10 If you have not signed up you can still come  
11 up and give testimony. Looks like we have about eight  
12 speakers. Dan will call the first witness.

13 MR. DAVIDSON: Andrew Arce.

14 CHAIRMAN DEVENS: Andrew, if I can swear you  
15 in.

16 ANDREW ARCE

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

19 THE WITNESS: Yes I do.

20 CHAIRMAN DEVENS: Would you state your name  
21 and address before you begin.

22 THE WITNESS: Aloha. My name is Andrew Arce,  
23 address P. O. Box 72 Ho'olehua, Molokai, 96729.

24 Members of the committee, residents of Molokai aloha.

25 AUDIENCE MEMBERS: Aloha.

1           THE WITNESS: My name is Andrew Arce. I was  
2 born and raised here on Molokai on Ho'olehua  
3 Homestead. I've been involved in agriculture for over  
4 30 years. I'm here today to ask for your support for  
5 the petition designating these lands as Important  
6 Agricultural Lands.

7           Approval of this petition would allow the  
8 expansion or ranchers like Uncle Jimmy to continue his  
9 family operation. It also puts money back into our  
10 Molokai economy by providing value added crops to the  
11 sale of these animals to the Molokai livestock  
12 cooperative, supermarkets and restaurants.

13           Businesses here depend on Molokai, other  
14 businesses on Molokai to provide products and services  
15 to keep our economy alive. Farming and ranching is a  
16 way of life. It's not for everyone. Uncle Jimmy has  
17 been doing this all of his life passing on his  
18 knowledge onto his children who in turn teach their  
19 children business. By allowing this petition to move  
20 forward it would help Molokai's economy, provide  
21 opportunities for business, preserving agricultural  
22 lands from development but most of all keep our rural  
23 way of living. Aloha.

24           CHAIRMAN DEVENS: Let me see if there's any  
25 questions. Any questions from the participants?

1 MR. TABATA: No questions.

2 MR. HOPPER: No questions.

3 MR. YEE: No questions.

4 CHAIRMAN DEVENS: Commissioners, any questions  
5 for this witness? Hearing none, thank you very much  
6 for coming out today. Next witness.

7 MR. DAVIDSON: Cheryl Corbiell followed by  
8 Adolph Helm.

9 CHERYL CORBIELL

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

12 THE WITNESS: Yes.

13 CHAIRMAN DEVENS: If you can tell us your name  
14 and address please?

15 THE WITNESS: I'm Cheryl Corbiell, P. O. Box  
16 1582 Kaunakakai. I'm a resident of Molokai. Aloha,  
17 Commissioners. For the first part I represent the  
18 Molokai Land Trust. And then I have some personal  
19 comments I want to make.

20 From the land trust, the Molokai Land Trust  
21 supports the designation of the 5,093 acres of  
22 important agricultural lands application of Molokai  
23 Properties. Of the lands in the Kaluakoi Molokai  
24 Ranch by Kohakukualoa Ranch and Diamond B Ranch.

25 James, "Uncle Jimmy" Duvachelle is the

1 principal shareholder and manager of the ranch and is  
2 also a local contractor with the Diamond B Ranch.

3           Ranching in the paniolo way of life is an  
4 integral f the historic cultural legacy of Molokai.  
5 In order to support the IAL Molokai Land Trust will  
6 negotiate the terms for accepting an agricultural  
7 easement for the land with Molokai Properties Limited.

8           So as a land trust we support it as well as we  
9 would cooperate with the ranch as being, accepting the  
10 easement and looking after those lands into the  
11 future.

12           From a personal perspective not nothing really  
13 different but want to be on the record as an  
14 individual. Designating these lands reinforces the  
15 use of the lands both for the ranching and farming  
16 community.

17           Important Ag Lands are just not for today but  
18 into the future. These historically -- historic ag  
19 lands had many different uses everything from long  
20 time ago sweet potato and then, of course, more  
21 recently pineapple, and now pasture.

22           And when technology changes we have may again  
23 seep more intensive agricultural crops. So I hope  
24 that the Commission will not be narrow viewed in terms  
25 of what is happening today, but to look at what the

1 history of the land has been and what the history can  
2 continue to be because the land's change. So today  
3 they're pasture lands, but in a hundred years they may  
4 be growing sweet potatoes again. So I think the  
5 designation is important today. Thank you.

6 CHAIRMAN DEVENS: Any questions? Hearing  
7 none, thank you very much for your testimony.

8 MR. DAVIDSON: Adolph Helm followed by Dawn  
9 Bicoy.

10 ADOLPH HELM

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

13 THE WITNESS: Yes.

14 CHAIRMAN DEVENS: Just give us your address,  
15 Adolph.

16 THE WITNESS: P. O. Box 3791 Ho'olehua,  
17 Molokai, Hawai'i 96729. And it's H-E-L-M Helm. Maybe  
18 I wrote it kapakahi over there and you never  
19 understand. (Laughter).

20 Okay. My position is to support this petition  
21 by MPL. And I do it not because of MPL but because of  
22 Uncle Jimmy and my advocacy and support of  
23 agriculture. I'm born and raised in Kalamaula and now  
24 living on homestead lands of Ho'olehua. I support  
25 MPL'S request to designate approximately 4,900+ acres

1 at the west ends of the Molokai Important Agricultural  
2 Lands. I have been involved in some shape or form  
3 with agriculture on Molokai and throughout Hawai'i for  
4 over 30 years. Currently I serve as the project  
5 leader for Microgen seeds, a subsidiary of Dow  
6 agri-sciences, a seed corn research and production  
7 operation located on Molokai and Kauai.

8           Four years ago's I was invited by the  
9 Department of Agriculture to participate in a  
10 statewide workshop with other agriculture stakeholders  
11 including the cattle ranchers, to develop a road map  
12 to address opportunities to mitigate barriers and  
13 challenges to success.

14           Preservation of agricultural lands was  
15 identified as one the priorities the state needed to  
16 address. The IAL as specified in the Hawai'i Revised  
17 Stats HRS 205-42 requires the Petitioner to meet  
18 certain defined standards for designation. We  
19 understand that. You know, I mean, you know, you have  
20 certain standards and your expectation is for on the  
21 petitioner to follow these certain standards.

22           But fundamentally the intent and purpose of  
23 IAL designation is to preserve agricultural lands in  
24 perpetuity and to support, promote and expand  
25 agriculture activities on these lands as well. So

1 again I reiterate what the previous speaker had said.  
2 Try to think outside of the box, look at the big  
3 picture. Molokai Properties Limited petition for IAL  
4 designation is a step in the right direction to  
5 preserve agricultural lands and provide an opportunity  
6 for Uncle Jimmy to continue and grow his ranching  
7 business and operations on Molokai.

8           MPL's disclosure to voluntarily waive incentives  
9 pursuant to HRS 205-43 shows unconditional commitment  
10 to perpetuate agriculture on Molokai. The IAL  
11 designation will enhance, nurture and foster  
12 agriculture and ranching activities on Molokai for  
13 generations to come.

14           In addition, it recognizes these activities as  
15 an integral and important part of our island history.  
16 Not only will the designation help Uncle Jimmy succeed  
17 but many other businesses as well as the island  
18 community will benefit. We have just a few farmers  
19 and ranchers on Molokai who walks the talk. Very,  
20 very few. Lotta people talk but no walk. Uncle Jimmy  
21 is one of them that walk the talk.

22           I hope you consider all factors in your  
23 decision-making process including the implications and  
24 negative consequences to Uncle Jimmy and others as  
25 well. This is a great opportunity to move forward in

1 a positive direction. And humbly ask that you approve  
2 master MPL's request to designate 4,900 plus acres,  
3 IAL important ag lands. Thank you very much.

4 CHAIRMAN DEVENS: Questions for the witness?  
5 Hearing none, thank you very much.

6 MR. DAVIDSON: Dawn Bicoy followed by Ku`ulei  
7 Arce.

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

11 THE WITNESS: I do.

12 CHAIRMAN DEVENS: If you can tells your name  
13 and address, please.

14 THE WITNESS: My name is Dawn Bicoy. Address  
15 H.C.01 Box 228, Kaunakakai, Hawai'i 96748. I just  
16 want to say I'm a little nervous. This is the first  
17 time I've testified. So thank you.

18 I wanted to thank the Chair as well as the  
19 Commissioners for coming here and allowing the ag  
20 community to speak up on behalf of what's going on  
21 over here today. I actually have 2 testimonies.  
22 One's from the Maui County Farm Bureau. And I'd like  
23 to submit it you know, as it's ready written.

24 CHAIRMAN DEVENS: That'd be fine.

25 THE WITNESS: They also are -- I just want to

1 let you know that they reflect the same sentiments in  
2 support of this. I am here to represent the Molokai  
3 Farm Bureau. And I'd like to read some of my  
4 testimony please.

5           The Molokai Farm Bureau on behalf of our  
6 commercial farm and ranch families and organizations on  
7 the island strongly support and approve DR10-41  
8 designating lands on Molokai as Important Agricultural  
9 Lands.

10           As part of the Hawai'i Farm Bureau Federation  
11 we supported the Federation's initiative that resulted  
12 in the constitutional amendment to identify and  
13 protect important agricultural lands in Hawai'i. We  
14 continue to support legislative initiatives that set  
15 incentives for both the landowners and their tenants  
16 like Uncle Jimmy regarding IAL lands.

17           As the state sets food self-sufficiency as a  
18 top policy priority, we see IAL designations as an  
19 extremely important tool in conserving our lands to  
20 strengthen our agricultural capacity. We believe the  
21 request before the Land Use Commission has  
22 considerable merit. It places into IAL designation  
23 land that currently supports a viable ranching  
24 business and one with a long history on Molokai.

25           The cost to the state for the landholder is

1 minimal as MPL has waived many of the primary  
2 incentives currently in place for IAL lands. On the  
3 other hand, agricultural easements would cost the  
4 state and the federal government money. But most  
5 important is our view that the rancher would benefit  
6 from the many IAL-related incentives currently working  
7 their way through the legislative process. These  
8 incentives will not be available through an  
9 agriculture easement approach. This designation with  
10 its benefits to the rancher will also help hold in  
11 place an operation that's one of the largest suppliers  
12 of cattle to our local slaughterhouse.

13           This slaughterhouse benefits the local  
14 consumers as well as local livestock producers. So  
15 this is just a very clean and simple request. The  
16 land is primarily of high class A&B class soil. The  
17 agricultural operation, which is ranching, aligns with  
18 the intent of the IAL in protecting existing  
19 agricultural operations. And there are no  
20 implications regarding water systems outside of the  
21 existing MPL systems. If we want local beef  
22 protection of land that raises the livestock is not  
23 just important it's vital. So I thank you for your  
24 opportunity to testify.

25           CHAIRMAN DEVENS: Any questions for this

1 witness? Hearing none, thank you for your testimony.

2 THE WITNESS: Thank you.

3 MR. DAVIDSON: Ku'u lei Arce followed by Lori  
4 Buchanan.

5 KU'ULEI ARCE

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

8 THE WITNESS: Yes.

9 CHAIRMAN DEVENS: Can we have your name and  
10 address please.

11 THE WITNESS: My name is Ku`ulei Arce. My  
12 address is 72 Farrington Avenue, Ho'olehua, Molokai  
13 96729. Planning Commission, everyone gathered here  
14 today, Uncle Jimmy, aloha mai kakou.

15 My name is Ku'u lei Arce. I'm a native  
16 Hawaiian and raised in Ho'olehua Homestead area. I  
17 reside with my family on my grandparents' 40-acre  
18 homestead lot. I'm in support of this petition.

19 MS. ERICKSON: Could you slow down a little  
20 bit for the court report.

21 THE WITNESS: Sorry.

22 CHAIRMAN DEVENS: That's okay.

23 THE WITNESS: It's da portagee blood.

24 (Laughter)

25 CHAIRMAN DEVENS: Take your time.

1           THE WITNESS: My family and I operate a  
2 part-time farming operation. We are considered a  
3 small business. We raise diverse selection of  
4 vegetables to sell locally. My husband and I are also  
5 active 4H for the past 20 years.

6           I'm currently employed at the Maui Economic  
7 Opportunity always known as a MEO. I oversee the  
8 business development corporation department. I teach  
9 entrepreneur business class at MEO. I assist clients  
10 in building their dreams on paper and developing their  
11 dreams into reality if it proves to be feasible and  
12 viable.

13           In 2008 after Molokai Ranch closed its  
14 operation Uncle Jimmy retired after 40 years of  
15 service. But he didn't take to retirement mode to  
16 easily. Immediately after retiring he came to me with  
17 an idea and said he needed help. So I asked him.  
18 "How can I help you, Uncle?" He looked at me and  
19 said, "I need to come up with a business plan."  
20 Inside of me I wanted to tell him, "Just tell me what  
21 you need and I'll write 'em for you." But Uncle, he's  
22 not like that. He wanted to learn this part of the  
23 business on his own. So he enrolled in my class along  
24 with his two daughters and he learned a lot. Uncle  
25 knows the physical labor side of cattle ranching but

1 researching, building and managing was a little and  
2 different he is at the age that you cannot change  
3 careers. You need to just adapt and change.

4           I always emphasized to my clients to be an  
5 entrepreneur you need to be ready for change, have a  
6 contingency plan, be ready adapt. Uncle is adjusting,  
7 adapting and looking into this contingency. He's an  
8 entrepreneur and he's looking to expand his business.  
9 Uncle is a fourth generation of paniolo on Molokai  
10 Ranch. But it does continue. His daughters, his  
11 grandchildren and as I understand his 5-year-old great  
12 granddaughter came down and now participates in  
13 roundups on Molokai Ranch. Now, that is awesome.

14           If this Petition is passed, Molokai Ranch will  
15 allow Pohakuloa Ranch to lease ag land for another 20  
16 years. And this will allow them, first of all, to  
17 continue our legacy. I can say "our" because Uncle  
18 Jimmy is my uncle by blood not by choice.

19           Expanding will bring in more cattle, supply  
20 more meat on Molokai and actually make some profit.  
21 After all why are we all in business? To make some  
22 profit by supplying our customers with their needs and  
23 wants, right? Nothing more, nothing less. I am not a  
24 big fan of Molokai Ranch. Sorry. So my interest in  
25 this petition is the benefits that our island, her

1 people and the economy will endure today and in the  
2 future. So if you take a look at the big picture this  
3 petition will allow 7 cowboys and ranch staff to  
4 continue working, possibly creating more jobs. Supply  
5 our slaughterhouse with more cattle. They in turn  
6 supply Friendly Market, Misaki's with meat which we in  
7 turn buy for out tables to feed our families. It's a  
8 cyle. It's a great buy local cyle.

9 Another benefit will be the rodeo goers and my  
10 4H youth. In the past two to five years Maui County  
11 has emphasized going green and buying local. And yes  
12 we have come a long way but we can do more. Then by  
13 all means let's to it. consider this Petition  
14 submitted by Molokai Ranch and allow these lands to be  
15 preserved for ag purposes. And Pohakuloa Ranch to  
16 lease more Important Agricultural Lands and supply  
17 local meat to our community. It is the right thing to  
18 do. Thank you.

19 CHAIRMAN DEVENS: Questions for this witness?  
20 None. Thank you very much.

21 MR. DAVIDSON: Lori Buchanan followed by Mark  
22 Hayden.

23 LORI BUCHANAN  
24 being first duly sworn to tell the truth testified as  
25 follows:

1 THE WITNESS: Yes.

2 CHAIRMAN DEVENS: Your name and address.

3 THE WITNESS: My name is Lori Buchanan, P. O.

4 Box 133 Ho'olehua, Hawai'i 96729. Aloha,

5 Commissioners and thank you for coming to Molokai.

6 It's so nice to see all of you. And we appreciate

7 your service to the state of Hawai'i. Thank you.

8 Since this is kind of new and we're going to a

9 contested case hearing most of what I had to say can

10 be said then. But I think because our community is

11 here there's some stuff going on within this community

12 that might have an impact to this petition.

13 And just so the Commission is aware of it

14 while MPL is petitioning for this designation, I

15 understand they concurrently are developing an

16 environmental assessment. And that they needed to do

17 because their lease was up with the Molokai Irrigation

18 System.

19 In order to get the water allocation back from

20 the Molokai Irrigation System, they need to complete

21 an environmental assessment. They're going through

22 that scoping process right now. They already held one

23 portion of that environmental assessment scoping

24 meetings here.

25 So while that is going on I think either in

1 conjunction with the EA or as a separate issue MPL has  
2 to come up with some water data to the COWRM, to the  
3 Commission on Water Working Resources Commission.  
4 (sic). And that has been a big question for many  
5 people.

6           As the Molokai Irrigation System currently  
7 stands I don't think we really know what type of water  
8 allocation is coming from the irrigation system. How  
9 that plays a part on this designation is it a big  
10 question mark for myself. You can see there's  
11 actually nothing that I cannot concur with with the  
12 Department of Ag's correspondence of opposition. It's  
13 all correct.

14           But what the Department of Ag's letter did not  
15 cover, and maybe what most people did not touch on was  
16 the January 19th letter from the Department of  
17 Planning from Maui County. And I just wanted to point  
18 out for the record that as part of HRS 205-47 each  
19 county is to prepare an important ag land mapping. It  
20 goes on to tell the county what they need to provide.

21           And it says "Each county through its Planning  
22 Department shall develop," doesn't say may develop.  
23 It says "shall develop an inclusive process for public  
24 involvement in the identification of potential lands  
25 and the development of maps of lands to be recommended

1 as IAL lands including a series of public meetings  
2 throughout the identification and mapping process."

3           This has not been done. Maui County has not  
4 done this. They have not come to this community in  
5 compliance with HRS 205-47.

6           So while that's out there in outer space this  
7 is already the third application to this Land Use  
8 Commission for IAL designation. It is very difficult  
9 to supersede their application without developing the  
10 process for public involvement. So the county has not  
11 done this.

12           It kinds of walks on home rule if the Land Use  
13 Commission is going to trump the county process for  
14 community involvement. That's my question. So that's  
15 a very important part to me. Because in all of this  
16 the community really doesn't know what's going on.  
17 The common person really is not understanding what  
18 this is all about.

19           It's even difficult for myself to figure out  
20 between MPL's petition for IAL, the EA for the water  
21 from MIS, really what's going on. In the meantime we  
22 have the Department of Energy breathing down our  
23 necks. They'll probably be bothering down your guy's  
24 necks too with this new erect plan for the Hawai'i --  
25 what is it -- island renewable energy plan, whatever

1 it is. That's kind of an elephant in the room for us  
2 because as they do their programmatic EIS, all this  
3 all goes hand in hand for us as a community, because  
4 we're trying to figure out and we're scared an we  
5 don't know what's going happen to us next.

6 I can assume -- I put myself in MPL's position  
7 and I would be scared too. I'm not a proponent of  
8 eminent domain. What's to stop the state of Hawai'i  
9 to come in and tell MPL, "You're not playing ball with  
10 us with this energy renewable plan and I going take  
11 all your land through eminent domain for the greater  
12 use of the public"?

13 So I see attempts by the ranch that they're  
14 trying to do their best to save what they have. As a  
15 landowner it's not -- I mean, this is just my, it's my  
16 own testimony. I don't know what's going on. I'm  
17 trying to figure it out like everybody else.

18 So if I was MPL why would I want to put a  
19 development on my land that would preclude me from  
20 making some really money later on? Why would I want  
21 to be the host to 400 windmills and then I would have  
22 to fight the community again?

23 So there's a lot of stuff going on in our  
24 community right now. An the average Joe like myself  
25 we just trying to figure out what's going.

1           I went back and I reviewed at the time the  
2 Senate had the great debate on the Important Ag Lands.  
3 I see our new Chair of DOA there, Chair Kokubun was --  
4 greatly influenced the Important Ag Land bill. And it  
5 was for a reason. The pineapple's shutting down.  
6 Sugar was gone. All of a sudden Kunia had large  
7 tracts of lands that was sitting empty and fallow. An  
8 of course what moved in in ag lands was gentleman  
9 estates which didn't really benefit us right here, the  
10 people who make less than \$30,000 a year. So this was  
11 created to curb that.

12           Now, even with the Important Ag Lands  
13 designation there's nothing to stop MPL from invoking  
14 that they don't want the designation anymore. They  
15 can do. You guys all know that they can do that.  
16 They can come at the end of 20 years and say, "You  
17 know what? Our EA never go through. We never get our  
18 water from the MIS. You know what? We cannot do  
19 this. We need to be undesignated because we gotta do  
20 something else."

21           That's permissible under the law. They can do  
22 that.

23           The part I concur with a lot in the Office of  
24 Planning and DOA's response was it's a 99-year ag  
25 lease. We know what you going to do for 3,000 acres

1 for 20 years, whachu gonna do after? Nobody on this  
2 Land Use Commission that I know of, I've never seen  
3 the Ag agreement between the Molokai Land Trust and  
4 MPL. Does it exist? What's on it? I don't know.

5           They talked about other rotating ag crops,  
6 elevation, seed corn, this and that. It's all up in  
7 the air.

8           So that's why I say it's very difficult at  
9 this time, and you're moving past even the denial and  
10 you're going straight to a contested case which would  
11 make sense because there's insufficient information  
12 for you to come, to make a decision. That's the same  
13 for this community. So this community really needs  
14 information.

15           MR. DAVIDSON: Could you summarize?

16           THE WITNESS: Yes. I will pay my \$50 and sign  
17 up as an Intervenor only so I can get information.  
18 Because most people don't get information that they  
19 can read. They have to research on their own, try  
20 cockroach downloading papers at their place of work  
21 to read this stuff.

22           But ag is important on Molokai. And I would  
23 like the Land Use Commission at some point in time  
24 with their conclusions to poke the County of Maui to  
25 follow through with what they supposed to do because

1 if they don't do that, you cannot be designating  
2 anybody unless they have a county plan already and  
3 their map's now in place and they did their due  
4 diligence with the community. You can't even hear the  
5 case. So that's my -- an I thank you guys very much  
6 for coming. Mahalo.

7 CHAIRMAN DEVENS: Thank you. Any questions  
8 for this witness. There are none. Thank you very  
9 much.

10 MR. DAVIDSON: Mark Hayden followed by Robert  
11 Stephenson.

12 MR. HAYDEN: (from audience) I'm not speaking  
13 today.

14 MR. DAVIDSON: Okay. Thank you. Robert  
15 Stephenson.

16 CHAIRMAN DEVENS: This appears to be the last  
17 witness. If there's any other witnesses that wish to  
18 speak let us know before we conclude. You guys will  
19 be able to come up.

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

23 THE WITNESS: I do.

24 CHAIRMAN DEVENS: Please state your name and  
25 address, please.

1           THE WITNESS: My name is Robert Stephenson.  
2 I'm with the Molokai Chamber of Commerce, Post Office  
3 Box 515, Kaunakakai, Hawai'i 96748. Aloha,  
4 Commissioners, Chair Devens, thank you for taking the  
5 time to come over today. I appreciate the opportunity  
6 to submit some testimony.

7           I didn't come with any prepared testimony just  
8 a couple of points here. As the Molokai Chamber of  
9 Commerce we represent over 65 members which in turn  
10 represents hundreds of employees that have over a  
11 thousand family members on this island. And most of  
12 those workers are in the agricultural industry.

13           Molokai Chamber of Commerce supports and  
14 understands the importance of agriculture. Uncle  
15 Jimmy Duvauchelle is important to this community and  
16 has been for a very long time in the agricultural  
17 community. This step by MPL to designate their lands  
18 as Important Agricultural Lands will help keep  
19 agricultural lands in Agriculture.

20           There's a lot of talk about self-sufficiency  
21 and sustainability. And at Uncle Jimmy's ranch it  
22 helps feed Molokai. In fact one of our Chamber of  
23 Commerce members, Molokai Burger, they were serving  
24 100 percent Molokai beef. That's the only beef they  
25 served, but the demand could not be met.



1 Molokai Homestead Livestock Association. And on  
2 behalf of the board and my 65 members I want to  
3 support the Important Ag Lands by MPL.

4           And it's -- the program that we run is a  
5 community pasture. And the purpose of the program was  
6 to provide food for our members or to sell. And so ag  
7 land is really important. We want to continue to do  
8 this. And we're somewhat afraid that if you start  
9 changing the land from Important Ag Lands to -- and  
10 deny them that we have lands on Department of Hawaiian  
11 Home Lands. And so there's some kind of concern that  
12 these lands could be taken away from us and somewhat  
13 developed in other ways as well.

14           So we support any kind of cattle ranching  
15 because that's what we do. We sell our beef to the  
16 slaughterhouse. And our members can either take their  
17 cattle home, feed their family, or sell it to the  
18 slaughterhouse.

19           So it's also a very family oriented thing. So  
20 we have a lot of, a lot of people come out. So when  
21 you come out to our roundups we have a good 200 people  
22 there, you know. And it's not just adults. It's  
23 children. They're young little kids there and they're  
24 starting to learn about it. So it's important.  
25 Ranching has been a long, long program in Molokai.



1 level then go to the national level. So it is a big  
2 thing here on the island.

3 I'm also a board member of MHLA who is the  
4 Molokai Homestead Livestock Association. I'm heavily  
5 involved in that. My dad Dennis Kamakana sitting  
6 there is the herdsman. So we are heavily involved in  
7 ranching.

8 I'm also a proud parent an member of the 4H  
9 Livestock Association. My kids been in for the past  
10 seven years and we enjoy it.

11 Anyway, I asked myself the question: How does  
12 cattle ranching affect my life and my culture? And  
13 also is cattle ranching important to me?

14 And I asked myself that question and answered:  
15 Cattle ranching is very important to our lifestyle and  
16 our culture. It is a part of our daily routine.  
17 Ranching teaches us how to be self-sustaining meaning  
18 ranges brings family and friends together, provides  
19 subsistence food for feeding our families and also  
20 teaches us how to be economically sustainable meaning  
21 marketing, marketing our animals. It also teaches our  
22 kids how to be hard workers and practice our old  
23 paniolo heritage.

24 In conclusion, like I said, I support the  
25 petition presented by MPL for designated IAL lands.

1 With this, you know, this would continue and enable us  
2 and our kids to live on these paniolo heritage. Thank  
3 you.

4 CHAIRMAN DEVENS: Questions for this witness?  
5 Hearing none, thank you very much.

6 MR. DAVIDSON: Butch Haase.

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

10 THE WITNESS: I do.

11 CHAIRMAN DEVENS: Name and address.

12 THE WITNESS: My name's Butch Haase, P. O. Box  
13 161 Kualapuu, 96757. Chair, Commissioners, thank you  
14 for coming to Molokai today, hearing testimony from  
15 our community regarding the designation of IAL lands  
16 on Molokai Ranch.

17 These lands have historically produced crops  
18 there are consistent with the designation for IAL  
19 lands. This was once part of the largest pineapple  
20 plantation in the world. These lands have the  
21 potential of becoming important agricultural lands in  
22 the future as well.

23 I'd just like to say I support the designation  
24 of these lands. And thank you for your time for  
25 listening to the community.

1           CHAIRMAN DEVENS: Thank you. Any questions  
2 for this were witness? There are none. Thank you.  
3 Anyone else want to provide public testimony at this  
4 time? There does not appear to be anyone else. So we  
5 will adjourn at this time. And this matter will be  
6 scheduled and calendared for a contested case hearing,  
7 and appropriate notice will be sent out. Thank you  
8 very much for having us again and thank you for coming  
9 out today. We stand adjourned.

10

11           (The proceedings were adjourned at 2:45 p.m.)

12                               --oo00oo--

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State of Hawai'i, do hereby certify;

That I was acting as court reporter in the foregoing LUC matter on the 3rd day of February 2011;

That the proceedings were taken down in computerized machine shorthand by me and were thereafter reduced to print by me;

That the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2011

---

HOLLY M. HACKETT, CSR #130, RPR  
Certified Shorthand Reporter

