

1 LAND USE COMMISSION
2 STATE OF HAWAI'I
3 HEARING AND ACTION
4 A06-771 D.R. HORTON-SCHULER HOMES, LLC)
5 _____)
6

7 TRANSCRIPT OF PROCEEDINGS
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9 The above-entitled matter came on for a Public Hearing
10 at Leiopapa A Kamehameha, Second floor, Conference
11 Room 204, 235 South Beretania Street, Honolulu,
12 Hawai'i, Hawai'i, commencing at 9:40 a.m. on Thursday
13 October 20, 2011, pursuant to Notice.
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18 REPORTED BY: HOLLY M. HACKETT, RPR, CSR #130
19 Certified Shorthand Reporter
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1 A P P E A R A N C E S

2 COMMISSIONERS:
KYLE CHOCK (Presiding Officer)
3 THOMAS CONTRADES
LISA M. JUDGE
4 CHAD McDONALD
JAYE NAPUA MAKUA
5 ERNEST MATSUMURA
NICHOLAS TEVES, JR.
6

7
8 EXECUTIVE OFFICER: ORLANDO DAVIDSON
ACTING CHIEF CLERK: RILEY HAKODA
9 STAFF PLANNERS: BERT SARUWATARI, SCOTT DERRICKSON

10 DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

11 AUDIO TECHNICIAN: WALTER MENCHING

12

13 Docket No. A06-771 D.R. Horton-Schuler Homes, LLC

14 For the Petitioner: BENJAMIN KUDO, ESQ.
NAOMI KUWAYE, ESQ.
15 YUKO FUNAKI, ESQ.

16 For the County: DAWN TAKEUCHI-APUNA, ESQ.
Deputy Corporation Counsel
17 TIM HATA - DPP

18 For the State: BRYAN YEE, ESQ.
Deputy Attorney General
19 MARY LOU KOBAYASHI
Director Office of Planning
20

21 For Intervenor Friends of Makakilo: DR. KIONI DUDLEY
LINDA PAUL, ESQ.
22

For Intervenor Sierra Club: TATYANA CERULLA, ESQ.
23 ELIZABETH DUNNE, ESQ.

24 For Intervenor Senator Clayton Hee: ERIC SEITZ, ESQ.
SARAH DEVINE, ESQ.
25 Also Present: SENATOR CLAYTON HEE

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1 PRESIDING OFFICER CHOCK: (Gavel) Good
2 morning, everybody. I'd like to call this meeting to
3 order. I'd like to start with the adoption of the
4 minutes. Do we have a motion?

5 COMMISSIONER CONTRADES: So moved.

6 COMMISSIONER JUDGE: Second.

7 PRESIDING OFFICER CHOCK: It's been moved
8 and seconded. Any discussion? Executive Officer, can
9 you please poll the Commission.

10 MR. DAVIDSON: I think that can be just an
11 all those in favor, Chair.

12 (Commissioners voting: Aye.)

13 PRESIDING OFFICER CHOCK: Any opposed?
14 Unanimous. Tentative meeting schedule. Executive
15 officer.

16 MR. DAVIDSON: Thank you, Chair. We've
17 distributed the tentative meeting schedule showing the
18 schedule really through December. And as always
19 please contact Riley or myself if you have any
20 question, conflicts, et cetera.

21 PRESIDING OFFICER CHOCK: This is an action
22 meeting on A06-117 D.R. Horton-Schuler Homes, LLC, a
23 Delaware limited liability company, to amend the
24 Agricultural Land Use District boundary into the Urban
25 Land Use District for approximately 1,525 acres of

7

1 land at Honouliuli, Ewa District, O'ahu. Will the
2 parties please identify themselves for the record.

3 MR. KUDO: On behalf of the Petitioner D.R.
4 Horton-Schuler I have Ben Kudo, Naomi Kuwaye, Yuko
5 Funaki, and with me from D.R. Horton-Schuler is
6 Cameron Nekota.

7 MS. TAKEUCHI-APUNA: Good morning. Deputy
8 Corporation Counsel Dawn Takeuchi-Apuna on behalf of
9 the Department of Planning and Permitting. Here with
10 me today is Tim Hata.

11 MR. YEE: Good morning. Deputy Attorney
12 General Bryan Yee on behalf of the Office of Planning.
13 With me is Mary Lou Kobayashi from the Office of
14 Planning.

15 DR. DUDLEY: Good morning. Dr. Kioni Dudley
16 from the Friends of Makakilo. With me this morning as
17 my legal advisor Linda Paul.

18 MS. CERULLO: Good morning. Tatyana Cerulla
19 on behalf of Sierra Club.

20 MS. DUNNE: Good morning. Elizabeth Dunne
21 also on behalf of Sierra Club.

22 MR. SEITZ: Good morning. Eric Seitz
23 representing Senator Clayton Hee who is present here
24 with me and also to my right my associate Sarah
25 Devine.

8

1 PRESIDING OFFICER CHOCK: Thank you very
2 much. Let me update the record relative to this
3 hearing. On September 3rd, 2011 a pre-hearing
4 conference was held and a pre-hearing order was issued
5 on September 19, 2011.

6 From September 14, 2011 to October 18, 2011
7 the Commission received written correspondence and
8 e-mail from 109 individuals whose names are on file.

9 On September 20th, 2011 the Commission
10 received Petitioner's Joint Stipulation on evidence
11 and witnesses.

12 On September 26 the Commission received
13 DPP's Notice of Withdrawal of all previous exhibits,
14 position statements, testimonies and exhibits and
15 DPP's new list of witnesses, list of exhibits and
16 Exhibits 1B through 10B.

17 OP's list of witnesses, Exhibits 1B through
18 3B and 5B through 11B.

19 Intervenor Senator Hee's Position Statement,
20 proposed Witness List, Exhibit A, proposed Exhibit
21 List and Exhibit 61B.

22 Petitioner's Seconded Amended List of
23 Witnesses, Second Amended List of Exhibits and
24 Petitioner's Exhibits 6B through 8B, 11 through 14B,
25 26B, 31B, 33.1B, 43B, 74B, 86B through 91B and 93B

9

1 through 99B.

2 Friends of Makakilo's 2011 Amended Witness
3 List and Exhibit List and Exhibits B1 through B34.

4 Sierra Club Position Statement with List of
5 Witnesses, List of Exhibits, Exhibits 40B through 52B.

6 On October 3rd, 2011 the Commission received
7 Intervenor Senator Clayton Hee's Motion for Issuance
8 of Subpoenas.

9 On October 6, 2011 the Commission received

10 Petitioner's Second Amended List of Rebuttal Exhibits,
11 Second Amended List of Rebuttal Witnesses and Exhibits
12 79.1B, 81.1B, 82.1B and 92B.

13 OP Exhibit 4B.

14 Sierra Club's Exhibits 40B through 44B and
15 46B.

16 Friends of Makakilo's Expert Witness
17 Testimony and resumé for Friends' Exhibits B3, B11,
18 B35 and B36.

19 On October 10th the Commission received
20 DPP's Statement of No Objection to Intervenor Clayton
21 Hee's Motion for Issuance of Subpoenas in Petitioner's
22 Third Amended Petition.

23 On October 11 the Commission received DPP's
24 Amended Certificate of Service.

25 On October 13, 2011 the Commission received

10

1 OP's 7th Amended List of Exhibits and Exhibit 30B.

2 On October 17, the Commission received the
3 Motion for Second Site Visit from Intervenor The
4 Sierra Club signed by Intervenor Sierra Club, Friends
5 of Makakilo and Senator Clayton Hee.

6 On October 18, 2011 the Commission received
7 Petitioner's Third Amended List of Witnesses, Third
8 Amended List of Exhibits, third Amended List of
9 Rebuttal Witnesses, Third Amended List of Rebuttal
10 Exhibits and Exhibits 96.1 and 100B.

11 On October 19 the Commission received

12 written correspondence, fax and e-mails from UH West
13 Oahu, Gene Awakuni, IBEW-Damien Kim, Cindy Matsumoto,
14 Stuart Novick, Salvation Army and the Ray & Joan Kroc
15 Community Center- Major Phil Lum; State Senator Mike
16 Gabbard, Peter Emerson, Plumbers and Fitters Local
17 675-Donovan Lewis.

18 On October 20 as of 8:00 a.m. the Commission
19 received written testimony via e-mail from Patricia
20 Anne Likos, Judith Wilhoite, Becky Kam-Locascio, Les
21 Oshiro, and Beatrice Metzger and Candace Fujikane.

22 Let me briefly run over our hearing
23 procedure for the day. I will call for those
24 individuals desiring to provide public testimony to
25 identify themselves. All such individuals will be

11

1 called in turn to our witness box where they will be
2 sworn in. A three minute time limit on testimony rule
3 will be enforced.

4 Upon completion of the public testimony LUC
5 will provide a map orientation. I will then give
6 opportunity for the parties to admit their exhibits
7 for the record.

8 After the admission of exhibits for the
9 record the Petitioner will begin its case. Once
10 Petitioner is finished with its presentation the other
11 parties will present their cases.

12 The Chair would also note for the parties

13 and the public that from time to time I will be
14 calling for short breaks. Are there any questions on
15 our procedure for today?

16 MR. SEITZ: Excuse me, Mr. Chairman. I
17 don't have a procedural question, but I have an
18 initial inquiry I'd like to address if I may at this
19 time.

20 PRESIDING OFFICER CHOCK: Please, proceed.

21 MR. SEITZ: And that inquiry is this: I, in
22 my preparations for the hearing today, came across a
23 brochure issued by the Hawai'i Department of
24 Agriculture entitled Important Agricultural Lands
25 Update that apparently was issued in May 2010. And in

12

1 that document it refers to the fact that the
2 Department of Agriculture is working with the Land Use
3 Commission as they develop their own administrative
4 rules for the reclassification process, which is
5 consistent with the Act 183 passed by the Legislature
6 in 2005.

7 My question is: In the 14 or 15 months
8 since this pamphlet was issued, are administrative
9 rules that have been adopted by the Land Use
10 Commission pertaining to that act? Because we've been
11 unable to find any.

12 MR. DAVIDSON: Counsel, I'm pretty sure
13 that's referring to the identification of Important
14 Agricultural Lands bills that have passed the

15 Legislature. And in that Act there was a special
16 provision, if you will, for an expedited boundary
17 classification process if it was filed in conjunction
18 with the declaratory ruling for Important Agricultural
19 Lands.

20 We have received no such applications at
21 this time. We're still examining what rules, if any,
22 might be necessary. They don't pertain to district
23 boundary amendments like this one.

24 MR. SEITZ: Well, the reason I ask is that I
25 differ with you on that interpretation. I think we're

13

1 dealing here with lands that would be reclassified,
2 probably should be reclassified. And I think there is
3 a legal issue as to whether or not the failure to do
4 so may impact upon this Petition. So I want to alert
5 you that that's an issue that we intend to raise
6 before we go forward because I think it's a very
7 serious issue pertaining to the particular lands at
8 issue in this Petition.

9 PRESIDING OFFICER CHOCK: Thank you for your
10 comments. Any other questions, parties? Commission?
11 We're going to proceed with public testimony at this
12 time.

13 MR. DAVIDSON: It appears we have about 23
14 to 26 people signed up. First is Sam Kalilikane
15 followed by Jarren Kaikaina.

16 PRESIDING OFFICER CHOCK: Sir, could I swear
17 you in. Raise your right hand, name and address.
18 Promise to tell the truth?

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

22 THE WITNESS: Yes. My name is Sam
23 Kalilikane, Jr. My address is 91-1300 Kinoiki Street
24 Kapolei, Hawai'i 96707.

25 PRESIDING OFFICER CHOCK: Please proceed.

14

1 THE WITNESS: Good morning. I'm a resident
2 of Kapolei. And I live in the Kanahele Hawaiian
3 Homestead. I support this project. And I been outta
4 work for two years. And I'm a carpenter. And right
5 now there's over 2,000 carpenters on the bench right
6 now that didn't work for two to three years and we
7 really need this project. We really need jobs for our
8 local people and for the Hawaiian people. And I
9 really support the project.

10 And I have one more thing to say: Is that
11 we need this project to start soon because the economy
12 is bad right now. Get nothing for pay our bills, pay
13 our mortgage and pay our car bills. We really need
14 this project. That's all I got fo' say. Thank you.
15 And have a nice day.

16 PRESIDING OFFICER CHOCK: Parties, any
17 questions? Commission?

18 MR. SEITZ: Excuse me. I have one question.
19 Sir, if you were aware of a proposal to build homes in
20 Kapiolani Park and you were offered a job as a
21 carpenter there, would you support that proposal?

22 THE WITNESS: Well, could you please say
23 that again?

24 MR. SEITZ: Yes. If somebody were to
25 propose to build homes in Kapiolani Park in Honolulu,

15

1 in Waikiki, and you were assured of a carpentry job on
2 that project, would you support the project?

3 THE WITNESS: If it's a union job I would
4 support it.

5 PRESIDING OFFICER CHOCK: Commissioners, any
6 questions? Thank you.

7 MR. DAVIDSON: Next is Jerren Kaikaina
8 followed by Gene Awakuni.

9 JERREN KAIKAINA
10 being first duly sworn to tell the truth, was examined
11 and testified as follows.

12 THE WITNESS: Absolutely.

13 PRESIDING OFFICER CHOCK: Name and address.

14 THE WITNESS: My name is Jerren Kaikaiana.
15 My address is 85-1394 Kaneaki'i Street, Wai'anae,
16 Hawai'i 96792. Good morning, the Commission and all
17 distinguished guests, everyone that came here to take
18 the time to see what's going on.

19 I am a carpenter by trade. But first and
20 fore most I'm a long-time resident of this island,
21 born and raised. I've lived in different areas of
22 this island also. And I am a proponent of this
23 project. And the name itself leads into the overall
24 opportunity "Ho'opili" to come together, to get
25 together.

16

1 Hopefully with the Commission's mana'o and
2 their intelligence and everyone that comes together,
3 that they can forego the minor details in between and
4 push forward this project and support it. I said
5 earlier that, yes, I'm a carpenter by trade.

6 This would definitely bring about huge
7 amounts of jobs, not just for carpenters but for union
8 members straight across the board, non-union members,
9 business people, small business, schools, educational
10 opportunities, you name it, the whole gamut, the whole
11 spectrum of opportunity.

12 I believe in the seventh generation planting
13 the seeds now. Right now we're able to farm, an
14 opportunity for our future generations. This project
15 has the ability to do that. So I fully support this
16 project.

17 I hope that the Commission will push it
18 forward on behalf not our own present gains but for
19 the gains of our future that we can seed now what our
20 children and their children's children and everyone

21 that comes thereafter can benefit from. Thank you for
22 your time. Mahalo, Ke Akua and E Ho'opili kakou.

23 PRESIDING OFFICER CHOCK: Parties, any
24 questions?

25 MR. KUDO: No questions.

17

1 MR. SEITZ: No questions.

2 PRESIDING OFFICER CHOCK: Commissioners?
3 Thank you very much.

4 MR. DAVIDSON: Gene Awakuni followed by
5 Richard Hargrave.

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

9 THE WITNESS: I do. Name is Gene Awakuni.
10 Address is 600 South Queen Street, Honolulu, Hawai'i
11 96813. I want to preface my remark by saying I'm
12 Chancellor at UH West O'ahu, but I'm not speaking on
13 behalf of the UH system. I'm speaking on my own
14 behalf.

15 Vice Chair Chock, Commissioners, good
16 morning. Along with the D.R. Horton-Schuler Homes and
17 the Department of Hawaiian Home Lands the University
18 of Hawai'i West O'ahu is one of three major landowners
19 in the Kapolei region and specifically in the area
20 bounded by Farrington Highway, Kualakahi Parkway and
21 the Fort Weaver Road.

22 For several years the three of us have met
23 regularly about once a month for over a three-year
24 period in good faith to coordinate planning and
25 construction for a good portion of our common

1 infrastructure needs.

2 What this has meant is an unusual but
3 extraordinary synergy between three entirely different
4 organizations and developments. But as a result of
5 these efforts we've been able to capitalize on cost
6 savings and to achieve planning efficiencies that will
7 not only benefit the entire area but which will also
8 provide for a fairly comprehensive alignment of
9 roadways, bikeways and other sustainable communities.

10 As you might know construction of the UH
11 West O'ahu campus at Kapolei is underway. We expect
12 to welcome students to the new campus on August 20,
13 2012.

14 Our decision to proceed with campus
15 construction in this region was based partly on the
16 projected population growth for the region as well as
17 long-standing recognition that Oahu's future growth
18 would occur here as part of the state's plan to
19 urbanize the 'Ewa Plain, both of which should provide
20 us with the necessary student population base for
21 years to come.

22 We hope you would support this application.
23 We understand the growing public concerns to preserve

24 agricultural land and keep the country country. And
25 further appreciate the responsibility you bear to

1 balance the needs of a diverse community like ours.
2 But there is nowhere else for sensible growth to occur
3 on O'ahu. Thank you very much.

4 PRESIDING OFFICER CHOCK: Thank you.
5 Parties, any questions?

6 MR. KUDO: No questions.

7 PRESIDING OFFICER CHOCK: Mr. Yee?

8 MR. YEE: Mr. Awakuni, I wonder if you could
9 tell me -- I know you said in August 2012 you
10 anticipate, I guess, the first students to begin
11 attending the West O'ahu campus, right?

12 THE WITNESS: Yes.

13 MR. YEE: Is there further construction that
14 goes on after that? Or is that sort of the end of
15 that phase and you'll just have to wait?

16 THE WITNESS: That's the first of three
17 phases that will comprise of a quarter million square
18 feet to be able to accommodate about 3,000 to 4,000
19 students. We have Phase 2 which will probably occur
20 over the next five plus years, will take us up to
21 about 5,500 students. And in the final phase will
22 complete the West O'ahu projected ceiling -- student
23 ceiling of about 7,600 students.

24 MR. YEE: And to what extent is the Ho'opili

25 Project necessary for the continued -- I assume Phase

1 1 you're moving forward regardless of whether or not
2 Ho'opili goes up. That's just about completed, right?

3 THE WITNESS: Yeah. A lot of the growth
4 projections that we analyzed when we did the, what's
5 called the second decade report a few years ago, was
6 to look at what was already slated for development by
7 the City and County of Honolulu which included
8 Ho'opili. So we looked at that, all of those numbers,
9 so we understood this is the area of major growth for
10 the island of O'ahu.

11 MR. YEE: So would the approval and
12 construction of Ho'opili be, I guess, you would call
13 it a significant factor in determining whether and
14 when Phase 2 and 3 move forward?

15 THE WITNESS: I expect so. We haven't
16 really -- I haven't discussed it with anyone to any
17 great extent. But I would imagine in future years the
18 planning would be predicated on the growth of the
19 area.

20 MR. YEE: And then you mentioned about --
21 what I'm hearing is sort of a joint development of
22 infrastructure. How does that work with respect to --
23 or does that still apply to Phase 1 which is, I guess,
24 nearly complete?

25 THE WITNESS: Yes. There are -- for

1 example, there are a couple of major roadways that
2 connect our town center and our West O'ahu project
3 which links up with the Phase 1 campus efforts to the
4 town center of Ho'opili.

5 Now, that roadway, when we initially started
6 talking, was not aligned. And we created that
7 alignment to make that regional connectivity, make the
8 neighborhoods walkable, bikable, so on.

9 The other major roadway is the East-West
10 Connector Road that connects Farrington Highway, runs
11 across the West O'ahu property through DHHL's
12 property, and eventually through Horton. And it will
13 link up with Fort Weaver Road. Again, that roadway is
14 in our General Plan that has been approved by the City
15 and County of Honolulu.

16 MR. YEE: Okay. Thank you. Nothing
17 further.

18 PRESIDING OFFICER CHOCK: Dr. Dudley,
19 questions?

20 DR. DUDLEY: Dr. Awakuni, I'm really
21 interested in the fact that we have so many people who
22 want to be farmers. Do you have any kind of program
23 at your university for future farmers?

24 THE WITNESS: We do. We're working with the
25 Ma'o Farms on a plan establishing organic farming on

1 the university campus itself which they will manage.
2 And the ultimate benefit is to really demonstrate how
3 we can be produce our own food.

4 The students can learn about organic
5 farming, get certified and then earn a stipend which
6 would allow them to attend either Leeward Community
7 College or UH West O'ahu eventually.

8 So, yes, we are. And we're planning a
9 School of Sustainable Studies based on a model that
10 was established at UC Santa Cruz with the same
11 concept, the organic farm staffed by students, managed
12 by students with the economic model that actually
13 allows them to make some money for the benefit of the
14 students themselves.

15 DR. DUDLEY: And, Dr. Awakuni, the
16 university is situated right in the middle of the
17 farmland. And that's our best farmland in the state.
18 And right now I believe you have a couple hundred
19 acres that you have farmed by Aloun Farms, isn't that
20 right?

21 THE WITNESS: Yes.

22 DR. DUDLEY: And didn't you tell me one time
23 you're going to hold on to that farm as long as you
24 can? They can keep farming it as long as you're the
25 chancellor because you really do support farming,

23

1 right?

2 THE WITNESS: I do support farming. The

3 land is currently urbanized. It's zoned various
4 zoning from BMX3, mixed-use, commercial/retail to
5 varying densities of residential. We don't have
6 immediate plans to develop what we call the private
7 developable acreage which consists of about 298 acres.

8 We do have the option to help with the
9 further growth of the campus to try to generate some
10 income via primary leases on that property. But,
11 again, there's no immediate or eminent plan to develop
12 the property.

13 DR. DUDLEY: Okay. We had a conversation
14 one time where you told me that you're really
15 interested in having exciting new programs there at
16 the university. And that's why you're bringing the
17 Japanese at the university, putting them on campus and
18 other things.

19 We talked about trying to do some kind of
20 exciting new program with farming. In that
21 conversation you were talking about your friend over
22 on Maui who was the head of Maui Pine and how, you
23 know, you thought maybe you'd talk with him about an
24 exciting new program and farming at the university
25 using that farmland.

24

1 Has that gone any farther? Have you given
2 any further thought to trying to put together the
3 university and the farmland that's around you?

4 MR. YEE: I'm sorry. If I could interrupt
5 briefly. I believe we're going further and further
6 afield of the Ho'opili issue. What West O'ahu is
7 doing in agriculture I didn't object to the initial
8 questions. But I guess I don't see the relevance as
9 to whether or not Ho'opili should be reclassified.

10 DR. DUDLEY: I think Ho'opili is the most
11 important piece of farmland we have in the state. And
12 it's right nextdoor to the university, surrounds the
13 university. And I think that, you know, a program in
14 the university that uses the farmland rather than uses
15 the houses is something that we need to have
16 considered and see where the chancellor feels -- what
17 he thinks.

18 PRESIDING OFFICER CHOCK: Dr. Dudley, how
19 many more questions do you have for this testifier?

20 DR. DUDLEY: That would be the last one, I
21 guess.

22 PRESIDING OFFICER CHOCK: Okay. Thank you.
23 Sierra Club? Mr. Seitz?

24 MR. SEITZ: I have some questions.

25 PRESIDING OFFICER CHOCK: Go ahead.

25

1 MR. SEITZ: Do you want to answer that, get
2 an answer to the question? There's a question
3 outstanding.

4 PRESIDING OFFICER CHOCK: He said he had no
5 more questions.

6 DR. DUDLEY: No, I asked the question,
7 though.

8 PRESIDING OFFICER CHOCK: Oh, one more
9 question?

10 DR. DUDLEY: No. I did ask you a question.
11 There was a question at the end of that. My question
12 was to him: Has he considered any further -- any
13 further the things that we talked about trying to do,
14 some program with the university and the farmland?

15 PRESIDING OFFICER CHOCK: Chancellor, can
16 you wrap it up.

17 THE WITNESS: Yes. When Dr. Dudley and I
18 had that conversation, the MLP, Maui Land & Pine, was
19 under different leadership. And my former colleague
20 is no longer the CEO. But we have continued the
21 conversations with, again, Ma'o Farms, Ulu Pono, about
22 how we can create an environment, urban environment,
23 which allows young people to really understand where
24 food, you know, where food is grown, how food is
25 consumed, how food is disposed of and so on.

26

1 So, yes, we're continuing to explore those,
2 those initiatives.

3 PRESIDING OFFICER CHOCK: Mr. Seitz, go
4 ahead.

5 MR. SEITZ: Thank you. Good morning.

6 THE WITNESS: Good morning.

7 MR. SEITZ: I think the last time you and I
8 had anything to do about the Land Use Commission we
9 were talking about Waiahole Valley.

10 THE WITNESS: That's right.

11 MR. SEITZ: You testified at the outset that
12 you think that the development of your campus may be
13 related to the ability of Ho'opili to proceed. But
14 isn't it true the plans for your campus were developed
15 many, many years before anybody even thought about
16 Ho'opili?

17 THE WITNESS: The plans for the campus have
18 evolved over the years. But you're right, the initial
19 discussions about UH West O'ahu occurred in the '60s.
20 And the campus was established in the '70's. But the
21 original plan for the campus that was developed any
22 Dick Kosaki, in concept, was to establish a liberal
23 arts alternative to UH Manoa. So he envisioned an
24 Occidental college on the 'Ewa Plain with no more than
25 a thousand, 1200 students. And that was the original

27

1 concept.

2 We changed the mission of the campus a few
3 years back to become a regional comprehensive
4 university that accommodates many more students, as I
5 mentioned up about 7,600, similar in Carnegie
6 classification to UH Hilo.

7 So, again, you're right that the planning
8 started a long time ago but it was envisioned to be a

9 very, very small liberal arts as an alternative to the
10 large research institution sister campus in Manoa.

11 MR. SEITZ: If in fact there are already
12 some 3,000 additional homes that have been permitted
13 to be built in that same area, why does Ho'opili have
14 anything to do with the ability of your campus to
15 proceed?

16 THE WITNESS: Well, I think that the
17 Ho'opili is part of a larger whole. The whole 'Ewa
18 Plain is viewed. And when rail was proposed, for
19 example, it was proposed for the whole Ewa Plain to be
20 urbanized, not just the west side of Kapolei. That's
21 what we looked at.

22 We think of -- and I think of the Central
23 O'ahu and the 'Ewa Plain as sort of one big regional
24 area that we want to service. So, yes, we're looking
25 at the West Kapolei, Campbell Development. Yes, we're

28

1 looking at Haseko, 'Ewa Development, Gentry and
2 Ho'opili as well. But there are established
3 communities of Mililani, Makakilo. Obviously we'll be
4 servicing those communities as well.

5 MR. SEITZ: You said earlier you're
6 testifying in your individual capacity. Isn't it true
7 the University of Hawai'i has not taken a position pro
8 or con with respect to this petition as far as you
9 know?

10 THE WITNESS: That's correct.

11 MR. SEITZ: And isn't it also true the
12 university as n institution has been very much
13 involved in projects either directly given to them by
14 the Legislature or in other matters pertaining to the
15 preservation of agricultural lands in Hawai'i?

16 THE WITNESS: Well, I can't really speak to
17 that issue. I would defer to our general counsel and
18 our system VPs who might oversee those areas.

19 MR. SEITZ: Thank you. No further
20 questions.

21 PRESIDING OFFICER CHOCK: Commissioners, any
22 questions? Thank you, Chancellor.

23 THE WITNESS: Thank you.

24 MR. DAVIDSON: Richard Hargrave followed by
25 Mitchell Shimabukuro.

29

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

4 THE WITNESS: I do.

5 PRESIDING OFFICER CHOCK: Name and address
6 for the record.

7 THE WITNESS: My name is Rich Hargrave. I
8 live at 91-1001 Makakilo -- I'm sorry Makaiki Street
9 in 'Ewa Beach. And, Chair, Commissioners, and other
10 guests, on different occasions I have had to offer my
11 testimony in support of the Ho'opili Project being

12 developed here on the West O'ahu supporting the
13 continued growth needed for young families and for
14 future generations to come.

15 And as I see it what we're talking about
16 here is change. And change for many is hard to
17 accept. We get stuck in our comfort zones. And not
18 looking forward to improve anything that will disrupt
19 our current lifestyles.

20 Coming here today I noted a number of
21 changes that we basically all take for granted. All
22 these changes are really a direct result of someone's
23 idea to improve our sustainable lifestyles.

24 Part of the City's urban growth and Master
25 Plan of Kapolei and West O'ahu included projects such

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1 as University of Hawai'i's West O'ahu campus, Hawaiian
2 Home Lands Housing Development, Salvation Army's Kroc
3 Center, Honolulu Rail System and Ho'opili's housing
4 development as well.

5 Now, these projects have been planned for
6 over 20 years, not all at the same time, obviously,
7 but they have been on the books. Currently under
8 construction with the development of the second city
9 we have the FBI facilities, we have plans for solar
10 energy farms and other developments coming up in the
11 future, near future. So me myself personally as a
12 long-time resident of 'Ewa Beach for over 30 years I

13 support the Ho'opili housing project.

14 The project use of lands offers a well
15 thought out plan for future growth of our new
16 communities. Respectfully I request your honest
17 deliberation and continued support of Ho'opili's
18 housing project to enhance our way of life. Thank
19 you.

20 PRESIDING OFFICER CHOCK: Parties, any
21 questions? Dr. Dudley. Dr. Dudley.

22 DR. DUDLEY: Mr. Hargrave, do you work in
23 town?

24 THE WITNESS: I work at the airport
25 currently. Previously -- just further clarifying your

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1 question I worked at Kalaeloa.

2 DR. DUDLEY: Okay. So, you know, you
3 familiar with the traffic problem, right?

4 THE WITNESS: For the last 30 years,
5 correct.

6 DR. DUDLEY: The other questions I have
7 really are -- weren't you on the Task Force for
8 Ho'opili?

9 THE WITNESS: I was a member of the Task
10 Force for Ho'opili, yes.

11 DR. DUDLEY: How many years were you a
12 member?

13 THE WITNESS: I believe it was a year
14 and-a-half, maybe two years.

15 DR. DUDLEY: And what were those years?

16 When was that?

17 THE WITNESS: Specifically I would say the
18 last two years. So we're talking today is 2011, so
19 let's go from 2009 to 2011.

20 DR. DUDLEY: Okay. Thank you very much.

21 PRESIDING OFFICER CHOCK: Sierra Club?

22 MS. CERULLO: No questions.

23 PRESIDING OFFICER CHOCK: Mr. Seitz?

24 MR. SEITZ: Just a couple briefly.

25 Mr. Hargrave, were there any members of the Task Force

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1 who were opposed to the Ho'opili development?

2 THE WITNESS: Not to my knowledge.

3 MR. SEITZ: Were there any members of the
4 Task Force that had any background or experience with
5 agriculture?

6 THE WITNESS: That is not in my area of
7 knowledge.

8 MR. SEITZ: Thank you.

9 PRESIDING OFFICER CHOCK: Commissioners, any
10 questions? Thank you for your testimony.

11 THE WITNESS: Thank you.

12 MR. DAVIDSON: Mitchell Shimabukuro followed
13 by Stuart Scott.

14 MITCHELL SHIMABUKURO

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

16 and testified as follows:

17 THE WITNESS: Yes.

18 PRESIDING OFFICER CHOCK: Name and address
19 for the record.

20 THE WITNESS: My name is Mitchell
21 Shimabukuro. I live at 92-1226 Haone Street in Kapolei
22 96707. And I'm here -- ah, good morning, Chair and
23 members of the board. I'm here to testify in support
24 of the Ho'opili Project.

25 I've been listening to what other people

33

1 have been saying. And then, you know, back in the
2 '70s like they said, the city has been -- had this
3 plan for the second city of Kapolei. And I've been a
4 resident of Makakilo since 1979. I seen the
5 development. And I seen different infrastructures
6 coming there.

7 And the Ho'opili to me it's just part of
8 that plan. Bottom line -- bottom line we need to get
9 people back to work. And everybody talks about
10 tourism being the biggest wheel of the economics of
11 Hawai'i. But, you know what? Construction is the
12 second biggest one. We need people back to work. To
13 me it's a no-brainer. If guys, people are not working
14 they can't pay their taxes let alone pay for their
15 mortgages.

16 I'm just here in support because, like I
17 said, lot of infrastructure has been built out in

18 Kapolei area. We got the family court out there. We
19 got different city and county buildings there. I
20 think Bank of Hawai'i has done their headquarters now.

21 To me I'm looking at this as a master plan
22 for the city has decided on doing since back in the
23 '70s. So I humbly wish that the Land Use Commission
24 would support this project. Thank you.

25 PRESIDING OFFICER CHOCK: Thank you.

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1 Parties, any questions?

2 MR. KUDO: No.

3 PRESIDING OFFICER CHOCK: Dr. Dudley.

4 DR. DUDLEY: Mr. Shimabukuro, the 'Ewa
5 Development Plan has just recently been published
6 again for the community consideration. And the most
7 recent edition, which is 2011, says that there are
8 34,000 houses that are already fully zoned and fully
9 entitled within the 'Ewa Development Plan area.

10 Can you tell me if there are 34,000 houses
11 already ready to build, there's nothing that stops
12 them from building, why would they -- why would
13 Ho'opili's 12,000 houses on top of that be something
14 that you think is going to be built right away?

15 THE WITNESS: Well, my understanding of this
16 project is going to be stretched out for 20 years. So
17 you're not talking about 12,000 tomorrow. We all
18 understand the population of Hawai'i has been growing.

19 Where are those people going to live?

20 I mean you can see there's a lot of --

21 there's a big demand for rental. But why can't the

22 local people here buy a house instead of renting? And

23 I understand 30 percent of Ho'opili will be affordable

24 housing. I mean that's quite a bit to me, affordable

25 housing.

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1 DR. DUDLEY: Thank you. The question I had,

2 though, was if there are 34,000 houses already zoned

3 and ready to build, why aren't they building those

4 homes and why aren't folks interested in getting those

5 homes built instead of these 12,000?

6 THE WITNESS: Well, I understood too the

7 Ho'opili Project, the rail would go through there. So

8 that's a big plan too because a lot of the rail, most

9 of the local unions looked at is the Transit-Oriented

10 Development around the rail. And that's one of the

11 stops. So why the other projects are not going I

12 really can't answer you that.

13 DR. DUDLEY: Could we have the rail going

14 through that land without the project though? Isn't

15 the rail going to go ahead no matter whether we have

16 the project or not?

17 THE WITNESS: Depends on the lawsuit.

18 DR. DUDLEY: Thank you.

19 PRESIDING OFFICER CHOCK: Sierra Club?

20 Mr. Seitz?

21 MR. SEITZ: No questions.

22 THE WITNESS: Commission? Thank you for
23 your testimony.

24 MR. DAVIDSON: Stuart Scott followed by
25 Brian Lee.

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1 STUART SCOTT

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

4 THE WITNESS: Of course, yes.

5 PRESIDING OFFICER CHOCK: Name and address
6 for the record, please.

7 THE WITNESS: My name is Stuart Scott. My
8 address is 2801 N-2 La'i Road, Palolo Valley,
9 Honolulu. Good morning. And forgive me for reading
10 my testimony but I feel it's far too important a
11 matter here for me to ad lib.

12 O'ahu has been my home for over 25 years. I
13 have two sons who I hope will make O'ahu, their home
14 when they finish college. I'm also a farmer on a
15 small agricultural property here on O'ahu so I have
16 more than the usual amount of experience with growing
17 food.

18 I am not being paid to be here. Nor do I
19 have any financial stake whatsoever, direct or
20 indirect in being here. My sole motivation is to
21 support the food security of the people on O'ahu.

22 My most recent vocation was as a college
23 teacher helping students study the world we live in
24 through the methods of critical thinking, mathematics
25 and statistics.

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1 I have, forever, for the past several years
2 been working pro bono on issues of sustainability here
3 in the islands on a global scale. Globally I give
4 presentations concerning the problems of climate
5 change and peak oil, otherwise known as the Oil
6 Depletion Protocol. I also work at the United Nations
7 Climate meetings in an attempt to create greater
8 awareness of the problems we face.

9 The United States is unique among the
10 world's nations in the extent to which the problem has
11 been obfuscated by financial interests invested in the
12 status quo. Only in the U.S. is there perceived to be
13 a supposed controversy and governmental equivocation
14 on recognizing and dealing with the problem we and our
15 children face.

16 Locally I have been involved in food issues,
17 specifically preserving our capacity to grow our own
18 food on O'ahu.

19 From my extensive study of possible and
20 probable future scenarios I assert the likelihood that
21 we will go through severe shocks in the production and
22 distribution of food in the United States along with
23 similar shocks in nations around the world. This

24 problem will be especially bad in the Hawaiian
25 Islands.

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1 We in the current generation have grown up
2 with so much cheap and abundant food that it is
3 virtually unimaginable that future might be any
4 different. But cheap, abundant food is in no way
5 guaranteed in the coming decades.

6 In fact it is an unlikely thing due to a
7 combination of factors, but most notably: A. The
8 increasingly dramatic alternation between drought and
9 flooding and other effects of the ramping up phase of
10 climate change.

11 And B. What is commonly called peak oil or
12 the widely expected dramatic increases in the price of
13 petroleum and the inflation that will create as it
14 ripples through our economy.

15 We are engaged here today in an epic battle
16 between money and what is right for the current and
17 future generations on O'ahu. A quick calculation
18 multiplying the median home price on O'ahu with the
19 number of proposed houses in the Ho'opili subdivision,
20 yields a figure of about \$8 billion. So you can see
21 that there is plenty of money riding on your decision.

22 The perpetrators of the deceptions
23 surrounding Ho'opili commonly termed "public
24 relations" D.R. Horton, the unions with which it has

25 made deals, other organizations and individuals it has

1 enlisted in the attempts to create an illusion of
2 public support, all of the foregoing individuals and
3 organizations will say whatever is necessary, assert
4 whatever fiction is necessary to attempt to convince
5 you that another 12,000 homes on O'ahu will best serve
6 the future of our island and its people.

7 The illusion that 12,000 families will come
8 home from jobs in the city to grow a significant
9 amount of their own food is ridiculous, and is just
10 one of the absurd assertions that Horton and its
11 allies have come up with.

12 But the loss of 1500 acres of some of the
13 most productive farmland in the state of Hawai'i,
14 should you allow Ho'opili to be built, would be a
15 tragedy of the worst sort.

16 When and if a general food scarcity in the
17 world comes to pass, as many credible scientists
18 assert is inevitable, all of the hoopla about jobs and
19 keikis and backyard farming will long be forgotten.

20 The money made from Ho'opili will long be
21 gone, but the concrete and asphalt will continue to
22 cover precisely the farmland that the Land Use
23 Commission should be protecting as an irreplaceable
24 asset for the food security of this and coming
25 generations.

1 The decision will be yours. I have searched
2 my heart and soul. I am praying to the Creator that
3 something I have said will inspire in your own hearts
4 and minds to convince you that no matter how much
5 money is thrown at framing and dressing it up,
6 Ho'opili is still about limited financial self
7 interests and not about the long-term safety of food
8 security on O'ahu.

9 I hope and pray you will do the right thing
10 and in finality deny D.R. Horton's application. I
11 hope you will not make a decision to allow this
12 Hawai'i subdivision to proceed, a decision that you
13 and your children will live to regret. Thank you.
14 (Applause).

15 PRESIDING OFFICER CHOCK: Thank you for your
16 testimony. Parties, have any questions? Mr. Kudo.

17 MR. KUDO: Mr. Scott, you talked about
18 self-interest. And we have had some union testifiers
19 here that have supported this project. One of the
20 union testifiers testified that there are
21 approximately 2,000 of his fellow workers that are on
22 the bench right now; that they're having trouble
23 meeting their daily needs in terms of paying their
24 mortgages, their car payments, et cetera.

25 Would you consider that to be self-interest

1 to provide for your family and to gain employment
2 through this project so that they can do that?

3 THE WITNESS: Yes. It's a self-interest of
4 sorts. It's a short-term self-interest. I don't want
5 to diminish that. But I think it's a bit of an
6 obfuscation on your part because, as has been pointed
7 out, construction jobs being lacking is not a matter
8 of need for more permitted housing, because there are
9 30,000 permitted houses on the books.

10 It's a matter of general economic slowdown,
11 and the inability -- well, I'm not the expert in
12 specifying the forces that keep people on -- the
13 workers on the sidelines when there are permitted
14 houses. But there's kinks in the pipe, shall we say.

15 MR. KUDO: So you, if I understand you
16 correctly, you would be against those 2000 plus people
17 being able to provide for their families.

18 THE WITNESS: No. You don't understand me
19 correctly. I would be in favor of them. And there
20 are 30,000 permitted houses on which they could and
21 should be working in a perfect world. So permitting
22 Ho'opili will not pay these 2000 people any time soon.
23 For you to assert that is misleading.

24 MR. KUDO: How do you know that, though?
25 How do you know that these won't come online soon?

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1 Has somebody said that? Has there been evidence for
2 that?

3 THE WITNESS: Well, would you tell me why
4 the 30,000 that are already permitted are not online?

5 MR. KUDO: I'm not testifying. You're
6 testifying. I'm asking questions.

7 THE WITNESS: Okay. Ask your questions
8 again.

9 MR. KUDO: How do you know that this
10 particular project won't come online in a relatively
11 quick time?

12 THE WITNESS: I can't assert that with
13 certainty.

14 MR. KUDO: Okay. Now, you just mentioned
15 that there are 30,000 homes that are not yet built in
16 the 'Ewa region. Do you know which projects those are
17 that total up to the 30,000?

18 THE WITNESS: No.

19 MR. KUDO: Where did you get the 30,000
20 from?

21 THE WITNESS: It is commonly in discussion.
22 I've heard it many places. I don't record all the
23 people and all the conversations that I've heard it
24 in.

25 MR. KUDO: Is it possible that 30,000 number

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1 could be inaccurate?

2 THE WITNESS: I'm sure it's inaccurate. It
3 could be 30,001 just as soon as it's 30,000. So the

4 stipulation that it's inaccurate --

5 MR. KUDO: Or it could be less, the 30,000.

6 THE WITNESS: My response is that you talked
7 about 2,000 people out of work. Whether it's 30,000
8 or 25,000 or 28,751 there's no relationship between
9 the 2,000 out-of-work people and the number of homes
10 that are -- the number of current home projects that
11 are lacking to employ those people.

12 MR. KUDO: Well, it could be if the 30,000
13 homes were priced at medium to high level prices and
14 that the market is at the low level or affordable. We
15 just heard testimony from another public witness that
16 Ho'opili is looking at producing approximately
17 30 percent affordable housing units.

18 If there is a strong market, and I suspect
19 there is, for the 30,000 affordable housing units,
20 those units will come online very quickly, don't you
21 admit?

22 THE WITNESS: I have no way of asserting
23 that that's the case. In fact I think --

24 MR. KUDO: So, in other words, analyzing the
25 30,000 --

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1 THE WITNESS: Excuse me. May I finish
2 answering that question?

3 MR. KUDO: Sure.

4 THE WITNESS: I think you are giving me a --
5 you're trying to lead me into an illogical trap by

6 asserting something. You're giving me a
7 conditional --

8 MR. KUDO: I'm showing the weakness of your
9 testimony, but that's beside the point. What I'm
10 telling you is that the 30,000 homes has to be
11 analyzed in terms of their price points.

12 THE WITNESS: Sir, don't insult me. You are
13 being paid to, to do this. I'm not being paid. I'm
14 here for conscience.

15 PRESIDING OFFICER CHOCK: Mr. Kudo, let's
16 wrap it up.

17 MR. KUDO: Okay. I have no further
18 questions.

19 PRESIDING OFFICER CHOCK: County? State?
20 Dr. Dudley?

21 DR. DUDLEY: No further questions.

22 PRESIDING OFFICER CHOCK: Sierra Club?

23 MS. CERULLO: No.

24 PRESIDING OFFICER CHOCK: Mr. Seitz?

25 MR. SEITZ: No questions.

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1 PRESIDING OFFICER CHOCK: Commissioners?
2 Thank you for your testimony.

3 MR. DAVIDSON: Brian Lee followed by Donovan
4 Lewis.

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

7 and testified as follows:

8 THE WITNESS: I do.

9 PRESIDING OFFICER CHOCK: Name and address
10 for the record please.

11 THE WITNESS: Brian Lee, 1935 Hau Street,
12 Honolulu, Hawai'i, 96819. Good morning, Commissioners
13 and guests. I'm speaking on behalf of the
14 International Brotherhood of Electrical Workers. The
15 Ho'opili Project proposed for the area has been
16 sensitive to the concerns of all parties. And
17 adjustments to the project have been made to
18 accommodate the issues that have been raised.

19 The Ho'opili Project will be a beautiful and
20 needed addition to our community. We will fill the
21 needs of Hawai'i's working families and further
22 support the 'Ewa Master Plan for sound land use on the
23 west side of O'ahu.

24 The needless delay sought by the Petitioners
25 (sic) will only add frustrations to future homeowners,

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1 delay Smart Growth and add cost to the project that
2 its beneficiaries, our working families and our
3 children.

4 For these reasons we urge you to approve the
5 proposal to amend the Land Use Commission District
6 Boundaries to support the Ho'opili Project. Thank you
7 for this opportunity to address the Commission.

8 PRESIDING OFFICER CHOCK: Thank you for your

9 testimony. Parties, any questions? Commission?
10 We'll be taking a short recess and reconvening in ten
11 minutes.

12 (Recess was held. 10:35-10:45)

13 PRESIDING OFFICER CHOCK: All right. We'd
14 like to resume the meeting at this time.

15 MR. DAVIDSON: Next witness is Donovan Lewis
16 followed by Victoria Cannon.

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

20 THE WITNESS: Yes.

21 PRESIDING OFFICER CHOCK: Name and address
22 for the record.

23 THE WITNESS: I'm Donovan Lewis. I live at
24 91-1035 Haulele Street, Kapolei Hawai'i, 96707.
25 Aloha, Commission Chair, and Members. I'm Donovan

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1 Lewis, president of the Plumbers and Fitters Local
2 Union Local 675 testifying in behalf of Reginald
3 Castanares, its business manager, financial secretary
4 and its more than 1900 members.

5 We want to express our support of the
6 subject Petition that calls for amending the area now
7 agriculture to urban use in the 'Ewa District, Island
8 of O'ahu, same area designated for the project named
9 Ho'opili.

10 Being familiar with the developer and their
11 previous projects and its response to community
12 concerns to the proposed development, we are confident
13 Ho'opili will not only appropriately address such
14 concerns, but will importantly provide housing
15 opportunities envisioned some three decades ago when
16 the second city of Kapolei was proposed as the key to
17 the district Master Plan.

18 I was among the first to move in the area.
19 Mr. Casteneras has been a resident in 'Ewa some 20
20 plus years. We also see huge economic benefits that
21 will be derived including much needed jobs and
22 revenues for the community and all government
23 entities.

24 Thank you for your consideration and
25 hopefully your support of this Petition. Respectfully

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1 submitted Donovan Lewis.

2 PRESIDING OFFICER CHOCK: Thank you very
3 much. Parties, any questions?

4 MR. KUDO: No questions.

5 DR. DUDLEY: No questions.

6 PRESIDING OFFICER CHOCK: Commissioners?
7 Thank you for your testimony.

8 MR. DAVIDSON: Victoria Cannon followed by
9 Tesha Malama.

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

12 and testified as follows:

13 THE WITNESS: I certainly do.

14 PRESIDING OFFICER CHOCK: Name and address
15 for the record.

16 THE WITNESS: Victoria Cannon, 92-102 Oloa
17 Place in Makakilo.

18 PRESIDING OFFICER CHOCK: Go ahead.

19 THE WITNESS: Good morning, Commissioners
20 and everyone. I'm very thankful for this opportunity
21 community. I'm a 23-year long resident in Makakilo.
22 I have had a bird's eye view of these farmlands for
23 those years.

24 The Land Use Commission was originally
25 established in 1968 in response to massive land

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1 mismanagement. And the Commissioners came to be
2 instructed by law to preserve and protect Hawai'i's
3 land and encourage those uses to which the lands are
4 best suited.

5 To this end and with the call for common
6 sense, I oppose the Petitioner's request. I'm going
7 to quote just a couple sections of your own Hawaii
8 Revised Statutes that govern your decision-making.

9 Chapter 205-23, "In the establishment of the
10 boundaries of agricultural districts the greatest
11 possible protection shall be given to those lands with
12 the high capacity for intensive cultivation."

13 These farmlands currently produce a minimum
14 of four crops per rotation per year, the highest in
15 the state. They feed us, folks. Any such
16 reclassification or rezoning is not the greatest
17 possible protection for these lands, nor is it the
18 best use suited for them.

19 The fact that the Petitioner will have to
20 remove the top several inches of this rich farmland
21 soil, take it somewhere else never to be cultivated
22 again, and replace it with imported coral bedrock in
23 order to build house foundations on it is proof
24 enough, it is not suitable for building homes. It is
25 suitable for farming.

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1 205-45h, "No amendment of the land use
2 district boundary shall be approved unless clear
3 preponderance of evidence that the proposed boundary
4 amendment is reasonable."

5 The high capacity for intensive cultivation
6 exists today and to prevent any such clear
7 preponderance of evidence.

8 These burdens that are going to be placed on
9 the taxpayers by the state and the city and county in
10 building roads and sewers. Where are they going to
11 get the water and waste management is going to go to
12 the taxpayers not the developer?

13 We are going to pay for all that. And I'd
14 like to say here the infrastructure is water, roads,

15 sewer and solid and liquid waste management. It's not
16 more buildings.

17 We need to get our existing infrastructure
18 problems, which have been the victims of past tax
19 dollar mismanagement, fixed first and then maybe we
20 can consider new infrastructure bills.

21 I will point out it is not the job of the
22 Land Use Commission to provide or create jobs. It is
23 the job of the Commission to preserve and protect
24 Hawai'i's land and encourage those uses to which the
25 lands are best suited.

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1 It is the job of the Commission to give the
2 greatest possible protection to those lands with the
3 high capacity for intensive cultivation. Period.
4 These lands are exactly that.

5 I'd like to refer to the conservation
6 biologist theory of popping rivets. Lose a rivet on
7 an airplane, plane still flies. Lose two or four,
8 lose six or eight rivets on that plane the plane still
9 flies. Begin losing 12, 14, or 6 rivets the plane
10 begins to fall apart and we find ourselves wishing we
11 would have been saving rivets all along.

12 The same idea applies to our precious
13 agricultural lands. I would point out we already have
14 some 33,000 zoned and permitted houses waiting to be
15 built on the 'Ewa Plain. They will create the jobs

16 you folks need.

17 Let's get on with those houses. The
18 addition of houses on this irreplaceable farmland
19 would put us over our current established publicly
20 agreed upon limits as --

21 MR. DAVIDSON: Thirty seconds.

22 THE WITNESS: -- in the 'Ewa Development
23 Plan by 17,700 homes. And in conclusion, the land use
24 boundary amendment and reclassification is only going
25 to result in a continued battle. The battle will only

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1 serve to create tension in the existing communities
2 and eventually probably embarrass the Commissioners.

3 Our existing communities need our attention
4 first. This Petition makes no sense. But we have a
5 chance here, folks, to do the right thing by these
6 lands. Let's choose on the side of common sense.
7 Thank you.

8 PRESIDING OFFICER CHOCK: Thank you very
9 much. Parties, any questions?

10 MR. KUDO: I have a few questions.

11 PRESIDING OFFICER CHOCK: Mr. Kudo.

12 MR. KUDO: Ms. Cannon, you mentioned 33,000
13 homes to be build in the 'Ewa region, is that correct?

14 THE WITNESS: Yes.

15 MR. KUDO: Do you know what the makeup of
16 those 33,000 homes are? In other words, which
17 projects do they come from?

18 THE WITNESS: 6,500 of them are here listed
19 for Kapolei West that have been approved. The others
20 are simply listed in October of 2008 on the review
21 draft of the 'Ewa Development Plan table 2-1 on
22 Page 210.

23 PRESIDING OFFICER CHOCK: Ma'am, ma'am can
24 you slow down for our court reporter.

25 THE WITNESS: I'm sorry -- 24,704 homes are

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1 listed as already zoned. This is coming straight off
2 the 'Ewa Development Plan Review Draft October 2008.

3 MR. KUDO: Are you aware that the 24,000
4 that are already zoned, that 6500 of those are at
5 Kalaeloa in the properties that were just turned over
6 to the state from the Air Force?

7 THE WITNESS: Correct. Isn't that
8 considered Kapolei West?

9 MR. KUDO: And that there are no plans to
10 currently develop those areas right now?

11 THE WITNESS: It's on our plan. I --

12 MR. KUDO: Are you also aware 4 to 5,000 of
13 those homes are projects under the jurisdiction of the
14 Department of Hawaiian Home Lands?

15 THE WITNESS: Yes.

16 MR. KUDO: So they're specifically targeted
17 for people that qualify for those types of houses.

18 THE WITNESS: Which is what houses should be

19 being built out there, should be targeted towards.

20 MR. KUDO: Are you also aware that out of
21 those 24,000 that 1,000 units of those are timeshare
22 units built by the Haseko Corporation?

23 THE WITNESS: Yes, I am, 950 actually,
24 visitor units.

25 MR. KUDO: And are you also aware that some

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1 of the units are on the Ko Olina Resort project?

2 THE WITNESS: Yes.

3 MR. KUDO: And are you also aware that some
4 of those units are from the Makakilo projects?

5 THE WITNESS: Yes.

6 MR. KUDO: That they are higher-priced
7 homes.

8 THE WITNESS: Yes.

9 MR. KUDO: Thank you. No further questions.

10 PRESIDING OFFICER CHOCK: County? State?
11 Dr. Dudley.

12 DR. DUDLEY: Are you aware that there is a
13 new, though, 'Ewa Development Plan that's currently
14 out?

15 THE WITNESS: Yes. I am aware of it. It's
16 being jammed down our throats right now. I have not
17 had a chance to review this review. As you know,
18 Doctor, I take care of my mother and she comes first.
19 But I just simply haven't had a chance to review it.

20 DR. DUDLEY: Okay. And if you found that it

21 said 34,805 homes were already fully zoned or exempt
22 as in DHHL homes, would you change your testimony
23 because of that?

24 THE WITNESS: No.

25 DR. DUDLEY: Thank you.

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1 PRESIDING OFFICER CHOCK: Sierra Club?
2 Mr. Seitz?

3 MR. SEITZ: No questions.

4 PRESIDING OFFICER CHOCK: Commissioners?
5 Thank you for your testimony.

6 THE WITNESS: Thank you for the opportunity.

7 PRESIDING OFFICER CHOCK: You're welcome.

8 MR. DAVIDSON: Tesha Malama followed by
9 Lolita Takeda.

10 TESHA MALAMA

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

13 THE WITNESS: I do.

14 PRESIDING OFFICER CHOCK: Thank you. Name
15 and address for the record.

16 THE WITNESS: Tesha Malama, 91-818 Lawalu
17 Place, 'Ewa Beach, Hawai'i.

18 PRESIDING OFFICER CHOCK: Go ahead.

19 THE WITNESS: Today I'm here to talk about
20 being a 40-year resident of Ewa Beach, seeing the
21 growth, seeing the infrastructure delays. And this

22 project today represents just one more piece in the
23 entire puzzle that it's going to take to put together
24 the new City of Kapolei.

25 So Honouliuli, Kaupea, Kualakahi, Pu'uloa,

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1 Kalaeloa, those areas were the areas that our ali'i
2 stopped when they went from Waikiki to Wai'anae.
3 Those areas were inundated with soil that was brought
4 in to the 'Ewa Plain.

5 The 'Ewa Plain was known as the coral carse.
6 You could find brackish water. And native peoples
7 lived on the carse by preserving fish within the
8 brackish water, growing ulu that was significant to
9 that place and where it was introduced.

10 It did not exist on plantation soil that was
11 transferred and trucked to the 'Ewa Plain, and water
12 taken from Waikane-Waiahole to feed the plantations of
13 that time.

14 The ag that they talked about sits on the
15 coral carse of which native people survived on. It is
16 not significant ag land. So I wanted to make sure
17 that we clarify that today because the ag land that
18 I'm hoping the Land Use Commission protects is all the
19 land up through Kunia that sits within the Ko'olaus
20 and the Wai'anae range as those are rich in soil.

21 The Land Use Commission has a vital role in
22 protecting He'eia, Waimanalo, Makaha where all of our
23 lands and our ag will thrive.

24 The city, and along with the state,
25 designated growth for the 'Ewa Plain. In order to

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1 preserve Waimanalo, Waiahole-Waikane, and prevent
2 development in those particular areas along Kahuku, we
3 have to look at development along the 'Ewa Plain.

4 Now, am I happy about that? No. Because
5 these answers that you could have asked back in the
6 '70s would have prevented Makakilo, would have
7 prevented Kapolei, would have prevented Kunia. And is
8 that right? Well, that question is about population
9 growth. It's not about responsible development.

10 Ho'opili represents a mixed use parcel that
11 will allow for affordable housing, although affordable
12 may not be affordable for all of us. It's the best
13 stab we have for our future, the next kids to come
14 along.

15 If we are going to preserve all the water,
16 protect the water, we have to prevent development
17 going over Ko'olau.

18 So I'm asking the Land Use Commission not to
19 look at this specific area. Look at how this
20 development protects the entire island. And, yes, we
21 need our people working. It's a time for the jobs to
22 happen. But they're not going to be working on the
23 other side. This is the particular area.

24 Now, do we want to be the sacrificial lamb

25 for the rest of the state? No. In fact, I joined

1 Ho'opili because I was pissed off with them. I wanted
2 them to look at transportation. I wanted them to look
3 at connectivity.

4 You know, I wanted them to try and
5 incorporate landscaping that would allow for some ag.
6 But to be perfectly honest, is our kids working along
7 that 'Ewa Plain? No. They're at Ma'o Farms. They're
8 along the Waianae Coast.

9 MR. DAVIDSON: 30 seconds, Tesha.

10 THE WITNESS: So I ask this Land Use
11 Commission to look at this project because I'm here
12 today to talk in favor of this project not specific
13 for Kapolei but its impact on the entire island.
14 That's it.

15 PRESIDING OFFICER CHOCK: Thank you very
16 much. Parties, any questions?

17 MR. KUDO: No questions.

18 PRESIDING OFFICER CHOCK: Dr. Dudley?

19 DR. DUDLEY: Ms. Malama, you said that the
20 plain is coral and that all of the good dirt on the
21 plain was trucked in?

22 THE WITNESS: I'm saying that the
23 plantations brought the soil in in order to run the
24 plantations. It was not specific to that particular
25 area.

1 DR. DUDLEY: Where did they get that much
2 soil? I mean we're talking about 1555 acres? We're
3 talking about at least twice, three times that amount.

4 THE WITNESS: Yeah. They took it from the
5 very important places of ag land up in Kunia.

6 DR. DUDLEY: Up in Kunia. Okay.

7 THE WITNESS: We'll have people from the
8 plantation. They can answer you saying how many truck
9 loads were brought into the 'Ewa Plain.

10 DR. DUDLEY: If that's true, what about all
11 these alluvial soils that the soil scientists say
12 washed down from the different hillsides and so forth
13 that they're just right next to it there?

14 And what about the fact that the USDA has
15 done studies of soils and comes up with different
16 kinds of soils? It doesn't -- it's difficult to
17 understand. Can you explain any of that?

18 THE WITNESS: I don't know the details on
19 the specific soils and whatever word you said. I can
20 tell you that that wasn't the practice of Native
21 Hawaiians before the plantations. I can tell you the
22 coral existed, our brackish water, fish preserves, ulu
23 grew in those carse. I can tell you that that history
24 existed before the plantations.

25 DR. DUDLEY: Okay. And, you know, certainly

1 there is some part of the 'Ewa Plain that's still
2 exposed coral when you get down to the beaches, you
3 know. Certainly the soil washing down from the
4 hillsides, you know, would be thicker towards the
5 hills, wouldn't it?

6 Isn't it possible that what you've heard
7 about people trucking in soil is actually trucking in
8 soil in the places where there was no soil but the
9 vast majority of this rich soil has washed down from
10 the hillsides?

11 THE WITNESS: The history information I
12 have -- I've done research when I was in school so
13 that wasn't through different plantation people. So I
14 understood what was significant to the place because
15 I'm from that area. And I love that area so I wanted
16 to know what existed. We didn't learn that in public
17 schools what existed prior to plantations.

18 So -- but I trust the people who actually
19 worked the plantation saying that they did truck soil
20 in. I'm not going to question that.

21 DR. DUDLEY: But do you have any idea where
22 they have trucked the soil into? And how much soil
23 they have trucked in?

24 THE WITNESS: Well, they said from Kunia.

25 DR. DUDLEY: But the whole plain, huh?

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1 THE WITNESS: I don't have the details to
2 that.

3 DR. DUDLEY: Thank you.

4 PRESIDING OFFICER CHOCK: Sierra Club?

5 Mr. Seitz?

6 MS. DUNNE: Sorry. I have a couple
7 questions. Ms. Malama, you're not a trained soil
8 expert, are you?

9 THE WITNESS: No.

10 MS. DUNNE: So if you were to hear that the
11 soil has been rated by the state as some of the best
12 soil, and this is some of the best farmland, you
13 wouldn't be able to disagree with that?

14 THE WITNESS: Yeah. No, I'm not here to
15 disagree with that.

16 MS. DUNNE: Okay. And I also thought I
17 heard your say you had some family members who worked
18 at Ma'o Farms? I thought you said something about
19 Ma'o Farms.

20 THE WITNESS: I said our families worked
21 there, not -- they're not working on the 'Ewa Plain.

22 MS. DUNNE: Okay. So do you -- do you know
23 people that would be interested in working on small
24 farms if they could make a living doing that?

25 THE WITNESS: That was the discussion as we

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1 took apart the Ho'opili, the original plan. So -- and
2 even where I'm working we're looking at net zero
3 projects and how you put in wastewater, water and

4 allow for that type of gardens per unit. So that type
5 of discussions are happening along the 'Ewa Plain.

6 MS. DUNNE: Okay. So -- but you think that
7 maybe if people could get larger acreage like 10, 20,
8 30 acres in long-term leases to farm that land that
9 would help people to be able to farm land?

10 THE WITNESS: I know that it's not our
11 people farming the 'Ewa Plain. So I'm not sure -- I
12 mean I know the people who have the leases. And we
13 know the people who are farming, actually doing the
14 farming, two different -- it's not our people.

15 MS. DUNNE: Right. An ideal world would you
16 like to see that happen? And do you know the folk
17 that would like to see that happen?

18 THE WITNESS: None of my kids who are the
19 kids that I'm involved with plan to be farmers.
20 They're going school for law and engineering. So I
21 don't have anything to say about that currently.

22 MS. DUNNE: Thank you.

23 PRESIDING OFFICER CHOCK: Mr. Seitz.

24 MR. SEITZ: No questions.

25 PRESIDING OFFICER CHOCK: Commissioners?

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1 Thank you for your testimony.

2 MR. DAVIDSON: Lolita Takeda followed by
3 Shannon Wood.

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

6 and testified as follows:

7 THE WITNESS: I do.

8 PRESIDING OFFICER CHOCK: Name and address
9 for the record, please.

10 THE WITNESS: Lolita Takeda, 91-1169
11 Apartment F, Kama'aha Loop, Kapolei, 96707. Good
12 morning, everyone. I'm a resident of Kapolei for 17
13 years, an active community volunteer and a mother of
14 three young adults.

15 When my family first moved to Hawai'i we
16 temporarily lived in 'Ewa Beach. After searching for
17 the right community my husband and I decided on
18 Kapolei for one reason. It was to become the new city
19 of O'ahu.

20 We were and continue to be attracted to the
21 great potential of this new city. Of course, this
22 entails accommodating more people, but it also
23 includes the addition of new schools, retail
24 establishments and much needed services.

25 Please approve Ho'opili. Ho'opili will

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1 complete the vision set forth by our state and city
2 planners many years ago to create this new city, the
3 very reason we moved here. Thank you for this
4 opportunity and to share my support to D.R. Horton's
5 Ho'opili Project.

6 PRESIDING OFFICER CHOCK: Thank you for your

7 testimony. Parties, any questions?

8 MR. KUDO: No questions.

9 PRESIDING OFFICER CHOCK: Dr. Dudley.

10 DR. DUDLEY: Ms. Takeda, you mentioned your
11 desire to live in the new city. I've always been
12 struck by the fact that we're all just going to have
13 one city if Ho'opili is built. Isn't that true? I
14 mean won't Ho'opili be the last piece that brings the
15 two cities together?

16 THE WITNESS: I don't quite understand.

17 DR. DUDLEY: You have all the houses of
18 Kapolei and then you have the rest of the entire area
19 from Hawai'i Kai to Waipahu is city and it's separated
20 by the green area right now. But once you fill in
21 that green area you're just going to have one city.
22 You won't have two cities. It's actually the farms,
23 isn't it, that keeps the two cities apart?

24 THE WITNESS: Well, I don't see it that way.
25 Like I said, when I moved to Kapolei I envision to

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1 grow old with the City of Kapolei. I didn't -- I
2 didn't -- I wasn't looking at growing old in the City
3 of Honolulu because I work -- when I just moved to
4 Hawai'i 17 years ago I work in Honolulu.

5 And for a five, six years I drove from
6 Kapolei to Honolulu every day during the week spending
7 hour or two to get to work and it was not fun. It was
8 not fun for my family. It was not beneficial for me

9 and my family.

10 And that's when I decided that, you know, if
11 there's an opportunity for me and my family to live in
12 a new city like Kapolei, that would be a very exciting
13 future for me to think that I can live, work, play and
14 look forward in growing old in the city of Kapolei.

15 DR. DUDLEY: Okay. You know, you mentioned
16 it took hours to drive to work and so forth. Don't
17 you think that this new project, though, is going to
18 put maybe 12,000 cars on the freeway and cause worse
19 traffic problems for other people?

20 Aren't you supporting something that's
21 really going to hurt other people's lifestyle going
22 into the city, driving through all this additional
23 traffic?

24 THE WITNESS: Um, no. I don't see it as
25 additional traffic for a whole lot of people. I think

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1 with proper, responsible planning with all the parties
2 concerned, the developers, the state and city, county,
3 all the, like I said, the parties concerned with the
4 responsible planning, I trust that they will look all
5 that overall.

6 But what's the impact of the Ho'opili
7 Project just like the University of West O'ahu, the
8 Kroc Center, all these other developments? It's not
9 only the Ho'opili Project that's gonna impact the

10 lives of the residents and the people.

11 So I think for me to worry about, you know,
12 what's the traffic impact to other people it's not --
13 I mean I cannot imagine how I would answer that
14 question because it's not for me to look on the
15 overall impact of that. It's like I said, it takes
16 everybody, the developers, the state, the city and
17 county, the schools and all of us to look into that.

18 But as far as I know that with my family's
19 like, you know, with me that should not impact me as
20 far as traffic 'cause I would not have to commute from
21 Kapolei to Honolulu to make a living. My, my, my
22 family I'm hoping they don't have -- 'cause like right
23 now I have two young adults that drive from Kapolei
24 into US -- to UH Manoa, you know, to go to school.
25 And it's not funny financially and physically and

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1 mentally.

2 I'm just so looking forward to Kapolei
3 being, you know, what our state and city has been
4 telling us: It's going to be a new city. We're going
5 to have schools. We're going to have homes. We're
6 going to be able to work and play in our City of
7 Kapolei.

8 PRESIDING OFFICER CHOCK: Dr. Dudley, any
9 more questions?

10 DR. DUDLEY: No. thank you.

11 PRESIDING OFFICER CHOCK: Parties,

12 questions?

13 MR. SEITZ: No.

14 PRESIDING OFFICER CHOCK: Commission? Thank
15 you for your testimony.

16 THE WITNESS: Thank you.

17 MR. DAVIDSON: Shannon Wood followed by Phil
18 Lum.

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

22 THE WITNESS: I so do.

23 PRESIDING OFFICER CHOCK: Name and address
24 for the record please.

25 THE WITNESS: My name is Shannon Wood. My

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1 address is 1076 Kahili Street, Kailua, 96734.
2 However, I am here today testifying on behalf of the
3 nonprofit organization I work for, the Windward
4 Ahupua'a Alliance.

5 And I do want to make sure that it is very
6 clear that we long ago stopped being just concerned
7 about things happening in Windward O'ahu when it
8 became apparent that we had to address issues such as
9 solid waste management, planning, water use, et
10 cetera.

11 So now we work on all three levels of
12 government: City and County of Honolulu, which is the

13 entire Island of O'ahu; the state of Hawai'i from the
14 Northwest Hawaiian Islands all the way down to the
15 Island of Hawai'i; and in the United States Government
16 as well.

17 I am here not to specifically testify in
18 opposition or support of this particular development.
19 But because of what happened two years ago August when
20 the initial application was turned down by the Land
21 Use Commission, I realized that it was necessary to go
22 to the State Legislature. And I have done so.

23 And I am here to talk about what I want to
24 see happen by the Legislature. Because of that I'm
25 asking that you defer until the Legislature moves

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1 forward on this. It's SB-725.

2 PRESIDING OFFICER CHOCK: Excuse me, Ma'am.
3 I think it'd be appropriate for you to limit your
4 testimony to the matter at hand.

5 THE WITNESS: Yes. This has to do with,
6 requires the Office of Planning to convene a task
7 force to review all requirements under chapter 305
8 Hawai'i Revised Statutes and make recommendations to
9 ensure that the Land Use Commission considers the
10 cumulative and long-term impacts of all pending and
11 proposed development requests during its review of a
12 classification petition.

13 Requires the Task Force with the assistance
14 of the Legislative Reference Bureau to report its

15 findings. This bill is still alive.

16 What I -- what made me be very concerned
17 about this in 2009, this application, was that I had
18 attended a Supplement Environmental Impact Statement
19 Hearing at Kapolei Hale for the third -- not for the
20 boiler itself but for H-Power storage facility.

21 And there was a population figure provided
22 by the Department of Planning and Permitting that
23 really upset me. Because I wasn't -- I had never even
24 considered the possibility. DPP expects that the
25 population by July 1, 2023 on the island of O'ahu will

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1 be 1.45 million people.

2 And I began to realize that we had to deal
3 with a lot of other issues: Water, transportation
4 sewage, a lot of these things. So when I raised this
5 issue in August of 2009 I was told that the Land Use
6 Commission may, but isn't required to consider the
7 cumulative impacts.

8 Now, we've got here an application for Koa
9 Ridge Makai coming up before you. There's all kinds
10 of Transit-Oriented Development, 20 towers in Kaka'ako
11 Makai. All of these things are going to have a
12 massive impact on our infrastructure.

13 And for that reason I want you to seriously
14 consider the cumulative impact of not just those
15 projects that have already received their approval by

16 here and also DPP, but the pending and proposed ones
17 as well, because I don't think the Island of O'ahu can
18 handle 1.45 million people in a little over 12 years.
19 Thank you very much.

20 PRESIDING OFFICER CHOCK: Thank you for your
21 testimony. Parties, any questions?

22 MR. KUDO: No questions.

23 MS. TAKEUCHI-APUNA: No questions.

24 MS. CERULLO: No questions.

25 MR. SEITZ: No questions.

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1 PRESIDING OFFICER CHOCK: Commission? Thank
2 you for your testimony.

3 THE WITNESS: Thank you.

4 MR. DAVIDSON: Phil Lum followed by Sidney
5 Higa.

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

9 THE WITNESS: I do.

10 PRESIDING OFFICER CHOCK: Name and address
11 for the record, please.

12 THE WITNESS: My name is Phil Lum. My
13 address is 95-757 Pulehulehu Place, Mililani, 96789.
14 Good morning and aloha to members of the Land Use
15 Commission and other distinguished parties this
16 morning. Thank you for this opportunity to testify in
17 support of D.R. Horton-Schuler division and its

18 proposed Ho'opili community.

19 My name is Major Phil Lum. And I represent
20 the Salvation Army Ray and Joan Kroc Corps Community
21 Center, otherwise known as Kroc Center Hawai'i. And
22 Kroc Center is the largest community center of its
23 kind in Hawai'i. It is currently under construction.

24 The Kroc Center is a 200,000 square foot
25 facility that will offer conference and banquet rooms,

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1 an education center that includes a preschool, worship
2 and performing arts center, an athletic center, a
3 dormitory for traveling sports teams, a health and
4 wellness center and an aquatic center, and outdoor
5 fields.

6 Located on 15 acres of land in East Kapolei
7 directly makai of the proposed Ho'opili site, Kroc
8 Center Hawai'i is expected to be completed by the end
9 of this year. We are excited to be a part of a new
10 community and give residents and visitors alike
11 endless opportunities to learn, to grow, to build
12 dreams and friendships and a place to find sanctuary
13 and hope.

14 I support Ho'opili because of its role in
15 helping to complete the vision to create a vibrant,
16 all encompassing new city of Kapolei. The vision set
17 forth by our city and state planners decades ago,
18 which includes community facilities like the Kroc

19 Center Hawai'i, places of higher learning like our
20 neighboring University of Hawai'i West O'ahu Campus
21 and mixed use master plans like Ho'opili is finally
22 being realized.

23 For several years we have been working
24 closely with the D.R. Horton-Schuler division team and
25 other neighbors to ensure the new development in east

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1 Kapolei are good for West O'ahu, good for Hawai'i's
2 keiki, and good for families across the state.

3 I sincerely appreciate this opportunity to
4 testify in support of Ho'opili. And I respectfully
5 encourage you to support this project. Thank you.

6 PRESIDING OFFICER CHOCK: Thank you very
7 much for your testimony. Parties, any questions?

8 MR. KUDO: No questions.

9 PRESIDING OFFICER CHOCK: Dr. Dudley?

10 DR. DUDLEY: Major Lum, I know the Kroc
11 Center has had a matching funds kind of program in
12 order to raise money. Has D.R. Horton contributed to
13 that?

14 THE WITNESS: No, they have not.

15 DR. DUDLEY: Okay. I think I just want to
16 say welcome to Kapolei.

17 THE WITNESS: Thank you. Appreciate that.

18 PRESIDING OFFICER CHOCK: Sierra Club? Mr.
19 Seitz?

20 MR. SEITZ: No questions.

21 PRESIDING OFFICER CHOCK: Commissioners?
22 Thank you for your testimony.
23 MR. DAVIDSON: Sidney Higa followed by Pono
24 Kealoha.
25 xx

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1 SIDNEY HIGA
2 being first duly sworn to tell the truth, was examined
3 and testified as follows:
4 THE WITNESS: I do.
5 PRESIDING OFFICER CHOCK: Name and address
6 for the record please.
7 THE WITNESS: Name is Sidney Higa. I live
8 at 92-739 Makakilo Drive, Kapolei. My grandparents
9 came here to Hawai'i from Okinawa to work and the
10 sugar plantations were very vibrant a long time ago.
11 They were seeking a better life for themselves and for
12 their future children.
13 My father's side ultimately got a farm in
14 Kahalu'u Valley. It was a taro farm. And all the 12
15 kids worked on that taro farm. My father, which was
16 one of the youngest children, served in the Marine
17 Corps and was in the Korea conflict.
18 After he was discharged from the Marine
19 Corps he worked at the sugar plantation in 'Ewa
20 seeking a better life for his future children.
21 My mother worked seeking a better life for

22 her future children. I'm the eldest child. And we
23 lived at 4181B Atlanta Street 'Ewa Territory of
24 Hawai'i as recorded on my certificate of live birth.

25 I'm a 24-year veteran having served on

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1 active duty in the Air Force, came back here to
2 Hawai'i in 1978. I got discharged and was a member of
3 the Hawai'i Air National Guard. An ultimately I
4 changed over to the Air Force Reserves. And I served
5 up at US CINCPAC which is today known as PACOF.

6 I moved to Makakilo over 30 years ago and
7 have been working in government, private industry and
8 now am a small business owner seeking a better life
9 for my family and my two children and seven
10 grandchildren.

11 My children, a boy and a girl, both served
12 in the United States Air Force on active duty. My
13 daughter continues on as a reservist in the Air Force.
14 Her husband is on active duty in the Air Force. They
15 are fortunate that they live at Hickam.

16 So I get to see these grandchildren
17 basically all the time whenever they come over, or
18 whenever I go to see them. However, my son, because
19 he could not find a job here in Hawai'i, lives in
20 California. Those grandchildren I do not know other
21 than talking to them on the phone or visiting them
22 after a 2,500-mile flight.

23 My other grandchildren on my daughter's side

24 I get to see them play soccer. I get to see them play
25 basketball, do sports, do things with them, go to the

1 beach.

2 This is what we're looking for with
3 Ho'opili, having our families here close-by with us,
4 being able to spend time with our children and
5 grandchildren.

6 When my daughter and her son get out of the
7 Air Force where are they going to work? Where are
8 they going to live? They can't live in military
9 housing as they are now.

10 We need to have jobs. We need to have
11 housing. We need to be able to give our children the
12 opportunity to work and live here in Hawai'i just as
13 we were given this opportunity. They, of course, are
14 our future.

15 I also volunteer at Onelauena. I don't know
16 if any of you are familiar with that. It's a homeless
17 and transitional housing center down in Kalaeloa.
18 When I go there every week I get asked if I know of
19 any jobs.

20 These people are not helpless or hopeless.
21 They are willing to work. We just need to create jobs
22 so that they can work and be a part of the community.
23 We need to be able to create some affordable housing
24 for them.

25 We can have a direct impact on their future

1 now by creating jobs and housing. Thank you.

2 PRESIDING OFFICER CHOCK: Thank you for your
3 testimony. Parties, any questions?

4 MR. KUDO: No questions.

5 DR. DUDLEY: No questions.

6 MR. SEITZ: No.

7 PRESIDING OFFICER CHOCK: Commission, any
8 questions? Thank you for your testimony.

9 MR. DAVIDSON: Pono Kealoha followed by
10 Hannah Miyamoto.

11 PONO KEALOHA

12 THE WITNESS: Aloha. My name is Pono
13 Kealoha. I don't swear to tell anything until you guys
14 wise up, man.

15 PRESIDING OFFICER CHOCK: Sir, do you swear
16 to --

17 THE WITNESS: We are illegally occupied.
18 Hey, what -- your laws are built on lies, man. We are
19 illegally occupied.

20 PRESIDING OFFICER CHOCK: Sir --

21 THE WITNESS: I don't need to recognize you
22 as telling the truth and asking me to the tell truth
23 is a fooling on itself, man.

24 PRESIDING OFFICER CHOCK: Sir, would you
25 like to proceed by telling us your name and address

1 for the record?

2 THE WITNESS: My name is Pono Kealoha.

3 PRESIDING OFFICER CHOCK: What's your
4 address, Pono Keahloha?

5 THE WITNESS: Hawai'i.

6 PRESIDING OFFICER CHOCK: Please proceed.

7 THE WITNESS: Here's the point. You guys
8 are part of genocide. Do you understand? This is
9 what my future mo'opuna have to look forward to. You
10 guys not waking up. We have no food growing for
11 ourselves. We have 90 something percent is brought
12 in. Nothing's gonna change. They got us on a string.

13 You guys are all part -- until you guys get
14 out of your little box and understand we're all going
15 down together. You might stand on my shoulders and I
16 might sink first, but we're still going down.

17 You understand this corporate greed that's
18 taking over this world? It's fu***** bull****, man.

19 PRESIDING OFFICER CHOCK: Sir, sir, you're
20 out of order. Thank you.

21 THE WITNESS: I'm sorry, man. The United
22 States is out of order, man.

23 PRESIDING OFFICER CHOCK: Thank you. Thank
24 you for your testimony.

25 THE WITNESS: You guys gotta fu***** wake

1 up. You know what? Here's what you need to do.

2 Google chem trails, chem clouds. You gotta look at
3 the sky.

4 AUDIENCE MEMBER: That's right. It's not.

5 PRESIDING OFFICER CHOCK: (Gavel).

6 THE WITNESS: We are being sprayed 24/7.

7 You care about your future? Look it up. Google chem
8 clouds, chem trails. Mahalo.

9 MR. DAVIDSON: Hannah Miyamoto is the next
10 witness. Hannah, come on up.

11 THE WITNESS: Mahalo.

12 MR. DAVIDSON: Hannah Miyamoto followed by
13 Alice Fisher.

14 HANNAH MIYAMOTO

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

17 THE WITNESS: Absolutely.

18 PRESIDING OFFICER CHOCK: Name and address
19 for the record.

20 THE WITNESS: Hannah Miyamoto. I live at
21 Hale Wainani G-202. That's UH student housing, 2591
22 Dole Street, Honolulu, Hawai'i 96822.

23 These are the major reasons why -- okay, I
24 should probably start with: Graduate student at UH
25 Hawai'i. Trained in engineering and law. And I've

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1 been formally active in Sierra Club in Hawai'i,
2 Wisconsin, Minnesota and a life-long conservationist.

3 These are the major reasons why the
4 Ho'opili boundary change application should be
5 approved: The Ho'opili Transit-Oriented Development
6 is --

7 THE REPORTER: Would you slow down, please.

8 THE WITNESS: So sorry -- is a needed
9 demonstration of transit-oriented living concepts for
10 the residents of Hawai'i, providing a vital
11 alternative to land and energy-gobbling auto-oriented
12 development.

13 Ho'opili is an infill development whose use
14 for urban development is consistent with good
15 conservation practices, consistent with existing
16 regional transit plans -- regional development
17 plans --

18 MS. ERICKSON: I'm sorry. Could you slow
19 down a little bit.

20 THE WITNESS: -- that will reduce demand to
21 develop outlying rural areas.

22 Largely -- Number 3 -- largely due to
23 natural conditions peculiar to many Pacific Islands,
24 the Ho'opili parcel is not especially suited for
25 agriculture.

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1 Number 4. Keeping the D.R. Horton parcel
2 within the agricultural boundary will not stimulate
3 agricultural development because land availability is

4 not a critical factor retarding Hawaiian agricultural
5 development.

6 Number 5. No reasonably foreseeable
7 scenario for enhanced food security requires increased
8 agricultural production, because the two issues are
9 largely unconnected. First, as stated by Table 3-20
10 of the Final EIS for the Honolulu Rail Transit
11 Project, 77 percent of the 3600 passengers boarding
12 trains at Ho'opili station in 2030 will arrive by
13 cycling or walking.

14 This is the fifth highest rate on the entire
15 line, and compares with 6 percent at East Kapolei, 13
16 percent at Waipahu-West Loch and only 9 percent at
17 UH-West O'ahu station. This figure reflects the unique
18 ability of transit-oriented development to encourage
19 residents and patrons to leave behind their cars and
20 rely on transit, cycles and walking instead.

21 Transit-oriented development gives priority
22 access to transit, bicycles and pedestrians to
23 attractive housing, offices, shops and restaurants,
24 and discourages automobile use by denying extremely
25 convenient automobile accessibility.

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1 This is especially critical because the
2 large parking lots and wide roads required to provide
3 automobile access discourage walking and cycling and
4 make these modes excessively unsafe.

5 Honolulu County, and the state of Hawai'i

6 need Ho'opili to show residents that conserving land
7 and reducing energy use need not diminish the quality
8 of life of island residents, but rather enhances it,
9 increasing comfort and feelings of security.

10 Ultimately -- second. If the D.R. Horton
11 parcel is left as agriculture, it will soon be a land
12 of anomalous land use -- island of anomalous land use
13 surrounded by medium density commercial and
14 residential development, a major freeway and
15 multi-lane expressway, a major new university served
16 by sanitary sewer mains and cut through by an elevated
17 rail transit line.

18 Moreover, the homes to be constructed there
19 will have to go elsewhere since the population of
20 Honolulu County rose 0.8 percent per year from 2000 to
21 2010. Due to the high cost of land in Central
22 Honolulu, the pressure to construct sprawling
23 automobile-oriented developments like Mililani may be
24 irresistible, and will require additional major
25 infrastructure construction under any circumstances.

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1 Third. As expressed by Hawaii-born Stanford
2 University professor Peter Vitousek in his 2004 book,
3 "Nutrient Cycling and Limitation: Hawai'i as a Model
4 System", lands like the D.R. Horton parcel are most
5 likely deficient in potassium, nitrogen and even
6 carbon, which are necessary for agricultural

7 production without relatively high fertilizer
8 application.

9 Mostly because of the relatively low bird
10 population, infrequent lightning, and absence of
11 recent glaciation, soil fertility in Hawai'i is
12 concentrated on slopes which are replenished by
13 minerals leached from volcanic rock deposits.

14 Flatlands like the D.R. Horton parcel are
15 relatively deficient in these nutrients because of
16 their distance from slopes. And we've all heard
17 testimony from the other sugar manager about that soil
18 input, those nutrient inputs.

19 MR. DAVIDSON: Excuse me. Thirty seconds.

20 THE WITNESS: I'll do my best. In
21 addition -- fourth, the cost of labor is the chief
22 factor preventing the revival of O'ahu agriculture.
23 Tens of thousands of acres of land like north of
24 Wahiawa, most of it good sloping land, and stand
25 fallow because farming is largely uneconomic on O'ahu.

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1 Finally, given the amount of time and
2 long-term investment needed to grow, harvest and
3 process food crops, no foreseeable disaster or war
4 could be warded against by preserving farmland.

5 A major hurricane would destroy crops in the
6 field and cut off roads and bridges needed to
7 transport food. A major tsunami or earthquake would
8 also destroy roads. And all disasters might destroy

9 any stored food.

10 Likewise, if more farmland than currently
11 available was suddenly necessary, existing residences
12 could be evacuated and the land turned over to food
13 production.

14 Urban conversion of farmland is occurring
15 within the city limits of Detroit, Michigan now
16 because agriculture is now the most valuable use for
17 many square miles of this depopulated city.

18 In addition, city parks were plowed and
19 planted in Japan in the spring of 1945; Japanese
20 cities also provided ample labor for managing these
21 emergency rice crops.

22 And I conclude by saying that if we really
23 want food security we need to work on making our
24 harbors more reliant. And we need to prepare for
25 disasters to our roads and bridges because that's the

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1 most likely disaster we're likely to face. Thank you.

2 PRESIDING OFFICER CHOCK: Thank you for your
3 testimony. Parties, any questions?

4 MR. KUDO: No questions.

5 DR. DUDLEY: No questions.

6 PRESIDING OFFICER CHOCK: Sierra Club?
7 Sierra Club, any questions?

8 MS. CERULLO: No.

9 PRESIDING OFFICER CHOCK: Mr. Seitz?

10 MR. SEITZ: No.

11 PRESIDING OFFICER CHOCK: Commissioners?

12 Thank you for your testimony.

13 MR. DAVIDSON: Alice Fisher followed by

14 Jobey North.

15 ALICE FISHER,

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

17 and testified as follows:

18 THE WITNESS: I do.

19 PRESIDING OFFICER CHOCK: Thank you very

20 much. Name and address for the record.

21 THE WITNESS: My name is Alice D. Fisher. I

22 live at 4300 Waialae Avenue, Honolulu 96816. I am here

23 in opposition to the Ho'opili Project by D.R. Horton.

24 However, I wish to say before I do another thing that

25 I am extremely sympathetic to the plight of the

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1 construction workers, highly intelligent, versatile

2 people just needing jobs.

3 I was born in 1926. And grew up in the

4 Great Depression. And I understand what poverty and

5 worry is. I think that the answer for Hawai'i is for

6 us to put these fine people to work on our

7 infrastructure which is in such bad shape that we are

8 now trucking sewage.

9 We are going to have to use tax money on

10 these thing anyway. And we should start doing this as

11 soon as possible. I urge everybody to go to the

12 Legislature and to work on having these jobs start
13 being available as soon as possible.

14 I am reassured by the fact that you are all
15 business oriented and understand that there is a huge
16 inventory, millions of homes overhanging the national
17 market of single-family homes. Alan Greenspan, who
18 was head of the Federal Reserve, could and, indeed,
19 was obligated to avoid this disaster by raising
20 interest rates and margin requirements in 2004 and
21 2005. Instead, left the interest rates far too low
22 while accepting accolades of those who proceeded to
23 make vast amounts of money off of the results.

24 He has since confessed to having been very
25 wrong. And, of course, he wasn't alone. The other

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1 members of the Federal Reserve went right along. He
2 has confessed to having been very wrong.

3 But now we are facing years of misery as a
4 result. And now he has actually recently come out
5 with a possible suggestion that one way to start
6 solving the problem would be by demolishing large
7 numbers of the unoccupied, almost worthless houses.
8 In fact on occasion this has already taken place in
9 some places.

10 Another proposal has been offered by the
11 Federal Reserve Member Elizabeth Duke. It would be to
12 put the houses on the market for rent. Unfortunately

13 many of them would require some cleaning up if they
14 had been unoccupied for several years.

15 And then the organization and actual work of
16 renting them to financially appropriate prospects
17 would require a fair amount of expense. And whether
18 the Congress would go along with this is uncertain.

19 This sort of thing is needed in places like
20 Nevada, Florida, but surely not here, our politicians
21 say. However, if you look closely there are warning
22 signs. The management of new condominiums acknowledge
23 that they are only putting a few units on the market
24 at a time to give the illusion that occupancy rate is
25 higher than is actually the case.

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1 There are an increasing number of empty
2 stores. And as your eyes travel up there are more and
3 more vacancy signs in them in the upper windows of
4 commercial buildings.

5 Now the government is planning to use empty
6 schools for office space rather than renting from the
7 private sector. Most worrisome is that squatters are
8 moving into neglected buildings with the danger of
9 fire and other kinds of problems that this implies for
10 the neighborhoods where this occurs.

11 MR. DAVIDSON: Excuse me, Alice, 30 seconds.

12 THE WITNESS: Ah! Optimists point to the
13 slight rise in the stocks recently. However, it is
14 due to the change in the construction of multi -- this

15 is a really important issue -- it is due to the
16 construction of multi-family dwellings for rental in
17 the inner cities, not for purchase.

18 Ironically, the wisest thing you could do
19 for D.R. Horton would be to deny their request now
20 before they use up any more money on lawyers and
21 planning. Otherwise they will probably face years of
22 waiting with their money tied up, as builders did in
23 Japan after their housing bubble burst.

24 On the other hand, agricultural land will be
25 increasing in price. If you listen to savvy stock

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1 analysts they point to increasing food prices, not
2 only here but worldwide. There's a term "the new
3 normal". Well, the new normal is that this land is
4 worth more undeveloped than it would be covered with
5 houses and the accompanying asphalt roads with the
6 need for large quantities of water and electricity.
7 Thank you very much.

8 PRESIDING OFFICER CHOCK: Thank you for your
9 testimony. Parties, any questions?

10 MR. KUDO: No questions.

11 PRESIDING OFFICER CHOCK: Commission? Thank
12 you, Alice for your testimony.

13 MR. DAVIDSON: Joby North followed by Kent
14 Fonoimoana.

15 JOBY NORTH

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

18 THE WITNESS: I do.

19 PRESIDING OFFICER CHOCK: Name and address
20 for the record.

21 THE WITNESS: Joby S. North, II. 2976 Ala
22 Ilima Street, Honolulu, Hawai'i 96818. Mr. Chair,
23 Members of the Commission and guests. Thank you. My
24 name is Joby North. I'm the vice president of the
25 Hawai'i Laborers Union Local 368.

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1 The merits of the Ho'opili Project are best
2 presented by the developer. The Hawai'i Laborers
3 Union wishes to focus on the critical need for jobs.
4 Demonstrations are occurring in Hawai'i and nationwide
5 and in some 82 countries. One of the major reasons
6 for this unrest is the serious economic inequality due
7 in large part to unemployment and underemployment.
8 People want and need decent paying jobs to care for
9 their families and live the American dream.

10 The federal government is in a gridlock when
11 it comes to job creation. So we need to encourage
12 private investors like D.R. Horton to step up to the
13 plate. And D.R. Horton is doing just that.

14 Ho'opili will create some \$4.6 billion in
15 economic activity over 20 years and create 7,000 new
16 local jobs and some 27,000 construction, professional
17 and support related positions over the life of the

18 project. This project will be one of Hawai'i's
19 economic drivers, excluding the military, that could
20 sustain Hawai'i in this unstable economic period.

21 Developer D.R. Horton has kept its promise
22 to work with the community and the public entity to
23 address previous concerns raised by the Department of
24 Agriculture and Department of Transportation.

25 D.R. Horton over the last six years has

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1 respectfully reached out to the hundreds of residents,
2 community leaders, local businesses, cultural and
3 agricultural experts, and government entities.

4 They listened and maintained an open and
5 transparent process informing the stakeholders and
6 public and thereafter amended their project and
7 application substantially.

8 On behalf of the thousands of tradesmen and
9 tradeswomen and those workers who stand to be employed
10 because of the Ho'opili Project, we sincerely request
11 a consideration of the Land Use Commission to grant
12 this application. We extend our appreciation for the
13 Land Use Commission for allowing us to submit this
14 testimony. Thank you.

15 PRESIDING OFFICER CHOCK: Thank you for your
16 testimony. Parties, any questions?

17 MR. KUDO: No questions.

18 PRESIDING OFFICER CHOCK: Dr. Dudley?

19 DR. DUDLEY: Sir, I'd just like to ask you:
20 Just a few years back we had Campbell Estate coming
21 before the Commission asking for a change of zoning --
22 change of land use designation from ag to urban for
23 the area called Kapolei East. They have 6500 homes
24 already zoned and already ready to go out there.

25 Do you union folks ever talk with them about

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1 "Why aren't we building those houses?" Well, that's
2 my question.

3 THE WITNESS: Yes, we do. And we understand
4 that they're in development as well and there's
5 projects that are ongoing and projects that are on the
6 books to get going. But the project that we're
7 speaking of today is Ho'opili.

8 DR. DUDLEY: Okay. You know, if we've got
9 other projects that are already ready to go and you
10 folks are talking with them, what makes you think
11 Ho'opili is going to go faster than them? I mean
12 they're already completely zoned, completed entitled,
13 6500 homes.

14 THE WITNESS: Because Ho'opili is the
15 project that's at forefront today to start going and
16 to develop jobs, to create homes for our families, for
17 our kids, for our future. That's what we're here
18 today. We're not here for Castle & Cooke or anything
19 else. We're here for Ho'opili today. We support any
20 job creation, anything that's going to stimulate the

21 economy for the state of Hawai'i.

22 DR. DUDLEY: Okay. You know, wouldn't you
23 think that they would be building houses right now if
24 the economic situation was such that they could
25 probably build?

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1 THE WITNESS: Castle & Cooke is building
2 houses right now.

3 DR. DUDLEY: I'm talking about Campbell
4 Estate right now. But Castle & Cooke is? Yes, okay.
5 What about Campbell Estate and the other guys? I mean
6 34,000 houses that are possible to build? Shouldn't
7 somebody out there be buildin' houses?

8 THE WITNESS: Somebody out there should be
9 doing a lot of the things to stimulate the economy for
10 the state of Hawai'i and the growth, the secured
11 growth for our future. And that's why we're here
12 today and that's what we're discussing.

13 DR. DUDLEY: Okay. But it looks to me like
14 those people who have gone on ahead of us would be the
15 people -- I mean doesn't it kind of make sense that
16 Horton's going to be kind of couple years from now
17 doing the same thing those guys are doin'? Aren't
18 they just really --

19 THE WITNESS: Horton is doing what they're
20 doing, what they can. Horton is not going to save
21 the state. Horton is not going to save the country.

22 They're doing what they can, what's in their plan,
23 what's in their abilities.

24 The rest of the people I assume as doing as
25 well in what they can. And when they step forward and

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1 do and come forward with what their plan is and what
2 to be done, then I'm sure we will be here again with
3 that discussion for those questions for those people.

4 DR. DUDLEY: Good. Thank you very much.

5 PRESIDING OFFICER CHOCK: Sierra Club? Mr.
6 Seitz?

7 MR. SEITZ: Yes, I have a few questions. If
8 I heard you correctly, I thought you testified that
9 your union and you would support any projects that
10 would create jobs. Was that what you said?

11 THE WITNESS: We're supporting the economic
12 growth for the state of Hawai'i and for our members
13 and for any other person that's unemployed in the
14 state of Hawai'i.

15 MR. SEITZ: And when you decide which
16 projects to support do you take into account the
17 long-term consequences for the quality of life for
18 people in Hawai'i?

19 THE WITNESS: Oh, yeah. The long-term
20 account for the quality of life for Hawai'i represents
21 our families, our kids, our grandchildren and their
22 grandchildren and their children.

23 MR. SEITZ: And in this case did you take

24 into account the fact that these homes are going to be
25 built largely on land that's currently producing food

1 for people on O'ahu and elsewhere in the state of
2 Hawai'i?

3 THE WITNESS: Yes. And those people are
4 willing to be relocated to other areas so they can
5 produce food. And I don't see any of those people in
6 this room today opposing this project.

7 MR. SEITZ: How do you know they're willing
8 to be relocated?

9 THE WITNESS: They're not here opposing it.

10 MR. SEITZ: Are you aware of the terms of
11 the lease with Horton that prevent them from speaking
12 out publicly to oppose this project? Are you aware of
13 that?

14 THE WITNESS: No.

15 MR. SEITZ: If I were to tell you that Aloun
16 Farms specifically is precluded from taking a position
17 on this project by the terms of its lease, would that
18 change your impression as to why they're not here?

19 THE WITNESS: No.

20 MR. SEITZ: You don't care what their
21 opinion is, do you?

22 THE WITNESS: I care the opinion of the
23 people that need jobs. I care about the economy of
24 the state of Hawai'i. I care about my family and

25 other people's family having the opportunity to own a

1 home and to work. And, you know, we can't stop the
2 growth of our island, the growth of population. It's
3 here and this is an option. This is a tool to help in
4 something that's inevitable.

5 MR. SEITZ: What do you say to the 180 or so
6 people who already work at Aloun Farms who are not
7 going to have jobs if this project proceeds?

8 Their farms, as I understand, will be
9 relocated and they will still have jobs. That's what
10 you understand.

11 THE WITNESS: Yes.

12 MR. SEITZ: But if, in fact, there is no
13 actual plan to relocate Aloun Farms to preserve those
14 jobs and preserve the food production, would that
15 alter your opinion?

16 THE WITNESS: No.

17 MR. SEITZ: Thank you. Nothing further.

18 PRESIDING OFFICER CHOCK: Commissioners, any
19 questions? Tobey, thank you for your testimony.

20 MR. DAVIDSON: Kent Fonoimoana followed by
21 Ali'i Tasi Ponder.

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

25 THE WITNESS: Yes, I do.

1 PRESIDING OFFICER CHOCK: Name and address
2 for the record.

3 THE WITNESS: 56-423 Pahelehala Loop,
4 Kahuku, Hawai'i 96731. Good morning, Commissioners.
5 Thank you for the opportunity to opine. My name is
6 Kent Fonoimoana. Born and raised here on the Island
7 of O'ahu pre-statehood. I'm wearing a couple of hats.

8 I am the co-chair for Defend O'ahu
9 Coalition, if you folks are familiar with the term
10 Keep the country country. You folks probably have
11 seen our bumper stickers. We have 4,000 supporters.
12 And we have sold approximately 29,000 bumper stickers
13 on this island. And our mission statement is to
14 protect O'ahu, particularly the North Shore from urban
15 sprawl.

16 As a former executive board member of the
17 Hawai'i Carpenters Union I support jobs for my union
18 brothers and sisters, non-union too, but not as much.
19 And I understand the plight that they're in. We went
20 through some lean times back in the '80s when we went
21 out on strike.

22 To remove productive ag land is not a wise
23 move for the common good of our island. Eighty-five
24 percent of food brought in from somewhere else is not
25 sustainable for us. Is it possible -- can I ask a

1 question for everyone? Do we all support local
2 agriculture? I do. Anybody else? For those of us
3 who didn't raise your hand that tells me you don't;
4 that you would rather keep going down this same road.

5 Sooner or later something not too pleasant
6 is going to occur: Shipping strike, some sort of a
7 natural disaster where we will not be able to be
8 sustainable. I'm not here to speak against the
9 project or for it. I'm here to speak for the
10 preservation of ag land.

11 I'm also on the Ko'olaupia Neighborhood
12 Board, ag chairman. And we are in the process of
13 drafting a resolution to preserve current ag land
14 that's under production, much of which is Aloun Farms.
15 They're the one most viable farm that's producing on
16 this island.

17 And to take that out of production and move
18 them somewhere else is kind of counter-productive to
19 sustainability. I thank you for the time. Aloha.

20 PRESIDING OFFICER CHOCK: Thank you very
21 much. Parties, any questions?

22 MR. KUDO: No questions.

23 PRESIDING OFFICER CHOCK: Mr. Yee.

24 MR. YEE: Just briefly. I appreciate the
25 background of your experience. But I just want to be

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1 clear. Are you speaking on behalf of the Defend O'ahu
2 Coalition? Or are you speaking --

3 THE WITNESS: Yes I am.

4 MR. YEE: -- on your own behalf. Okay. So
5 is the position of the Defend O'ahu Coalition--

6 THE WITNESS: Yes, sir.

7 MR. YEE: Do you know if they submitted
8 written testimony in this case?

9 THE WITNESS: Where to?

10 MR. YEE: To the Land Use Commission.

11 THE WITNESS: There was a communications
12 back and forth with other supporters. And to my
13 knowledge that they were not accepting written
14 testimony. I may be wrong on that. But that's the
15 information that I had received.

16 MR. YEE: For your information I think if
17 the Defend O'ahu Coalition, or actually any member of
18 the public, wants to submit something in writing as
19 their testimony to the Land Use Commission, it's my
20 understanding they may. And in fact if people wanted
21 to they certainly could submit that and only summarize
22 their oral testimony so they don't have to rush
23 through their testimony.

24 THE WITNESS: Do you have a due date on when
25 they're going to shut down testimony for supplying

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1 that?

2 MR. YEE: I don't. But if you're interested
3 I would just submit it. Sorry.

4 THE WITNESS: Can you email me that
5 information?

6 MR. YEE: We'll talk later.

7 MR. DAVIDSON: Sir, you can submit written
8 testimony at any time in the proceeding. That's just
9 part of the process.

10 THE WITNESS: I'm not familiar with the
11 process.

12 MR. YEE: No further discussion.

13 PRESIDING OFFICER CHOCK: Dr. Dudley?

14 DR. DUDLEY: No questions.

15 MS. CERULLO: No questions.

16 PRESIDING OFFICER CHOCK: Commissioners, any
17 questions? Thank you for your testimony.

18 THE WITNESS: Thank you.

19 MR. DAVIDSON: Ali'itasi Ponder followed by
20 Candace Fujikane.

21 ALI'ITASI PONDER,
22 being first duly sworn to tell the truth, was examined
23 and testified as follows:

24 THE WITNESS: Yes, I do.

25 PRESIDING OFFICER CHOCK: Name and address

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1 for the record.

2 THE WITNESS: Ali'itasi Ponder. And I'm at
3 56-423 Pahelehala Loop in Kahuku. Just before I came
4 in I was speaking to somebody from so-called the
5 "other side." And she was very nice. We've been

6 talking out in the hall a little bit here and there.
7 And she said, "I'm so sorry we're on opposite sides."
8 And I said, "Actually, I don't think of it that way.
9 I think we're all on one side, which is we're all
10 trying to figure it out."

11 I'm grateful that we're all here willing to
12 try to figure it out, understanding that we will all
13 be impacted by this choice. So in the time in our
14 country with the 99 percent have caught our attention,
15 I think we need to consider ourselves part of the
16 100 percent. Because 100 percent of us need to eat.
17 So I think that makes a lot of common ground for us.

18 Historically Hawai'i has been known for its
19 wisdom, its knowledge, its ability to be sustaining.
20 We are paradise for the rest of the world. I wonder
21 if we would have that reputation today if the
22 missionaries, whalers, whoever found us way back when
23 arrived, and they saw that we had paved over our most
24 fertile places to grow food and that we were reliant
25 on anybody who happened to get food to us.

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1 I don't think we would be known as a wise
2 culture. Certainly we wouldn't be a green culture.
3 We wouldn't be considered paradise. So unless today,
4 you know, people want to sell tickets to come in and
5 find out, how is it people took paradise, a place that
6 is so fertile, managed well, we could not just feed

7 all of us but feed plenty of other people, how did we
8 waste that opportunity so that they could all learn
9 how not to do it?

10 I think we have a great opportunity right
11 now to make our knowledge and wisdom count and to set
12 an example for our nation. Common sense shouldn't be
13 sacrificed and called progress. Plans are ideally
14 based on common sense. And when the variables change
15 you change the plan. We're heading to the beach, it's
16 raining, we change the plan.

17 So I don't -- I'm not knowledgeable enough
18 about the O'ahu Plan. But I do know that in today's
19 economy and today's climate all the things that are
20 occurring right now we need to come up with a plan
21 that makes sense now. It doesn't matter what we said
22 we were going to do before, if before it made sense to
23 build on fertile land because we just thought that,
24 you know, resources would be continuous without our
25 having to participate in that support of it being

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1 continuous. But now we've realized differently.
2 Shouldn't our current plan reflect our current
3 awareness?

4 A plan without common sense is the
5 perfection and execution of a bad idea or actually a
6 no idea. We have no idea what we're doing when we
7 give away our chance to feed ourselves. There are
8 more places to build houses than there are to grow

9 food.

10 So it's just common sense to make use of the
11 places that are most fertile to grow our food and to
12 look at the other places to build. I mean that just
13 makes sense. We don't have our food prepared in the
14 bathroom. And we don't do things that we normally do
15 in the bathroom in the kitchen.

16 MR. DAVIDSON: Excuse me. Could you
17 summarize in 30 seconds.

18 THE WITNESS: Rather than be on the side of
19 the 1 percent ignoring the obvious, we need to find a
20 need and fill it. We need food. We have the land.
21 We have the soil. We have the knowledge. Now we need
22 our leadership to align themselves with the needs of
23 the people. Thank you.

24 PRESIDING OFFICER CHOCK: Thank you for your
25 testimony. Parties, any questions?

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1 MR. KUDO: No questions.

2 PRESIDING OFFICER CHOCK: Dr. Dudley?

3 DR. DUDLEY: Ms. Ali'itasi, I'm struck by
4 the fact that you and Mr. Fonoimoana came in from the
5 Kahuku area. What drives you to come so far to speak
6 about something that doesn't concern you?

7 THE WITNESS: Well, humanity concerns me.
8 Hawai'i concerns me. The culture of our people
9 concerns me. Doing things that are wise and smart

10 concern me. I'm a counselor. I encourage people to do
11 wise things. When I see something that's not wise I
12 feel it my responsibility to show up and to provide
13 support for something that can affect many generations
14 to come.

15 We don't have children of our own. We're
16 not doing this out of a selfish need or personal need
17 to make sure that we have something for just
18 ourselves. We would rather inconvenience ourselves by
19 driving out here by supporting wind farm, if that's
20 what is best for our whole state. We don't believe
21 this is the wise thing.

22 MR. DUDLEY: Thank you very much.

23 PRESIDING OFFICER CHOCK: Parties,
24 questions?

25 MR. KUDO: No questions.

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1 PRESIDING OFFICER CHOCK: Commissioners?
2 Thank you for your testimony.

3 MR. DAVIDSON: Candace Fujikane followed by
4 Kapua Ruiz.

5 PRESIDING OFFICER CHOCK: Good morning,
6 Candace.

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

10 THE WITNESS: Yes, I do.

11 PRESIDING OFFICER CHOCK: Name and address

12 for the record, please.

13 THE WITNESS: Candace Fujikane. 1733 Donagho
14 Road, Honolulu, Hawai'i 96822. I think it's still
15 morning. Good morning, everyone. I have submitted
16 written testimony and there are two tables there that
17 might be useful, as I'm speaking, to look at.

18 I am opposed to D.R. Horton's Petition for
19 Reclassification of 1,553 acres from the Agricultural
20 District to the Urban District. Many have spoken very
21 powerfully about the dire circumstances we are in in
22 terms of our food security in Hawai'i. I wanted to
23 raise two concerns that support those concerns.

24 The first is the inflation of numbers
25 regarding edible crop production on O'ahu.

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1 And second the over-emphasis on farmlands in
2 Kunia and the North Shore as a cure-all to our present
3 agricultural problems.

4 First, I'm ever concerned about the ways
5 that acreage of farmland on O'ahu, often represented
6 as 11,000 acres, is inflated with non-edible crops.
7 When we make a distinction between edible and
8 non-edible crops, the acreage in edible crops is
9 actually 4,800 acres.

10 Therefore the 1,497 acres of leased
11 agricultural land in the project site represent
12 32 percent of land in edible crop production on the

13 island of O'ahu.

14 Statewide edible crops total 11,400 acres.

15 And the Petition Area represents 13 percent of the
16 statewide edible crop acreage. So this data on crop
17 acreage was compiled by Plasch Econ Pacific, LLC in
18 O'ahu Agricultural Situation Outlook and Issues,
19 February 2011, which was prepared for the Department
20 of Planning and Permitting. And it's posted on the
21 DPP web site.

22 Plasch states in the executive summary that,
23 quote, "In 2008 O'ahu had about 11,000 acres in crop."
24 End quote. But 6,200 acres of that number is in
25 non-edible crops. So I've attached a table from that

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1 report with the figures for vegetable and fruit
2 acreages. So if you take a look at the first table
3 for 2008, Fruits: 900 acres are listed. Then for
4 vegetables and melons: 3,900 acres.

5 So this number, 4,800 acres in edible crops
6 on O'ahu, is a key number for us to think when you
7 think about food production. A boundary amendment in
8 this case would result in the loss of 32 percent of
9 O'ahu's edible crop production.

10 I'd also like to voice my concern about the
11 ways that Plasch's report to the DPP provides an
12 overly optimistic account of 30,000 acres of good
13 farmland on O'ahu outside the growth boundaries,
14 mainly in upper Kunia, the North Shore and Kahuku.

15 If we scrutinize that number, however, we
16 begin to see that landowners in these areas are land
17 banking their property in hopes of achieving their own
18 boundary amendments.

19 To give you just one example, Plasch lists
20 lands in Kunia that include, quote, "about 560 acres
21 owned by the state and about 2,519 acres abutting
22 Schofield Barracks owned by an organization
23 affiliated with the US Army," end quote.

24 That 2,519 acres was purchased from the
25 James Campbell Company by Army Hawai'i Family Housing,

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1 a partnership between U.S. Army and ACTUS Land Lease.
2 In April 29, 2007 the Pacific Business News reported
3 that Jeff Cangemi, the project director for Army
4 Hawai'i Family Housing, had stated that the
5 partnership views the purchase as quote, "A land
6 banking play for Army Hawai'i Family Housing for
7 future needs," end quote.

8 In another example Plasch states that,
9 quote, "About 8,500 acres of the irrigated land on the
10 North Shore are not fallow or used for grazing cattle
11 and remain available for crop farming. Most of the
12 available lands on the North Shore are owned by
13 Kamehameha Schools," end quote. That's on Page 28 of
14 his report.

15 Yet, as discussed at the Agricultural Focus

16 Group Meeting for the Honolulu General Plan Update
17 held on February 23, 2011, the summary explains,
18 quote, "Of 6,000 acres owned by Kamehameha Schools in
19 the North Shore, about 2500 acres is currently
20 irrigated."

21 The summary further explains, quote, "In
22 many areas where land is available the old plantation
23 infrastructure needs major improvements and very few
24 landowners can afford the costs. Water availability
25 is the main obstacle preventing Kamehameha Schools

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1 from leasing its vacant North Shore lands," end quote.

2 When we consider these two factors in
3 reassessing available farmlands, landowners land
4 banking their property for possible urbanization, and
5 the availability of water, then we begin to see how
6 precarious our agricultural future is.

7 These are urgent concerns about the future
8 of sustainable agriculture in Hawai'i. In this light
9 I hope you will consider a denial of the Petitioner's
10 request for reclassification of agricultural lands.
11 Thank you. (Applause).

12 PRESIDING OFFICER CHOCK: Thank you for your
13 testimony. Petitioner, do you have any questions?

14 MR. KUDO: No questions.

15 PRESIDING OFFICER CHOCK: Parties? County?
16 State? Dr. Dudley? Sierra Club?

17 MS. CERULLO: I just want to ask one thing.

18 I represent Sierra Club. I just wanted to ask you if
19 you're aware, you probably are, but Bruce Plasch, who
20 authored that report, are you aware that he is
21 Petitioner's expert on agriculture?

22 THE WITNESS: Yes. I did find that out only
23 yesterday, very recently.

24 MS. CERULLO: Thank you.

25 PRESIDING OFFICER CHOCK: Mr. Seitz.

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1 MR. SEITZ: Yes, I had some questions.
2 First of all, can you tell us what your background is,
3 what you do for a living?

4 THE WITNESS: I'm an English professor. But
5 what I teach are land struggles in Hawai'i. And I
6 have my students -- we map out land struggle. We
7 look at narratives about mapping. We look at state
8 documents like Final Environmental Impact Statements.
9 And we look at how land is represented in these kinds
10 of documents as well as in the mo'olelo and the
11 literatures of Hawai'i.

12 MR. SEITZ: Based upon the testimony that
13 you've just provided, if this project were approved
14 and Aloun Farms were required to relocate, do you know
15 where they could productively relocate to?

16 THE WITNESS: No. Because the kinds of
17 crops grown in that low elevation cannot be grown in
18 the higher elevations of the North Shore and the Kunia

19 areas.

20 MR. SEITZ: Thank you.

21 PRESIDING OFFICER CHOCK: Commissioners, any
22 questions? Thank you for your testimony. Holly, how
23 are you doing?

24 THE REPORTER: Imua.

25 (Laughter)

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1 MR. DAVIDSON: Kapua Ruiz followed by
2 Alfonso Oliver. And we have one, two, three, four,
3 five -- we have seven signed up testifies at this
4 point.

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

8 THE WITNESS: Yes.

9 PRESIDING OFFICER CHOCK: Thank you very
10 much. Name and address for the record.

11 THE WITNESS: Aloha, Commission, and all the
12 guests that are here. My name is Kapua Ruiz. I live
13 at 94-1043 Mawele Street, Waipahu, Hawai'i.

14 I just want to let you know that I think I
15 might be getting a parking ticket. I wasn't going to
16 leave without sharing my opinion with you folks today.
17 I'm going to miss class too. I'm a grad student at UH
18 Manoa.

19 Basically we need clean air to breathe,
20 clean water to drink and locally grown food to eat. I

21 would prefer that but as things have gone that's not
22 so. If you grant the developer's wish and green
23 light -- and green light this project, I foresee a
24 future where we will (A) bring in more vog and smog
25 emitted from more cars on our roads; we'll run out of

1 water because there isn't enough.

2 When you drive down the Wai'anae Coast you
3 will see, I think, signs posted up by the Board of
4 Water Supply to conserve. So keep that in mind
5 there's not enough water.

6 And (C) (sic) traffic is going to be a
7 beast. Because if we allow the development of 12,000
8 additional homes to be built on the 'Ewa Plain you can
9 times that by two. There's going to be 24 -- there
10 might be 24,000 more vehicles on our roads. So keep
11 that in mind.

12 With that being said, I really believe that
13 we lack the infrastructure to permit this development
14 to happen. The water is gonna run out. Traffic is
15 gonna be hell. We're going to be late to work which
16 will effect productivity in the long run. To me it
17 doesn't make any sense to propose building a
18 residential community when we don't have the rail up
19 or the University of Hawai'i campus built yet.

20 I'm just a citizen. I keep myself posted by
21 reading the news. And I'm kind of surprised that they

22 haven't built the infrastructure of the UH of Hawai'i
23 West O'ahu campus yet. So I don't know what's up with
24 that.

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25 Basically where are these people going to

1 go? To town? They won't make it in time to wherever
2 they have to go because they're going to have to face
3 traffic every day. Let's see. So I say no, no to
4 Ho'opili. We need to malama ka 'aina. We should
5 create industry and support agriculture. Since we
6 have the land why don't we invest in it?

7 O'ahu seriously needs to go green and we
8 need to embrace sustainability. 'Cause when we're
9 facing a natural disaster -- we're overdue for a
10 hurricane. I don't know if people are aware of that.
11 But I think it's going to be the worst hurricane for
12 the state of Hawai'i to be seen.

13 With that being said, where is our food
14 gonna come from? What happens when everyone buys all
15 the cases of water at the store, you know like when we
16 run out of water? Because we're going to be told to
17 conserve. Gotta keep those things in mind.

18 We need to work with what we have. Please,
19 Commission, don't waste any more of our taxpayer dime
20 to allow for such a short sighted project to slip
21 through the assembly line. We've got no time.

22 Basically I think you should prioritize your
23 projects. Get the UH of Hawai'i West O'ahu going.

24 Get rail going before we continue any further
25 development. Thank you.

1 PRESIDING OFFICER CHOCK: Thank you for your
2 testimony. Parties, any questions?

3 MR. KUDO: No questions.

4 PRESIDING OFFICER CHOCK: Commissioners, any
5 questions? Thank you for being here today to provide
6 testimony.

7 MR. DAVIDSON: Alfonso Oliver followed by
8 Representative Cabanilla.

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

12 THE WITNESS: I do.

13 PRESIDING OFFICER CHOCK: Name and address
14 for the record.

15 THE WITNESS: Alfonso Oliver 91-2020
16 La'akona Place, 'Ewa Beach, Hawai'i. 96706. Aloha
17 honorable members, board members of the State Land Use
18 Commission. I want to read a written testimony from
19 our business manager Peter Ganaban Laborers Union
20 Local 368.

21 "My name is Peter Ganaba. I'm the business
22 manager, secretary treasurer of the Hawai'i Laborer's
23 Union Local 368. The Hawai'i Laborer's Union
24 represents over 5,000 members in construction,

25 landscape, environmental and non-construction sectors.

1 I especially submit this testimony on behalf of our
2 many members who now call West O'ahu home. We are in
3 strong support of the D.R. Horton-Schuler Homes, LLC's
4 request to amend the Agricultural Land Use District
5 Boundaries into the Urban Land Use District for
6 approximately 1,553 acres of land at Honouliuli
7 District 'Ewa District, O'ahu, Hawai'i.

8 "Ho'opili is another step towards completing
9 our Second City on the 'Ewa Plain along with the
10 University of Hawai'i, West O'ahu, the Kroc Center,
11 DHHL, East Kapolei communities.

12 "Ho'opili is another important needed piece
13 to create true secondary urban center in Kapolei. We
14 all share a vision that Kapolei will be the place
15 where families will be able to live, work, play and
16 attend school without having to leave their community.
17 Ho'opili will provide needed affordable homes in our
18 Second City.

19 "As each year passes most of our children,
20 grandchildren, start families. Where will they live?
21 We all want our children, grandchildren to be able to
22 buy homes in a good community. Ho'opili will give
23 working families this opportunity.

24 "This project will include the City's rail
25 transit systems. Residents will be able to live

1 around or close to three transit stations. Those
2 residents who do not work in the area, this will
3 provide a great opportunity to commute to their jobs
4 and schools while not adding any vehicles to our
5 roads.

6 "On behalf of thousands of hard working
7 members, and especially for hundreds not working, this
8 project is also needed to create critical jobs. In
9 addition to thousands of construction jobs Ho'opili
10 will create it will also create thousands of permanent
11 jobs and provide a significant boost to our economy.

12 "Let's continue to move forward in
13 completing the vision adopted over 30 years ago: A
14 building of a second city on the 'Ewa Plains. Thank
15 you very much for this opportunity to testify in
16 support of this request. Thank you very much."

17 PRESIDING OFFICER CHOCK: Thank you for your
18 testimony. Parties, any questions?

19 MR. KUDO: No questions?

20 PRESIDING OFFICER CHOCK: Dr. Dudley?

21 DR. DUDLEY: Sir, are you aware of the great
22 number of jobs that must be coming with the road
23 repairs that are going to take place on this island
24 and the great number of jobs that must be coming with
25 the billions of dollar; that we're going to be putting

1 into the wastewater and into the water system
2 repairing it? I mean there's so many -- there's so
3 many jobs that are coming up? Are you aware of those
4 jobs?

5 THE WITNESS: Yes. If this is a question
6 for the testimony or for me? Because this is written
7 testimony for someone. But if you're asking me
8 personally?

9 DR. DUDLEY: Yes.

10 THE WITNESS: Yes, I am aware.

11 DR. DUDLEY: And the money that it's going
12 to take to pay for those jobs it's going to come out
13 of our own taxes, right? I mean we're going to have
14 to pay for those things as years go on here. I'm
15 worried about the working families that you're talking
16 about, you know. I really sincerely am.

17 But I'm concerned that with this project we
18 are going to have additional things that we're going
19 to have pay for: Schools?

20 PRESIDING OFFICER CHOCK: Dr. Dudley, can
21 you get on with the question and avoid editorializing
22 with your commentary.

23 DR. DUDLEY: Okay. Thank you. I'm just
24 wondering -- don't you think that there's a problem
25 with working people that we've got a great number of

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1 projects that we're going to have to pay for over the
2 next 30, 40 years? And that this project will bring

3 other expenses in addition like schools and police
4 stations and fire stations and all those things we're
5 going to have to pay for? Don't you think we're going
6 to struggle? Do you think of that? Do you have a
7 problem with that?

8 THE WITNESS: I think we're all struggling
9 now. And to get people back to work the taxpayers
10 need jobs to pay for things that we need. I'm a
11 homeowner myself. And I have to pay bills.

12 If I don't go to work -- and we have our
13 5,000 members don't go to work and we create jobs then
14 Honolulu, Hawai'i stops. So to get this economy back
15 where it needs to be, people need to work to pay taxes
16 to pay bills. So the job creation will stimulate
17 that. That's my opinion.

18 DR. DUDLEY: Okay. Thank you.

19 PRESIDING OFFICER CHOCK: Parties, any
20 questions?

21 MR. KUDO: No questions.

22 MR. SEITZ: No questions.

23 PRESIDING OFFICER CHOCK: Commission? Thank
24 you for your testimony.

25 THE WITNESS: Thank you.

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1 MR. DAVIDSON: Representative Rida Cabanilla
2 followed by Adam Bensley.

3 REPRESENTATIVE RIDA CABANILLA

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

6 THE WITNESS: I do.

7 PRESIDING OFFICER CHOCK: Please proceed.
8 Name and address for the record.

9 THE WITNESS: I'm Rida Cabanilla. I
10 represent District 42 which is the abutting district
11 for the Ho'opili Project. I'm also the Chair on the
12 Committee of Housing in the House of Representatives.
13 I am here today, Honorable Commissioners, to present
14 to you the sentiments of the people that I represent.

15 They are in opposition to the project for
16 reasons that I cannot agree and identify with. First
17 of all it's cramp on their lifestyle. There's been a
18 lot said about traffic here.

19 And I'm going to try to not repeat what's
20 been previously said. The state do not have money to
21 build more roads. Yes, the rail is coming but it
22 doesn't address every community on the west side.

23 Secondly, my neighbors work on those farms.
24 We worry about the jobs for the trades. Nobody
25 worries about the displaced workers who do not have a

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1 voice in this forum. They are my neighbors and they
2 are my constituents. They are picking up crumbs on
3 the table.

4 My father retired from the labor union. And
5 there's a lot of bills that we pass in the Legislature

6 to help the trades. For example, the rail. I voted
7 for the rail because it's going to be giving 20 years
8 of jobs to the trades. I passed in my committee as
9 the chair of housing a tax credit for the lottery.

10 So in other words, we took care of the
11 trades. There's coming from the pipeline, from the
12 federal government, things that we can spend for the
13 unemployed tradesmen so they can be employed. So
14 let's leave the farmers alone. They too have the
15 promise of America.

16 Secondly, a lot of my members constantly
17 work for Waikiki in the tourist industry. We go and
18 make a tract homes out of Hawai'i and this state would
19 look like Torrance or Compton, California. We would
20 lose the island that we are so proud of. And we're
21 going to be looking just like any other city in the
22 United States.

23 Third. There's so much foreclosures in the
24 west side that the value of homes have dropped
25 tremendously so that we cannot even take advantage of

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1 these low rates because the value is so low that the
2 banks will not entertain it, not unless you put cash
3 down. So now you gonna develop more housing. And
4 what does more housing do? It would gap the supply
5 and demand. So those are the concerns of my
6 neighbors, to name a few.

7 So let me repeat it again. The people of
8 District 42, the majority of them, is in opposition of
9 this project. Now speaking as the Chair of Housing,
10 we need more affordable housing and affordable rentals
11 but we do not need it outside. We need to build it in
12 the urban core. The reason why developers are not
13 going to the urban core is because they have to
14 retrofit the sewer lines.

15 The city and county raised the cost of sewer
16 fees. And I had a bill last session that that should
17 be used for retrofitting and not for brand new
18 development. And that's the way it's supposed to be.
19 Because the current taxpayers or users are paying for
20 it.

21 But it bothers me and bothers everybody else
22 that these fees being collected is going to be used
23 for new developments -- or part of it for new
24 developments. That is not right.

25 There's places in the urban core and we

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1 should go vertical. We should bring affordable
2 housing where the people could use it. We talk about
3 homelessness. Isn't that supposed to be that we need
4 to look at the urban core where these people like to
5 be, where jobs are? Not going outside in 'Ewa where
6 you're going to incur what those people are concerned
7 about that I will not repeat 'cause it's been said so
8 many times.

9 We talk about food sustainability. And let
10 me just comment on UH West O'ahu. They have a lot --
11 I support West O'ahu -- but they have a lot of lands.
12 Why can't we be just like any other university in the
13 United States where we try to conserve and condense
14 our campuses?

15 We live in an island. We have a very finite
16 square footage of land. So I think that the
17 Commission is a state agency, that I think the lands
18 that they now earmarked needs to be cut down for a
19 lack of better words.

20 So those are my sentiments. I thank you for
21 the opportunity to testify. I think you Commissioners
22 have the power to make the state to be how we want it
23 for our future generation.

24 PRESIDING OFFICER CHOCK: Thank you for your
25 testimony, Representative. Questions? Petitioner?

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1 MR. KUDO: Yes, a couple questions.
2 Representative, are you aware that at least the two
3 neighborhood boards that are in your representative
4 area, both Waipahu Neighborhood Board and the 'Ewa
5 Neighborhood Board voted unanimously to support this
6 particular project?

7 THE WITNESS: They are not representing the
8 people in the district. And you can quote me on it.
9 I don't even attend it.

10 MR. KUDO: No further questions.

11 PRESIDING OFFICER CHOCK: County? State?

12 Dr. Dudley.

13 DR. DUDLEY: Agreement with her.

14 MR. SEITZ: I have questions.

15 PRESIDING OFFICER CHOCK: Mr. Seitz, go
16 ahead.

17 MR. SEITZ: Representative Cabanilla, how
18 long have you been in the Legislature?

19 THE WITNESS: This is my seventh year, going
20 on eighth year.

21 MR. SEITZ: And during the time that you've
22 been there have you participated in discussions where
23 the Legislature has taken up bills and resolutions
24 pertaining to the protection of agriculture in the
25 state of Hawai'i?

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1 THE WITNESS: Yes. I have supported it
2 wholeheartedly.

3 MR. SEITZ: Is it fair to say that the
4 protection of prime agricultural lands in Hawai'i has
5 been a priority for the Legislature during the period
6 of time that you've been there?

7 THE WITNESS: Yes. But the problem,
8 Mr. Seitz, is that the issue of private ownership. If
9 these are all state lands we can make calls on it.
10 But we having the forum because they're all privately
11 owned. And I kinda look back on how the state could

12 have bought these lands so we have a say.

13 But I am trusting the Commission to make the
14 right call on this. Because when D.R. Horton bought
15 those lands there were ag zones.

16 MR. SEITZ: Are you familiar with the
17 provisions of Act 183?

18 THE WITNESS: No. You have to recite it to
19 me.

20 MR. SEITZ: Let me ask you this: If the
21 Land Use Commission were to approve this particular
22 Petition and allow for the development of lands that
23 are currently occupied and utilized in large part by
24 Aloun Farms, do you have an opinion as to whether that
25 action would be consistent with the policies of the

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1 Legislature that have been articulated while you have
2 been a member?

3 THE WITNESS: No.

4 MR. SEITZ: It would not be consistent.

5 THE WITNESS: No.

6 MR. SEITZ: Thank you.

7 PRESIDING OFFICER CHOCK: Commissioners, any
8 questions? Commissioner Judge.

9 COMMISSIONER JUDGE: Thank you for your
10 testimony, Representative. I'm from Maui so I'm not
11 familiar with the districts here. Could you tell me
12 where District 42 is and what neighborhoods that

13 encompasses?

14 THE WITNESS: It's -- okay. Let me try and
15 paint it. If you come down from town, you get off
16 from the freeway, anything to your left starting from
17 the high school to the hospital, and then you go down
18 Fort Weaver Road to the right.

19 COMMISSIONER JUDGE: I'm not that familiar.
20 Like the high school. Can you point it out on the map
21 for me?

22 PRESIDING OFFICER CHOCK: Can you take the
23 microphone with you, please?

24 THE WITNESS: It would be on this area. It
25 would just be bordering all West Loch Estates. All

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1 this area, I represent this area right here, just
2 around Ho'opili.

3 COMMISSIONER JUDGE: So your district
4 encompasses Ho'opili and it surrounds it on three
5 sides?

6 THE WITNESS: No. I don't represent
7 Ho'opili.

8 COMMISSIONER JUDGE: But would it be in your
9 district? Is that land in your district in 42?

10 THE WITNESS: No. But anything outside it,
11 anything outside it would be my district.

12 COMMISSIONER JUDGE: So you are adjacent to
13 it on three sides.

14 THE WITNESS: Yes. Yes on all, yeah, on

15 three sides.

16 COMMISSIONER JUDGE: Just not above.

17 THE WITNESS: No.

18 COMMISSIONER JUDGE: Okay. Thank you.

19 PRESIDING OFFICER CHOCK: Commissioners, any
20 further questions? Thank you for your testimony.

21 THE WITNESS: Thank you.

22 MR. DAVIDSON: Adam Bensley followed by
23 Nathan Ortiz.

24 ADAM BENSLEY

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

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1 and testified as follows:

2 THE WITNESS: Yes.

3 PRESIDING OFFICER CHOCK: Thank you. Name
4 and address for the record.

5 THE WITNESS: (off mic) My name is Adam
6 Bensley. I live at 2393 Waiomao Road.

7 PRESIDING OFFICER CHOCK: Please speak into
8 the mic.

9 THE WITNESS: Okay. This is tough for me to
10 read seeing as we all know that Hawai'i is illegally
11 occupied by the United States. But that's the system
12 that's in charge of this land so that's what we'll go
13 by.

14 The Hawai'i State Constitution states, "The
15 state shall preserve and protect agricultural lands,

16 promote diversified agriculture, increase agricultural
17 self-sufficiency, and insure the availability of
18 agriculturally suitable lands."

19 The environmental impact statement from
20 Ho'opili states that Ho'opili is not supportive for
21 growth and development of diversified agriculture
22 throughout the state.

23 This development, proposed development
24 should end right here. All the talk about the whole
25 urban planning and development within Ho'opili is

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1 irrelevant. It should stop here. This is the wrong
2 location for a development like this. The land at
3 Ho'opili is comprised of A and B soils which are prime
4 farmland conditions.

5 Try go to Hawai'i Island. These soils do
6 not exist over there. These are the most productive
7 farmlands in -- throughout the Hawaiian Islands.

8 Currently there are farmers cultivating
9 these lands. There are consumers that are using their
10 product, purchasing their product. And there's an
11 infrastructure that's already in place for farming.

12 The infrastructure for Ho'opili is not in
13 place. And once -- if it is built the infrastructure
14 that would need to be built to support it would come
15 out of the taxpayer's pocket, not D.R. Horton.

16 So I'm begging you today please look at this
17 objectively. Do not sacrifice our food security for

18 the money that would be generated through the
19 increased property taxes which is where the county
20 gets its money from.

21 We cannot eat houses. We cannot eat money.
22 We need food. So please, like I said, look at this
23 objectively, and please deny the request to rezone
24 this land. Mahalo.

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25 PRESIDING OFFICER CHOCK: Thank you for your

1 testimony. Questions?

2 MR. KUDO: No questions.

3 PRESIDING OFFICER CHOCK: Dr. Dudley?

4 DR. DUDLEY: No questions.

5 PRESIDING OFFICER CHOCK: Sierra Club?

6 MS. CERULLO: No questions.

7 PRESIDING OFFICER CHOCK: Commissioners, any
8 questions? Thank you for your testimony.

9 MR. DAVIDSON: Nathan Ortiz followed by
10 Anthony Arvalho.

11 NATHAN ORTIZ

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

14 THE WITNESS: I do.

15 PRESIDING OFFICER CHOCK: Thank you. Name
16 and address for the record.

17 THE WITNESS: My name is Nathan Keolani
18 Cooper Orteiz. I live, or my address is 94-186 Kiaha

19 Loop, Mililani, 96789.

20 I found out -- thank you for having me.

21 Thank you for allowing me to speak. This is the first
22 time I've spoken publicly against anything. I'm a UH
23 student at Manoa studying agriculture. So this has
24 particular meaning to me, what am I going to do after
25 I graduate if there is no farmland.

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1 I don't want to go to the Big Island to
2 farm. I want to farm here. This is where -- I mean
3 just from a financial standpoint this is where the
4 markets -- all the farms over there are shipped over
5 here. It doesn't make any sense. My family's here.
6 My friends are here. I'm born and raised here.

7 I'm moving from Mililani to town on Friday
8 because of traffic. You're gonna build more homes on
9 farmland, beautiful farmland. It just, it hurts so
10 bad that it is even up for discussion it doesn't make
11 any sense. Please, please, please do the right thing.
12 Deny, deny the Petition. We need food.

13 I was in the construction industry for six
14 years. I've been laid off for a year before I decided
15 to go back to school. During that time I realized
16 what's most important. And it's food. Everything in
17 life needs food. Everything.

18 We cannot afford to import all of this food
19 sustainably. As gas prices increase, food prices
20 increase. And everybody knows it. Everybody feels

21 it. Everybody is paying more. You used to be to able
22 to go to Costco's and pay a hundred bucks. Now it's
23 200 bucks, 300 bucks what you're spending. And you
24 have to go to Costco's. You can't afford to go
25 anywhere else.

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1 I mean it's just going to increase. It's
2 not going to get any better. We're just going to pay
3 more and more money for food, unless we start
4 producing more food locally and stop having to pay the
5 shipping costs to bring that food from half way around
6 the world. So please, please, please deny this
7 Petition. Thank you.

8 PRESIDING OFFICER CHOCK: Thank for your
9 testimony. Parties, any questions?

10 MR. KUDO: No questions.

11 MR. SEITZ: No questions.

12 PRESIDING OFFICER CHOCK: Commissioners?
13 Thank you very much for your testimony.

14 MR. DAVIDSON: The last two witnesses signed
15 up Anthony Arvblo followed by Representative Kymberly
16 Pine.

17 ANTHONY ARVBLO (phonetic)
18 being first duly sworn to tell the truth, was examined
19 and testified as follows:

20 THE WITNESS: I do.

21 PRESIDING OFFICER CHOCK: Thank you. Name

22 and address for the record.

23 THE WITNESS: Anthony Arvblo, 3946 Lurline
24 Drive, 96816. Aloha, Vice Chair Chock, and Members of
25 the Commission. Thank you for this opportunity to

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1 testify. I have to say at the outset that you do not
2 have an easy job. There are two very passionate
3 groups of people in this room, a lot of antagonism.
4 And you're caught in the middle. And I'm sure I speak
5 for everyone here when I say that you have our respect
6 and our gratitude.

7 You know, I brought a green T-shirt with me
8 today but I won't wear it because like the brown
9 shirts that are out there it's a symbol of the
10 division. And the truth is we are all one 'ohana. An
11 injury to our friends in the brown shirts is an injury
12 to all.

13 By the same token when we injure the aina,
14 when we take away and forever destroy the land on
15 which we grow food or should be growing food. We
16 injure all of here now and all for our children to
17 come, seven generations from now.

18 That's what brings us here today, the spirit
19 of 'ohana, the spirit that we care for each other,
20 that we care about the land on which we grow food,
21 that we care about our mo'opuna and their mo'opuna and
22 the others to come.

23 Now, I don't doubt that these sentiments

24 sound a bit rich coming from a guy with a funny
25 British accent. I'm a proud American citizen. I've

1 lived in this country for 25 years. I've been a
2 malahini for six years.

3 But I believe my experience is relevant. I
4 have seen this movie before. I grew up on the Spanish
5 Islands called Majorca which I think of as the O'ahu
6 of the Mediterranean. The two islands are about the
7 same size. Majorca is a little bit bigger, but the
8 population of about 600,000 is a little bit smaller.
9 They are both often described as paradise. And on
10 both the biggest industry is tourism.

11 For fifty years O'ahu and Majorca had an
12 almost identical number of tourists, about 900,000.
13 But Majorca is close to the major cities of Europe, an
14 hour and-a-half to Paris, two hours to London, three
15 and-a-half hours to Berlin. It's a place that a lot
16 of Europeans, most of Europe can go to for a long
17 weekend.

18 So last year while O'ahu had 4 million
19 tourists, Majorca had 12 million. And to house the
20 influx of new residents from the mainland and the huge
21 number of tourists, Majorca allowed the major
22 landowners to pave over their farm fields with housing
23 subdivisions and hotels.

24 The reason was that the landowners were rich

25 and powerful. And the politicians were convinced that

1 housing and tourist developments were the highest and
2 best use of the land.

3 The building got so out of hand that by the
4 1990s the aquifers were overpumped, saltwater intruded
5 and they had to build desalination plants and ship
6 water from the mainland in giant tankers.

7 And then in 1998 when it had been
8 anticipated, a small rally perhaps the size of the
9 number of people in this room, in front of city hall,
10 turned into a huge protest demonstration joined by
11 perhaps as many as 30,000 people screaming, "Enough is
12 enough."

13 And they were hurling abuse at the officials
14 who had allowed the natural beauty of their island to
15 be despoiled in the rush to create short-term
16 construction jobs, and overpriced housing, much of
17 which was snapped up by people from the mainland and
18 abroad.

19 Those residents of the O'ahu of the
20 Mediterranean wished they had the equivalent of a Land
21 Use Commission that could have slowed the rush to
22 development, a Land Use Commission to serve as the
23 conscience of the people on land use issues, for that
24 is your role.

25 If you go to the LUC website to the very

1 first page and look at the very first item: "Purpose
2 of the law." The very first law explains that the
3 Land Use Commission was created because, and I quote,
4 "In 1961 the Hawai'i State Legislature determined that
5 the lack of adequate controls had caused the
6 development of Hawai'i's limited and valuable land for
7 short-term gain for the few."

8 Now, that is the exact same situation you
9 face today. Our friends in brown tell us that this
10 process is all about jobs. But the truth is it's
11 about one job, the job of one man. The major
12 beneficiary of this vast scheme would be Mr. Donald R.
13 Horton, the principle stockholder of the company that
14 bears his name, D.R. Horton.

15 He's one of the richest men on Planet Earth.
16 Last year he paid himself a cool \$4 million. He has
17 his high paid sales team telling you this is all about
18 jobs. But the land is not a resource to be
19 strip-mined for short-term jobs.

20 If you look at the fine print of
21 Mr. Horton's scheme, he talks about 28,000 jobs. But
22 21,000 of those are short-term jobs paving over the
23 best farmland in the state over a number of decades.

24 The other 7,000 unidentified, but apparently
25 permanent jobs, are almost entirely service related in

1 the retail and restaurant businesses this spring up
2 around any major residential subdivision.

3 If Mr. Horton's 11,750 homes were to go into
4 Iwilei or Moiliili or downtown Kapolei where they
5 belong, those 7,000 permanent service sector jobs
6 would follow them into the urban core.

7 Construction should not be the driver of the
8 economy. That is the tail wagging the dog. If
9 construction were to be the driver of the economy,
10 then we would have to keep coming up with vast
11 construction schemes like Mr. Horton's to satisfy the
12 demand for those jobs.

13 But we can't do that because unlike Los
14 Angeles we do not sit on the edge of a vast desert
15 into which suburbs can splurge forever.

16 Now, I have no doubt that the staff of the
17 Commission have told you that your job is establish
18 findings of fact and law. The facts are going to be
19 hard to determine.

20 On the one hand Mr. Horton's high priced
21 team will tell you that Hawai'i is a virtual frontier
22 state with 177,000 acres of open land just waiting to
23 be farmed.

24 On the other hand you have the testimony,
25 the Professor Hector Valenzuela, which has already

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1 been submitted to you, that there are only about 3,000
2 acres like these at Honouliuli left on O'ahu.

3 On the one hand, even though Mr. Horton's
4 team readily admits that their project --

5 MR. DAVIDSON: Excuse me, sir, could you
6 summarize in about 30 seconds.

7 THE WITNESS: No, I don't think I can in 30.
8 Can I have a little longer than that, Chair?

9 PRESIDING OFFICER CHOCK: Please, go ahead.

10 THE WITNESS: Thank you. On the one hand
11 even though Mr. Horton's team already admits that
12 their project will likely be short of water to the
13 tune of 5 million gallons a day, other experts will
14 say that's not a problem because the Board of Water
15 Supply already has contingency plans to build a
16 desalination plant even though that will add to the
17 water bill of every resident of this island.

18 You will also hear experts that will tell
19 you it is almost impossible for a farmer to find land
20 to buy; that our locally grown supply is dwindling,
21 that this particular piece of farmland is so unique
22 that it is irreplaceable. That, indeed, was the
23 testimony of the last two administrations under
24 Governors Lingle and Cayetano.

25 Governor Abercrombie has reversed that

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1 position not because the quality of the land has
2 diminished, but because in this time of economic
3 recession he finds it politically expedient to embrace

4 a scheme that promises jobs even though this project
5 is a long, long way from being shovel ready.

6 You will also hear expert testimony that the
7 scheme will make traffic on H-1 much worse. And that
8 our top hoteliers fear that urban sprawl has become
9 tourists' top complaint and threatens to undermine our
10 biggest industry.

11 But at the end of the day your job is not
12 just to measure findings of fact and law. Your job is
13 to be the conscience of our state on the issue of
14 land. That is a sacred duty. It is enshrined in the
15 constitution and it states so in Article 11 Section 1
16 which I know has been repeated many times here. But
17 if you'll indulge me one last time.

18 It states that, "For the benefit of present
19 and future generations the state and its political
20 subdivisions shall conserve and protect Hawai'i's
21 natural beauty and all natural resources including
22 land, water, air, minerals and energy sources, and
23 shall promote the development and utilization of these
24 resources in a manner consistent with their
25 conservation and in furtherance of the

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1 self-sufficiency of the state." Thank you very much.

2 (Applause).

3 PRESIDING OFFICER CHOCK: Thank you for your
4 testimony. Parties, any questions? Petitioner?

5 MR. KUDO: No questions.

6 PRESIDING OFFICER CHOCK: County? State?

7 Dr. Dudley?

8 DR. DUDLEY: No.

9 PRESIDING OFFICER CHOCK: Sierra Club?
10 Mr. Seitz?

11 MR. SEITZ: No questions.

12 PRESIDING OFFICER CHOCK: Commissioners, any
13 questions? Thank you for your testimony.

14 MR. DAVIDSON: Representative Kymberly Pine
15 followed by Kahu Manu Mook.

16 PRESIDING OFFICER CHOCK: We have a few more
17 testifiers. If we can get your indulgence to get
18 through the rest of the public testimony and then
19 we'll take a quick break for lunch.

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

23 THE WITNESS: I do.

24 PRESIDING OFFICER CHOCK: Name and address
25 for the record.

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1 THE WITNESS: Kymberly Pine. I will give
2 you the state capitol address if that's okay.

3 PRESIDING OFFICER CHOCK: Yes, go ahead.

4 THE WITNESS: Room 333 State Capitol,
5 Honolulu, Hawai'i. Just for your indulgence I want to
6 let you know where I represent. I represent this

7 whole area in 'Ewa. It's one of the largest House
8 districts in the state of Hawai'i.

9 We have double the amount of citizens living
10 in my district than in any other average House
11 district. I represent 'Ewa Beach. And I'm here on
12 behalf of my constituents, many who have been through
13 this process for the last three decades.

14 So I'm not here to really claim any side is
15 right or wrong but really to help to remind you that a
16 process is taking place. And I'm here in support of
17 the Ho'opili Project.

18 I had never been very vocal before or
19 against this project before. But it's the process
20 that I witnessed and analyzed my seven years at the
21 State Legislature that's convinced me that this is
22 what my constituents want.

23 For the last 30 years the process has taken
24 place. This has included many elected officials
25 before me, many citizens, many leaders within the

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1 state of Hawai'i, both in the city and the state and
2 the Neighborhood Board system discussing the future of
3 O'ahu.

4 It has taken 30 years for us to get to this
5 point today to decide whether we want to, in fact,
6 continue the process that is taking place before us
7 where people have chosen to make this the area of
8 growth.

9 So as people speak to you about whether we
10 have enough ag or not, I think that has been debated
11 on both sides. That's something you will have to
12 decide if that's a lead issue for you.

13 But for me the lead issue for me is we have
14 taken 30 years to get to this point to decide to build
15 homes for people, most of them affordable homes. All
16 of them not in two bedroom boxes downtown, which I can
17 tell you many people that live in my district have
18 moved to 'Ewa because they dream of having a backyard
19 where they can put their toes through green grass
20 instead of looking out of a window that's stuffed with
21 grass.

22 This is a very important vision that people
23 have had to get to this point. So if you stop this
24 process that has taken 30 years to take, the
25 consequences are this: We will have to start the

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1 process again if we decide that O'ahu will change its
2 whole entire plan of where the growth is going to be.

3 So we will be here 30 years from now to
4 discuss the very areas, the options that people are
5 giving alternatives to. So where are people going to
6 live? This is a very important point that I hope you
7 consider.

8 And I deeply respect both sides of the issue
9 here. I love Kioni Dudley. He's a good friend of

10 mine. I think he's doing to great job of presenting
11 what he believes. Thank you very much for your time.

12 PRESIDING OFFICER CHOCK: Thank you.

13 Parties, any questions?

14 MR. KUDO: I have no questions.

15 PRESIDING OFFICER CHOCK: Dr. Dudley?

16 DR. DUDLEY: I'll stay with the idea she
17 loves me. (Laughter).

18 PRESIDING OFFICER CHOCK: You're a smart
19 man. (Laughter) Sierra Club? Mr. Seitz?

20 MR. SEITZ: Were you here when
21 Representative Cabanilla testified?

22 THE WITNESS: Yes, I am, sir. But may I ask
23 you before you continue does Representative Della Au
24 Belatti still work for you?

25 MR. SEITZ: She does.

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1 THE WITNESS: I just want to represent this
2 potential conflict between you and I. And I believe
3 that we have a potential conflict that any other
4 contact I may have with Representative Cabanilla --
5 not Cabanilla but Della Au Belatti may put her and I
6 in conflict with each if this issue is discussed at
7 the capitol. Is there another lawyer with your firm
8 that can ask the same questions that we can remove
9 that conflict?

10 MR. SEITZ: I don't see a conflict because
11 she's not working on this matter.

12 THE WITNESS: Okay.

13 MR. SEITZ: I have another associate with me
14 who's working with me on this case.

15 THE WITNESS: Okay. Well, if you're fine
16 with it, I just wanted to make sure that you're aware
17 of the potential conflict.

18 MR. SEITZ: We're certainly aware. I want
19 to ask you, however, you heard Representative
20 Cabanilla's testimony that during the seven years that
21 she's been in the Legislature, the Legislature quite
22 clearly on a number of occasions has passed laws and
23 resolutions indicating its concerns for the
24 preservation of agriculture.

25 Do you agree with that?

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1 THE WITNESS: Oh, most certainly.

2 MR. SEITZ: So if this project were going to
3 be on any other location other than on prime
4 agricultural land, there's no question that it would
5 be consistent with the development of this second
6 urban center that you spoke of, correct?

7 THE WITNESS: Actually there is a question.
8 I disagree with the intentions that you're trying to
9 move me towards. The reason I'm for that and also for
10 the preservation of ag land, is I believe it's been
11 presented to me by Representative Sharon Har, who
12 heads the Ag Committee that has presented to us that

13 there is significant ag land available to the people
14 of the state of Hawai'i.

15 There is not a significant amount of
16 affordable homes, which this project will provide.
17 There is not a significant amount of homes that will
18 be built to sustain our community.

19 MR. SEITZ: Were you here when there was
20 testimony presented earlier today about the actual
21 acreage that is available on O'ahu for growing food
22 crops?

23 THE WITNESS: I was not here for that
24 testimony, but I was present at the State Legislature
25 when all the ag lands of the state of Hawai'i was

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1 presented to us.

2 MR. SEITZ: And you also seem to be basing
3 your opinions in part on the fact that this project is
4 going to provide affordable housing, is that correct?

5 THE WITNESS: Yes. All -- most homes in
6 this area, just so you know, is almost half or a third
7 of the cost. In addition to that Ho'opili, I
8 understand, will provide almost 30 percent of the
9 additional affordable housing.

10 MR. SEITZ: And do you know -- do you know
11 who is going to be able to afford or occupy that
12 housing if and when it's built?

13 THE WITNESS: I can't predict who's going to
14 live in my community. I know if you go by my

15 community is, my community average age is less than 40
16 years old, about 38. They are -- most of them are low
17 income families that cannot -- that do not want to
18 raise their large families in a box downtown. So I
19 would only imagine that with the census, very similar
20 in the surrounding districts as mine, the people will
21 be the same.

22 MR. SEITZ: Aren't there other areas other
23 than on agricultural land out of this second urban
24 core where this housing could be built which would not
25 interfere with or limit agriculture?

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1 THE WITNESS: I'm sure there possibly could
2 be, Mr. Seitz, but then we will be here 30 years from
3 now starting all over again.

4 MR. SEITZ: Are you aware that more than
5 30,000 units have been already permitted and approved
6 for construction in other places that will not impede
7 or limit agricultural lands?

8 THE WITNESS: I'm not aware of the exact
9 amount. But I'm still aware of the fact that we will
10 not have enough affordable housing or enough housing
11 in the state of Hawai'i to sustain living here in
12 Hawai'i.

13 This will force the cost of housing prices
14 to almost double in the next ten to 15 years. This
15 will force local families like mine to move to the

16 mainland as many of them have.

17 MR. SEITZ: Thank you. No further
18 questions.

19 PRESIDING OFFICER CHOCK: Commissioners, any
20 questions? Thank you for your testimony. We're going
21 to take testimony from one more public witness and
22 then break for lunch. Let's proceed. Kahu.

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

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1 THE WITNESS: I do.

2 PRESIDING OFFICER CHOCK: Your name, address
3 for the record.

4 THE WITNESS: My name is Kahu Manu Mook.
5 I'm from Waimanalo. Aloha, everyone. Thank you for
6 being all here. From your family and from your hearts
7 I know you're all here especially for the future.

8 I'm here for the future of our children and
9 your children and our children not born yet. I'm a
10 kanaka ma'oli. I'm from Waimanalo. I'm still waiting
11 for my Hawaiian Home Lands. It's been over 20 years,
12 and still no affordable, really affordable homes for
13 us kanaka ma'oli.

14 We always being passed by in jobs. There's
15 jobs. But when I came back from Viet Nam most of the
16 jobs going to outside people, contractors from the
17 mainland, from different cultures where that came in.

18 First it was Filipinos, then came the Samoans, the
19 Vietnamese. Now we have the Micronesians. We have
20 jobs for our people. But that people coming in to
21 take our job. I care for our children. And our
22 family was here before everybody else. But we being
23 neglected.

24 You know, it's for our children, especially
25 bruddah's children back there, for all our children.

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1 And to take away a prime farmland that our
2 ancestors -- I care for the 'aina wherever it is from
3 the mountain to the sea. We're stewards here, all of
4 you. We must take care what already our ancestors
5 left.

6 It's good to have progress. But let's work
7 together in this progress to be sharing, especially
8 with our economy and the wasteful use of money. These
9 nine years with this war we wasn't even in control of
10 it not knowing how we had the money for being borrowed
11 from China. And we gotta pay back. Our children's
12 gotta pay back. But that's another issue.

13 We already in the puka. Let's all get out
14 of the puka together. Please don't scrape the good
15 fertile land that's been there for a purpose. Because
16 when you scrape, then you touching our iwi kupuna. No
17 matter where it is it's there. It's our 'ohana, even
18 if you're not from that area, you know, but it's all

19 part of us.

20 I'm in Pahoa Valley. I was born in Pahoa
21 Valley. And my opoa is from Nu'uano to here. So we
22 need farming and we need much more to come. And our
23 children need healthy and fresh food. 'Cause the food
24 that comes from -- it only can last eight days before
25 it loses its nourishment. We must eat healthy because

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1 everything is green, green. Let's follow that green
2 in our hearts. Because it's nice to have a beautiful
3 home, but can our children afford half a million
4 dollars? I cannot even afford 200. Your
5 children's -- we need each other. We have to put the
6 jobs where it's really needed. We can, we can build
7 up union industries, carpenters, plumbers, but we not
8 using it at the best of our potential. It's being --
9 well, it's a long story with our politicians anyway.

10 Anyway, digging and touching our iwi would
11 be not pono. How would you like somebody to touch
12 your gramma and grampa? No matter where they are just
13 because -- and would they be properly taken care of
14 when they do move? How can they guarantee it?

15 If they can guarantee I'd like to see the
16 supporters, the archeologists for me, council of kahus
17 be there to make sure it's not only on one side. I'm
18 the voice in the pulpit, speakers for the people. I
19 ran for Lt. Governor in '04. And I know what politics
20 is about. I love to see everybody live together in

21 this island happy. It's all about us.

22 It's not going make more money, who going
23 get ten houses, you know. It's about, please share.
24 Because we all have to live together.

25 So please don't take the farmlands away

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1 'cause what's there now should stay 'cause that's how
2 most of our families, our tutus brought, educated us
3 to working hard on the farms. Through their back and
4 bones they sweated and they was hoping their sons be
5 farmers but it didn't come true. But let's our
6 children be farmers because we have only have three
7 days of food to last if we going get one big one.
8 Something wen' happen. We pray it doesn't. But what
9 if we get hit by terrorists or something we stuck
10 here. We going be stuck.

11 We going get our -- our family wen' starve.
12 We gotta get what we get now. The food is very
13 important, especially for our children. That's why
14 I'm here for my children. I apologize if I hurt
15 anyone in this place and anyone. I forgive you too if
16 there was any chance of sadness in your hearts.

17 So thank you everyone in here. Please have
18 a good rest during lunch. And when you go home sleep,
19 pray and listen to your children's prayer what they
20 want. If our childrens was here they would tell you
21 from their hearts what is important to them, you know.

22 But please this is all for us because we
23 wanna live happy in this world. Let's all live
24 together, especially here in Hawai'i because this is
25 Hawai'i paradise. Let's enjoy paradise together.

1 Aloha.

2 PRESIDING OFFICER CHOCK: Parties, any
3 questions?

4 MR. KUDO: No questions.

5 PRESIDING OFFICER CHOCK: Commissioners, any
6 questions? It's 12:53. I think we're going to take a
7 break for lunch. I think Holly needs a break. So
8 we'll reconvene at 1:45.

9 (Lunch recess was held.)

10 PRESIDING OFFICER CHOCK: This is a
11 continued hearing on A06-771. We'd like to proceed
12 with public testimony. We have three public
13 testifiers left and then we'll have a presentation by
14 staff followed by admission of the exhibits. Dan.

15 MR. DAVIDSON: Juanita Brown followed by
16 Vernon Ta'a.

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

20 THE WITNESS: Yes, I do.

21 PRESIDING OFFICER CHOCK: Thank you. Name
22 and address for the record, please.

23 THE WITNESS: Aloha ka kou, esteemed Members

24 of the Land Use Commission. My name is Juanita
25 Kawamoto Brown Mahienaena Brown. I'm a Native

1 Hawaiian actively involved in our Hawaiian community.
2 My address is -- I'm actually here on behalf of the
3 Environmental Caucus of the Democratic Party of
4 Hawai'i. So that would be Democratic Party
5 headquarters.

6 I have been an active member of our Hawaiian
7 community for over 50 years. And part of my 'ohana
8 trace our genealogy back centuries. And we are a
9 strong citizen advocate 'ohana for community needs and
10 awareness. I am here as the official representative
11 of the environmental caucus of the Democratic Party.

12 As the subcommittee chairman for farm and
13 food security and sustainable, we will submit this
14 testimony to the LUC by the end of the day by email or
15 mail, whichever is necessary. I want to comment on
16 how a lot of the speakers who address their positions
17 do so as individuals with individual needs. And I am
18 here to speak to behalf of community and community
19 needs.

20 Our caucus strongly opposes the commercial
21 development of Ho'opili and precedence -- any
22 precedence that displaces and minimizes pristine
23 agricultural lands anywhere in the state of Hawai'i.
24 The loss of agricultural lands due to rezoning would

25 be irresponsible and negatively impact our future food

1 security.

2 Before we have even determined how much land
3 is truly needed to feed the people of Hawai'i, the
4 studies and surveys done by reputable sources show
5 70 percent of Hawai'i's people support and vow to
6 protect agricultural lands in Hawai'i. And it is our
7 duty to our community to preserve in what is in the
8 best interest of all.

9 We are losing agricultural land way too
10 quickly from development, pollution, erosion, soil
11 depravation, global warming, flooding and the list
12 goes on.

13 The substituted designated ag lands that
14 were offered by the developer, D.R. Horton, were
15 un-farmable and poor agricultural lands, in our
16 opinion, where signs are posted: "Warning" Petroleum
17 pipeline located here."

18 We cannot make comparisons of our state --
19 we cannot make comparisons of out-of-state
20 agricultural lands to what little precious ag lands we
21 have in Hawai'i.

22 We cannot expect imported produce to sustain
23 us when barrels of oil have gone beyond the
24 economically fragile capacity that actually has
25 severely affected the closing of so many farms, all

1 because we can't afford the shipping cost to pay for
2 poor quality, chemically enhanced or treated foods.

3 We have the ability to grow the healthiest,
4 most natural food farms in the world 365 days of the
5 year. What good is money made from construction jobs
6 that can't be used when the ships stop coming with
7 imported foods and we no longer have food farms
8 because we developed all the pristine ag lands?

9 We cannot look at numbers today and think
10 that these numbers will stay constant in our favor in
11 the future. We need to work to protect our natural
12 resources and acknowledge the 2050 food sustainability
13 program that was submitted to the Legislature this
14 past legislative session.

15 This would be feasible and realistic and
16 going in a better direction than what we are
17 discussing about today about allowing Ho'opili to
18 continue.

19 I am working with H5 transitional homeless
20 shelter in Kaka'ako. We can immediately help
21 transitional homeless by providing workforce housing
22 and job opportunities along with training to certify
23 these people skilled as farmers who can take pride in
24 providing food for all the people of Hawai'i on
25 Hawai'i farmlands. This would reduce homelessness and

1 joblessness in our community.

2 We can create jobs and stimulate the economy
3 through agricultural farming and food processing,
4 value added fresh farm produce. Hawai'i's No. 1
5 industry not so long ago was agriculture and can once
6 again be that.

7 When current statistics show our exploding
8 population growth and that food is a primary essential
9 necessity for life, shelter comes after food and
10 water.

11 We stand in allegiance with Save O'ahu
12 Farmlands, the Sierra Club and Senator Clayton Hee in
13 opposing a project that would easily topple our very
14 fragile balance of food and farm stability and food
15 security.

16 So, again, as a representative for the
17 Environmental Caucus of the Democratic Party of
18 Hawai'i, we strongly oppose this project and hope that
19 you will take our information seriously and support
20 our group. Aloha.

21 PRESIDING OFFICER CHOCK: Thank for your
22 testimony. Parties, any questions?

23 MR. KUDO: No questions.

24 PRESIDING OFFICER CHOCK: Dr. Dudley?
25 Sierra Club? Commissioners? Commissioner Judge.

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1 COMMISSIONER JUDGE: I have a question. Can
2 you just clarify again who you're representing here

3 today?

4 THE WITNESS: Today I am representing the
5 Environmental Caucus of the Democratic Party of
6 Hawai'i.

7 COMMISSIONER JUDGE: The Democratic Party
8 for the state of Hawai'i.

9 THE WITNESS: Correct.

10 COMMISSIONER JUDGE: The Environmental
11 Caucus.

12 THE WITNESS: The Environmental Caucus.

13 COMMISSIONER JUDGE: Okay. And how many
14 people does that -- how does the Environmental Caucus
15 get formed?

16 THE WITNESS: There's an executive committee
17 board. And there are about 13 members that sit as the
18 board. Our membership is at about 400 and growing.
19 This is our second year in the Democratic Party as an
20 official caucus.

21 COMMISSIONER JUDGE: Okay. Thank you.

22 PRESIDING OFFICER CHOCK: Thank you for your
23 testimony.

24 MR. DAVIDSON: Vernon Ta'a, followed by
25 Pearl Johnson.

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1 PRESIDING OFFICER CHOCK: Mr. Ta'a, you wish
2 to tell the truth?

3 THE WITNESS: I do.

4 PRESIDING OFFICER CHOCK: Thank you. Name
5 and address for the record.

6 THE WITNESS: My name is Vernon K. Ta'a.
7 And I live at 91-1028 Keali'iahonui Street. Took me
8 three days to learn it. It's in Kapolei, Hawaiian
9 Homes. Thank you for your patience and opportunity to
10 share my thoughts on why I support D.R. Horton and the
11 proposed Ho'opili Project.

12 After waiting for over 20 years, a year ago
13 this month I was able to purchase a home in Kapolei
14 within the Department of Hawaiian Homes at the
15 Kanahili neighborhood. In raising part of my family I
16 have five children, 14 grandchildren, one great-grand
17 child on the way sometime this month, but I'm raising
18 part of my family here in the community.

19 I want to ensure that my children, my
20 grandchildren have an opportunity to continue to live
21 in the area, let alone, Hawai'i.

22 Not only does Ho'opili represent affordable
23 homeownership opportunities for our young people on
24 O'ahu and throughout the state, it represents a
25 lifestyle I think that will help our future

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1 generations to survive and then to thrive.

2 The implementation -- and this is the first
3 time I've seen any developer do this -- implementation
4 of the urban agricultural program I think is a
5 wonderful way to preserve lands specifically set aside

6 for agriculture.

7 As a backyard farmer I support the idea to
8 incorporate community and residential gardens. My six
9 year-old grandson was very excited to see me harvest
10 our first bunch of bananas in my backyard. For many
11 months now he's been inviting his friends in the
12 neighborhood to come over and see the bananas.

13 I firmly believe that along with University
14 of Hawai'i West O'ahu Campus, Kroc Center, the DHHL,
15 and Kapolei communities I think Ho'opili fulfills the
16 vision to create an urban center in Kapolei.

17 The \$4.6 billion will really help to --
18 investment will really help to stimulate our economy
19 here in Hawai'i.

20 Lastly, I firmly believe that Ho'opili is
21 not critical to the survival of agriculture in
22 Hawai'i. We've heard it. There's a lot of acreage we
23 have to farm in Hawai'i. As we prepare for the future
24 I think we really have to consider the big picture to
25 consider Ho'opili as another avenue to establish a

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1 community.

2 If there's a choice between some cabbage
3 growing in Kapolei and a home for my children, that's
4 not a question for me to consider.

5 People. I'm half Hawaiian. My ancestors
6 have been here longer than most of us here, and we're

7 still here. We are still going to survive. It's
8 costly now for me to buy poi. I grew up on poi. My
9 great-grandfather built the first poi factory in Laie
10 'cause it was easier to grind the taro than they
11 raised in Laie than to pound it.

12 There's no land now. I'm not crying about
13 it. I learned how to eat taro, So I grow taro in my
14 backyard, sweet potato. Everything that I wanted to
15 eat and everything that I'm familiar with I'm growing
16 in my backyard. And I've only been there one year.
17 My grandkids are amazed that we can eat right out of
18 our backyard.

19 So I think and feel strongly that Ho'opili
20 is another process by which we can establish this
21 community out in Kapolei. Thank you for the
22 opportunity to testify.

23 PRESIDING OFFICER CHOCK: Thank you for your
24 testimony. Parties, any questions?

25 MR. KUDO: No questions.

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1 PRESIDING OFFICER CHOCK: Commissioners?

2 MR. DAVIDSON: Pearl Johnson.

3 PEARL JOHNSON

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

6 THE WITNESS: I do.

7 PRESIDING OFFICER CHOCK: Name and address
8 for the record.

9 THE WITNESS: Pearl Johnson, 2404 Kaneali'i
10 Avenue, Honolulu 96813. I am speaking for the League
11 of Women Voters of Honolulu. The League urges the
12 Land Use Commission to reject the Petition to change
13 the land use designation of D.R. Horton's land in 'Ewa
14 from Agricultural to Urban.

15 Those 1500 acres which Horton would cover
16 with thousands of homes are the best agricultural land
17 in Hawai'i. Not only is the soil deep and rich, the
18 land is flat, the sunshine is abundant and with
19 sufficient groundwater. Good transportation is
20 nearby, both air and ground.

21 Horton's Ho'opili website claims this
22 project would complete plans for O'ahu's second city.
23 However, suburban sprawl is a more likely outcome if
24 the Petition is approved. Even the number of homes to
25 be built is questionable. The Ho'opili website says

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1 18,750 homes are planned.

2 Ho'opili's architects Van Meter, Williams,
3 Pollack, say on their website that 12,500 homes will
4 be built. It seems to be the height of folly to
5 forever remove these 1500 acres from food production.

6 In order to build homes and businesses the
7 deep, rich soil would be scraped away and replaced
8 with coral to provide a better foundation. The
9 Department of Hawaiian Home Lands has already done

10 this on adjacent land.

11 If we should decide 50 or a hundred years in
12 the future that growing food is more important than
13 these structures we could not.

14 Detroit, which was cited earlier as an
15 example of using urbanized land to grow food, does not
16 have this problem. Contrary to Ms. Miyamoto's
17 testimony, the chief deterrent to farming on O'ahu is
18 not the high cost of labor but the lack of land
19 available for farming. Those thousands of acres are
20 not available to farmers because the landowners hope
21 to gain millions by getting the very change D.R.
22 Horton is seeking from you.

23 Hundreds of farmers would jump at the chance
24 for a long-term lease of ag land. But landowners
25 offer only one- to three-year leases waiting for

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1 permission to develop the land. How can farmers be
2 expected to put in needed improvements and then
3 abandon them in a year or two?

4 I sympathize with the unions' desire for
5 jobs. Horton's land will increase in value by
6 millions of dollars if its Petition is granted. The
7 same forces keeping other developers with already
8 zoned land from building today will be working on
9 Horton.

10 How can we be sure Horton won't just turn
11 around and sell this greatly appreciated land and how

12 long will the buyer take to build and create jobs?

13 The ongoing rise in sea level will remove
14 considerable land from productive use. We need this
15 land which is high enough and far enough from the
16 ocean to produce food in the future.

17 The Ho'opili website claims that 250 acres
18 are set aside for agriculture within Ho'opili. I hope
19 that the Commissioners will look at those acres. You
20 will find that there are gullies and steep hillsides
21 which no farmer would want.

22 Please guard the future of our island and
23 reject the Petition. Our children will thank you.

24 PRESIDING OFFICER CHOCK: Thank you for your
25 testimony. Parties, any questions?

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1 MR. KUDO: No questions.

2 PRESIDING OFFICER CHOCK: Commissioners?
3 Thank you for your testimony. Is there anyone else in
4 the audience wishing to provide public testimony at
5 this point. Mr. Bukoski.

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

9 THE WITNESS: Yes.

10 PRESIDING OFFICER CHOCK: Name and address
11 for the record, please.

12 THE WITNESS: Name is Kiku Bukoski. Address

13 is 46-119 Kiowai Place, Kaneohe, Hawai'i. And
14 appreciate this opportunity. I'll try to make this as
15 brief as possible. I wasn't planning on testifying,
16 didn't submit any written testimony for this
17 particular hearing. But I did want to add some
18 comments based on the testimony that was given earlier
19 this morning.

20 There was mention, first of all, about the
21 plantation soil being brought in from plantations that
22 spread out in the area. And I just wanted to add
23 comments to that that I know that it was a regular
24 practice. When they harvested the cane the way that
25 they did there was leftover soil and leftover

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1 sugarcane in the trucks. And they look those
2 leftovers, basically, and they spread it out into the
3 fields.

4 I know this because I've been working on
5 alternative energy projects primarily on the Big
6 Island where we're dealing with over millions of tons
7 of this recycled soil from plantations -- I'm sorry, a
8 million cubic yards, more than a million cubic yards.
9 So I'm fairly familiar with the practice. And I'm
10 sure plantation workers and owners could testify to
11 that.

12 The other thing I did want to mention is
13 earlier in the morning -- I guess I want to help
14 support one of my brothers who came and testified.

15 And, you know, it's hard to come and testify before
16 any public hearing. It's very intimidating when you
17 have highly paid attorneys. It's very hard and
18 difficult for these people to come forward.

19 And I think that -- and I understand. And
20 respectfully, though, I'd like to offer some balance I
21 guess to a question that was posed to the first
22 testifier. And, of course, I'm paraphrasing this. I
23 don't know if I have it correctly. But the question
24 was asked: "If there was a proposal to build a
25 project in Kapiolani Park that were to provide

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1 construction jobs would you support it?"

2 I just felt that, you know, under the
3 circumstances that was a pretty unfair question to ask
4 this particular individual. He already had stated
5 that he was unemployed for over two years. That's
6 basically in my opinion asking somebody who's drowning
7 if somebody threw you a life raft would you take it.

8 And there's been testimony provided and
9 descriptive words like the fiction and illusion by the
10 applicants on this particular project that -- brought
11 by testifiers in opposition. And we're not talking
12 about fiction.

13 We're talking about reality. We're talking
14 about people that are losing their lives, losing their
15 families, losing their houses. I can give you a

16 specific example.

17 I just had a meeting with Aloha United Way.
18 And I'm sure most of you are familiar with what Aloha
19 United Way does. They provide the basic needs to
20 people who need help: Food. In meeting with the
21 director of Aloha United Way in the last year they
22 have had equal to the amount of cases that they've had
23 in the last 13 years.

24 That's what kind of -- that's what we're
25 dealing with right now. It's not illusion. It's not

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1 fiction. It is fact. We're trying to deal with this.

2 And I think -- my personal opinion is that
3 what the opposition is trying to portray of the
4 construction industry -- and by the way, I represent
5 the Hawai'i Building and Construction Trades Council.
6 We represent 16 out of 17 trade unions. And I think
7 what the opposition is trying to portray is that the
8 construction industry is all about jobs.

9 That is a very important thing about what we
10 do. But it's not just about jobs. It's about
11 precedent. It's about policy. I think the
12 representative from the area made a distinction that
13 it's about -- it's about process. We're talking about
14 a development plan that's been in place for over three
15 decades. And it took a lot of vision, a lot of
16 foresight to put this thing together.

17 And for it -- I mean it was designated. If

18 people read the 'Ewa Development Plan it was
19 specifically to help create sustainable growth,
20 address the needs of the community, population growth,
21 the public -- the health and welfare of the public but
22 also to try to preserve ag land. Maybe it's not
23 perfect.

24 Maybe we're not preserving the exact ag land
25 that the opponents want to preserve. But the intent

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1 was there.

2 The second point. It seems as though there
3 seems to be a continuous referral to 30,000 permitted
4 projects, permitted homes that aren't being built.
5 Well, if we use the same logic I can ask: Well, what
6 about the thousands if not hundreds of thousands of
7 fallow ag land that we're not developing, we're not
8 farming? Maybe it's not perfect ag land. But maybe
9 we should try putting some of our efforts towards
10 coming up with alternatives to farm that ag land.

11 Now, I lived in Maui for almost 15 years. I
12 can tell you that the downfall of the sugar and
13 pineapple industry devastated Maui, especially in West
14 Maui where our tourist industry is affected because of
15 fallow land that now is not being farmed, is when at
16 certain times wind comes down and it blows all the
17 dirt into the ocean right in Ka'anapali. So the ocean
18 is basically red.

19 So what about looking at ways -- rather than
20 opposing this project, why don't we look at ways of
21 trying to develop farming at those other areas of
22 lands that is available? There was also a
23 reference --

24 MR. DAVIDSON: Could you summarize in 30
25 seconds.

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1 THE WITNESS: Yes, I will. Thank you.
2 There was reference to Act 183. There was a question
3 posed to the representative who resides outside of
4 Ho'opili, but butting up to it. The question was if
5 the approval of this Petition would be consistent with
6 Act 183. And her answer was, "No."

7 I disagree. Because within Act 183 there's
8 specific language that requires each county shall
9 identify and map potential important ag lands within
10 the jurisdiction except lands that have been
11 designated for urban use by the state or the county.

12 And in chapter 24 article 3 'Ewa
13 Development -- the 'Ewa Development Plan is an
14 accepted adopted plan that allows for Ho'opili to go
15 forward. It's been there for over three decades. We
16 strongly support this project. We'd like to work with
17 the opponents to try to come up with alternatives to
18 farm other available lands. Thank you.

19 PRESIDING OFFICER CHOCK: Thank you for your
20 testimony. Parties, questions?

21 MR. KUDO: No questions.

22 PRESIDING OFFICER CHOCK: Dr. Dudley?

23 DR. DUDLEY: Mr. Bukoski, you mentioned the

24 spreading of dirt in the fields. That's a lot

25 different than bringing in the fields, though, from

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1 elsewhere, right?

2 THE WITNESS: What do you mean "bringing in

3 the fields"?

4 DR. DUDLEY: The testifier was saying that

5 the entire plain was coral and that all of the dirt

6 was hauled in by the plantation workers.

7 THE WITNESS: Well, I don't want to second

8 guess what she said. I think what she might have been

9 referring to was the recycled sugar cane that's a

10 byproduct of harvesting sugarcane.

11 DR. DUDLEY: You would agree, I mean no

12 matter what she said, I think you were here, but no

13 matter what she said you would agree the plain was not

14 just coral and that all of the dirt in the plain by

15 the plantations, right?

16 THE WITNESS: I'm not here to agree. I

17 don't know. I was just trying to provide some

18 assurance that it could be possible, because of the

19 past practice of plantations at the time that they

20 could have been bringing in the soil, the remnants of

21 sugarcane which basically decomposes and becomes very,

22 very rich in nutrients.

23 DR. DUDLEY: Okay. The other point I want
24 to make is the 'Ewa Development Plan was -- there's
25 only been one plan approved and that was in 1997,

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1 right?

2 THE WITNESS: I'll take your word for it.

3 DR. DUDLEY: So it's 14 years, not 30 years.
4 And in the 'Ewa Development Plan does it talk at all
5 about developing Ho'opili?

6 THE WITNESS: I believe Ho'opili -- maybe it
7 could have been described by another name -- but I
8 believe the parcel of land that's now referred to as
9 Ho'opili was part of that plan.

10 DR. DUDLEY: And doesn't the -- it's true.
11 Okay. You're correct that that area is set for
12 development. But it was set for phasing over three
13 different phases, right?

14 THE WITNESS: Well, I agree that it probably
15 was phased in and I think we're in the final phases.
16 Hopefully we can get this Petition pushed through.
17 It's the completion. It's the coming together
18 Ho'opili, the project.

19 DR. DUDLEY: Okay. I think I'll just set on
20 that.

21 PRESIDING OFFICER CHOCK: Sierra Club? Mr.
22 Seitz?

23 MR. SEITZ: I just have one question. At

24 the outset of your testimony you were referring to
25 highly paid attorneys who were involved in this case.

1 Who were you referring to?

2 THE WITNESS: I'm not referring to anyone in
3 particular. If you're not highly paid I apologize.
4 (Laughter)

5 MR. SEITZ: I appreciate the apology. Since
6 I am a volunteer and not getting paid I do want to
7 make sure that that clarification is part of the
8 record. Thank you.

9 PRESIDING OFFICER CHOCK: Commissioners, any
10 questions? Thank you for your testimony. Anyone else
11 from the public wishing to provide public testimony at
12 this time? Okay. We're going to move on to the staff
13 report. Map orientation.

14 MR. DERRICKSON: Thank you for the
15 distinction. Commissioners, I'm going to use the
16 pointer here. Here is the D.R. Horton-Schuler Homes
17 Petition Area. Here's the north arrow, north, south,
18 west, east, the 'Ewa District on O'ahu, the Petition
19 Area. It straddles two USGS quads 06, which is the
20 'Ewa quad and 05 which is the Schofield Barracks quad.

21 Bounding the Petition Area on the north side
22 is the H-1 Freeway here. On the west side you have
23 boundary is roughly the new North South Road and some
24 lands of DHHL.

25 On the eastern side you have a boundary with

1 Fort Weaver Road, Old Fort Weaver Road and a portion
2 of Farrington Highway and Fort Weaver Road again.

3 PRESIDING OFFICER CHOCK: Okay. Thank you,
4 Scott. Mr. Kudo, please describe Petitioner's
5 exhibits which you wish to have admitted to the
6 record.

7 MR. KUDO: Petitioner's Exhibits 1 through
8 85 as listed in the third amended list were already
9 admitted in the prior proceedings on this docket.

10 The new exhibits that we are submitting to
11 this Commission are marked from 86B as in boy to 100B.
12 This is listed on our third amended list of exhibits.

13 There are some updates also to the previous
14 Exhibits 1 through 85 that were already admitted in
15 the prior proceedings. And these include Exhibit No.
16 6B, amended location map; 7B, it's an amended Tax Map
17 Key; 8B, which is an amended parcels map; 11B, which
18 is an amended conceptual land use plan; 12B, which is
19 an amended development plan urban land use map; 13B,
20 which is an amended Kapolei long-range master plan;
21 4B, which is an amended Ho'opili topography; 26B,
22 which is an updated curriculum vitae of Bruce Plasch;
23 31B, updated curriculum of Ann Mikiko Bouslog; 31.8B
24 is a letter from Ann M. Bouslog, president Mikiko
25 Corporation to Cameron Nekota, D.R. Horton-Schuler

1 Division dated December 2nd, 2010; 43B is an updated
2 'Ewa Regional Transportation Plan dated April 2010;
3 74B is an updated curriculum vitae of Mr. James
4 Charlier; 79.1B is a supplemental written direct
5 testimony of James Charlier; 81.1B is a supplemental
6 written direct testimony of Bruce Plasch; 82.1B is a
7 supplemental written direct testimony of Ann Bouslog.

8 And that concludes all of the existing and
9 new and amended exhibits of the Petitioner.

10 PRESIDING OFFICER CHOCK: Mr. Kudo, we don't
11 have Exhibits 96.1B and 100B.

12 MR. DAVIDSON: We have the exhibit.

13 PRESIDING OFFICER CHOCK: I'm sorry. Any
14 objections from the parties?

15 MS. TAKEUCHI-APUNA: No objection.

16 MR. YEE: No objection.

17 DR. DUDLEY: No objection.

18 MS. CERULLO: No objection.

19 MR. SEITZ: No objection.

20 PRESIDING OFFICER CHOCK: We're going to
21 admit the exhibits as stated by Mr. Kudo. County, do
22 you have any exhibits which you wish to have admitted
23 to the record at this time?

24 MS. TAKEUCHI-APUNA: Yes. DPP wishes to
25 admit Exhibit Nos. 1B through 10B.

1 PRESIDING OFFICER CHOCK: Parties, any
2 objections?

3 MR. KUDO: No objection.

4 MR. YEE: No objection.

5 DR. DUDLEY: No objection.

6 MS. CERULLO: No objection.

7 MR. SEITZ: No objection.

8 PRESIDING OFFICER CHOCK: As stated by the
9 county those exhibits are admitted for the record.
10 Mr. Yee Office of Planning.

11 MR. YEE: The Office of Planning is
12 withdrawing its prior exhibits except for Exhibits 5,
13 6, 7, 20 and 25. These exhibits from the prior
14 hearings are primarily the Department of
15 Transportation correspondence as well as the resumé of
16 Ms. Meeker who continuous to actually be an employee
17 of the state and will be a witness. The other
18 exhibits are withdrawn.

19 With respect to the new exhibits to be
20 submitted the Office of Planning submits 1B through
21 11B. 1B through 11B are the new exhibits we are
22 seeking to admit.

23 PRESIDING OFFICER CHOCK: Mr. Yee, would you
24 mind just restating that just one more time just so
25 everybody's clear.

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1 MR. YEE: Sure. We have withdrawn our prior
2 exhibits that were submitted in 2009 except for

3 Exhibits 5, 6, 7, 20 and 25. And we were admitting --
4 we are seeking to admit OP Exhibits 1B through 11B.

5 PRESIDING OFFICER CHOCK: Parties, any
6 objections?

7 MR. KUDO: No objections.

8 MS. TAKEUCHI-APUNA: No objections.

9 DR. DUDLEY: No objection.

10 MS. CERULLO: No objection.

11 MR. SEITZ: No objection.

12 PRESIDING OFFICER CHOCK: Commissioners? As
13 stated by Office of Planning those exhibits are
14 admitted for the record. Dr. Dudley.

15 DR. DUDLEY: Mr. Chair, I was not aware that
16 we were going to do this today so I'm not really
17 prepared. But from memory I'd like to say we'd like
18 to have admitted all of the exhibits which we have
19 formerly had accepted -- or submitted in 2009.

20 We'd like to have the motions, the exhibits
21 that attended the motions which we have submitted this
22 year which would be Exhibits N through S. And we'd
23 like to have Exhibits 1 through 34B admitted.

24 So let me restate. The exhibits from 2009
25 we ask that all of those be admitted which were not

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1 struck by the Commission. And I just can't recite
2 those from memory right now.

3 PRESIDING OFFICER CHOCK: I believe they

4 were already admitted. Parties, any objections?

5 MR. KUDO: Not to the exhibits that were
6 already admitted.

7 MS. TAKEUCHI-APUNA: No objection.

8 PRESIDING OFFICER CHOCK: State?

9 MR. YEE: No objection.

10 PRESIDING OFFICER CHOCK: Sierra Club?

11 MS. CERULLO: No objection.

12 PRESIDING OFFICER CHOCK: Mr. Seitz?

13 MR. SEITZ: No objections.

14 PRESIDING OFFICER CHOCK: Commissioners?

15 Okay. Exhibits B1 through B34 parties any objections
16 to those exhibits?

17 MR. KUDO: Yes. We have some objections or
18 at least concerns on the following exhibits: On
19 Exhibits B15, B16, B17, B20 through B23, B28 through
20 B33, we are hoping that the Intervenor will lay
21 foundation for these exhibits so that we can prepare
22 for cross-examination of them.

23 We have also have objections to B7, B8, B9,
24 B24 through B27. These relate to water resources. As
25 the Commission may recall that was not within the

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1 scope of FOM's areas of concern. And he was limited
2 to only the five areas that the Commission had
3 ordered.

4 He's also mentioned -- we have an objection
5 to B10 and B34. B10 is a document in which we were

6 just given the title page of so we don't know what its
7 contents are. So on that basis we would object to the
8 admission of that exhibit.

9 B34 was never produced so we would object on
10 the grounds that we never got a copy of it.

11 We're also objecting to B18 which is the
12 testimony of Dick Grim. He's not listed as a witness
13 of FOM and we would not be able to properly
14 cross-examine him 'cause I'm not sure if he will be
15 subpoenaed or will be attending this proceeding for us
16 to do that.

17 We also object to B1 which is the
18 development study for the Honouliuli lands. Again, we
19 would have no ability to cross-examine the author of
20 that document.

21 And B12, which is another document written
22 by -- B2 excuse me, B2 a document written on the 'Ewa
23 development area which, again, we would not have the
24 ability to cross-examine the author of that document
25 so we would not be able to ascertain its accuracy or

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1 relevancy to these proceedings. On that basis we
2 would object to those exhibits.

3 PRESIDING OFFICER CHOCK: Do any of the
4 other parties have concerns regarding these exhibits?
5 County?

6 MS. TAKEUCHI-APUNA: No. We don't object to

7 Friends of Makakilo's exhibits.

8 PRESIDING OFFICER CHOCK: State?

9 MR. YEE: We have no objection. Although I
10 have to admit if Exhibit 34 is not currently submitted
11 and documented it's hard to admit it into evidence.
12 Otherwise the OP really has no objections to their
13 documents.

14 PRESIDING OFFICER CHOCK: Sierra Club?

15 MS. CERULLO: No objections.

16 PRESIDING OFFICER CHOCK: Mr. Seitz?

17 MR. SEITZ: No objections.

18 PRESIDING OFFICER CHOCK: Dr. Dudley, can
19 you give us some clarity on Exhibit 34?

20 DR. DUDLEY: Yes. Exhibit 34 was a picture
21 that evidently was stuck to the picture in front of
22 it. So the picture was evidently not reproduced. And
23 when I brought it in it was not there.

24 I have copies. Actually, Chair, I had
25 planned to bring the stipulation tomorrow for

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1 everybody to agree upon. This has been a really
2 highly pressured time trying to prepare for today. So
3 I just simply did not have time to get all those
4 things done.

5 I would like to say too, though, that, you
6 know, we've been working together, the three of us,
7 from the beginning with the Commission's
8 encouragement. So from the very beginning our exhibit

9 list and our witness lists have been kind of
10 co-shared, shared, where I've put some of their
11 witnesses on my list; they've put some of my witnesses
12 on their subpoena list and back and forth, back and
13 forth. We need to get the time to bring our lists
14 together and present them as one entire entity.

15 So I would beg that you give us a time until
16 perhaps the next meeting. At that time we would bring
17 all of our exhibits and witnesses as one complete list
18 and present it to you.

19 MR. YEE: Chair, can I just clarify OP's
20 objection on 34?

21 PRESIDING OFFICER CHOCK: Go ahead.

22 MR. YEE: It wasn't so much that I will
23 object to 34. I'm just saying if he's going to submit
24 Exhibit 34, get it first and then he can ask to have
25 it admitted. So I would just suggest we deal with

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1 Exhibit 34 at a later time. That's all.

2 PRESIDING OFFICER CHOCK: Mr. Kudo, your
3 concerns are so noted. What I'd like to do is defer
4 acceptance of his exhibits and give them a little bit
5 more time and flexibility if that's okay.

6 MR. KUDO: That's fine with us.

7 PRESIDING OFFICER CHOCK: Thank you very
8 much. Dr. Dudley, we still do have a pretty full
9 docket here with this Petition. So we appreciate the

10 ability of all the Intervenors together, but we still
11 have the need for a timely submission of documents and
12 exhibits. So if you could try to work with staff to
13 get those in as soon as possible we'd really
14 appreciate it.

15 DR. DUDLEY: Thank you.

16 PRESIDING OFFICER CHOCK: Okay. Mr. Kudo,
17 you ready to begin? I'm sorry. Sierra Club.

18 MS. CERULLO: Yes. Sierra Club would like
19 to -- we wish to have Exhibits 40B through 52B with
20 the exclusion of 45B.

21 In addition I'd like to note that on our
22 Witness List that we submitted we asked that all the
23 exhibits listed on Senator Hee's and Friends of
24 Makakilo's Exhibit List as well as Friends of
25 Makakilo's previously filed exhibits be incorporated

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1 herein by reference.

2 And that was something that we have worked
3 out in advance to represent that all of our exhibits
4 and witnesses would be the same. So that's one thing.

5 So as to Friends of Makakilo water exhibits
6 they would be ours as well. So just to note that. In
7 addition we would like to amend our list to add Office
8 of Planning's previous exhibits of Department of
9 Transportation and Department of Agriculture. I know
10 that DOT's was 27. I'm not sure what Department of Ag
11 was. But we'd like to include those as exhibits as

12 well.

13 PRESIDING OFFICER CHOCK: Anything else?

14 MS. CERULLO: That's all.

15 PRESIDING OFFICER CHOCK: Parties, any
16 objections?

17 MR. KUDO: We do have some objections to
18 some of the Sierra Club Exhibits, but given
19 Dr. Dudley's description of their current situation in
20 terms of attempting to coordinate the three
21 Intervenor's exhibit lists, perhaps we should defer
22 acting on their exhibits until they get it
23 straightened out as well as Senator Hee's exhibits.

24 PRESIDING OFFICER CHOCK: Sierra Club, are
25 you amenable?

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1 MS. CERULLO: That's fine. But, I mean,
2 again, I'll note that we sort of have already worked
3 out that all of our exhibits are, we are sharing all
4 of our exhibits.

5 PRESIDING OFFICER CHOCK: Yeah. But I think
6 Sierra Club wasn't ready -- I mean Dr. Dudley, Friends
7 of Makakilo wasn't ready with some of those so we are
8 deferring. So I'm asking if you're okay with that.

9 MS. CERULLO: That's fine, yes.

10 PRESIDING OFFICER CHOCK: Okay. Any other
11 parties any objections?

12 MR. SEITZ: No objection. We submitted just

13 one exhibit. We submitted an exhibit list which we
14 incorporated exhibits from other parties. I'm
15 particularly also concerned that the state has
16 withdrawn exhibits from a prior administration because
17 apparently their positions have changed. So we want
18 those exhibits back in because we were relying upon
19 them when we identified them.

20 We've also only submitted one exhibit which
21 is a pamphlet from former Governor Ariyoshi. And I
22 would like to offer that at this time. I don't see
23 any reason why that, any ruling on that should be
24 deferred.

183 25 PRESIDING OFFICER CHOCK: We're going to

1 take a short recess in place subject to the Chair.
2 I'd like to go back on the record and entertain a
3 motion to go into executive session to consult with
4 our attorney.

5 COMMISSIONER CONTRADES: So moved.

6 COMMISSIONER MAKUA: Second.

7 PRESIDING OFFICER CHOCK: Moved and
8 seconded. Any opposed? We'll go into executive
9 session. We'll leave the room and come back.

10 (Recess was held.)

11 PRESIDING OFFICER CHOCK: We're on the
12 record. Let me sported sow who ask the we're going to
13 do watt P exhibits with the exception of admit the
14 Governor Ariyoshi brochure. We're going to defer on

15 the other exhibits until you folks come back with the
16 restated list of exhibits.

17 In terms of the previous ruling on OP, okay,
18 all we did was act on the exhibits OP admitted. Okay.
19 We're going to take under advisement your withdrawals.

20 MR. YEE: Could I just add -- and I have
21 discussed this further with the Intervenors, I believe
22 what we've agreed on is that Office of Planning would
23 not object to if they wanted to include any of OP's
24 prior exhibits as one of their exhibits. But the
25 Office of Planning simply wanted to make sure that its

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1 case defined by its exhibits were separate.

2 So I believe when Intervenors come back with
3 an amended Exhibit List, they will probably include
4 whatever exhibits from the Office of Planning we
5 previously submitted will be included in their amended
6 Exhibit List. And the Office of Planning would have
7 no objection. That, of course, I know is a deferred
8 ruling. But just to let you know what the intentions
9 are moving forward.

10 PRESIDING OFFICER CHOCK: Okay. As much of
11 this you guys can stipulate on and work with staff on
12 we'll take that under advisement. Parties, any
13 concerns, questions?

14 MS. TAKEUCHI-APUNA: DPP withdraws all
15 previous exhibits. But, yeah, we just admitted the

16 ones today.

17 PRESIDING OFFICER CHOCK: Correct. Okay.

18 Mr. Kudo.

19 MR. KUDO: Okay. We are here after about
20 almost two years after the recess that was taken in
21 September 2009. Since that time there's been a lot of
22 information and work that my client has had with
23 regard to working with the state and county in
24 providing information and working out the details of
25 this particular project.

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1 The project has not changed. It is the same
2 project. But what has occurred is that there are more
3 details that have been requested that we provide to
4 the Commission. And that's what these continued
5 hearings are really meant to do is to provide more
6 details about the already existing project.

7 We realize that some of the Commissioners
8 were not around in 2008, 2009 when the hearings on
9 this particular Petition were going on. Although
10 there's transcripts and exhibits for you to review,
11 we, with the indulgence of this Commission, would like
12 to use our first witness to give you a brief
13 background overview of the project to refamiliarize
14 those that were here, and to give a brief outline of
15 this project to the new Commissioners.

16 With that said I'd like to call to the stand
17 Mr. Cameron Nekota. With the indulgence of the

18 Commission I'd like to have our witness sit near the
19 projector for ease of testifying.

20 CAMERON NEKOTA

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

23 THE WITNESS: I do.

24 PRESIDING OFFICER CHOCK: Name and address
25 for the record.

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1 THE WITNESS: Cameron Nekota, 92-1075B Koio
2 Drive, Kapolei.

3 DIRECT EXAMINATION

4 BY MR. KUDO:

5 Q Mr. Nekota, where are you currently
6 employed?

7 A D.R. Horton-Schuler Homes.

8 Q What is your present title and position at
9 D.R. Horton-Schuler?

10 A Vice president.

11 Q How long have you been employed at D.R.
12 Horton-Schuler?

13 A For about a year and-a-half.

14 Q Would you briefly describe for us what your
15 duties and responsibilities are?

16 A My primary duty is to oversee the
17 development of our Ho'opili master planned community.

18 Q And you are obviously familiar with the

19 aspects of the Ho'opili projects and the properties
20 that are the subject of these proceedings.

21 A Yes, I am.

22 MR. KUDO: Mr. Nekota is a lay witness for
23 the Petitioner and he will be using a PowerPoint
24 presentation identified and admitted as Petitioner's
25 88B to give you a general overview of the Ho'opili

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1 Project.

2 Q Mr. Nekota, at this time could you proceed.

3 A Thank you, Mr. Kudo. On behalf of D.R.
4 Horton-Schuler Homes we're really excited to be here
5 today and really excited to present to you our
6 Ho'opili Project. It's been a little of a break, two
7 years approximately. But I think we're certainly
8 really excited about where the project has been.

9 We've been working really hard over the last
10 two years to really go back and refocus and meet with
11 government agencies, community groups to really know
12 where the community stands with Ho'opili. And we're
13 really excited about where the project stands.

14 A little bit of background. Much has been
15 said today about our company. We've been here in
16 Hawai'i now 30-plus years, first as Schuler Homes and
17 now as D.R. Horton really built 11,000 homes in
18 Hawai'i over that period, many of those homes for
19 Hawai'i's working families at the median price or
20 below.

21 We're not gonna cut and run. We currently
22 have three active projects here on O'ahu. We're
23 building some homes in -- two projects in Kapolei, one
24 in Ma'ili. We're building on all neighbor islands
25 with the exception of Kauai which we have a project

1 that we're in for permitting now. So we're here for
2 the long run. And Ho'opili really represents for our
3 company the future in Hawai'i.

4 You know, representatives of our --
5 employees of D.R. Horton are really active in not just
6 the O'ahu community but specifically in the Kapolei
7 and the regions that we're building.

8 And over the last decade D.R. Horton and the
9 Schuler Family Foundation have contributed over
10 \$11 million to local charities here in Hawai'i and
11 across the country.

12 Kapolei. I think everybody in this room
13 realizes what was envisioned for this region. The
14 city and the state over 30 years ago designated
15 Kapolei as really the place where we were going to see
16 growth take place. I think if you talk to the
17 community out there many people, you know, wanted it
18 to happen quickly. They thought it was going to
19 happen quick.

20 That after they designated it in 1990 when
21 Campbell Estate broke ground on the city, that 10

22 years later maybe everything would be up and running.

23 But it takes time.

24 If you look at downtown Honolulu which

25 really evolved -- which really developed over a

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1 hundred year period, we're only into our, basically

2 our second and third decade of development in Kapolei.

3 But I think what you see happening now, what you've

4 seen over the last really five years is a real

5 commitment not just by private developers looking to

6 build housing.

7 But you see a commitment by the federal

8 government, state government, county government to

9 really invest in the region.

10 And I think what Ho'opili represents really

11 is the last piece of this giant puzzle that was

12 created 30 years ago, to create really a truly

13 secondary urban center in Kapolei to give residents of

14 West O'ahu the opportunity to live in an area and work

15 in an area close to their homes.

16 Ho'opili is this piece of land right here.

17 It's approximately 1530 acres. It's planned for

18 11,750 homes; 3 to 4 million square feet of

19 commercial space, commercial/industrial space, five

20 school sites in addition to numerous other amenities

21 that I'll get into in a few minutes.

22 But I think the important thing to recognize

23 that what this map demonstrates is not so much

24 Ho'opili. But if you look at what's happening around
25 Ho'opili.

1 I think you've heard from many speakers
2 today certainly Gene Awakuni, the chancellor of UH
3 West O'ahu, came and talked about what they're doing
4 adjacent to Ho'opili.

5 And, really, what I think that campus will
6 do is give children in West O'ahu hope. They'll see
7 that campus coming up and realize they can obtain
8 secondary education. Not to mention to the south we
9 have the Department of Hawaiian Home Lands East
10 Kapolei II Project which will provide thousands of
11 homes for Native Hawaiians.

12 We had Major Phil Lum from the Kroc Center,
13 which is being built on lands adjacent to Ho'opili as
14 well. **(check on cassette tape for beginning as you
15 didn't start digital)

16 There's also many other exciting projects in
17 this region. Right here is the Kamakana Ali'i which
18 is the DeBartolo regional shopping center which is on
19 their plan now. So you can see all these different
20 pieces.

21 I think at one point it looked much less
22 certain than it does today. But I think the
23 investment by all the parties I mentioned earlier
24 really is bringing together this vision that they had

25 for this region.

1 Where did Ho'opili begin for our company?
2 It really began with the community. We convened the
3 Ho'opili Community Task Force in 2005. And really the
4 idea was we brought together representatives from
5 'Ewa, Waipahu, Kapolei, Makakilo, all those
6 communities that surrounded this piece of land. And
7 we asked them: What to you want to see in this
8 project?

9 They told us. They said, "We want a
10 community where we can walk an bike everywhere." They
11 want to live close to jobs. They want to be able to
12 gather with friends and neighbors. And they want to
13 live a healthy lifestyle. Those are all the things
14 that they said.

15 And, really, what the plans represent is the
16 hours and hours of hard work that they put in to
17 making this plan come to fruition.

18 Really over the last two years what we've
19 been doing since August of '09 was really connecting
20 with the community and asking them again: Let's take
21 a look at the plan what can we do to further refine
22 what's already there to make it even better. I think
23 it really culminated for us over the last six months
24 when we did presentations to the Waipahu, 'Ewa, and
25 Kapolei, Honokai Hale, Makakilo, Neighborhood Boards.

1 And those boards voted unanimously, all three of them,
2 to support Ho'opili, which was really gratifying for
3 us and our company and our employees to make this a
4 reality.

5 The hallmark of Ho'opili is it's walkable.
6 Residents are going to be able to walk from their
7 homes to retail shops, our farmers market we have
8 planned, restaurants, entertainment.

9 Ho'opili is a mixed-use community. You're
10 not going to have 5,000 square foot lots separated by
11 miles of roads to get to things that people need on a
12 daily basis. It's going to be right there for them.
13 We liken it to living in Kaka'ako but putting Kaka'ako
14 in the middle of 'Ewa.

15 And you live a lifestyle that you can in the
16 Ward area where you walk to theaters, you walk to
17 restaurants, you walk to stores and it's already in
18 your backyard.

19 You're also going to be able to walk to the
20 15, 20 neighborhood parks that are within Ho'opili.
21 We have a 20-acre district park that we purposely
22 sited on the eastern side of the project to really
23 give the residents and the kids of 'Ewa, Kapolei and
24 Ho'opili the opportunity to have a park to go to
25 playfields, football, baseball.

1 For those of us who live in the area we know
2 how much of a need it is to have soccer fields and
3 baseball fields. We take it for granted in other
4 areas. It's a big need in this area. We hope this
5 district park will fulfill that void.

6 In addition, we have a civic plaza we're
7 planning for that's going to be within walking
8 distance of many of the residents, not to mention the
9 Salvation Army Kroc Center.

10 Ho'opili is also about education. We have
11 taken the step now, which is very early in the
12 process, but we have already agreed with the
13 Department of Education on our fair-share agreement to
14 provide five public school sites, 94 acres in total,
15 over 30 acres in excess of what we're required to
16 provide, for three elementary schools, a middle
17 school, and a high school within Ho'opili.

18 Then being adjacent to UH West O'ahu,
19 really, kids have the opportunity now to go from
20 kindergarten, middle school, high school and then on
21 to UH West O'ahu, to really experience a lifetime of
22 learning right in their backyards, and many times in
23 walking distance to their homes.

24 Ho'opili is also about jobs. We talked
25 about the construction jobs today and everybody heard

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1 that. But, really, 7,000 high quality jobs. Many
2 people are saying: What kind of jobs are these. Are

3 these retail, commercial jobs? If you look at what's
4 happening in the region now, we have the state
5 judiciary, family court building that's open in
6 Kapolei now. We have medical facilities with Kahi
7 Mohala, Hawai'i Medical Center West.

8 We have UH West O'ahu now that's coming up.
9 We anticipated industries and businesses that are
10 going to locate, take advantage of the location to be
11 near these facilities and provide jobs that aren't
12 just retail or commercial jobs but higher paying jobs
13 that provide a living wage for many people.

14 In addition, we're also planning for live/
15 work units. Those of you who have heard about our
16 Mehana community in Kapolei, now basically what these
17 are we have units existing today where people buy.
18 They have commercial units on the ground floor.
19 Second and third floor are residential units that they
20 live in. So giving people the opportunity to live and
21 work in the same place.

22 It's really -- you talk to some of the
23 businesses that have relocated from physical
24 therapists to psychiatrists, really changing their
25 lives because they go to work. This physical

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1 therapist goes to work downstairs. Then he has lunch
2 with his five year-old or four year-old kid during
3 lunch time. So it really has changed their life and

4 taken them out of their cars.

5 Traffic is a big concern in West O'ahu.

6 I've lived in the region through the worst of it. And
7 really what you see happening today and what you saw
8 happening over the last two, three years was really a
9 huge transportation investment by a multitude of
10 parties from the federal government, the city, the
11 state and private developers to build the
12 infrastructure that's needed to get people in and
13 around the region in a better way.

14 So if you look at this map the blue
15 represents the new roads that are either built or
16 under construction right now. Just to highlight a few
17 for you: Fort Weaver Road was widened to six lanes.
18 The Kualaka'i Parkway and Interchange was constructed.
19 The Kapolei Parkway was fully constructed from Ocean
20 Pointe to the City of Kapolei, not to mention the City
21 of Kapolei mid roads that are being constructed now.
22 The Kapolei Interchange Phase 1 is under construction
23 slated to open later this year.

24 So, really, a huge investment in the region
25 to put infrastructure in. And like I said, I've lived

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1 in the area. I've seen how it's progressed over the
2 last few years. Makakilo Drive used to back up up the
3 mountain. And, really, you don't see that anymore.
4 It's been a huge investment. And I think not just by
5 the state and the city.

6 We have committed four acres of land that
7 went into the North-South Road. We had to amend a
8 whole bunch of exhibits for you guys on maps because
9 over the last three years the state finally took that
10 4 acres and we had to subtract that land out of the
11 Petition Area.

12 But we contributed land for the North-South
13 and we constructed a portion of the Kapolei Parkway in
14 the city of Kapolei.

15 I think, really, what our company's
16 investment and commitment is moving forward is to
17 continue to work with the state Department of
18 Transportation, the city Department of Transportation
19 Services and the community to continue to address
20 traffic issues through our project buildout.

21 I would just say too the one thing -- the
22 biggest way to relieve traffic in this area is to
23 continue to create jobs. We're creating 7,000 jobs in
24 our project. It's projected now that by 2025 we're
25 getting 40,000 new jobs in the Kapolei region. You

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1 see it happening now. Disney: Almost a thousand new
2 jobs, the Kapolei Judiciary Center: 215 new jobs, the
3 FBI Building, which is under construction now, 400 new
4 jobs in the region.

5 So you see now whether it's the city, the
6 state or the federal government or private developers

7 really stepping in now to really create the needed
8 jobs in the area to give people the opportunity to
9 live and work in the same area.

10 I've seen what it does for people's lives.
11 It did that same thing for myself. You recognize that
12 the best way to help traffic is to give people the
13 opportunity to live and work in the same area.

14 The big thing that's come up over the last
15 couple years since we were here last time the
16 community said: We want to see more sustainability
17 features in projects. We don't just want to see the
18 same things that are done year after year.

19 So what we did, first thing we did was we
20 partnered with Hoku Solar, one of Hawai'i's leading
21 solar energy providers, to really look at what we can
22 do on a larger scale to help offset the energy needs
23 not just of Ho'opili but the state in general.

24 So they looked at all the lands that we own
25 in Ho'opili and adjacent to Ho'opili. And what we've

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1 come up with we sited now a 500 megawatt photovoltaic
2 farm, utilities scale photovoltaic farm on lands
3 adjacent to the North-South Road Interchange that we
4 control, that we own. And really going to generate 8
5 to 9 million kilowatt hours of solar energy a day.

6 And the really impressive thing about what
7 they put together is they're using what's called solar
8 access trackers which follows the sun as it goes over

9 the sky to really capture more energy and really
10 increase the efficiency of the system by 25 to 30
11 percent.

12 We have also looked at the homes themselves
13 and what can we do. Mike Jones will talk later about
14 the Ho'opili Sustainability Plan and how it changes
15 what goes into the homes and how that translates into
16 increased savings on water and electricity.

17 We're going to be building all single-family
18 homes photovoltaic ready. We're going to be doing 10
19 percent of the single-family homes with photovoltaic
20 systems already constructed on them. All homes are
21 going to be designed based on the systems to use less
22 water and energy. We're going to be creating a
23 non-potable water system throughout the community in
24 the roadways.

25 We're also building all the homes electric

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1 car ready. And they'll be built with Energy Star
2 appliances.

3 As you guys may recognize agriculture is a
4 huge issue in Hawai'i. For those of us who grew up
5 and were born and raised we grew up with agriculture.
6 And when D.R. Horton bought this property we
7 recognized the importance that agriculture plays not
8 only in Hawai'i but on the 'Ewa Plain.

9 We all remember when they burned sugar cane

10 and you saw all the ashes that fall in our streets.
11 Recognizing the importance that the community puts in
12 agriculture, what can we do to help foster that and
13 continue that in Ho'opili?

14 What we came up with was the Ho'opili Urban
15 Agriculture Initiative. We have now partnered with
16 Nalo Farms, Inc. to help us develop and manage this
17 move going forward to really come up with a plan to
18 integrate agriculture within people's everyday lives.

19 The plan is broken up into three components.
20 The first component is our civic farms or commercial
21 farms. So we're committing to approximately 159 acres
22 of civic farms which will be held in perpetuity for
23 agricultural uses and leased to commercial farmers.
24 Throughout the community we have 8 acres of community
25 gardens.

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1 For those people who don't have backyards,
2 and live in condos or live in townhouses that want to
3 farm we'll have community gardens throughout.

4 We have sited a permanent farmers market
5 within our civic plaza to give people the opportunity
6 to not only grow their own food but possibly sell it
7 in a farmers market as well.

8 Then our steward farms program, which I'll
9 get to the next slide, which is really our home garden
10 program. But I think the key message with respect to
11 agriculture and what you see here today is by and

12 large what you see here today in terms of the
13 commercial agriculture is going to continue for many
14 more years.

15 Ho'opili is not a project that will put that
16 many homes in year 2. It's a phased project. We
17 fully intend to keep the agriculture activities that
18 you see today ongoing throughout the buildout of
19 Ho'opili.

20 There's no -- there's no intent by our
21 company to displace the agriculture production that
22 you see there now. And it will likely continue for
23 many more years to come in the present capacity.

24 Every single family homeowner in Ho'opili
25 will have the option to put in a steward lot, to have

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1 us put in a steward lot for them which basically
2 consists of a home garden with edible landscaping
3 throughout. The unique thing is that they're going to
4 have the option to put it in. But the irrigation
5 systems that are used in the backyards are going to be
6 built and designed to accommodate this use.

7 So it's not like their yards are going to be
8 bare dirt and they're going to have to put in all that
9 irrigation. If they so choose to have this put in
10 we'll have all that ready for them. We're going to
11 have brochures and materials for them to learn how to
12 use it. Everybody who buys a house will have this

13 option, a really exciting concept.

14 Just to run you through a little bit about
15 what you see on the screen. This is the house here
16 and the garage. You can't really read it but it's in
17 Exhibit 88B, I think, which is -- 89B -- which is our
18 Ho'opili Sustainability Plan. But these words are
19 here are basically what crops they feel can be grown
20 in those areas.

21 Ho'opili is also about housing. There's no
22 mistake that there's a demand for housing in Hawai'i.
23 I think a lot has been said about 30,000 homes
24 available for construction in this region that why
25 don't we build those.

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1 And I think when you break that down and you
2 looked at what those homes represent, it's not what
3 Ho'opili will be. It's not Ho'opili's market.

4 There's resort -- there's resort homes in
5 there. There's timeshare homes, as you heard.
6 There's homes that are in the old Barbers Point that
7 are not anywhere near on the verge of being ready to
8 build.

9 There's homes -- not to knock other
10 developers -- but what we do -- what D.R. Horton does
11 is we build homes. And we're building in Hawai'i now.
12 We intend to be building for many more years to come.
13 And we fully intend upon approval to start this
14 project.

15 There's no mistake that we're in this --
16 we're not in this to get this land entitled and then
17 sell it to others to get built. We build homes.
18 That's our business.

19 So we're really excited to get this project
20 moving. But it is about housing. Thirty percent of
21 the homes will be affordable rates based on the city
22 and county guidelines.

23 There's going to be a wide range of housing
24 opportunities from single-family homes,
25 Transit-Oriented Development, senior housing, rental

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1 homes and then live/work units as I talked about
2 earlier.

3 Economic activity. Almost 27,000
4 construction and consultant related jobs will be
5 created over the buildout of Ho'opili, not to mention
6 the 7,000 permanent jobs that I talked about earlier.

7 \$4.6 billion represents the direct
8 investment by D.R. Horton into building this project.
9 That doesn't even take into account other investments
10 by other -- by the city, by the state and other just
11 purely what our company would put into Ho'opili.

12 Q Mr. Nekota, on the screen is a copy of what
13 has been identified as Petitioner's Exhibit 87B, the
14 Ho'opili development phasing map. Can you explain to
15 the Commission what this map does?

16 A This map sets out the orderly development of
17 Ho'opili from a home, commercial and infrastructure
18 perspective.

19 Q Does introduction of the phased development
20 plan change the project from what it was when it was
21 originally presented to this Commission in 2008-2009?

22 A Our phasing plan did not change the project
23 in any way. The land uses are still the same. What
24 the phased development plan did was just basically say
25 where, when and how and what timeframe those units and

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1 areas would be developed.

2 Q Could you explain to us how the initial
3 development will actually occur.

4 A The initial development will occur right
5 here along this, what's called the Ho'opili spine
6 road. And it will largely be infrastructure related.
7 The spine road will contain much of the infrastructure
8 that's going to be used to feed Ho'opili from water,
9 sewer, drainage, cable and electrical perspective.

10 Q You mentioned that there are several phases
11 for your development. Can you elaborate on the
12 project's development phases?

13 A So all the land north and west of this
14 dotted line, so all the colored line on this map is
15 Phase I, which consists of approximately 5800 housing
16 units, 2 million square feet of commercial space and
17 800,000 square feet of industrial.

18 In addition, it includes three elementary
19 school sites and a high school site which is located
20 right here which the DOE has asked us to really move
21 up in time development period because of the
22 overcrowding that's occurring at Campbell High School
23 and Kapolei High School. They want to get at that
24 area first. So we've actually moved that into a Phase
25 1A of our project.

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1 This is a commercial space here that will be
2 developed first, as well as our first -- our lowest
3 density project -- our lowest density product in
4 Ho'opili, which will be our single homes down here in
5 Phase 1A because of its proximity from transit.

6 Q Could you describe the whereabouts and your
7 development plans for Phase 1A?

8 A I just talked about 1A.

9 Q 1B.

10 A 1B would be our second part in development.
11 It really represents the job generating corridor of
12 Ho'opili which is along Farrington Highway. Much of
13 the commercial and industrial jobs will come out of
14 this corridor. And that's slated to be in 1B.

15 Q Can you describe the whereabouts of your
16 development phasing for Phase 1C?

17 A Phase 1C, which will take place likely in
18 the last six to ten years of Phase 1, is largely built

19 around the West O'ahu -- the UH West O'ahu transit
20 stop which will contain higher density residential as
21 well as commercial Transit-Oriented Development.

22 Q Can you describe what will occur in Phase 2.

23 A So Phase 2, which is approximately
24 584 acres, 5950 residential units, and much of it's
25 going to be our higher density or residential units

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1 that are going to be built around the Ho'opili rail
2 station.

3 So basically in Ho'opili there are two
4 transit stops within the Ho'opili land. One is the UH
5 station here adjacent to UH West O'ahu, as well as the
6 Ho'opili station.

7 So what you'll see in Phase 2 is really the
8 heart of the Transit-Oriented Development that's going
9 to happen in Ho'opili. So we expect it to be a higher
10 density residential product.

11 Q Mr. Nekota, I believe the map says 586. You
12 said 584.

13 A Yeah, 586. Thank you.

14 Q Would you provide us with information how
15 you're going to develop the infrastructure for the
16 project such as drainage and sewer lines?

17 A Because, in spite of the fact that we're
18 phasing the project we can't upsize sewer and water
19 lines later. Basically the upfront investment by the
20 company is upward of a hundred million dollars because

21 we need to build the sewer, the water and the drain
22 lines to accommodate the entire development.

23 So we can't just piecemeal it based on Phase
24 IA, 1B, 1C and then 2. So it represents a huge
25 upfront investment for the company.

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1 Q A previous public witness, Chancellor
2 Awakuni, described his coordination with the Horton
3 people in regard to the infrastructure in that area.
4 Is there any collaboration or cooperation among the
5 neighbors such as UH West O'ahu and other surrounding
6 developments with regard to the infrastructure
7 development?

8 A In addition to infrastructure development
9 we've committed \$5 million now to shared
10 infrastructure with the Department of Hawaiian Home
11 Lands, and UH West O'ahu. As Chancellor Awakuni said
12 this morning, it really made so much sense.

13 We're all in the same region, although
14 they're further along in their development than we are
15 so it's less of a risk. But we're putting money in
16 before we even have our approvals. But really we
17 tried to work closely with those guys to make sure
18 that what we're doing doesn't affect what they're
19 doing, nor DHHL.

20 I think what you see now is a pretty great
21 working group, working relationship between the three

22 entities. And it started with infrastructure. And as
23 Chancellor said this morning, we really tried to
24 connect the three projects.

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25 What we don't want to have happen is to have

1 three different developments all operating independent
2 of one another. We want the residents of the
3 Department of Hawai'i Hawaiian Home Lands to have a
4 seamless transition between their project and our
5 project, be able to get to Ho'opili on bikeways, on
6 pedestrianways, in their cars so they can access all
7 the services that Ho'opili has to offer.

8 And, likewise, we want our residents of
9 Ho'opili to be able to access DHHL's areas as well as
10 UH. So what we've been doing is really collaborating
11 a lot to make sure that all of our plans link up. And
12 as Chancellor said, the campus road was adjusted to
13 make sure it goes through UH and Ho'opili.

14 I think that's what's occurred over the last
15 years, a real working collaboration to make ensure we
16 all develop together in a sensible way.

17 Q Would you describe the Ho'opili's plans with
18 regard to public facilities such as fire stations,
19 schools and police stations.

20 A So there's a fire and police station planned
21 for Ho'opili. The other public facilities, as I
22 mentioned earlier, the school sites, the three
23 elementary, the one middle and the one high school.

24 Q Mr. Nekota, do you have anything else to add
25 to your summary?

1 A I don't have anything else to add. I would
2 just conclude that I think when you look at how
3 projects have been developed in Hawai'i over the last
4 50 years, I think what Ho'opili represents is a new
5 way to look at development, not just because there's
6 transit, but because I think when you look at all the
7 things the community has to offer, it's really going
8 to give people the opportunity to live a lifestyle
9 that today they haven't been able to live anywhere
10 else on O'ahu.

11 They're going to be living in a community
12 that's going to be able to produce energy for them.
13 They're going to be able to grow their own food.
14 They're going to be able to walk and bike everywhere
15 and be able to get on transit.

16 So, really, when you look at it Ho'opili
17 residents as well as the surrounding people are going
18 to give people that opportunity to really live a
19 lifestyle unlike and a community that's unlike any
20 other, we believe, not just in West O'ahu but in the
21 state of Hawai'i.

22 MR. KUDO: Mr. Nekota has given the
23 Commission the summary and overview of the Ho'opili
24 Project and touched upon various areas such as

25 infrastructure, phasing, et cetera.

1 We do have witnesses that will be following
2 Mr. Nekota that will go into more detail in the
3 specific areas such as drainage and those other kinds
4 of areas.

5 But at this time Mr. Nekota is available for
6 cross-examination.

7 PRESIDING OFFICER CHOCK: County?

8 CROSS-EXAMINATION

9 BY MS. TAKEUCHI-APUNA:

10 Q I just had one question. I was curious as
11 to what the cost would be for the steward farm option
12 on a lot, if you knew a ballpark figure what that
13 would be.

14 A We haven't developed an actual cost yet.
15 We're actually going to be doing a pilot project in
16 our Maili Sea Country Project to really study that and
17 figure out what that could be.

18 MS. TAKEUCHI-APUNA: Thank you.

19 PRESIDING OFFICER CHOCK: State.

20 CROSS-EXAMINATION

21 BY MR. YEE:

22 Q Mr. Nekota, are you familiar with the Office
23 of Planning's Exhibit 3B which is the letter from --
24 well, actually the attached, let me rephrase that.

25 Are you familiar -- you had discussions with

1 the Department of Agriculture regarding the
2 Agricultural Sustainability Plan?

3 A Yes, I have.

4 Q And are you aware that the Department of
5 Agriculture sent a letter to the Office of Planning
6 setting forth their understanding of conversations
7 with you and the representations you made to them?

8 A Yes, I am.

9 Q Are you in agreement with the contents of
10 that letter as being accurate?

11 A I am in agreement that the contents are
12 accurate. Although with respect to the proposed
13 condition from OP I'm not in a position, nor do I have
14 the authority to bind the company. That's something
15 for Mike Jones. But in terms of the accuracy of the
16 letter I can testify that it's accurate.

17 Q So more specifically, they represented that
18 you had made certain representations to the Department
19 of Agriculture on pages four and five. Are you
20 familiar -- I would have thought you would have
21 received that letter and you would have gone straight
22 to that portion and made sure it was correct. Did you
23 happen to take a look at it?

24 A Yes, we did.

25 Q And are those representations in the letter

1 correct?

2 A Those are accurate.

3 Q And they're accurate today. I mean you
4 haven't changed your mind. This is still Ho'opili's
5 representations.

6 A They are.

7 Q Okay. You mentioned that there was an
8 agreement with the Department of Education. Can you
9 say to the Commission whether that's been executed or
10 not?

11 A It has been executed.

12 Q And in that agreement is there a provision
13 regarding the location of the schools?

14 A There's a provision in there that the
15 locations are subject to change. I think the
16 department had some issue with where the high school
17 site is located. And we are in discussions with them
18 on an alternate location.

19 Q Would it require the Department of
20 Education's agreement to determine the location of the
21 school?

22 A I would need to check the actual wording of
23 the fair-share agreement. But my guess it probably
24 would, yes.

25 Q Let me represent to you that in 2009 there

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1 was a concern that one of the schools, actually I
2 thought it was a secondary school, was located next to

3 a freeway. Do you know whether that location has
4 changed?

5 A That's the high school.

6 Q Okay.

7 A And we've already had preliminary
8 discussions about relocating that high school site
9 with them, yes.

10 Q While I understand you might not have
11 reached an agreement on the exact location, has there
12 been agreement to relocate it somewhere other than
13 next to the freeway?

14 A We have, yes.

15 Q And I do understand that Mr. Van Meter is
16 going to be testifying regarding the sustainability
17 plan. So I have many nontechnical questions which you
18 may feel free to defer but if you can, answer. Can
19 you say that the Petitioner will substantially comply
20 with the Sustainability Plan submitted to the Land Use
21 Commission?

22 A I think that's probably a question for Mike
23 Jones, not because I don't want to answer but because,
24 like I said, Mr. Yee, I don't have the authority to
25 bind the company. But we intend to substantially

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1 comply with the sustainability plan.

2 Q Let me just ask you if you know. As I
3 reviewed the sustainability plan there are a list of

4 specific measures that you plan to incorporate into,
5 for example, the standard home package.

6 I'm not going to ask you about the specifics
7 but are you aware of that provision?

8 A I am.

9 Q And I noticed a particular term that's used
10 in the sustainability plan. It says that you "plan
11 to" provide the following and it has a table
12 following. Do you know when you used the term "plan
13 to" was that intended to be a way to avoid doing those
14 mitigations so you could say, "Well, I planned to but
15 I changed my mind"?

16 Or how did that -- how was that term
17 intended to be read, if you know?

18 A I actually don't know. Mr. Jones would be
19 the best position to answer the specifics as to the
20 homes themselves. If you have questions about some of
21 the other sections, again I can most certainly answer
22 those. But in terms of the building types, the
23 building -- anyway I think better answered by
24 Mr. Jones.

25 Q So the meaning of the term "plan" is --

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1 "plan to" is best answered by Mike Jones.

2 A Yes.

3 Q I believe it's regarding mixed-use projects.
4 You used the term -- you have a table, I think, on
5 Page 49 in which there's a list of sustainable

6 measures. And in some of the specifics -- I'm not
7 going to go over the specific terms -- but I noticed
8 in some of the specifics they say "to be evaluated for
9 feasibility."

10 And in others, other specific mitigation
11 measures that term is not included. Was that
12 deliberate?

13 A Again, probably the same answer. I'm not
14 trying to avoid your questions but Mr. Jones oversaw
15 the development of these tables. Anything related to
16 that section is probably better asked of him.

17 Q Is it better addressed to Mr. Jones or
18 Mr. Van Meter?

19 A Mr. Jones.

20 Q Okay. I'm not sure who to address this
21 question to. But since you're first up: Do you know
22 what efforts Ho'opili will be making to assist in the
23 eventual relocation of the farmers?

24 A You're talking about the three tenants?
25 Since we bought this property in 2005 we've always

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1 communicated with all of our farming tenants and we
2 intend to communicate with them as the Ho'opili
3 development continuous. And we're in discussions with
4 them on various issues now.

5 Q I guess the question arises how does
6 communication constitute assistance in relocation?

7 A I think in terms of -- I think that's what
8 we're trying to work out now with them and through the
9 discussions. I think it's something that we're
10 committed to working with our parties on, and keeping
11 them informed and making sure that they're aware of
12 what our plans are. And they can build their business
13 plan and plans accordingly, based on that.

14 Q I'm going to characterize your testimony
15 just because I'm not sure if I understand. Feel free
16 to correct me.

17 What I hear you say is that Ho'opili is not
18 yet -- is still talking with the tenants and,
19 therefore, has not made a decision about what
20 efforts -- what assistance at relocation will or will
21 not offer?

22 A There have been no agreements on assistance
23 with relocation at this time.

24 Q Is there some intention to try to reach an
25 agreement on relocation assistance?

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1 A We intend to reach -- we have not had
2 further discussions with them recently on relocation.

3 Q Is there some intention, though, to reach an
4 agreement?

5 A We continue to talk with them about how
6 they will relocate through Ho'opili's development.

7 Q I notice there's a gap between my question
8 and your answer. My question is: Is there an

9 intention to reach an agreement on relocation
10 assistance? And you're telling me there's an
11 intention to communicate about relocation. In my mind
12 that's a different answer.

13 A What do you mean by "relocation assistance"?

14 Q Well, are you going to help them find
15 another place, another lease where they can continue
16 to engage in agricultural farming?

17 A We can continue -- we'll continue to talk to
18 them about relocation. Whether we assist them or they
19 do it on their own, I mean that's something that we
20 plan to work out with them over the next two years.
21 'Cause I think Aloun's lease runs for two more years.

22 And we'll continue to work with them over
23 that period to determine what their needs are at that
24 time. We are committed to that.

25 MR. YEE: Okay. That's all the questions I

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1 have. Thank you.

2 PRESIDING OFFICER CHOCK: Dr. Dudley.

3 CROSS-EXAMINATION

4 BY DR. DUDLEY:

5 Q Mr. Nekota, how many other properties do you
6 folks have, does your company have on this island?
7 Properties that you have to get to build on.

8 A How many -- so how many projects are we
9 actively building on now?

10 Q And how much property in addition to that do
11 you have for inactive properties?

12 A We have three projects in Kapolei now.
13 We're building the Kahiwelo project in Makakilo which
14 is active. We're building our Mehana project in
15 Kapolei which is active. We're building Sea Country
16 in Maili, which is active.

17 We also own some land in Kailua. That has
18 not started construction yet but it is slated for
19 development in the future.

20 Q Okay. How long has that been inactive?

21 A How long has...?

22 Q The property in Kailua.

23 A That's probably a question better directed
24 to Mike -- Mr. Jones, who oversees all development. I
25 deal primarily with Ho'opili. I'm not -- I'm not -- I

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1 don't have information on when the company -- about
2 the property or what the status has been.

3 Q That was affordable housing that was torn
4 down, though, for future development or something like
5 that?

6 A I don't have any details or knowledge of
7 that.

8 Q Can you tell me -- you mentioned the schools
9 and the fire department, the police department.
10 You're providing land for that because you're required
11 to provide land for that, is that right?

12 A We are required to provide 60 acres. We
13 were required to provide 60 acres. In total we
14 provided 94 acres. So excess what the requirements
15 were for the number of homes that we're building.

16 Q So who's going to pay for the school
17 buildings themselves? You're giving the land. But I
18 take it the taxpayers are going to pay for all the
19 five schools, the police and fire department.

20 A As with all the public facilities that were
21 built in Hawai'i over the last century, the state
22 builds schools.

23 Q Mr. Nekota, you've talked about the
24 commercial farms. But I noticed you didn't show us
25 any map of where the commercial farms are gonna be.

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1 In the maps that you have provided the commercial
2 farms are designated to be in the same places that the
3 buffer zones are in right now and according to your
4 old maps.

5 Aren't these -- aren't these really gulches
6 and gullies and hillside?

7 A To answer your first question, Dr. Dudley,
8 they were buffer zones and open space. We'd always
9 intended to incorporate agriculture in the project in
10 some say.

11 We didn't do it at the earlier time because,
12 really, when you look at block by block, land use by

13 uses it's something that happens at the city and
14 county zoning level. When you get into the -- we have
15 to tell them what each block will look like.

16 So we had intended to do it at that time
17 because we had the two years off basically from
18 Ho'opili at the Land Use Commission. We accelerated
19 those plans and began the planning for those sites to
20 incorporate the agriculture.

21 In terms of the characterization of the
22 land, I guess you're saying it's not farmable because
23 it's in gulches. We've done our own preliminary
24 analysis with our engineers to evaluate the
25 suitability of those sites for agriculture production.

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1 And in discussions with the director and the
2 Department of Agriculture we have now committed that
3 if the department determines that those sites do not
4 meet their standard that can support an economically
5 available farm operation, we will locate other areas
6 within Ho'opili to make up the balance.

7 So if 20 acres are determined by the
8 department to not meet that standard, we will locate
9 20 other acres within the project to accommodate that.

10 Q Right now we have 159 acres for civic farms
11 or commercial farms. If it turned out 159 acres were
12 not suitable would you find 159 other acres that were?

13 A If that was the case. I can represent that
14 a majority of the lands that we're talking about for

15 civic farms are currently in agricultural cultivation.

16 Q Sir, that doesn't seem to match up to the
17 maps that you gave us. It seems like those are the
18 properties that the current farmers don't farm.

19 A Well, I can respectfully disagree. There's
20 a lot of the acreage is already being farmed. I think
21 the areas you're talking about -- I know exactly where
22 you're talking about. And some of those areas aren't
23 become farmed now. But we've made the determination
24 that they are. I think to reassure the director and
25 the Department of Ag that we were serious about really

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1 providing a meaningful amount of land for agricultural
2 development of that property, we're committing that we
3 will find the acreage. If, like you say, Dr. Dudley,
4 the 159 acres are determined not to meet their
5 standard, we'll find 159 acres in the project to meet
6 it.

7 Q Okay. Thank you very much. Sir, you talk
8 about the 7,000 jobs that are going to be permanent
9 jobs. And I certainly commend you for that. But it
10 looks like to me like you're building 12,000 houses
11 and usually that would mean 24,000 jobs or 24,000
12 workers.

13 And if we subtract the 7,000 from the 24,
14 that looks to me like we've got 17,000 workers
15 without jobs that you're going to be giving us.

16 Rather than just 7,000 good jobs, we've got 17,000
17 people out of work. Could you talk about that a bit?

18 A Maybe we can break your question. So
19 you're saying in terms of the numbers of jobs that are
20 created per household I can't really comment on that.
21 Perhaps Ms. Bouslog or Mr. Van Meter can discuss that
22 in terms of how many working people come out of each
23 house. What was the rest of your question? Sorry.

24 Q It seems that you're saying you've got 7,000
25 jobs for us. But I think the other part of the

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1 question wouldn't you agree that you're not mentioning
2 that there are 17,000 people without jobs that you're
3 also giving us.

4 MR. KUDO: I object to the question. I
5 think counsel is assuming that there's two jobs per
6 home. There's some people that will not work, some
7 people will be working in Honolulu. We don't know. I
8 don't think you can make that conclusion that there's
9 going to be necessarily two jobs per home.

10 PRESIDING OFFICER CHOCK: Dr. Dudley, can
11 you please clarify your question or of the math behind
12 your question? I'm not sure I follow it either.

13 DR. DUDLEY: Okay. Well, they're going to
14 have 12,000 houses. And what I'm saying is that
15 usually there are two workers in every house.

16 PRESIDING OFFICER CHOCK: Can you explain
17 that?

18 DR. DUDLEY: I think that pretty much if we
19 take a look at the state we've got roughly, what is
20 it, 2.68 people living in a house? When you talk
21 about the job situation usually I think it would work
22 out that about two-thirds of those people would be
23 workers. So that would leave roughly 12,000 houses
24 would be 24,000 workers roughly.

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25 MR. KUDO: Those are facts that are not in

1 evidence. So I object to the --

2 PRESIDING OFFICER CHOCK: If he can clarify
3 the question I think that would be helpful.

4 Q (Dr. Dudley) : What I'm asking is -- let's
5 say it's not 17,000 workers that you're living there
6 without jobs. Let's say it's 12,000 workers that
7 you're living there without jobs. Still you're giving
8 us 7,000 jobs and 12,000 additional workers without
9 jobs.

10 What I'm saying is, you know, what you're
11 giving us is a project with many, many people who
12 don't have jobs. And I don't think that -- and so I
13 just would like you to answer. Have you forgotten
14 that part of the question?

15 A I think, Dr. Dudley, I don't quite
16 understand the assumptions that you're basing your
17 questions on. That's kind of where I'm a little bit
18 lost.

19 Q Okay. Let's move on to the next question.
20 You say the biggest way to relieve traffic is to
21 create jobs. And I certainly agree with that. That's
22 why I've been so supportive of the downtown Kapolei
23 business district. But this business district has
24 never attracted jobs. You know? You say you're going
25 to have businesses relocate there.

225

1 PRESIDING OFFICER CHOCK: Dr. Dudley, can
2 you please get to the question?

3 DR. DUDLEY: Yeah. I'm working on it. He
4 says you're going to have businesses relocate to the
5 Ho'opili.

6 Q Why haven't businesses relocated to downtown
7 Kapolei? What is going to be so different about your
8 place that they're going to go there when they haven't
9 gone to downtown Kapolei?

10 A Well, I tend to disagree with your assertion
11 that businesses haven't relocated to downtown Kapolei.
12 I mean, I think what you see now is what was intended
13 was the city and the state to put in the services that
14 were needed. And then when the state government goes
15 in, whether it's the Judiciary Building, whether it's
16 the state office tower or city hall, you have offshoot
17 businesses that are going to come in after the fact.

18 And I think now that you've seen those
19 businesses come in, or the FBI Building now right in
20 Kalaeloa, there's going to be in my opinion -- I guess

21 I'm not an economist, but you're going to see a lot --
22 I think you're going to see a lot of businesses coming
23 that are related to those industries that are gonna
24 wanna relocate to this region.

226 25 And I think nobody knows how -- I don't

1 think anybody in Hawai'i can remember how it happened
2 in Manoa when the University of Hawai'i was built and
3 what happened in the surrounding -- at least -- I'm
4 dating myself but I don't remember how Manoa --
5 University of Hawai'i at Manoa came up and what
6 happened, whether Kaimuki just sprouted up after that
7 or all the other areas, Puck's Alley, all these
8 things, who knows what's going to come from UH.

9 But in my opinion as a lay witness I would
10 think that there's going to be a lot of businesses and
11 services that are going to relocate not just in
12 downtown Kapolei now, but as you see in east Kapolei
13 with these things, with UH coming up now, what's
14 already there.

15 There's nowhere to build in Waipahu or 'Ewa
16 Beach around Hawai'i Medical Center West or Kahi
17 Mohala. There's not an opportunity for services or
18 service providers that are associated with those
19 businesses to come in now.

20 What Ho'opili will provide is not only
21 provide Hawai'i Medical Center, and Kahi Mohala

22 additional business to come in, but with UH, our
23 proximity to UH lends itself well. And I tend to
24 disagree that businesses aren't coming to Kapolei
25 now.

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1 Q Okay. You say that there are going to be
2 27,000 jobs during the buildout. Does that mean there
3 are going to be 27,000 people working at once?

4 A I think Ann Bouslog, who's going to testify,
5 can break down that number for you. They're not going
6 to be working all at once. It's certainly over the
7 full buildout years of the project.

8 Q Okay. Now, how many of those guys are hired
9 in the first year?

10 A I don't know exactly how many would be
11 employed in our first phase. Certainly I think
12 Mr. Jones would be able to give you some background
13 information, perhaps, on what we've done in other
14 communities to give you an idea how many we can expect
15 to employ in the first year.

16 But I think whether it's 50, whether it's a
17 100, or 200 unemployed construction workers I think in
18 any respect it will make a big dent in what's
19 happening now.

20 Q Okay. What I'm wondering, though, is 27,000
21 jobs. And you say no, the guys aren't going to be
22 working. We've got 20 years. And so are we talking a
23 thousand jobs for 20 years? One thousand seven

24 hundred jobs for 20 years rather than 27,000 jobs
25 altogether?

1 A I think, Dr. Dudley, Ms. Bouslog would be
2 able to answer your question. But just to give you my
3 view of that, and I think she can confirm, that it's
4 not just construction-related jobs. There's all the
5 related services that go along with it, whether it's
6 architects, the engineers, and other consultants that
7 would not only plan the houses but in addition the
8 roadways that are going to go in. There's huge
9 amounts of consulting work that will happen.

10 So it's not purely a construction job
11 number. As I said earlier it's consultant and
12 construction related. So it can run the gamut in
13 terms of jobs that we're going to be creating, not
14 just in the construction field but really giving
15 unemployed planners, unemployed engineers, architects
16 more of an opportunity to be working. I think they're
17 all appreciative of that.

18 Q Okay. I do think that we need to -- we need
19 know, though, how many jobs are we really talking
20 about. And if a job is a job this year and next year
21 is it counted as two jobs? And if it goes on for a
22 third year is it counted as three jobs? I think
23 that's the kind of thing that I think we really need
24 to know that.

1 totally agree with that point. And I believe our
2 witness has said he's not an expert in economics. We
3 have a witness coming up later who will testify to
4 that. I know the Commission is interested in your
5 question. So if we can maybe move on.

6 Q (Dr. Dudley) Okay. The affordable houses.
7 Can you tell me what phase you're going to start the
8 affordable houses in?

9 A I don't know exactly what phase they're
10 going to be built in. But while I said 30 percent of
11 the homes are going to be built at affordable ranges,
12 if we were building homes in Ho'opili now, by and
13 large they would all be roughly in that range. We
14 would be seeling them in the high 2's up to 600,000.

15 So I think while we'll do 30 percent
16 affordable, by and large Ho'opili is a project for
17 working families in Hawai'i. It's not a project as
18 you would characterize it, 6,000 homes in Kapolei
19 West, Dr. Dudley. Those are meant for resort as well
20 as Makaiwi Hills is meant for executives.

21 Ho'opili's homes are not million dollar
22 homes that are being marketed to second time home
23 buyers. They're for Hawai'i's working families.

24 Q Okay. Are you saying that a \$600,000 is an
25 affordable house?

1 A I am not saying a \$600,000 is an affordable
2 house. \$600,000 is a lot of money, especially in
3 today's economy where it's very difficult for people
4 to be working.

5 What I'm saying that's the median price of a
6 house in Hawai'i. So my point to you is we're going
7 to be at median or below for most of the communities
8 in Ho'opili.

9 Q Thank you. Rail is going to be a really
10 major part of this program. And I wonder, you know,
11 with rail when there's federal money used you must do
12 a -- when it's going to cross farmland and negatively
13 impact farmland you need to do a Farmland Conversion
14 Impact Rating. Now, one was done for this property
15 and seemed like it was very grossly falsified.

16 Are you familiar with that Farmland
17 Conversion Impact Rating that was done?

18 A I've never read that document you're
19 referencing, Dr. Dudley.

20 Q And you are the vice president of the
21 company, though, right?

22 A Yes.

23 Q So you're not aware of this at all, the
24 Farmland Conversion Impact Rating.

25 A I've not read the document, not.

1 DR. DUDLEY: Thank you very much.

2 PRESIDING OFFICER CHOCK: Sierra Club.

3 CROSS-EXAMINATION

4 BY MS. CERULLO:

5 Q Yes, hello.

6 A Hi.

7 Q I might skip around a little bit 'cause I
8 was taking notes.

9 A Sure.

10 Q First, would you consider D.R. Horton to be
11 a large mainland-based developer?

12 A We are based in Fort Worth, Texas.

13 Q That's your headquarters?

14 A Yes.

15 Q Do you build new housing developments all
16 over the country for a profit?

17 A We do build homes for profit, yes.

18 Q I want to clarify. You just said something
19 about \$600,000 or houses costing up to \$600,000 at the
20 Ho'opili development. Would you -- I just want to see
21 if you would be aware that your expert, Ann Bouslog,
22 actually said that the single-family homes would reach
23 up to \$700,000. That's 2008 dollars. So by the time
24 it's built it will be well over \$700,000. Would that
25 surprise you?

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1 A No, it wouldn't. My answer to that earlier
2 was that if we were selling homes in Ho'opili now

3 that's what they would be ranging.

4 Q I'm sure you're aware, but I'm just going to
5 ask the question again. Are you aware that the land
6 you chose for this particular development is located
7 on some of the best agricultural land in Hawai'i that
8 produces about 20 percent of the locally grown produce
9 here?

10 A I'm certainly aware that Ho'opili sits, our
11 project sits on good ag land. I dispute the claim
12 that you make that it's the best farmland in Hawai'i.

13 Q Some of the best.

14 A Some of the best. I think Mr. Plasch will
15 be able to outline for you, really, where the best
16 farmland is in Hawai'i. What was the other part of
17 your question?

18 Q And that it produces about 20 percent of the
19 locally grown food.

20 A I also disagree with your 20 percent, that
21 it produces 20 percent of the land. The numbers that
22 you're working off of do not reflect the actual
23 production numbers because the largest diversified
24 agriculture producer in Hawai'i does not record his
25 numbers, which skews the production of Ho'opili land.

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1 Q Okay. I guess we'll ask your expert about
2 that.

3 A Yeah, Dr. Plasch.

4 Q Where did one fifty nine -- you said 159
5 acres will be civic farms. Where did the one five
6 nine come from? Do you know?

7 A In working with our planners, engineers
8 that's what we came up with. There's no magic number.

9 Q Okay. And just to confirm. You said you
10 don't know exactly where that 159 acres is going to be
11 event though it's indicated on a map.

12 A That's not what I said. I said we know
13 where the -- Dr. Dudley was asking me about the
14 farm-ability of those lands. And my response to him
15 was I think by and large much of what we've identified
16 is already in agricultural production.

17 The dark green on our map is where that
18 farmland is going to be located. My response to him
19 was also that we have now committed to if certain
20 lands are identified to be not farmable based on the
21 standards set by the director of ag, we're going to
22 locate other areas for farming.

23 Q Have you physically been out there to see
24 the slices of land on the hillsides and gulches that
25 on the map it appears to be a set aside for the civic

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1 farms?

2 A I have personally, yes.

3 Q Okay.

4 A And I think what you're getting at is the
5 maps that you're looking at are not obviously drawn to

6 scale. So a sliver of land along the freeway that
7 looks very small in reality is much larger than it
8 really appears on that map because of the scaling of
9 it.

10 Q And you've seen that nothing's growing there
11 right now, regardless of how big it is?

12 A In certain areas identified on the map there
13 are crops growing there now. Not all the site, I
14 said.

15 Q Do you know what percentage?

16 A We can have that information. I think
17 Dr. Plasch probably has that in his testimony. I
18 don't have the exact figure.

19 PRESIDING OFFICER CHOCK: Pardon me. Can
20 you reference what map you're talking about?

21 MS. CERULLO: I think it's 43B, Petitioner's
22 43B.

23 MS. FUNAKI: It's actually Petitioner's
24 Sustainability Plan, which is Exhibit 89B, Page 9.

25 THE REPORTER: Say again?

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1 PRESIDING OFFICER CHOCK: Into the mic,
2 please.

3 THE WITNESS: Petitioner's Exhibit 89B page
4 9.

5 MS. CERULLO: Thank you.

6 Q Okay. Moving on. Did you know that even

7 under the absolute best case scenario for traffic,
8 including all currently planned traffic mitigation
9 projects and the rail, that there still would be areas
10 in the vicinity and along H-1 that will present what
11 experts call unacceptable traffic conditions at Level
12 of Service E or F or borderline unacceptable traffic
13 conditions at LOS D. Do you know this?

14 A I'm not familiar with the exact areas you're
15 talking about. Keith Niiya, who's our traffic
16 engineering who's better equipped to answer your
17 questions, can answer anything related to traffic.

18 Q Okay. I just want to try clarify what
19 Kioni's question earlier about -- okay. You're going
20 to have about 12,000 houses at the proposed
21 development. So I just want to try and see if I can
22 do this. If not maybe Eric can do it.

23 So if you have 12,000 homes -- we don't need
24 an expert for this -- how many people are going to
25 live in each home? We would guess there'd be at least

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1 a couple, a man and a wife or any kind of partners
2 living together, maybe a family with some kids, maybe
3 some older kids.

4 So what we're trying to say is that in all
5 likelihood there won't be just the one worker per
6 home. Probably there will be two, maybe even three.
7 Maybe some just one. But on average there might be
8 about two workers per home. So what does that mean?

9 MR. KUDO: I'm going to object to the form
10 of the question. I think counsel is assuming that the
11 12,000 homes are all going to be single-family
12 detached dwellings. They're not. They're going to be
13 a mixture of residential product which includes
14 multi-family.

15 There'll be studios, there'll be one
16 bedrooms, et cetera. So you cannot make the
17 assumption that she's making that there will be two
18 people per unit.

19 MR. SEITZ: Mr. Chairman, it's late in the
20 day I know. But if counsel's going to make an
21 objection he shouldn't be testifying.

22 PRESIDING OFFICER CHOCK: Point well taken.
23 I think I generally want to give you a little latitude
24 in terms of where you're going with this question.
25 But if you can try to get to a point here.

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1 MS. CERULLO: Okay.

2 Q All I'm trying to say even if for some
3 homes, as Petitioner's attorney point out, maybe there
4 will be one worker per home. But in all likelihood
5 there will probably be one or more workers per home.
6 So what does that mean as far as how many jobs will be
7 needed by people who live there?

8 So you're presenting that there's going to
9 be 7,000 permanent jobs. However, there will be more

10 than 7,000 people living in the Ho'opili proposed
11 development. Does that make sense?

12 A I would agree that at full buildout after
13 12,000 home are built, it is very likely that there
14 will be more than 7,000 people living in Ho'opili.

15 Q And we don't necessarily have jobs available
16 for all the people beyond 7,000 who will be living in
17 the area.

18 A I think what, where I'm having a little bit
19 of trouble, and I'm not trying to be evasive, I think
20 where I'm having a little bit of trouble is you're
21 making assumptions on how many people are going to be
22 living in the project and working in the project that
23 need jobs.

24 I think when you look at what we're planning
25 for Ho'opili it's a wide range of housing options, not

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1 just single-family, or as Mr. Kudo said, multi-family.
2 We're going to have the senior housing. We're going
3 to have rentals.

4 I'm just having a little bit of a problem
5 agreeing with your assumptions on the number of people
6 that are going to require jobs in the project just
7 because we're not going to have -- it's not going to
8 be a normal -- because of the fact that we're going to
9 have a wide range of housing opportunities for
10 different types of people and demographics. So I
11 think that's where I'm having some trouble with your

12 question.

13 Q Okay. But just to wrap it up. There will
14 be people living and working there that won't have one
15 of those 7,000 permanent jobs. There will be more
16 than 7,000 people living in Ho'opili who will need
17 jobs elsewhere?

18 A I think you're also assuming that
19 everybody's going to move to Ho'opili unemployed.
20 Maybe they already have an existing job in the region
21 and is relocating to Ho'opili because they work at
22 Disney or they work in the FBI Building or they work
23 at some other public facility that's in Kapolei.

24 So that's why I think the assumptions that
25 you're making, I don't know that they're all that

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1 accurate. That's where I'm having some problem.

2 Q I am making those assumptions that some
3 people will have jobs when they get there. Let's move
4 on. About those 7,000 jobs. You said many of them
5 will be high paying jobs.

6 You mentioned the judiciary, Disney, FBI?
7 Did you say that?

8 A Yes.

9 Q And where would those jobs be located? In
10 Kapolei? Sorry.

11 A In the business planned commercial and
12 business areas, not just in Kapolei but in projects in

13 Ho'opili.

14 Q And you talk a lot about, in your
15 presentation about a walkable community. Are those
16 the types of jobs people can walk to?

17 A Absolutely. I think when you look at what
18 Ho'opili is -- and I think it's kind of hard for
19 people to envision because there's nothing like it in
20 Hawai'i now -- but it's not a normal housing
21 development where all the houses are in one area, all
22 the services and job areas are in another. It's a
23 fully mixed use community.

24 I think James Charlier, our transportation
25 planner who's going to testify, can explain to you a

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1 little bit about how people's lives will be changed by
2 being able to walk to work.

3 All the orange areas within our plan are
4 higher density mixed use areas. And I think people
5 are going to have the opportunity to work -- I mean
6 live close to where they work and be able to walk.

7 Q Can you walk from Ho'opili to Disney or....?

8 A No. I'm talking about -- you asked me about
9 where I think these businesses are going to come up.
10 For example, an attorney that practices family law
11 practices at the Kapolei Judiciary Building.

12 Q Can you walk to the Kapolei Judiciary?

13 A They may not walk to the Judiciary Building
14 but they may have their law office in Ho'opili because

15 they go to the judiciary but not every day, certainly.

16 But they'll go to their law office every day
17 which could be within walking distance of their home.

18 Q Okay. So you would agree that not all of
19 those permanent jobs are walkable.

20 A I would agree, yes.

21 MS. CERULLO: Okay. That's all.

22 PRESIDING OFFICER CHOCK: Senator Hee.

23 CROSS-EXAMINATION

24 BY MR. SEITZ:

25 Q Mr. Nekota, I represent Senator Hee who's

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1 seated behind me. And do you understand that we would
2 not be here but for the fact that you intend to
3 develop this project on land that's currently being
4 used for very productive agriculture? Do you
5 understand that?

6 A I understand that, yes.

7 Q And you conceded that the farms that are
8 operating on that land, which you intend to develop,
9 are, in fact, very productive agricultural
10 enterprises, do you not?

11 A I would agree that they are operating their
12 business productively now, yes.

13 Q And that people in Hawai'i place a great
14 deal of value on the kind of agricultural enterprises
15 which currently are utilizing the land that you intend

16 to develop, is that correct?

17 A I wouldn't -- I wouldn't agree with that
18 statement. You're saying "people in Hawai'i." I
19 don't know.

20 Q Well, let me give you some language.

21 A Sure.

22 Q Let me know if you've heard this before.

23 Quote: "The State shall conserve and protect
24 agricultural lands, promote diversified agriculture,
25 increase agricultural self-sufficiency, and assure the

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1 availability of agriculturally suitable lands,"
2 unquote.

3 Do you know where that quote comes from?

4 A I don't know exactly. Constitution?

5 Q Comes from the constitution of the state of
6 Hawai'i. And would you not agree that these lands
7 that you intend to develop are at the minimum
8 agriculturally suitable lands?

9 A I would agree that they're agriculturally
10 suitable lands, yes.

11 Q And would you not agree with us also that
12 the use of those lands currently promotes some degree
13 of self-sufficiency for the state of Hawai'i and the
14 Island of O'ahu?

15 A I would tend to disagree that the entire
16 property promotes self-sufficiency for the Island of
17 O'ahu because, Mr. Seitz, as you may know, a large

18 portion of the property is not used for food
19 cultivation. It is in seed corn production. We have
20 three tenants, three tenants that we directly lease
21 with: Syngenta, Larry Jefts who partnered with
22 (dcpark) and Mr. Sou himself partners does seed corn
23 production for Pioneer. And I don't know the exact
24 acreage. My guess, if I had to guess, it's in the 4-
25 to 500 acre range that's actually in seed corn

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1 production not food production.

2 So I would say some of the land is producing
3 food for Hawai'i. I don't know -- and in addition
4 Mr. Sou does export onions and other things. Tim Fat
5 Lao who farms basil, exports by and large most of his
6 crop. So I don't know exactly how much is being
7 produced. But I would agree with you that some of
8 that land is being -- is producing food for Hawai'i.

9 Q Have you ever or has anybody in your company
10 ever gone through the analysis of Act 183 to determine
11 whether this land that you intend to develop would
12 qualify as Important Agricultural Lands?

13 A I don't have it. And I haven't read the Act
14 183 which I think you're referring to the Important Ag
15 Lands Bill. I have not done that analysis that you
16 speak of. I would just reference a prior witness who
17 did testify that lands that are dedicated or planned
18 for development by the county are exempted from that

19 statute.

20 Q That's your understanding.

21 A And I haven't read it. I'm just going off
22 of what was said earlier today.

23 Q Do you know how many acres are occupied and
24 utilized for agricultural purposes by Aloun Farms?

25 A In Ho'opili or in total?

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1 Q In Ho'opili.

2 A I believe -- and Mr. Plasch can give you the
3 exact number -- it's approximately, give or take, 1100
4 acres. That is under direct lease with us.

5 Q Okay. And that lease expires when?

6 A I believe that lease expires December 31,
7 2013.

8 Q Are you familiar with the terms of the
9 lease?

10 A I am intimately familiar. I'm familiar with
11 some terms of the lease.

12 Q Well, if you were to come back tomorrow
13 could you bring a copy of the lease?

14 A I can bring a copy of the lease. For what
15 purposes?

16 Q Well, let me ask you this specifically.
17 Isn't there a provision in that lease which prohibits
18 anybody associated with Aloun Farms from speaking out
19 or taking a public position with regard to Ho'opili?

20 A There is a confidentiality clause in the

21 lease which was mutually agreed upon by Mr. Sou and
22 the Campbell Estate, who was the original lessor of
23 Mr. Sou. We inherited that lease from the Campbell
24 Estate when we purchased the land, the terms of which
25 are confidential for both parties to disclose.

1 Q What does that confidentiality cover? Do
2 you know?

3 A It covers the terms of the lease.

4 Q But it also prohibits anybody associated
5 with Aloun Farms from taking a position pro or con
6 your development plans, isn't that true?

7 A It does not say that.

8 Q It doesn't say that?

9 A No.

10 Q There was a question asked earlier about why
11 Aloun Farms has not taken a position or has not
12 appeared here to testify one way or another on this
13 project. Do you know why?

14 A I do not know why.

15 Q Do you know if it's because it's their
16 understanding that the lease precludes them from
17 taking any public position? Otherwise they would
18 forfeit their rights under the lease?

19 A I'm not going to discuss the lease terms
20 based on the confidentiality clause that's contained
21 in there. But I have never had discussions about,

22 with Mr. Sou about not testifying here.

23 Q Would you have any objection if we were to
24 call him as a witness to have him testify as to your
25 proposed development plan?

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1 A Mr. Sou is free to do whatever he so
2 chooses. He's a businessman, and a citizen of
3 America. We're not -- we never once instructed him
4 not to testify here today or to do anything of that
5 nature.

6 If there are contractual obligations with
7 Mr. Sou in that way, those are certainly mutually
8 agreed upon by the parties and not unilaterally
9 imposed, certainly not even by us. But I don't know
10 if they were unilaterally imposed by the Campbell
11 Estate because I was not privy to the terms of the
12 lease when they were signed by Mr. Sou and the
13 Campbell Estate in the '90's.

14 Q Well, let me ask you the questions this way:
15 If the Land Use Commission would want to hear from
16 Alec Sou with respect to the impact of your proposed
17 development on his farming operations, would you
18 object to them calling him as a witness?

19 A You're asking if I would object to the Land
20 Use Commission subpoenaing Mr. Sou to testify?

21 Q Yes.

22 A I can't make that determination at this
23 time.

24 Q Would you take any retaliatory action
25 against him? By "you" I don't mean you personally but

1 I mean Horton if, in fact, under the lease he's
2 precluded from speaking out on this issue?

3 A Like I said, Mr. Seitz, we have a
4 confidentiality clause that was agreed to by the
5 parties. I'm not going to get into the details of the
6 lease that Mr. Sou signed willingly and we abided by
7 for the last six years that we own the property. I
8 think -- I'll leave it at that.

9 Q What do you understand will be the impact
10 if, in fact, Aloun Farms is not able to access the
11 lands it is currently using? What do you think will
12 be the impact on Aloun Farms?

13 A I don't know what the impact would be on
14 Aloun Farms. I don't know what Mr. Sou and Aloun's
15 business plan looks like. I think, like I said to
16 Dr. Dudley earlier, we've continued to update all of
17 our tenants, not just Aloun, but Mr. Jefts as well as
18 Syngenta, what our plans are.

19 I think I'm not going to make any
20 determinations or give them business advice as to how
21 to run their businesses.

22 Q Well, during the course of these proceedings
23 which started, I guess, in 2008, have you or anyone
24 associated with Horton, to the best of your knowledge,

25 done any studies to determine the impact that this

1 development project will have on the business

2 currently being conducted by Aloun Farms?

3 A I believe Dr. Plasch will be here. He can
4 testify probably in a more detailed fashion with
5 respect to your questions on that.

6 Q I've looked through Dr. Plasch's reports and
7 written testimony. I don't see anything there. So
8 I'm asking you as you sit there today are you aware of
9 any reasons why Aloun Farms will not simply go out of
10 business once you terminate their lease?

11 MR. KUDO: Objection. I think the witness
12 has already answered that specific question.

13 PRESIDING OFFICER CHOCK: Can you restate it
14 and let's hear that answer one more time please.

15 THE WITNESS: Why they wouldn't go out of
16 business?

17 Q (Mr. Seitz) : Yes.

18 A Like I said, Mr. Seitz, I don't know what
19 Aloun's business plan looks like. I don't know
20 whether -- Mr. Sou has a 3-acre piece of land that he
21 leases from us that's going to expire much later where
22 he has processing at. I don't know whether -- you're
23 asking me to make an assumption about something I have
24 no knowledge of.

25 I don't know where else he farms from. He

1 also leases land from, as Dr. Awakuni said, the
2 depart -- from UH West O'ahu. I believe he leases
3 other land in the area which, albeit, is the same
4 farmland that's slated to be developed that Ho'opili's
5 under, leases that land from UH and DLNR as well.

6 So I don't know what Mr. Sue's business plan
7 looks like, where his lands are. I know he's leasing
8 lands from Castle & Cooke and he's been provided
9 additional lands further north.

10 I don't know what his business plan looks
11 like. So you're asking me to comment on something
12 which I've not seen their books. I have no idea what
13 kind of revenue they generate.

14 Q Well, your experts who have provided reports
15 and written testimony in this proceeding, have
16 suggested to the Land Use Commission that if Aloun
17 Farms is no longer able to use the current lands that
18 are leased to them by Horton, that they would be able
19 to find agricultural land elsewhere to continue their
20 business in some fashion.

21 What I'm asking you is: What is the basis
22 for that?

23 A I don't have any basis for what like --
24 you're asking me how are they going to find additional
25 land elsewhere? I don't know.

1 MR. KUDO: I think this question should be
2 asked of the witnesses that we have scheduled to
3 testify that Mr. Seitz references, their studies. He
4 should be more properly asking them the question
5 rather than Mr. Nekota who didn't do the studies.

6 PRESIDING OFFICER CHOCK: Sustained.
7 Counsel?

8 MR. SEITZ: I will ask those questions. But
9 he's the representative of Horton. Again, they're the
10 ones making the Petition. And the issue which brings
11 us before you today is that very valuable agricultural
12 land currently being used for agricultural purposes is
13 going to be dramatically affected if you grant this
14 Petition.

15 So I want to know simply whether Horton as
16 an entity has contemplated those effects and has done
17 anything to ameliorate them. And apparently this
18 witness says he doesn't know. So if everybody's
19 satisfied with that answer we will go on and we'll
20 repeat those questions --

21 A I think you changed the question when you
22 answered it for me there. Can you repeat your
23 question? I didn't agree with what your summary was.

24 Q Yes. My question is that given concerns
25 what you've heard raised here today about developing

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1 lands that is suitable for and in fact right now is
2 very productive for agricultural purposes in the state

3 of Hawai'i, what is Horton telling to the Land Use
4 Commission will happen to the individuals who are
5 occupying that land if your project is allowed to
6 proceed?

7 A We have represented that farming will take
8 place in Ho'opili through the development period.
9 Now, with the 160 acres, approximately, that we're
10 putting aside -- 159 acres we're putting aside for
11 civic farms, we're going to have ag in Ho'opili in
12 perpetuity.

13 Q Let me ask you that question because I was
14 somewhat confused by earlier testimony. You said that
15 agricultural -- commercial agriculture will continue
16 in Ho'opili for some 20 plus years. Does that mean
17 also Aloun Farms will be allowed to continue?

18 A I don't know who would be the farmers that
19 would farm that. I don't know Aloun will be around in
20 20 years. I don't know whether Sugarland Farms will
21 be around.

22 THE REPORTER: Could you slow down, please.
23 "I don't know whether..."

24 THE WITNESS: Sorry. My answer, Mr. Seitz,
25 is your asking me to make assumptions about private

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1 business and their viability moving forward based on
2 assumptions you're making. And I don't know what the
3 viability of those businesses are, whether Mr. Sou has

4 adequate lands elsewhere to shift production, whether
5 Larry Jefts has adequate lands to shift production
6 such that if these Ho'opili lands are removed from his
7 acreage that he cannot survive as a business.

8 We're lessors, Mr. Seitz. We don't get into
9 the personal business practices or business plans of
10 our tenants.

11 Q (Mr. Seitz) Given the constitutional
12 provision that I read to you and the statutes and
13 other rules and regulations of which you're
14 knowledgeable, aren't those the kinds of things which
15 the Land Use Commission needs to know in order to be
16 able to fairly evaluate and make a determination on
17 your Petition?

18 A I don't know.

19 Q Don't you think it's your burden to provide
20 that information to the Land Use Commission when you
21 ask them to take out of production very valuable
22 agricultural land?

23 A I think, Mr. Seitz, one of the things that I
24 think you need to remember is that we've -- Mr. Sou
25 has been on that land for going on 15 years now. I

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1 believe there may be witnesses that are going to
2 testify what everybody's intent -- what everybody
3 intended when that land was leased them. It was
4 always -- my understanding it was not on a permanent
5 basis; that Mr. Sou knew that it was going to be

6 developed and that was made clear to him.

7 I don't have any personal knowledge of that,
8 but perhaps there will be witnesses that will testify
9 to that. He's had the benefit of that lease for 15
10 years. We've never changed the terms. We have never
11 sought to increase his rent nor his water costs which
12 are below market.

13 And we've lived by the terms of that lease
14 ever since we've acquired this property, and we
15 continue to live by the terms of his lease today.

16 Q Are you aware that if Aloun Farms ceases to
17 exist that that will not only affect the 180 some
18 workers who are now currently employed in agriculture
19 there; that the termination of that business will
20 affect the Food Banks and consumer to whom the
21 products are sold, the restaurants in Hawai'i which
22 advertise and utilize home grown, locally grown
23 products, the schools which teach people how to grow
24 products which are partnered with Aloun Farms?

25 In other words, a whole series of industries

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1 will be affected by the end of the use of that
2 agricultural land. Are you aware of that?

3 A You're asking me -- I think you're asking me
4 to make a general statement about whether if Aloun
5 ceases to exist and drawing that relationship to
6 what's happening here. And I don't tend to agree with

7 the drawing that comparison.

8 Q What I'm asking you for is to tell the Land
9 Use Commission what studies and what information you
10 have gathered as to the impact of your proposed
11 development on the entire industry in Hawai'i of
12 growing and utilizing and encouraging home grown
13 agricultural products?

14 A I think Mr. Plasch will be able to talk to
15 you about that question in a more concise way than I
16 would.

17 Q Is Dean Okimoto somebody whom you're
18 employing in connection with this process?

19 A We are not employing Dean Okimoto. We have
20 an agreement with Nalu Farms, Inc. which encompasses
21 more than just Mr. Okimoto. As you know, Mr. Seitz,
22 they are one of the most reputable agricultural
23 producers n Hawai'i. And Nalu Farms brand is well
24 known, not just in Hawai'i but in others across the
25 country.

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1 We've now been working -- we've now been
2 working with them and Mr. Okimoto, which also includes
3 other parts of his team on marketing and things of
4 that nature as well.

5 Q And am I correct that Dean Okimoto -- or
6 Nalu Farms is being paid substantial amounts of money
7 for its assistance in connection with this project?

8 A They're being paid. I don't know whether I

9 would agree that they're being paid a substantial
10 amount of money. But they are being paid, yes.

11 Q I want to go back a little bit over some of
12 the questions which were raised previously by others
13 here. I'm a little concerned by your testimony about
14 how and when these homes are going to be constructed
15 and the relationship which you anticipate that the
16 construction of homes will have with the employability
17 of the occupants.

18 So let me ask you this way, because I'm
19 concerned this is like a chicken and egg proposition
20 here: Which is going to come first? The jobs or the
21 homes? Can you elaborate on that concern?

22 A I believe based on my testimony I think the
23 jobs and the homes are going to be built largely at
24 the same time. If you look at the areas that we're
25 building in, Phase IA, the first ten years of

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1 development includes substantial areas of job growth.

2 As I said Phase 1B to our project, which is
3 along the Farrington corridor, contains much of our
4 industrial and commercial planned developments. I
5 think that's where the significant areas of job growth
6 will happen.

7 Certainly in the second 10 years, as I said
8 earlier, 2 million square feet of commercial space
9 will be developed, commercial business space in the

10 first 10 years as well as 800,000 square feet of
11 industrial space, which is really where all the jobs
12 are going to be generated.

13 Then when you get into Phase 2 centered
14 around transit, those are by and large going to be
15 mixed use areas which will also be job generating
16 areas as well.

17 So I think if you look at the plan and the
18 phased development plans the jobs will be -- the job
19 creatin areas will be developed by and large at the
20 same time as the houses.

21 Q Well, I understand --

22 MR. KUDO: Mr. Chairperson, I have a little
23 procedural concern. I don't mind the Intervenor
24 asking their cross-examination questions. But along
25 this line of questioning you had Dr. Dudley start. He

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1 wasn't able to get the answers he wanted. So Sierra
2 Club started to ask similar questions and they weren't
3 able to get the answers they wanted.

4 Now Mr. Seitz is doing the same line of
5 questioning with regard to these homes and the job
6 connection.

7 My understanding was that the Intervenor
8 were being allowed to participate, but that they
9 wouldn't get three bites of the apple on the same
10 issue; that they were really trying to coordinate
11 their efforts to be more efficient about who was going

12 to ask cross-examination questions on a particular
13 topic.

14 PRESIDING OFFICER CHOCK: I think your
15 point's well taken. I think your point's well taken.
16 We'd like to avoid that in the future. But I think
17 counsel is asking a question in a much more eloquent
18 way than the other Intervenors did. So if we can get
19 the question answered this time.

20 And I think what you're asking is the
21 simultaneous nature of jobs and homes being built,
22 when at the same time if the witness can answer the
23 question so we can move on.

24 Q (Mr. Seitz) : Let me ask you the questions
25 this way: Do you know of or have you done any studies

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1 or surveys of any sort to indicate what kind of
2 businesses will move out there if you develop your
3 project and what kind of jobs will be created on what
4 kind of timetable?

5 A We don't have a specific timetable for when
6 jobs will be created, like I said earlier. By and
7 large we will need -- and Ms. Bouslog, who did our
8 market study, can answer that probably better -- we
9 believe there's going to be a significant job creation
10 around the businesses and entities that are already
11 building in the area whether it's UH, whether it's
12 Hawaii Medical Center West and medical related fields.

13 I think that's the answer, my answer to the questions.

14 Q Well, let me give you an example further.

15 You're going to build schools. Presumably they're
16 going to be teachers that are going to be hired to
17 teach in those schools, correct?

18 A I would presume there would be teachers,
19 yes.

20 Q Are you expecting those teachers on the
21 salaries they earn to be able to buy houses in your
22 development?

23 A I don't know what -- I don't know what the
24 average median --

25 Q I'll tell you. My son's a high school

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1 teacher. He's in his fifth year of teaching. He
2 makes about \$48,000 gross a year right now. He
3 certainly couldn't afforded to buy a \$300,000 or
4 \$400,000 house on what he currently makes. So, again,
5 my question to you is what kind of people are you
6 expecting to buy those houses? Teachers? People who
7 work in restaurants? People who work at gas stations?
8 Who is it who you think are going to buy those houses
9 and work in that community?

10 A I think there's going to be a lot of people
11 that are going to buy houses that are going to work in
12 the community. But to address your question in
13 regards to your son and \$48,000, Mr. Seitz. I think
14 that's why this community is being planned, to provide

15 a wide range of housing opportunities for people, not
16 just the for sale houses.

17 But we're looking at affordable rental,
18 we're looking at doing rentals. There's senior
19 housing.

20 I think that's the glory of what Ho'opili is
21 gonna do. It's gonna give people more than just one
22 option. It's not just going to be for sale single
23 family homes and for sale multi-family. There are
24 going to be other options.

25 Q Well --

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1 PRESIDING OFFICER CHOCK: Mr. Seitz, pardon
2 me, about how much time do you have left?

3 MR. SEITZ: I've got some more. But let me
4 finish up this one topic with one further question.

5 Q Isn't it true, Mr. Nekota, that although you
6 talk about jobs being created by virtue of this
7 project, that you don't really know when and what kind
8 of jobs are going to be created for the people who
9 decide to purchase there or consider moving out there.
10 Is that fair to say?

11 A It is fair to say I don't know the specific
12 jobs at this point in the development period, where
13 they would work, or what they would be or where they
14 would live, yes.

15 MR. SEITZ: I have a few more questions if

16 you want me to continue.

17 PRESIDING OFFICER CHOCK: If you can wrap it
18 up in five minutes. If you're not done we can
19 continue tomorrow. But the building's going to close.

20 MR. SEITZ: I think I can wrap it up in
21 five.

22 PRESIDING OFFICER CHOCK: Thank you very
23 much.

24 Q (Mr. Seitz) : So to follow up on that, then
25 if the assumption is you build 6,000 homes or

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1 something like that in the first phase, and people
2 move into those homes and jobs are not there, then in
3 essence those people are going to be on the highways
4 to go to work in other locations on the island of
5 O'ahu. Is that fair to say?

6 A Other locations other than -- so you're
7 making me -- you're making the assumption that we're
8 gonna build 6,000 homes, there's going to be no job
9 generated businesses that's created within Ho'opili at
10 that point?

11 You're saying 6,000 homes and whether those
12 people would have to drive somewhere else? Yes, if
13 there's 6,000 homes built and no other job creating
14 entities constructed in Ho'opili at that point, I
15 would agree with you that, yes, they would have to
16 drive elsewhere because there would be no jobs in
17 Ho'opili.

18 Q As what I understand from your testimony is
19 that as part of your project you have anticipated
20 putting in roadways and other systems that will allow
21 people to move around the region. But, in essence, if
22 those people have to move outside the immediate area
23 they're going to be up on the freeway along with
24 everybody else, correct?

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25 A If they need to travel outside the Kapolei

1 region they'll have to travel either by freeway or
2 they can go along Farrington Highway through Waipahu.

3 Q And I think it's been conceded that although
4 we anticipate, perhaps, that a rail system is going to
5 come in to alleviate some of the problems, at least in
6 the anticipated future, that you have not proposed and
7 the state has not announced any measures to
8 accommodate those additional travelers if they have to
9 travel on the freeway, is that correct?

10 A I disagree in terms of what the state is
11 doing, Mr. Seitz. The state Department of
12 Transportation went out to bid last year on the PM
13 zipper lane. That contract was awarded. There was a
14 bid challenge to that and now it's been delayed and
15 they're having to reissue that RFP.

16 They recently issued an RFP to widen the
17 Middle Street merge to make three free-flowing lanes
18 of traffic off of Moanalua Freeway so there's no

19 longer a merge at that juncture. And that's out to
20 bid now. So I tend to disagree that nothing is being
21 done to address the freeway impacts.

22 MR. SEITZ: Mr. Nekota, I want to thank you
23 for your patience, and thank the Commission. I wish
24 you would build this project on other lands that are
25 not agriculture. Otherwise I think you have some very

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1 interesting ideas. And that's really the basis for
2 our concern.

3 THE WITNESS: Thank you, Mr. Seitz.

4 PRESIDING OFFICER CHOCK: Thank you, Mr.
5 Seitz. We're going to adjourn and recess to tomorrow
6 at 9:00 a.m. with redirect. Thank you.

7 (The proceedings were adjourned at 4:45 p.m.)

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C E R T I F I C A T E

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

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That I was acting as court reporter in the
foregoing LUC matter on the 20th day of October 2011;

8

9

10

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

11

12

13

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

14

15

DATED: This _____ day of _____ 2011

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

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