

1 LAND USE COMMISSION

2 STATE OF HAWAI'I

3 HEARING

4 )  
AO6-771 D.R. HORTON-SCHULER HOMES, LLC)

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9 TRANSCRIPT OF PROCEEDINGS

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12 The above-entitled matters came on for a Public

13 Hearing at Conference Room 205, Second Floor, Leiopapa

14 A Kamehameha, 235 S. Beretania Street, Honolulu,

15 Hawai'i, commencing at 9:10 a.m. on January 19, 2012,

16 pursuant to Notice.

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

22 Certified Shorthand Reporter

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

2 COMMISSIONERS:

3 KYLE CHOCK  
4 RONALD HELLER  
5 LISA M. JUDGE  
6 NORMAND LEZY (Chairman)  
7 CHAD McDONALD  
8 JAYE NAPUA MAKUA  
9 ERNEST MATSUMURA  
10

11 EXECUTIVE OFFICER: ORLANDO DAVIDSON  
12 ACTING CHIEF CLERK: RILEY HAKODA  
13 STAFF PLANNER: SCOTT DERRICKSON

14 DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

15 AUDIO TECHNICIAN: HOTAI ZERBA  
16

17 Docket No. A06-771 D.R. HORTON-SCHULER HOMES, LLC

18 For the Petitioner: BENJAMIN KUDO, ESQ.  
19 NAOMI KUWAYE, ESQ.  
20 YUKO FUNAKI, ESQ.  
21 CAMERON NEKOTA

22 For the County: DAWN TAKEUCHI-APUNA, ESQ.  
23 Deputy Corporation Counsel  
24 TIM HATA, DPP

25 For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
MARY LOU KOBAYASHI  
Planning Program Admin.

26 For Intervenor Friends of Makakilo: DR. KIONI DUDLEY  
27 LINDA PAUL, ESQ.

28 For Intervenor Sierra Club: TATYANA CERULLO, ESQ.  
29

30 For Intervenor Senator Clayton Hee: ERIC SEITZ, ESQ.  
31 SARAH DEVINE, ESQ.  
32 Also Present: SENATOR CLAYTON HEE

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1                   CHAIRMAN LEZY: (gavel) Good morning. This  
2 is a meeting of the state of Hawai'i Land Use  
3 Commission. The first item on the agenda is the  
4 adoption of the minutes from the January 5 and 6, 2012  
5 meeting. Commissioners, any revisions? Hearing none,

6 do I hear a motion?

7 COMMISSIONER McDONALD: So moved.

8 COMMISSIONER JUDGE: Second.

9 CHAIRMAN LEZY: All in favor?

10 Voting: (Aye)

11 CHAIRMAN LEZY: All opposed? None.

12 Approved. Mr. Davidson, the tentative meeting  
13 schedule, please.

14 MR. DAVIDSON: Thank you, Chair. You have  
15 the tentative meeting schedule pretty much worked out  
16 through the first meeting in April. As always contact  
17 Riley or me if you have any conflicts or concerns.  
18 Also for the benefit of the parties in this docket  
19 it's anticipated that this will, this matter will  
20 reconvene for two days, March 1 and 2.

21 CHAIRMAN LEZY: Thank you. Next item on the  
22 agenda is the continued hearing on docket A06-771 D.R.  
23 Horton-Schuler Homes, LLC a Delaware limited liability  
24 company dba D.R. Horton-Schuler Division, Honouliuli,  
25 'Ewa, O'ahu to Amend the Agricultural Land Use

7

1 District Boundaries into the Urban Land Use District  
2 for approximately 1,525.516 acres of land at  
3 Honouliuli, 'Ewa District, O'ahu, Hawai'i, tax map key  
4 numbers (1)9-1-17:4,059 and 072, (1)9-1-18:001 and  
5 004.

6 Parties, please make your appearances.

7 MS. KUWAYE: Benjamin Kudo and Naomi Kuwaye,  
8 Yuko Funaki and with us Cameron Nekota for Petitioner  
9 D.R. Horton.

10 CHAIRMAN LEZY: Good morning.

11 MS. TAKEUCHI-APUNA: Good morning. Deputy  
12 Corporation Counsel Dawn Takeuchi-Apuna on behalf of  
13 the Department of Planning and Permitting. Here with  
14 me today is Tim Hata.

15 CHAIRMAN LEZY: Good morning.

16 MR. YEE: Good morning. Deputy Attorney  
17 General Bryan Yee on behalf of the Office Planning.  
18 With me is Mary Lou Kobayashi from the Office of  
19 Planning.

20 CHAIRMAN LEZY: Good morning.

21 DR. DUDLEY: Good morning. Dr. Kioni Dudley  
22 from the Friends of Makakilo. With me my attorney  
23 Linda Paul.

24 CHAIRMAN LEZY: Good morning.

25 MS. CERULLO: Good morning. Tatyana Cerullo

8

1 on behalf of Sierra Club.

2 CHAIRMAN LEZY: Good morning.

3 MR. SEITZ: Good morning. Eric Seitz  
4 appearing for Intervenor Senator Clayton Hee. With me  
5 is my associate Sarah Devine. Senator Hee is not here  
6 presently. We expect him sometime during the day.

7 CHAIRMAN LEZY: Good morning. Let me update  
8 the record. From January 6, 2012 to January 19, 2012

9 at 8:30 a.m. the Commission received written  
10 correspondence or e-mail from 20 individuals and  
11 organizations whose names are on file.

12 On January 12, 2012 the Commission received  
13 State Office of Planning's Eighth Amended List of  
14 Exhibits and Exhibits 12B to 14B. On January 13, 2012  
15 the Commission received a joint stipulation to allow  
16 the amendments of the State Office of Planning's  
17 exhibit list.

18 On January 18, 2012 the Commission received  
19 State Office of Planning's withdrawal of its  
20 opposition to issuance of subpoena upon Deputy  
21 Director William Tam and State Office of Planning's  
22 Ninth Amended List of Exhibits, Exhibit 15B.

23 Let me briefly explain our hearing procedure  
24 for today. The State Office of Planning will resume  
25 the presentation of its case. Once the State Office

9

1 of Planning has concluded its case the other parties  
2 will present their cases starting with Intervenor, the  
3 Sierra Club, then followed by Intervenor Friends of  
4 Makakilo and finally Intervenor Senator Clayton Hee.

5 As noted on the published agenda public  
6 testimony for this hearing will be taken at 2:00 p.m.  
7 The hearing on this docket will conclude at  
8 approximately 3:30 p.m. today to allow for an  
9 agendized executive session.



10                   When public testimony is taken, individuals  
11 desiring to provide public testimony for this hearing  
12 will be called in turn to our witness box where they  
13 will be sworn in.

14                   I plan on taking a brief break for lunch at  
15 between 11:30 and noon. I'll also note for the  
16 parties and the public that from time to time I will  
17 be calling for short breaks. Are there any questions  
18 on our procedures for today?

19                   Hearing none, Mr. Yee, are you prepared to  
20 proceed?

21                   MR. YEE: We are. We do, however, would  
22 like to submit some of our new exhibits into evidence.  
23 If I could list them: 12B is the amended testimony of  
24 the State Department of Transportation which is sort  
25 of their 4B plus amendments. And that takes into

10

1 account more current discussions and information. 13B  
2 is a map that a copy of which is on the wall that will  
3 be used by the witness to discuss the transportation  
4 roadways.

5                   14B is the Office of Planning's supplemental  
6 testimony which takes into account new information  
7 received since the original testimony was submitted as  
8 well as additional conversations we've had with  
9 Petitioner. These have been stipulated by the  
10 parties. 15B is --

11                   CHAIRMAN LEZY: I'm sorry. 12 through 14 are

12 stipulated into the record?

13 MR. YEE: I believe so, yes.

14 CHAIRMAN LEZY: Is that the case, parties?

15 Any objections? Hearing none, then 12B, 13B and 14B  
16 are admitted.

17 MR. YEE: Thank you. 15B is a correspondence  
18 from the Department of Agriculture being submitted  
19 through the Office of Planning as an exhibit. As you  
20 may recall during the Department of Agriculture's  
21 testimony questions were raised that the witness, you  
22 know, simply didn't have the facts before him but said  
23 he could provide the information to the LUC at a later  
24 date. This letter constitutes that response.

25 I believe that your rules allow for the Land

11

1 Use Commission to receive additional evidence when  
2 requested by the Commission. I think 15-15-63(L)  
3 It's actually allowed even after the close of an  
4 evidentiary hearing. So we have submitted that  
5 response from the Department of Agriculture to you  
6 pursuant to your request, the Commission's request.

7 CHAIRMAN LEZY: And that's been provided to  
8 the other parties, I assume?

9 MR. YEE: That was provided to the other  
10 parties, quite frankly, yesterday by e-mail and then  
11 today hard copies.

12 CHAIRMAN LEZY: Parties, any objections to

13 15B.

14 MS. KUWAYE: No objection.

15 DR. DUDLEY: Yes.

16 CHAIRMAN LEZY: Dr. Dudley.

17 DR. DUDLEY: The Friends of Makakilo  
18 objects. The witness is not here where we can  
19 cross-examine him. And clearly the information just  
20 does not go far enough. I mean it stops short of  
21 anything that's of any value.

22 CHAIRMAN LEZY: Any other objections?

23 MR. SEITZ: I don't object to its  
24 consideration by the Commission. However, I would  
25 like to reserve the right if it somehow later seems to

12

1 be appropriate to do so to further cross-examination  
2 the author of the letter if there is, as I say, a  
3 reason for doing so. But I don't see that now.

4 CHAIRMAN LEZY: We can take that up if that  
5 arises. Dr. Dudley's objection duly noted 15B is  
6 admitted.

7 MR. YEE: Thank you. May we proceed?

8 CHAIRMAN LEZY: Please.

9 MR. YEE: Our first witness will be Alvin  
10 Takeshita from the Department of Transportation.

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

14 THE WITNESS: Yes, I do.

15 CHAIRMAN LEZY: Please state your name and  
16 proceed.

17 THE WITNESS: My name is Alvin Takeshita.

18 DIRECT EXAMINATION

19 BY MR. YEE:

20 Q Mr. Takeshita, what is your current position  
21 with the state?

22 A I'm the Highways Division Administrator for  
23 the Department of Transportation.

24 Q And was Office of Planning Exhibit 12B  
25 prepared by you or on your behalf?

13

1 A Yes.

2 Q Would you please summarize the Department of  
3 Transportation's testimony in this case.

4 A Thank you. I believe everyone has a copy of  
5 my testimony, so I'm just going to briefly summarize  
6 some of the highlights that I think are important in  
7 the testimony.

8 First of all, the Department of  
9 Transportation supports well planned growth, hand in  
10 hand with transportation that is consistent with and  
11 that will accommodate growth objectives for the state  
12 and the island.

13 The Department of Transportation has two  
14 separate issues regarding the subject Petition. One  
15 is by our airports division. And the second is from

16 the highways division or land transportation system.

17               From the airport side we do have concerns  
18 that flight operations in and out of the nearby  
19 Kala'eloa Airport may affect the Petition Area and  
20 subsequently noise generated by such operations. We  
21 feel that the Petitioner should notify and disclose to  
22 all perspective buyers, developers and lessees of real  
23 property in the Petition Area of this issue regarding  
24 the nearby Kala'eloa Airport.

25               We also requested such disclosure

14

1 notification shall pass on and be included in any sale  
2 or transfer of interest for such real property.  
3 That's from the airport side.

4               From the highway side or land transportation  
5 side we are concerned about the impacts to our state  
6 highway system or basically the corridor from West  
7 O'ahu to major generators in Downtown Honolulu.

8               And if you don't mind I'd like to -- behind  
9 me you have several maps there showing this particular  
10 corridor. What we have here where I'm pointing to is  
11 the major generator for West O'ahu traffic. I think  
12 it's well-known that the downtown area that I'm  
13 pointing here, and together with Waikiki, are your  
14 major destination points to and from West O'ahu. And  
15 thus we create that corridor between West O'ahu and  
16 those major generators in downtown and Waikiki.

17               CHAIRMAN LEZY: Mr. Takeshita, when you

18 reference the map the pointer is not really doing  
19 much. Can you step up to the map and show us.

20 THE WITNESS: Sure. You're right. I  
21 probably didn't change the battery. But this area  
22 here is the major generator for West O'ahu. And that  
23 being the 'Ewa Plains. So what we're looking at is  
24 the major generators of traffic, Downtown Honolulu  
25 here and Waikiki. And their proximity makes it one

15

1 designation point. So what we're looking at is this  
2 corridor from Downtown Honolulu to West O'ahu as our  
3 major area or major corridor we are concerned about.

4 MR. YEE: I'm sorry. For the record, Chair,  
5 the map on the, as you face the wall on the far right  
6 is OP Exhibit 13B. And the map on the far left is --  
7 I'm sorry left is 13B?

8 THE WITNESS: Yes.

9 MR. YEE: Left is 13B and right is 2B.

10 CHAIRMAN LEZY: Thank you.

11 THE WITNESS: So basically what we're seeing  
12 is that our major concern in this area is that this  
13 corridor has been experiencing traffic congestion. I  
14 think it doesn't take a rocket scientist to determine  
15 that. And there has been significant traffic in this  
16 area especially during the peak hours during morning  
17 and afternoon.

18 That being said, the DOT is very concerned

19 about what we call local and regional traffic issues.  
20 What we mean by "local" is direct impact type of  
21 impacts for the surrounding area of the Petition and  
22 what we call regional which is your corridor type  
23 impacts and what it will, how it will impact this  
24 corridor that I had just mentioned to you earlier.

16

25               The Traffic Impact Analysis Report, or what

1 we call the TIAR, is required for all developments.  
2 And its purpose is to evaluate, analyze the traffic  
3 impacts and also identify potential mitigative  
4 measures that would negate those impacts.

5               The Petitioner has submitted a TIAR, the  
6 last being received in 2011. And this was by Wilbur  
7 Smith and Associates. We do have some concerns  
8 regarding that particular TIAR submittal. And the  
9 major one that we had was that particular report  
10 utilized traffic data or traffic volumes from 2006.

11              Now, at the time of submittal in 2011 that's  
12 five years old. I think we all know that this area  
13 that we talk about in this corridor, H-1 corridor,  
14 it's not the same as it was five years ago.

15              So what we are requesting is that the TIAR  
16 that will be evaluated, that will evaluate and analyze  
17 traffic impacts utilize more updated data that will  
18 reflect present conditions. And also the traffic  
19 mitigative measures that are to be discussed in the  
20 TIAR should be utilizing this updated data so that we

21 can get the best possible picture of the traffic  
22 situation.

23 Now, also the second point we have is  
24 because of the magnitude of this particular proposal  
25 we realize that it's not going to be done all at one

17

1 time. It's going to be done in increments or phases.  
2 We'd like to have a discussion of that particular  
3 phasing plan or implementation plan so that  
4 appropriate improvements can be made to negate traffic  
5 as they are generated by various phases of the  
6 Petition.

7 Those are the two areas that we have  
8 concerns on regarding that 2011 TIAR submittal. And  
9 what I'd like to do right now is discuss an update of  
10 the status of interaction between Ho'opili and the  
11 Department of Transportation.

12 Since the initial filing of the Petition  
13 back in 2007 I believe, there has been numerous  
14 discussions and communications between the Petitioner  
15 and the Department of Transportation.

16 This would include reviews of the EIS  
17 Publication Notice, the Draft Environmental Impact  
18 Statement, The Draft Traffic Infrastructure Agreement  
19 and additional highway studies that have all been  
20 submitted by the Petitioner. So there has been  
21 communication back and forth. It has been a



22 continuing process. And we are continuing to do so  
23 today.

24 Since the original TIAR in 2008 the  
25 Petitioner, again, as I've mentioned, has submitted a

18

1 revised TIAR and has conducted and submitted an H-1  
2 Freeway Assessment Report as requested by the  
3 Department of Transportation. So there's been a lot  
4 of effort on their part to meet our requirements and  
5 our needs as far as being able to correctly assess the  
6 traffic situation.

7 It is our understanding right now because we  
8 had concerns about the 2011 TIAR, that the Petitioner  
9 is currently working on updating that TIAR to reflect  
10 the needs that we had expressed regarding updated  
11 traffic data and the need for an implementation plan  
12 or phasing plan, if you will.

13 After much discussion with the Petitioner we  
14 have come to a consensus that one of the areas that we  
15 would like to see, and when I say -- what I mean "we"  
16 is the Department of Transportation -- is we would  
17 like to see them do some improvements that are going  
18 to be out there on the road and not in some planning  
19 phase that's not going to help the public.

20 So we've come to a consensus that they will  
21 add an additional lane to the H-1 corridor. And I  
22 won't use my laser pointer, but we have come to a  
23 consensus that they will add an additional lane in

24 each direction between Kunia Interchange and Waiawa  
25 Interchange. This is the corridor here that they will

1 be looking at adding an additional lane in each  
2 direction.

3 As in the case with most developments that  
4 come up, in fact, every development that comes up, we  
5 continue to work with the Petitioner or Petitioners,  
6 to make sure that we do our job and our duty and  
7 responsibilities to address traffic issues.

8 And we continue today to do so as I  
9 mentioned. What I'd like to point out is the DOT is  
10 also continuing its role in this H-1 corridor that I  
11 had mentioned. We are doing our duty to make sure  
12 that we provide relief for the traffic that I had  
13 described as being congested.

14 And right now we have on our books over  
15 \$760 million of highway improvement projects in  
16 varying stages of planning, design and construction  
17 right now for the H-1 corridor. And I'd like to say  
18 that some of these improvements, the major ones that  
19 will be impacting the Petition Area are -- and I'll  
20 point them out here so you'll get a good idea -- one  
21 of the ones that we have is the, ongoing right now, is  
22 the PM contraflow flow lane on the H-1.

23 This would run from Waikele where I'm  
24 pointing here, all the way to the vicinity of Radford

25 Drive here on the H-1. And it provides a reflection

1 of the AM or morning zipper lane that we have now  
2 ongoing that's in operation. This will provide  
3 tremendous relief for this area regarding afternoon  
4 traffic and adding an additional lane in that  
5 direction.

6 We also have improvements to the Waipahu  
7 offramp here that I'm pointing here. And this is on  
8 the H-1 in the westbound direction. I think we have  
9 identified that the westbound section of H-1 between  
10 Pearl City here and the Waipahu offramp is a major  
11 congestion area that we'd like to provide relief for.

12 And we feel that the offramp improvements  
13 will improve the flow in this section here by making  
14 it easier to get off the freeway and into Waipahu for  
15 those Waipahu people.

16 We also have a huge undertaking right now  
17 for the interstate area between the two major points  
18 that I had mentioned to you that are destinations.  
19 One is downtown Honolulu and Waikiki, the other being  
20 West O'ahu. And that is to add an additional lane on  
21 the H-1 between the vicinity of Middle Street to what  
22 we call Vineyard, where the Vineyard Boulevard is.  
23 That's our H-1 Ola Lane to Vineyard additional lane  
24 project. It's currently in the planning phase. And  
25 that will provide tremendous relief for H-1 commuters.

1                   I think we all know that in the afternoon  
2 when you travel to that area the backup begins at Fort  
3 Shafter. So we want to provide some relief for that  
4 particular area.

5                   After our review of the various studies and  
6 reports, and after much discussion with the  
7 Petitioner we'd like to give you our proposed  
8 conditions of Petition approval.

9                   Again, from the airport side we want the  
10 Petitioner to disclose about the flight operations in  
11 and out of the nearby Kalaeloa Airport and make sure  
12 that those, any sale or lessee transactions are  
13 notified of that particular point. So it will be more  
14 transparent, if you will.

15                  The Petitioner shall submit an updated TIAR  
16 for review and approval from the conditions that we  
17 had expressed concerns for in their 2011 submittal. I  
18 believe I've outlined that enough for you that, again,  
19 updated traffic data and an implementation plan for  
20 their improvements.

21                  Again, from my understanding they are  
22 already working on this and will be submitting it to  
23 us for our review and approval.

24                  We also requested any significant changes  
25 requires the TIAR to be further updated. This is to

1 make sure that, you know, there are no curve balls in  
2 there. We want to make sure that we properly and  
3 dutifully address the traffic issues and improvements  
4 that they make.

5           We are requesting that the Petitioner fund  
6 the planning, design and construction of all traffic  
7 improvements required to mitigate local and direct  
8 Project-related impacts. Now, this is all in  
9 accordance, of course, with the TIAR that shall be  
10 reviewed and approved by the DOT. Improvements for  
11 each phase of the Project in the TIAR shall be  
12 constructed in accordance with the timing and  
13 schedule.

14           We also will require a Memorandum of  
15 Agreement which will document all aspects of the  
16 agreed upon improvements required to mitigate the  
17 Project-generated and related transportation impacts  
18 to local and regional highway facilities.

19           And, of course, you know, this is a  
20 requirement that I make of all developers that they  
21 continue to work with us, continue to be open with us,  
22 and be -- and, you know, be readily available when we  
23 need information to carry out our duties. And  
24 Petitioner has shown that. And that summarizes my  
25 testimony.

23

1           MR. YEE: Thank you. Mr. Takeshita's  
2 available for cross-examination.

3 CHAIRMAN LEZY: Ms. Kuwaye?

4 MS. KUWAYE: No questions.

5 CHAIRMAN LEZY: County?

6 MS. TAKEUCHI-APUNA: No questions.

7 CHAIRMAN LEZY: Dr. Dudley?

8 CROSS-EXAMINATION

9 BY DR. DUDLEY:

10 Q Mr. Takeshita, the first point you made was  
11 about noise. And I wonder if you've seen the  
12 Petitioner's Exhibit 22 which is a report from Sam  
13 Silverman, the senior environmental scientist. This  
14 is a noise mitigation report for the Ho'opili Project.  
15 Have you seen this, Sir?

16 A No, I have not.

17 Q Are you aware of any problems with freeway,  
18 highway, Fort Weaver Road noise for the Project?

19 A I know there is noise but we haven't  
20 received -- I'm assuming you're talking about  
21 existing.

22 Q No. I'm talking about for the future and  
23 the noise that's supposed to be counteracted by  
24 various kinds of walls and things like that in order  
25 to prevent the noise.

24

1 A Um, I'm not aware of any.

2 Q Okay. And so you're not aware that on

3 Page 3 it says, "A noise barrier seven foot earthen

4 berm or solid wall shall be constructed between the  
5 district park and Fort Weaver Road that is capable of  
6 reducing mobile source noise levels by at least six  
7 decibels"?

8 MR. YEE: We're going to object as the  
9 witness has already testified he's not familiar with  
10 the document Mr. Dudley's referring to.

11 Q (Dr. Dudley): Okay. All right. Do you  
12 have any plans to work on noise by putting walls, such  
13 as the 10 foot wall that's suggested, along the  
14 freeway to prevent noise for residential residences  
15 because of the freeway noise?

16 A The Department of Transportation has not  
17 conducted any noise evaluation or analysis. So we're  
18 not aware of any.

19 Q Okay. If it came down to the fact that the  
20 federal government does require noise mitigation and  
21 that the recommendations are for a 10-foot wall along  
22 the freeway which, of course, would block viewplanes  
23 and so forth, would you have any objection to that  
24 10-foot wall along the freeway, the length of the  
25 Project?

25

1 A You know, with my 40 years of experience  
2 with the Department of Transportation, I can't really  
3 answer that whether I'd be opposed to it. It will  
4 depend on what other type of mitigative measures are  
5 available as options or alternatives. I think you

6 need to consider all of them.

7 Q Okay. The recommendations, of course, are  
8 for berms and 7-foot walls and 10-foot concrete wall  
9 and so forth.

10 A And other alternatives, yes.

11 Q Thank you. Mr. Takeshita, the problems on  
12 the freeway, what is the major problem for the H-1  
13 Freeway for the folks coming from the west side now?  
14 Is it not the H-1/H-2 merge?

15 A I'm assuming you're talking about the  
16 morning peak hour.

17 Q Morning peak hour, yeah.

18 A Yes, that has been identified as one of the  
19 areas of concern.

20 Q And isn't the problem that when you get to  
21 the H-1/H-2 merge it's in cement and so you can't  
22 widen any lanes there? You can't put more lanes  
23 through?

24 A Um, not -- that is not truly correct without  
25 qualifications. And why I say that is that in the PM

26

1 contraflow lane project on H-1 that I had mentioned,  
2 they will be putting in an additional lane. Actually  
3 it's through the H-1/H-2 merge in the westbound  
4 direction. So we haven't looked at the eastbound  
5 direction yet. It will be added onto the westbound  
6 direction. So there's possibilities. We haven't



7 looked at it but what they are doing in the westbound  
8 direction shows me that, yes, there are possibilities.

9 Q So what you're saying is that -- I presume  
10 you're talking about a zipper lane in the afternoon,  
11 is that right?

12 A Um, yes and no. And the reason I say that  
13 is that our original proposal was to add a zipper  
14 lane. My understanding is the consultant is currently  
15 working on a value engineering submittal, or a  
16 submittal to change the scope of that particular  
17 project. And I believe that will be to add that  
18 additional lane in the westbound direction.

19 Q So you're talking about physically adding a  
20 lane onto the freeway? Is that what you're saying?

21 A That is correct.

22 Q Let's go to the morning problem that we have  
23 for the people out in the west there who are heading  
24 into town. When they get to the H-1/H-2 merge is it  
25 not true that there's not room to add more lanes

27

1 through the merge for the morning?

2 A I'm not really sure.

3 Q Could you tell us why haven't there been any  
4 additional lanes added through the merge over the  
5 years by your department, Sir?

6 A I don't know.

7 Q Okay. When we get this additional lane  
8 which the Petitioner is going to provide for us, it's

9 going to end at the H-1/H-2 merge, is that not  
10 correct?

11 A That is correct.

12 Q Okay. And in the TIAR isn't there some  
13 reference to a flyover in many years down the road  
14 possibly if somebody would pay for it? Isn't there  
15 some reference in the TIAR to a flyover?

16 A I'm not sure where you're referring to as  
17 far as a flyover.

18 Q Okay. When we get to the -- when we add the  
19 extra lane on and the extra lane gets to the H-1/H-2  
20 merge, isn't that going to cause a tremendous  
21 bottleneck at the H-1/H-2 merge?

22 A No, it will not. These things do not --  
23 these improvements or projects do not operate in a  
24 bubble, if you will. There are also discussions right  
25 now in extending the zipper lane beyond Waikele to

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1 Kunia Interchange. So those are things that we are  
2 considering right now.

3 We also are looking at facilitating -- by  
4 that added additional lane in the eastbound direction,  
5 to facilitate traffic that's going on to Wahiawa and  
6 to Pearl City by making it a lane drop to those  
7 offramps just before the H-1/H-2 merge.

8 Q And how are you going to get the majority of  
9 the traffic to go to Wahiawa to take that when they're

10 all headed into town, Sir?

11 A You know, I'm not saying that the people  
12 that are, whose destinations are in town will be  
13 taking those offramps. That's to facilitate that.  
14 Again, in this particular section of the H-1 between  
15 Kunia Interchange and Waiawa Interchange, getting  
16 those traffic that are bound for Wahiawa and Pearl  
17 City into the right-most lane will provide relief for  
18 those through lanes that are going through.

19 Q Let's move on to another question. You say  
20 that, in one paragraph here in the report on Page 3,  
21 paragraph 3 it says that the Petitioner is going to  
22 pay for this. "Cost for these improvements will be  
23 borne by the Petitioner."

24 However, on the very next page it talks  
25 about the shared cost by other people for regional

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1 improvements. It says, "The Petitioner shall fund its  
2 fair-share of the planning, design and construction of  
3 all traffic improvements required to mitigate regional  
4 Project-generated and/or traffic improvements in  
5 accordance with updated TIAR."

6 Which is it, Sir? Are they going to pay for  
7 everything? Or are they going to pay their fair-share  
8 of all projects?

9 A As I mentioned earlier, it is the intent of  
10 the Department of Transportation to make sure that we  
11 get physical improvements constructed and out on the

12 road so that the public can use them and use these  
13 improvements to mitigate your traffic.

14           And we feel that this, by them bearing the  
15 cost of design and construction of that additional  
16 lane between Kunia Interchange and Waiawa Interchange  
17 will provide that immediate impact to the public  
18 impact and the benefits to the public.

19           What I don't want is for them to give us  
20 money and say, "Hey, this is our fair-share," and  
21 nothing gets done. We actually want something to get  
22 done.

23       Q     Okay, Sir. I understand. I don't really  
24 understand. But they're not going to answer my  
25 question. Are they going to pay for the entire lane,

30

1 the entire lane themselves?

2       A     Yes. They are going to add -- they are  
3 going to pay fully for the design and construction of  
4 the additional lane on H-1 between Kunia Interchange  
5 and Waiawa Interchange.

6       Q     And when are they going to do that?

7       A     That is to be discussed in their TIAR that  
8 will be updated. Again, I mentioned my earlier  
9 testimony that we'll be asking for an implementation  
10 plan for their Project.

11       Q     Okay. And would that be before the Project  
12 is built that they would begin the construction of

13 that?

14 A Again, that is to be discussed in the TIAR  
15 that we have requested.

16 Q Okay. Are you aware of the adequate  
17 facilities requirement in the 'Ewa Development Plan?

18 A No.

19 Q Okay. Are you aware that in the 'Ewa  
20 Development Plan it says that the "transportation  
21 system shall provide adequate capacity for major peak  
22 hour commuting to work in the Primary Urban Center"?

23 MR. YEE: Same objection. He's already  
24 testified he's not familiar with the 'Ewa Development  
25 Plan.

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1 DR. DUDLEY: No, he didn't. He hasn't said  
2 he wasn't familiar with the first part.

3 MR. YEE: I'm sorry. Then we'd ask you  
4 establish the foundation as to whether or not he's  
5 familiar with the 'Ewa Development Plan.

6 Q (Mr. Dudley): Are you familiar with the  
7 'Ewa Development Plan, Sir?

8 A Only to the extent that I've heard about it.

9 Q Okay. If I were to tell you that in the  
10 'Ewa Development Plan there's a section which says  
11 that we folks out there are guaranteed adequate  
12 freeway capacity during the peak morning and afternoon  
13 rush hour to the primary urban center being downtown,  
14 and if I were to tell you that in the 'Ewa Development

15 Plan it says that zoning and other development  
16 approvals for new developments shall be approved only  
17 if the responsible city and state agencies provide  
18 this stuff. And that it will be provided, available  
19 at the time of occupancy.

20 Now, we're guaranteed out there that we are  
21 going to have adequate facility on the freeway. Has  
22 your department ever done anything to try to give us  
23 adequate facility on the freeway?

24 A I believe we've mentioned the \$760 million  
25 of projects on the H-1 corridor that are in varying

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1 stages of planning, design and construction.

2 Q Thank you. What would you call an adequate  
3 level of service on the freeway, Sir?

4 A I don't quite understand that question.

5 Q Okay. Well --

6 A Only because I'm an engineer. Are you  
7 talking about peak hour or just over all?

8 Q Peak hour adequate Level of Service on the  
9 freeway.

10 A I believe Level of Service D.

11 Q Good. Thank you. Are you aware that the  
12 final environmental impact statement for Ho'opili says  
13 that in the mornings with the Project Kunia Road is  
14 going to have Level of Service F? Paiwa Street is  
15 going to have Level of Service F. Kamehameha Highway

16 being the merge is going to have Level of Service F.  
17 And this is even with the rail. Are you aware of  
18 that, Sir?

19 A No, I was not.

20 Q Okay. Because the Friends of Makakilo  
21 represents the people on the west side there, let me  
22 ask you: If you look at the map and you see Ho'opili  
23 there, Ho'opili is kind of bounded by the H-1 Freeway  
24 and Fort Weaver Road coming up on the side, right?

25 A Yes.

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1 Q All right. If we look going down Fort  
2 Weaver Road below the yellow part, the first area  
3 there is 'Ewa, is that right?

4 A Yes.

5 Q And the next one is 'Ewa Beach?

6 A Yes.

7 Q Sir, would you agree that all the people  
8 from that development, the 12,000 houses and 24,000  
9 cars which they agree 12,000 of those will be on the  
10 freeway, would you agree that all of those folks are  
11 going to be ahead of people in 'Ewa and 'Ewa Beach as  
12 they head out to town in the morning?

13 A Well, that would be a fair assessment if all  
14 of them from, if all the traffic generated from  
15 Ho'opili chooses to use the Fort Weaver Road.

16 Q Okay. Thank you. Let's go take a look at  
17 the freeway there. And on the left side of the yellow

18 spot we find all of Kapolei, correct?

19 A Yes.

20 Q And Makakilo and the Leeward Coast, correct?

21 A Yes.

22 Q Would you agree that all those people are

23 going to be behind the cars that come out onto the

24 freeway from Ho'opili?

25 A On the H-1, yes.

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1 Q Yes. Thank you. And, Sir, are you aware of

2 what we have as our Exhibit R-5 which is the Highways

3 Modernization Plan which your office produced?

4 A I am somewhat familiar with that.

5 Q Okay. Are you aware that it has a section

6 which talks about amount of delay in minutes and the

7 cost of that delay per year to each person?

8 A I don't recall that in detail, but as a

9 traffic engineer I do understand that.

10 Q If I were to tell you that this report says

11 that a 20-minute delay in traffic is going to cause

12 \$1200 a year cost per person, would you think that

13 that's probably something that's probably true?

14 A Well, you know, I'm an engineer. I deal

15 with black and white. So some of those are

16 subjective. It depends on what you base that on. I'm

17 not clear how they determined those values.

18 Q Okay. But I believe it's based upon the



19 Department of Transportation's state of Hawai'i  
20 figures, sir. It does say it's based on the Texas  
21 Transportation Institute model.

22 But just to ask another question then. When  
23 we get to 30 minutes it's \$1800 a year per person that  
24 we are, cost every one of us, all us guys out there.  
25 Are you aware the OMPO studies say that this Project

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1 and the other projects go along with it are going to  
2 put us another half hour in traffic, all the people  
3 out there?

4 A No, I'm not familiar with that OMPO report,  
5 no.

6 Q Okay. Finally, I would just like to know in  
7 your studies and all the things that you do planning  
8 for traffic, I guess this isn't final, it's my  
9 second-to-last question. Okay, do you ever take up  
10 the problems of loss of time with family, health  
11 problems that are caused by being in traffic, the cost  
12 to latch key kids, stuff like that?

13 Do you ever take up those kinds of questions  
14 in consideration when you're planning and allowing  
15 people to do things that are going to cause impacts on  
16 the populace?

17 A Well, that is why we plan, design and  
18 construct traffic improvements.

19 Q That wasn't really my question. I asked if  
20 you kind of take into consideration the effect of

21 traffic on humans who're going to be affected by it?

22           A     Yes. I believe that is the motivating  
23 reason why we do highway improvement projects is to  
24 improve quality of life.

25           Q     Okay. All right. I'd just like to come

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1 back to one question. And it's my same old question  
2 that I've asked again and again to people from your  
3 department.

4                     If you take the map up there and you see  
5 that Fort Weaver Road is coming up to the freeway, and  
6 you see that the Farrington comes out onto Fort Weaver  
7 Road, it would seem that when Level of Service F is,  
8 in effect, on the freeway and backing people up, that  
9 section between Farrington and the freeway there,  
10 we're going to have a major part of the people coming  
11 out onto, onto Farrington and up onto Fort Weaver Road  
12 in that section.

13                    And I don't see any studies on that section  
14 at all, you know. We've got three lanes coming across  
15 the bridge. We've got two lanes merging into it at  
16 the same time that all of those lanes are trying to  
17 get down to two lanes to get onto the freeway.

18                   MR. YEE: If I could ask that you get to a  
19 question.

20           Q     (Dr. Dudley): Do you have any intent to  
21 study that area?

22 A Yes.

23 DR. DUDLEY: Thank you very much. I

24 appreciate that. End my questions, sir.

25 CHAIRMAN LEZY: Ms. Cerullo?

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1 CROSS-EXAMINATION

2 BY MS. CERULLO:

3 Q Good morning.

4 A Good morning.

5 Q Are you aware that the DOT under the  
6 previous administration disapproved of the Project  
7 because there were no mitigation measures that could  
8 sufficiently address the traffic impacts?

9 A I had heard something like that but was not  
10 involved at that time.

11 Q Okay. So apparently now you think that  
12 there are mitigation measures that do sufficiently  
13 address the impacts, is that correct?

14 A I believe so.

15 Q So are you guaranteeing that after you add  
16 the lane and other improvements that there won't be  
17 any areas along the H-1 corridor that are rated at  
18 Level of Service E or F?

19 A We as engineers, we apply whatever  
20 knowledge. And a lot of our design standards and Best  
21 Practices are based on -- they're not pulled out of  
22 the air. They're done by studies that were conducted  
23 nationwide and looked at and established as criteria

24 for highway engineering. And, you know, there's no  
25 guarantee. But it's our best evaluation that we will

1 be able to sufficiently mitigate traffic impacts.

2 Q But no guarantees?

3 A I believe my father told me that there's  
4 only two guarantees in life and that's death and  
5 taxes.

6 (Laughter)

7 Q You said that every development is required  
8 to submit Traffic Impact Analysis Reports, correct?

9 A That is correct.

10 Q Normally these TIARs, as we call them,  
11 project traffic impacts into the future for 20 years,  
12 approximately, is that correct?

13 A Yes. Actually the TIAR requirement it's  
14 different when someone is proposing to, for example,  
15 build a restaurant versus a subdivision because we may  
16 not have as many things to look at, you know, for a  
17 restaurant, for example. You know, the traffic  
18 impacts may not be as major.

19 Q Okay. So let's just look at Ho'opili. The  
20 traffic impact projections are for 20 years, is that  
21 correct?

22 A That's the criteria we use.

23 Q Okay. Would you agree that with or without  
24 Ho'opili there will be more cars on the road in 20

25 years just because of other factors like population

1 growth and other things going on?

2 A Are you asking me? Or are you asking for  
3 the department's position?

4 Q Both.

5 A Well, you know, I was a traffic engineer for  
6 25 years, so I'm well aware of, you know, what you're  
7 saying. About, you know, I'm not convinced that there  
8 will be more traffic because there is a light at the  
9 end of the tunnel.

10 One of the things I had seen earlier was  
11 that from I believe 2006 to 2008 -- I'm not clear on  
12 the year -- I couldn't believe that the number of cars  
13 on H-1 actually decreased, the volume. I'm talking  
14 about sheer volume. It actually decreased. And, you  
15 know, we also have potential alternate modes of  
16 transportation that are being planned for this area.

17 So, you know, all those need to be taken  
18 into consideration. So I'm not, you know, I can't say  
19 that it's black and white whether it will be or not.

20 Q So you're not sure in 20 years that there  
21 will be more cars on the road with or without  
22 Ho'opili?

23 A That's really my point of view, yes.

24 Q Okay. So is DOT not concerned with what  
25 happens after 20 years? I mean what if there is a lot

1 more cars? What if there are a lot more cars on the  
2 road? What happens after 20 years?

3 A You know, I'm not familiar with the report  
4 but I believe we did a 2030 report on the  
5 transportation system statewide. So we do have  
6 efforts that are beyond 20 years.

7 Q What happens after 30 years? I mean life  
8 goes on. What happens? I mean what can you say to  
9 that?

10 A Actually, you know, things change so quickly  
11 that, you know, it's not going to be productive to do  
12 a 50 or hundred year analysis because how accurate are  
13 you going to be? What's going to be there in 50 years  
14 or a hundred years? It's not really productive for  
15 the DOT. And that is why we keep our efforts,  
16 especially the long-range planning process, to 20 to  
17 30 years.

18 Q Okay. Well, let me ask you this then. Do  
19 you have some sort of concrete analysis that you and  
20 your traffic engineers perform to determine when  
21 enough is enough? For example, when is there a  
22 cutoff? When is it not acceptable anymore to keep  
23 approving projects that will add cars to the road?

24 MR. YEE: I'm going to object to the form of  
25 the question in that she assumes the Department of

1 Transportation is approving projects. By "projects" I  
2 assume she means developments. So I think she needs  
3 to establish the foundation since obviously the LUC  
4 approves developments. But I'm not sure the  
5 Department of Transportation's going to say the same.

6 CHAIRMAN LEZY: Why don't you just rephrase  
7 your question.

8 MS. CERULLO: Okay.

9 Q Let's see. Do you have -- does DOT have  
10 some sort of -- okay, let me just provide the context.  
11 You give recommendations and conditions and provide  
12 analysis of traffic impacts when a Petitioner comes  
13 with a project and wants to know whether DOT could  
14 provide its stamp of approval on traffic impacts, is  
15 that correct?

16 A Yes.

17 Q At what point do you have, does DOT have a  
18 concrete analysis that it performs to determine when  
19 there's too much traffic on the road and when it would  
20 recommend to Office of Planning and the LUC that, "No,  
21 we don't think that this is a prudent path for the  
22 future" to disapprove of the project?

23 A Actually the process that's existing now is  
24 intended to mitigate that in the sense that first of  
25 all, we periodically update our corridor analysis.

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1 And this would include the H-1.

2 As we speak today there is an ongoing

3 evaluation of the H-1 corridor from Kahala Mall all  
4 the way to Kalaeloa. We are doing this to evaluate  
5 our corridor, our H-1 corridor. So we periodically do  
6 this.

7 We do have our long-range planning process  
8 that addresses what we call long range. We also  
9 provide for good planning, a good planning process  
10 both at the state and the county levels that are  
11 intended to not let that happen.

12 Q Okay. I understand that you have planning  
13 and you do evaluations. But is there something that  
14 you can point to some concrete analysis that once the  
15 H-1 is completely saturated and you've added all the  
16 lanes you can add and all the improvements you can  
17 add, is there a point where no more, you can't have  
18 any more traffic added to the road?

19 Do you have some sort of concrete analysis  
20 to show that?

21 A No.

22 MS. CERULLO: Okay. No further questions.

23 CHAIRMAN LEZY: Mr. Seitz.

24 xx

25 xx

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1 CROSS-EXAMINATION

2 BY MR. SEITZ:

3 Q Mr. Takeshita, as you said a few moments ago



4 it's your understanding that the prior administration  
5 of the Department of Transportation had some serious  
6 problem with this Petition, is that correct?

7 A That's my recollection, yes.

8 Q What's changed?

9 A I really think that, you know, the  
10 Petitioner has been very cooperative. They've been  
11 very supportive of the DOT's recommendations. And  
12 they continue to work with us. If they're not going  
13 to work with us, this is, we wouldn't be here today.

14 Let me say that I believe there were some --  
15 I don't like to air dirty laundry, but you know there  
16 were -- I believe that there were some missteps in the  
17 past position from DOT that we have reconsidered to,  
18 for what we are saying today.

19 Q Well, Mr. Takeshita, you would acknowledge,  
20 would you not, that there are some very serious  
21 traffic problems on the highways bringing people in  
22 from the west side to downtown, correct?

23 A Yes.

24 Q Among the worst in the state of Hawai'i and,  
25 in fact, even in the country according to studies that

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1 we've seen, correct?

2 A From an engineer's standpoint that is  
3 correct.

4 Q Okay.

5 A If you ask somebody in Kona I think they'll

6 disagree with you but...

7 Q And I believe you testified that you've been  
8 with the Department of Transportation for some 40  
9 years, which would mean you started about 1971, '72,  
10 is that right?

11 A That is correct.

12 Q And that was just about the time when that  
13 west side portion of H-1 opened, correct?

14 A Yes.

15 Q Then a few years later H-2 opened, right?

16 A Actually I designed portions of H-2 so, yes.

17 Q But it opened in the late '70s, correct?

18 A That's correct.

19 Q And there have been several major projects  
20 to add lanes, to add the zipper lane, to revise the  
21 traffic flow on those west side highways over the past  
22 30, 35 years, correct?

23 A Yes.

24 Q And each time would you agree with me that  
25 there's been a major revision, a major construction

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1 project to improve traffic conditions, by the time the  
2 construction is done the development out in that part  
3 of the island has basically caused the same congestion  
4 problems to reoccur on the revised DOT traffic  
5 patterns. Isn't that a fair statement?

6 A Not to all projects, no.

7 Q Well, with regard to the freeways hasn't it  
8 basically been a losing battle? You can't build fast  
9 enough to outstrip the additional traffic on the  
10 highways that's bringing people in from the west side  
11 to Honolulu? Hasn't that basically been the history?

12 A No.

13 Q Well, if you were to do a survey and ask  
14 people who live out there, you said, and I understand  
15 it's your perception, you guys are doing your best to  
16 address the problems on the highways there. But do  
17 you think that any significant number of people who  
18 live out in Mililani or on the west side would agree  
19 that you folks have been able to tackle successfully  
20 any of these traffic problems?

21 A Well, we haven't conducted a survey, no.

22 Q All right. So we have a problem, you  
23 acknowledge. It's been a long-standing problem, even  
24 though there have been a number of efforts to address  
25 it.

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1 What makes you think that there is any  
2 viable solution in terms of adding lanes or changing  
3 traffic patterns that can resolve the congestion on  
4 the freeways if we add additional homes and population  
5 in that area? What are you basing that on?

6 A Actually I'm basing it on my 25 years of  
7 experience as the head traffic engineer for the DOT.

8 Q But as I say to you would you agree that in

9 terms of the experience of the last 30 years it hasn't  
10 really been great in solving those problems, has it?

11 A We have not solved 100 percent of the  
12 problem, that is correct.

13 Q Well, in fact, today it takes people much  
14 longer to traverse that portion of the highway to get  
15 to work or wherever they have to go, than it took  
16 five, 10, 15 years ago, correct?

17 A Yes. It's probably longer now than it did  
18 50 years ago.

19 Q Okay. Now, you have said, and we have heard  
20 before, that the developer in this case has been  
21 requested to do a revised TIAR, correct?

22 A Yes.

23 Q And yet you're sitting there today telling  
24 the Commission in essence: Because of our working  
25 relation with the developer we trust them

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1 sufficiently. We think you can go ahead and  
2 reclassify this piece of property without waiting for  
3 that TIAR.

4 Is that basically your position?

5 A My position is not to tell the Commission  
6 how to do their job. I'm just here to discuss the  
7 transportation issues.

8 Q Well, are you not recommending to the  
9 Commission in your written testimony and in your oral

10 testimony today, that with the reservations that you  
11 folks have and the recommendation that you're making,  
12 that you agree that they should go ahead and grant  
13 the Petition? Is that not the gist of your testimony?

14 A I wrote this testimony. And it doesn't say  
15 any such thing in my testimony. Again, my position is  
16 not to recommend to the Commission. It is simply to  
17 discuss transportation issues.

18 Q But in light of the problems that have been  
19 talked about this morning, do you not think it would  
20 be prudent as a policy matter to await a new TIAR and  
21 analyze that TIAR before the Commission takes any  
22 action whatsoever?

23 A I believe we do have a condition in there.  
24 I'm sorry. I didn't point it out in my testimony.  
25 But we are requiring that the TIAR be reviewed and

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1 approved by the DOT prior to any zoning changes.

2 Q And would you also agree that in terms of  
3 the discussion that you've had about commitments that  
4 the developer has made to fund certain improvements  
5 and so forth, wouldn't it be better to have a formal  
6 agreement in place before any zoning changes occur?

7 A I'm not familiar with the zoning change  
8 process, but we are, again, requiring a Memorandum of  
9 Agreement be executed between the Petitioner and the  
10 DOT.

11 MR. SEITZ: Thank you. Nothing further.

12 CHAIRMAN LEZY: OP, redirect?

13 REDIRECT-EXAMINATION

14 BY MR. YEE:

15 Q Just to briefly clarify. The Department of  
16 Transportation reviews the TIAR submitted by  
17 Petitioners, correct?

18 A That is correct.

19 Q And in that TIAR you look at the impacts  
20 caused by that particular development and project,  
21 correct?

22 A That is correct.

23 Q And that's the scope of the review of a TIAR  
24 to look at the impacts of a particular project?

25 A Yes.

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1 MR. YEE: Nothing further.

2 CHAIRMAN LEZY: Commissioners, questions?  
3 Commissioner McDonald?

4 COMMISSIONER McDONALD: Good morning, Alvin.  
5 Good to see you.

6 THE WITNESS: Good morning, Chad.

7 COMMISSIONER McDONALD: A couple of things.  
8 You referenced the April 2011 TIAR. I noticed that  
9 the study only addressed or projected up to year 2020.  
10 Does the DOT have concern with, you know, the Project  
11 just studying up to the year 2020 which I believe just  
12 covers the Phase I portion of the Project? Go ahead.

13 THE WITNESS: Go ahead. Finish your  
14 question.

15 COMMISSIONER McDONALD: So, you know, I  
16 guess my concern was, you know, the projected year of  
17 study was just up to 2020 which I believe addresses  
18 only Phase 1 of the Project.

19 THE WITNESS: You know, again, I rehash my  
20 testimony that, one, we are asking for the  
21 implementation plan. So it's not going to just cover  
22 Phase I as far as the TIAR is concerned. And I  
23 believe I had said earlier that there is a 20 year  
24 projection that we use as a practice. So, you know, I  
25 think that will tell you that no, what you're saying

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1 is not correct.

2 COMMISSIONER McDONALD: That the revised  
3 TIAR will include the development in its entirety?

4 THE WITNESS: No, it will include that.

5 COMMISSIONER McDONALD: Okay. It will  
6 include.

7 THE WITNESS: I'm sorry. Maybe I  
8 misunderstood your question.

9 COMMISSIONER McDONALD: As far as your  
10 discussions with the Petitioner, I just want to be  
11 sure that the study does address the Project in its  
12 entirety. Because what we currently -- what was  
13 currently provided to the Commission was just the 2020  
14 projection what is just phase 1.

15 THE WITNESS: Yeah. I'm familiar with the  
16 2020. But, again, I wasn't involved in that  
17 particular process at that time. I thought that was  
18 really a waste of time, to be honest with you. This  
19 time we're asking them, as I mentioned earlier, an  
20 implementation plan for the whole thing.

21 COMMISSIONER McDONALD: Okay. Great. As  
22 part of the revised TIAR I just want to confirm that  
23 the study will include the Waiawa Interchange.

24 THE WITNESS: I'm not sure if it's gonna  
25 evaluate the interchange itself. It may be -- a part

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1 of it may be evaluated, not the entire Waiawa  
2 Interchange of course. And this is because of that  
3 additional lane that will be terminating at Waiawa.  
4 So there is some sort of analysis that's going to be,  
5 that will be done but, again, not for the entire  
6 Waiawa Interchange because that would include the H-2  
7 leg and all the other numerous ramps for that  
8 interchange.

9 COMMISSIONER McDONALD: Okay. And did  
10 mention the discussions with the Petitioner with  
11 regards to the improvements from Waiawa to Kunia  
12 Interchange. And that included an additional lane in  
13 each direction. Was that recommendation for  
14 mitigation developed based on the 2020 TIAR?

15 THE WITNESS: No. I'll elaborate. It was



16 based on their -- I think I mentioned it in my  
17 testimony -- their H-1 Freeway Assessment Report. It  
18 was identified in that, that report.

19 COMMISSIONER McDONALD: That Freeway  
20 Assessment Report, again, I just keep going back to  
21 the issue of addressing the entire Ho'opili Project,  
22 not just Phase 1. So I just want to be clear that the  
23 additional lanes that's being proposed as mitigation  
24 isn't only for the Phase I traffic study.

25 I'm not sure -- I'm not quite sure what the

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1 freeway study, the projections, the traffic  
2 projections encompassed as far as the freeway study.

3 THE WITNESS: Yes, I have personally looked  
4 at that assessment report. And it does consider the  
5 whole Project.

6 COMMISSIONER McDONALD: Okay. One last  
7 thing. As far as the DOT projects that you mentioned,  
8 you know, the zipper lane, the Ola Lane projects, any  
9 idea as to when the DOT expects completion of those  
10 projects?

11 THE WITNESS: Actually the major one that  
12 would have direct impact to this area is that PM  
13 contraflow lane. It's a design/build project. So the  
14 project will be designed and then built by a  
15 consultant private contractor. We gave Notice to  
16 Proceed to begin the design process on December 5th,  
17 2011. So they've already started it. We anticipate

18 construction to begin sometime in early 2013 or so.

19 COMMISSIONER McDONALD: What about Ola Lane?

20 THE WITNESS: Ola Lane. There are  
21 discussions ongoing right now. In fact I just had it  
22 yesterday. This is to add an additional lane in each  
23 direction for what I would consider the most congested  
24 section of the H-1 between Punahou Street and Middle  
25 Street.

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1 And that would add an additional lane in  
2 each direction for that corridor. Because I think we  
3 all agree that that's the most urbanized area of the  
4 H-1 corridor that's causing a lot of congestion. So  
5 I've been tasked by my director to get this done by  
6 2014.

7 COMMISSIONER McDONALD: 2014.

8 THE WITNESS: That is correct.

9 COMMISSIONER McDONALD: And I guess one last  
10 question. Any schedule as far as the re-submittal of  
11 the revised TIAR to the DOT?

12 THE WITNESS: I don't have a schedule that  
13 we've identified. But, again, if they want to proceed  
14 with this particular Petition, they need to have that  
15 approved -- reviewed and approved by the DOT. So the  
16 onus really is on the Petitioner to get that revised  
17 TIAR to us on a timely basis in order for us to review  
18 and conduct our analysis whether to approve.

19 COMMISSIONER McDONALD: Okay. Thank you,  
20 Alvin.  
21 CHAIRMAN LEZY: Commissioners? Commissioner  
22 Judge.  
23 COMMISSIONER JUDGE: Good morning.  
24 THE WITNESS: Good morning.  
25 COMMISSIONER JUDGE: I'd just like to go

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1 back to adding a lane. I'm not an engineer. I don't  
2 exactly know what that means to add a lane. I know we  
3 had some testimony before. They were talking about  
4 the options and adding a lane, restriping.

5 So when you say they're going to "add a  
6 lane" does that mean they're physically going to add  
7 pavement, add a lane? Or you're just going to  
8 re-stripe?

9 THE WITNESS: I believe there are options.  
10 And this would be with operational considerations. It  
11 may involve some widening, some restriping, but it  
12 will physically add a sixth lane of travel between  
13 Kunia and Waiawa. Currently there's five lanes. If  
14 you add one, by simple mathematics you're increasing  
15 your capacity of that particular section by  
16 20 percent.

17 COMMISSIONER JUDGE: But there'll still be a  
18 shoulder, right? I mean they're still be...

19 THE WITNESS: Yes. There will be some  
20 shoulder for disabled vehicles. But when you think

21 about cost benefit I think the benefit is tremendous  
22 when you talk about 20 percent.

23 COMMISSIONER JUDGE: I'm just wondering, in  
24 your recommendations if you have this agreement  
25 already in place that they're going to do that

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1 mitigation measure, why it's not mentioned anywhere in  
2 your conditions.

3 THE WITNESS: I think that, again, that has  
4 to be formalized as part of their updated TIAR and  
5 identified in there. And then, of course, the  
6 creation of the Memorandum of Agreement. I think  
7 that, as I had said earlier, we have come to a  
8 consensus that this is what needs to be done and whose  
9 responsibility it maybe. But now comes the part where  
10 we formalize it by documenting it in the TIAR and the  
11 Memorandum of Agreement.

12 COMMISSIONER JUDGE: Okay. So am I correct  
13 in assuming that this kind of falls into your  
14 condition No. 5 that this additional lane will be part  
15 of their fair-share; that this part of, just one piece  
16 of their fair-share regional improvements that will be  
17 documented in this Memorandum of Agreement?

18 THE WITNESS: That's correct.

19 COMMISSIONER JUDGE: And I also note that  
20 there's no timing on that for this Memorandum of  
21 Agreement or No. 5, to reach what those fair-share

22 agreements are. Is there -- you talk about how  
23 important you feel it is for the timely implementation  
24 yet there's no timing. I know that they have to have  
25 the TIAR prior to the zoning application.

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1 But, again, for the zoning, when you get to  
2 zoning it's going to be hard for those folks to make a  
3 decision without knowing what the agreements are. So  
4 in your mind when does this Memorandum of Agreement  
5 have to be reached?

6 THE WITNESS: The Memorandum of Agreement  
7 has to be reached right at the end of the TIAR  
8 approval. Once we've come to an agreement on what the  
9 conditions are and mitigative measures are identified  
10 in the TIAR, then that will be used as part of that  
11 Memorandum of Agreement and what should be included in  
12 it.

13 COMMISSIONER JUDGE: So do I understand you  
14 correctly that you're saying that the DOT is not going  
15 to give approval to the updated TIAR until you have a  
16 formal agreed upon Memorandum of Agreement?

17 THE WITNESS: That is correct.

18 COMMISSIONER JUDGE: So, theoretically, Then  
19 that Memorandum of Agreement will all be agreed upon  
20 and completed prior to the submittal of a change in  
21 zoning application?

22 THE WITNESS: That is our understanding,  
23 yes.

24 COMMISSIONER JUDGE: Okay. Thank you.

25 CHAIRMAN LEZY: Commissioners? I have a

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1 couple questions for you -- oh, Commissioner Heller.

2 COMMISSIONER HELLER: Just a quick follow up  
3 on that Memorandum of Agreement. Do you anticipate,  
4 and you may or may not be able to answer this right  
5 now, but do you anticipate in the Memorandum of  
6 Agreement there would be any contingencies addressing  
7 what happens to the traffic mitigation plan in the  
8 event that the rail project does not proceed as  
9 currently anticipated?

10 THE WITNESS: I really can't say yes or no  
11 on that. We don't know.

12 COMMISSIONER HELLER: So depending on what  
13 happens in the political or judicial process what's  
14 going to be the impact is something that would have to  
15 be worked out later.

16 THE WITNESS: That is correct.

17 CHAIRMAN LEZY: Commissioner Chock.

18 COMMISSIONER CHOCK: Just a follow up  
19 question on the additional lane. In your experience  
20 generally speaking, roughly speaking, what's the cost  
21 to plan, design, construct an additional lane in the  
22 section that they're proposing?

23 THE WITNESS: I don't want to throw a figure  
24 out there, you know. It would normally take about --

25 I can give you a ballpark figure. But, you know, it's

1 not going to be a hard black and white number. I  
2 anticipate about 9 million, 10 million maybe? Maybe,  
3 you know. Just a best guesstimate on my part.

4 COMMISSIONER CHOCK: Right. And would this  
5 be part of a fair-share contribution or is the state  
6 contributing? Or is this something that will be  
7 solely paid for by the Petitioner?

8 THE WITNESS: This will be solely paid for  
9 by the Petitioner. As I mentioned earlier, the design  
10 and construction and costs associated to that will be  
11 borne by the Petitioner.

12 COMMISSIONER CHOCK: Of the DOT's proposed  
13 highways budget, I think the \$760 million that you  
14 referenced in your testimony, what percentage as a  
15 portion of that dollar volume are improvements  
16 directed for this region?

17 THE WITNESS: You know, I don't have a  
18 real --

19 COMMISSIONER CHOCK: Again, roughly  
20 speaking. You don't need to -- it's not a black and  
21 white answer.

22 THE WITNESS: I would say the majority of  
23 them are. The best I do is say the majority of 'em.  
24 Because, you know, east of the University of Hawai'i  
25 in Manoa, they're not experiencing the type of traffic

1 this side is, this west side of O'ahu. So most of the  
2 improvements are between that downtown and Kapolei  
3 section.

4 COMMISSIONER CHOCK: Again, generally  
5 speaking, what phase of construction are those, is  
6 that \$760 million in right now? How much of it is in  
7 planning and design? How much of it is actually under  
8 construction? How many of, you know -- I guess my  
9 question's how soon can people on the west side expect  
10 those improvements to happen?

11 THE WITNESS: Well, you know, there's so  
12 many projects, Commissioner Chock, that I can't really  
13 give you a real straight answer on that. But, you  
14 know, that H-1 project that I mentioned between Middle  
15 and Vineyard, actually it's called Ola Lane to  
16 Vineyard, gee, that's gonna cost \$101 million, but  
17 it's in planning now. We have to clear all the  
18 environmental stuff. That's going to take a while.

19 But the H-1 PM contraflow lane is already in  
20 design. Again, we anticipate construction to begin in  
21 2013 to complete that project.

22 The Waipahu Offramp just started design, so  
23 I'm not sure how long that's gonna take. Those  
24 projects, again, varying stages of design and  
25 construction and planning.



1 COMMISSIONER CHOCK: Yeah. I guess I'm  
2 trying to get a better sense -- I'm trying to get a  
3 better feel and sense for what's actually, what the  
4 Department has that's actually out on the street now  
5 in terms of NTPs or bid results or contract awards.

6 How much of these improvements can we see in  
7 the next year to two years, not what's in planning and  
8 design, but what are the actual improvements that are  
9 gonna be underway?

10 THE WITNESS: My best recollection is,  
11 again, that zipper lane thing is going to be started  
12 in 2013, so within a couple years.

13 COMMISSIONER CHOCK: Okay. Maybe getting  
14 back to the additional lane that the Petitioner is  
15 proposing, is that a condition or is that something  
16 that the Petitioner came forward with on their own  
17 accord?

18 THE WITNESS: That was my recommendation.

19 COMMISSIONER CHOCK: Okay. So it's a  
20 recommendation. But is it a condition that the  
21 department is pursuing as part of this proceeding?

22 THE WITNESS: I want it as part of the TIAR  
23 but, you know, we'll see. But they've been very  
24 transparent with us, especially with me. We have  
25 reached that consensus for them to bear the costs for

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1 that.

2 COMMISSIONER CHOCK: So is this an approach

3 that the department will be taking with respect to  
4 some of the other large petitions that may be coming  
5 before the LUC with regards to regional improvements,  
6 additional lanes, improvements to H-1/H-2 merge?

7 THE WITNESS: That's an ever evolving field  
8 so I don't want to say what our position is going to  
9 be for now and the future. I've had, as a traffic  
10 engineer, a great deal of problems with planners  
11 saying that "You pay your fair-share." But when I ask  
12 them, "What is the fair-share," they have no idea what  
13 it is. So, you know, that's the process that's got to  
14 be clarified within DOT.

15 COMMISSIONER CHOCK: Thank you.

16 CHAIRMAN LEZY: Commissioners, other  
17 questions? I just have a couple questions for you,  
18 Mr. Takeshita. Thank you for your testimony. Going  
19 back, again, to this question of the additional lane  
20 at the Kunia-Waiawa Interchanges.

21 Dr. Dudley had asked you a question about  
22 the expectation of a completion date for that. And I  
23 think you had testified it depended on discussions in  
24 connection with the TIAR and an implementation plan.  
25 I assume DOT has a preference, though, as to when they

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1 wish to see the additional lane completed.

2 THE WITNESS: You know, actually our  
3 expectations will be based on the TIAR and their

4 implementation plan. We need to see what that  
5 implementation plan is.

6 And when we feel that it is the appropriate  
7 time when the thing needs to be out there we will so  
8 say as such that, you know, it would need to be done  
9 by this certain date.

10 CHAIRMAN LEZY: So DOT has no independent  
11 desire as far as when they wish to have this  
12 completed. It is going to be dependent on what the  
13 Petitioner submits as far as their plans for  
14 implementing the Project and the other traffic  
15 improvements?

16 THE WITNESS: Yes. And, you know, their  
17 implementation plan is solely their discretion.  
18 Again, as I mentioned earlier, any significant changes  
19 to those implementation plans will trigger a need to  
20 update the TIAR again.

21 CHAIRMAN LEZY: Commissioner Chock asked you  
22 a question about the cost to complete that traffic  
23 improvement. And I thought I heard your testimony  
24 earlier when you were asked about what all would be  
25 involved with the additional lane improvement.

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1 You said there were a number of options that  
2 could be considered. And I understand you ballparked  
3 a figure of about \$10 million. Is that kind of a best  
4 case scenario for the variety of options? Or is there  
5 a range of expenses?

6 THE WITNESS: You know, it's not as black  
7 and white as that. And why I say that is I think I  
8 had mentioned that the current morning zipper lane  
9 will be extended west of Waikele. So that's gonna  
10 have an impact on this particular effort.

11 Also the PM contraflow lane will also have  
12 an impact on this particular effort because it goes  
13 through to this particular section of H-1. So they  
14 need to be working hand-in-hand together. How they  
15 will impact each other is what needs to be determined.

16 CHAIRMAN LEZY: Understanding that, though,  
17 my question is the range of options for implementing  
18 the additional lane mitigation measure. Is there a  
19 range of expenses? You said \$10 million. But is it  
20 actually maybe a million dollars, maybe \$20 million?

21 THE WITNESS: I don't think -- from what I  
22 know I don't think they can do it for a million  
23 dollars. Trust me. But there is a range. And you  
24 are correct. Engineers don't have a number that says  
25 that all lanes shall be 12 feet. There is a range of

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1 acceptable lane width that we allow. So it depends on  
2 what case scenario we're looking at.

3 CHAIRMAN LEZY: That's my question to you  
4 though. If you look at the range of options what's  
5 kind of the low end of the expense and what's the high  
6 end of the expense?

7 THE WITNESS: I haven't gone through that  
8 particular analysis. I wouldn't know.

9 CHAIRMAN LEZY: Mr. Takeshita, you were  
10 Department of Transportation's head traffic engineer  
11 during the Lingle Administration?

12 THE WITNESS: Yes, I was.

13 CHAIRMAN LEZY: And did I understand your  
14 testimony earlier that you did not participate at all  
15 in the development of DOT's prior position on this  
16 Petition?

17 THE WITNESS: That is correct.

18 CHAIRMAN LEZY: Do you know who did  
19 participate in DOT's developments of their prior  
20 position aside, obviously, from the Director Brennon  
21 Morioka?

22 THE WITNESS: I'm sorry?

23 CHAIRMAN LEZY: Do you know who, aside from  
24 Director Morioka, participated in the development of  
25 DOT's prior position?

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1 THE WITNESS: Yes.

2 CHAIRMAN LEZY: Who would that be?

3 THE WITNESS: Well, that would be our  
4 planning office.

5 CHAIRMAN LEZY: Anybody in particular?

6 THE WITNESS: No, not someone that I can  
7 identify as a fact.

8 CHAIRMAN LEZY: Okay. Thank you very much.

9 MR. YEE: Commissioner, if it would be  
10 helpful I may be able to elicit some additional  
11 information to respond to Commissioner McDonald's  
12 question about the scope of timing as well as perhaps  
13 to add a little more clarity about why there's not a  
14 specific range of numbers for the additional lane if  
15 that'd be helpful?

16 CHAIRMAN LEZY: Yes, thank you.

17 FURTHER REDIRECT EXAMINATION

18 BY MR. YEE:

19 Q Mr. Takeshita, Commissioner McDonald asked  
20 you about the timing and scope how long would the TIAR  
21 cover. Normally a TIAR covers or looks at the impact  
22 after full buildout, correct?

23 A Yes, that is correct.

24 Q Okay. In this particular case the full  
25 buildout is 20 years. Is it your understanding the

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1 Department of Transportation wanted to know what would  
2 be the conditions that existed after 10 years?

3 A Ten years and well, at full buildout though  
4 you'll know...

5 Q Well, let me backtrack. The 2011 looked at  
6 the midway point, the conditions that would be at the  
7 midway point of the Project, correct?

8 A That is correct.

9 Q So you would then have two different TIARs,

10 one looking at the midway point and another one  
11 looking at the full buildout after 20 or so years at a  
12 certain point?

13 A Yeah, you know, there was a flaw in the  
14 TIAR. Because that was their attempt to show, like,  
15 an implementation plan, but it really wasn't an  
16 implementation plan. It showed you a halfway point  
17 what the conditions would be. But that doesn't tie in  
18 well with the plan of the Petitioner to develop it in  
19 phases. So we are requiring that in the TIAR to be  
20 updated.

21 Q The revision or the update that you're  
22 asking for is revision or update of the 2008 plan  
23 which would look at full buildout, correct?

24 A That is correct.

25 Q I just wanted to clarify the difference

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1 between the 2011 plan and the 2008 plan. Then also  
2 the Freeway Assessment Report is actually a separate  
3 piece of paper that looks at the potential impacts or  
4 potential mitigation that could occur to the H-1  
5 corridor, is that right?

6 A That is correct. That is a separate report  
7 that was done by the Petitioner.

8 Q So there were some questions about what --  
9 so the 2011 look at the midway point and the Freeway  
10 Assessment Report were done for different reasons.

11 A That is correct.

12 Q Then with respect to the additional lane in  
13 the H-1 corridor, would you anticipate that there  
14 would be a combination of both restriping and  
15 additional construction that would be required?

16 A Yes.

17 Q Now, whether or not -- restriping will be  
18 less expensive than additional construction as a  
19 general rule, right?

20 A Right.

21 Q And in determining which parts need to be  
22 restriped, which parts need to be constructed requires  
23 that engineering analysis?

24 A Yes.

25 Q And there's a variety of factors that are

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1 going into whether or not you can or cannot restripe  
2 and whether or not you have to construct the new lane  
3 depending on, as you said, that the zipper lane as  
4 well as the look at the specific intersections and  
5 shoulder widths that are currently there, et cetera.  
6 There are a variety of factors that need to be  
7 analyzed, correct?

8 A There are many more factors including those.

9 Q And so because of that you don't know  
10 specifically which parts can be restriped, and  
11 specifically which parts have to be constructed?

12 A No. That would be done by, evaluated by



13 their designer for our review of course.

14 Q So the ballpark figure was not looking -- so  
15 there's not, like, one plan -- you're not proposing  
16 one plan that looks at just restriping and another  
17 plan that looks just at construction. I'm sorry. One  
18 plan that looks just at striping, another plan that  
19 looks just at constructing a whole new lane. That's  
20 not what you're looking at.

21 A No.

22 Q So your ballpark figure is based upon an  
23 estimate of how much construction, how much restriping  
24 is probably going to occur?

25 A Yes.

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1 Q Okay.

2 MR. YEE: That's all. Thank you.

3 CHAIRMAN LEZY: Commissioner McDonald.

4 COMMISSIONER McDONALD: Alvin, to clarify,  
5 that, that additional lane will that be a general  
6 purpose lane or HOV?

7 THE WITNESS: It would be a general purpose  
8 lane.

9 COMMISSIONER McDONALD: Okay. Thank you.

10 CHAIRMAN LEZY: Thank you.

11 COMMISSIONER HELLER: Can I follow up?

12 CHAIRMAN LEZY: Commissioner Heller.

13 COMMISSIONER HELLER: Just a follow-up on  
14 the cost of the additional lane. To the extent that

15 you're actually pouring concrete to make the new lane,  
16 that's a lot of upfront capital cost. But then once  
17 it's there the operating cost is relatively small,  
18 correct?

19 THE WITNESS: You mean the maintenance cost?

20 COMMISSIONER HELLER: Yes.

21 THE WITNESS: Yes. It would be small.

22 COMMISSIONER HELLER: Versus using a zipper  
23 lane to create additional capacity you would have less  
24 of an upfront capital cost but you would have  
25 significant ongoing operating cost, right?

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1 THE WITNESS: That is correct.

2 COMMISSIONER HELLER: In terms of accessing  
3 the Petitioner's fair-share, how do you deal with the  
4 ongoing operational cost of increased use of the  
5 zipper lane?

6 THE WITNESS: Well, you know, that's part of  
7 our responsibility, the Department of Transportation  
8 because it's there now. So, you know, it's our  
9 responsibility to cover those operating costs. I'm  
10 not clear if that answers your question.

11 COMMISSIONER HELLER: Right. I guess what  
12 I'm asking is when you have construction costs it's  
13 pretty much a one-time cost. You pay it, you build  
14 the lane and then it's done.

15 If you're using a zipper lane that's an

16 ongoing cost that goes on indefinitely. How do you  
17 quantify that and determine what the Petitioner's  
18 fair-share is?

19 THE WITNESS: You know, that wouldn't really  
20 be realistic in land use and development. And I'll  
21 point out an example to you. You cannot have what we  
22 call "forever costs" for any petitioner because:  
23 Turtle Bay.

24 Whatever conditions were set up in Turtle  
25 Bay, they had so many ownership changes that, you

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1 know, it became a tangled mess, to be honest with you.  
2 So you cannot, you cannot have a "forever cost".

3 COMMISSIONER HELLER: Right. But what I'm  
4 asking is if you're not going to have them  
5 contributing forever to the operating costs, how do  
6 you determine what amount is their fair-share up front  
7 for something that's going to be an operating cost  
8 rather than a construction cost?

9 THE WITNESS: Um, well, I don't think  
10 there's any consideration for future maintenance costs  
11 as part of the fair-share.

12 COMMISSIONER HELLER: Thank you.

13 CHAIRMAN LEZY: Thank you for your  
14 testimony.

15 THE WITNESS: Thank you.

16 CHAIRMAN LEZY: Let's take a 10 minute  
17 break.

18 (Recess was held. 11:15 to 11:30)

19 CHAIRMAN LEZY: Back on the record.

20 Mr. Yee.

21 MR. YEE: Our next witness is Mary Lou

22 Kobayashi from the Office of Planning.

23 MARY LOU KOBAYASHI

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 CHAIRMAN LEZY: Please state your name and  
3 proceed.

4 THE WITNESS: Mary Lou Kobayashi.

5 DIRECT EXAMINATION

6 BY MR. YEE:

7 Q Ms. Kobayashi, what's your current position  
8 with the state of Hawai'i?

9 A Planning program administer.

10 Q And is Office of Planning Exhibits 1B and  
11 14B prepared by you or on your behalf?

12 A Yes.

13 Q Do they constitute the testimony of the  
14 Office of Planning -- the written testimony of the  
15 Office of Planning in this case?

16 A Yes.

17 Q Would you please summarize your testimony.

18 A I'll provide a summary of my testimony. The

19 Office of Planning recommends approval of this  
20 Petition with conditions to mitigate project impacts.  
21 The Office of Planning's recommendation is based on  
22 representations made by the Petitioner, review of  
23 documents, consultation with government agencies and  
24 review of statutes and rules applicable to these  
25 proceedings.

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1           The Office of Planning reviewed the  
2 decision-making criteria under Chapters 205-16 and 17  
3 HRS. With regard to section 205-16 HRS compliance  
4 with the Hawai'i State Plan, the proposed  
5 reclassification generally conforms to the overall  
6 theme, goals, objectives and policies and priority  
7 guidelines of the Hawai'i State Plan, particularly  
8 those relating to housing, the economy and  
9 sustainability.

10           The proposed reclassification is consistent  
11 with standards in the Urban District -- standards for  
12 the Urban District in Chapter 205-2 HRS, and HAR  
13 15-15-18.

14           The Petition Area is located near to  
15 existing residential areas and state Urban District  
16 lands as shown in OP's Exhibit 2B which is on the wall  
17 behind me. The Petition Area is shown in yellow and  
18 is surrounded on three sides by the Urban District  
19 land shown in the salmon color on the map.

20           The Office of Planning reviewed the

21 decision-making criteria under Chapter 205-17 HRS  
22 pertaining to impacts on areas of state concern.

23               With regard to agriculture the Petition Area  
24 is comprised primarily of lands rated B by the Land  
25 Study Bureau and lands identified as prime lands under

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1 the ALISH or Agricultural Lands of Importance to the  
2 State of Hawai'i.

3               Much of the Petition Area is in cultivation.  
4 However, the Petition Area is within an urban growth  
5 area planned by the county plans, both the O'ahu  
6 General Plan and the 'Ewa Development Plan.

7               The Office of Planning has proposed as a  
8 condition, and Petitioner has represented, that there  
9 will be phasing of development to allow existing  
10 farmers to continue operations as long as possible.  
11 In addition, Petitioner has proposed an urban  
12 agricultural initiative on 251 acres. The initiative  
13 includes 159 acres of civic farms which will be  
14 available for commercial use.

15               In a letter to the Department of Agriculture  
16 the Petitioner has represented that the lands  
17 comprising the civic farms will meet Department of  
18 Agriculture criteria that these lands can practicably  
19 be used for an economically successful commercial  
20 farming operation.

21               With regard to transportation, the

22 Department of Transportation has indicated that they  
23 and the Petitioner have been in ongoing discussions.  
24 DOT has indicated in their testimony that consensus  
25 has been reached on a specific improvement to the H-1

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1 corridor, costs to be borne by the Petition.

2 OP has proposed conditions that a revised,  
3 updated TIAR be prepared which shall identify  
4 mitigation measures for potential project-related  
5 traffic impacts on state facilities.

6 OP has proposed conditions requiring that  
7 the Petitioner fund the planning, design and  
8 construction of traffic improvements to mitigate local  
9 or direct project generated impacts and their  
10 fair-share of improvements required to mitigate  
11 regional project-generated impacts.

12 The proposed conditions also require that a  
13 Memorandum of Agreement be established between the  
14 Petitioner and the Department of Transportation  
15 documenting their improvements required to mitigate  
16 transportation impacts to state highway facilities.

17 The Project will provide jobs and have  
18 positive economic impacts. During buildout, 2,300 to  
19 3,300 development-related jobs per year will be  
20 provided. At buildout there will be 7,050 direct  
21 operations-related jobs of which 1,550 are new jobs.

22 The Petitioner's documents indicate that or  
23 estimate that the government of the Ho'opili Project

24 will cost approximately 4.6 billion in year 2007  
25 dollars through 2030.

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1           The Project will provide housing  
2 opportunities. 11,750 housing units will be  
3 developed. Further, in accordance with city and  
4 county of Honolulu affordable housing guidelines up to  
5 30 percent of the housing or 3,535 units will be  
6 developed as affordable housing.

7           Regarding the sustainability provisions in  
8 the State Plan, Petitioner has developed a  
9 sustainability plan which incorporates energy and  
10 water conservation measures into the Project.

11           The reclassification is consistent with the  
12 O'ahu General Plan and 'Ewa Development Plan. The  
13 Petition Area is within the Urban Growth Boundary on  
14 the 'Ewa Development Plan.

15           It is consistent with O'ahu General Plan  
16 policies to encourage development in the secondary  
17 urban center at Kapolei and 'Ewa urban fringe area to  
18 relieve development pressures on rural areas.

19           The Petitioner has also submitted a phasing  
20 plan which describes the phased development schedule  
21 for the Project and which is broken down into the  
22 first 10 years and the next phase of 10 to 20 years to  
23 full buildout.

24           The Project complements and supports state



25 projects at UH West O'ahu and the Department of

1 Hawaiian Home Lands projects. The DHHL, Petitioner  
2 and other agencies have worked to coordinate regional,  
3 sewer, water storage and drainage improvements.

4 OP has submitted supplemental testimony.  
5 The supplemental testimony adds a condition regarding  
6 the sustainability plan to memorialize the statements  
7 made in Mike Jones' oral testimony on the  
8 implementation of the sustainability plan. It makes  
9 changes to the conditions regarding stormwater and  
10 Best Management Practices.

11 The Petitioner and OP have discussed the  
12 changes to the stormwater and Best Management  
13 Practices condition. And Petitioner has agreed to  
14 this wording.

15 The highways and airports nuisance  
16 conditions have been updated to be consistent with  
17 DOT's amended testimony. There are few words and one  
18 sentence which were inadvertently omitted when copying  
19 DOT's proposed conditions into OP's supplemental  
20 testimony. So the wording of DOT's amended -- wording  
21 of the conditions in DOT's amended testimony takes  
22 precedence.

23 In summary, the Petition is consistent with  
24 the Hawai'i State Plan overall theme goals, objectives  
25 and policies for housing, economy and sustainability.

1 It will provide housing, including affordable housing,  
2 and jobs and will have positive economic impacts.

3 Energy and water conservation measures will  
4 be provided under the Ho'opili Sustainability Plan.  
5 The reclassification meets Chapter 205 Urban District  
6 standards in that it is near to existing residential  
7 areas and Urban District lands, and provides land for  
8 future urban growth.

9 It is consistent with the county general and  
10 development plans and is within the Urban Growth  
11 Boundary area in the 'Ewa Development Plan.

12 Further, the Office of Planning has proposed  
13 conditions to mitigate impacts on areas of state  
14 concern including, but not limited to, agriculture and  
15 transportation. That concludes my testimony.

16 MR. YEE: Ms. Kobayashi's available for  
17 cross-examination.

18 CHAIRMAN LEZY: Ms. Kuwaye?

19 MS. KUWAYE: No questions.

20 CHAIRMAN LEZY: Ms. Takeuchi?

21 MS. TAKEUCHI-APUNA: No questions.

22 CHAIRMAN LEZY: Dr. Dudley?

23 CROSS-EXAMINATION

24 BY DR. DUDLEY:

25 Q Ms. Kobayashi, what is your conception of

1 the Second City?

2 A Well, it is a -- the Second City in 'Ewa as  
3 I understand it is to be a Second City with  
4 commercial, retail, office, business and other uses  
5 concentrated there, yes.

6 Q So it would be like a business district?

7 A Yes.

8 Q Okay. It would be like a downtown?

9 A Yes.

10 Q It wouldn't be just bedroom communities.

11 A No. I don't think that's the intent that,  
12 yeah, the Kapolei secondary urban center.

13 Q We've been so many years now trying to build  
14 the Second City, but there are still only the state  
15 building and the city building in the Second City  
16 like, yeah? Why aren't you more interested in  
17 building the city?

18 A I think the state has invested a lot in the  
19 Second City. The buildings that you mentioned are  
20 significant investments by the state in housing  
21 various state agencies. But, let me see, I'm really  
22 not here to really, why -- I don't think I'm an expert  
23 in terms of why the Office of Planning is not  
24 investing time in developing the Second City.

25 Q No, I'm really interested in why we're not

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1 focusing on the Second City and getting that done  
2 rather than continuing to build bedroom communities.

3           A     The O'ahu General Plan calls for both  
4     development of the Second City or secondary urban  
5     center at Kapolei as well as the urban fringe area. I  
6     think it recognizes that there's a need for  
7     additional areas to accommodate housing in addition to  
8     the second urban center at the City of Kapolei.

9           Q     Would you agree, though, that we've been at  
10    developing the Second City for maybe 20, 25 years and  
11    there's nothing there yet?

12          A     I wouldn't agree that there is nothing there  
13    yet.

14          Q     Would you agree that there are maybe six  
15    streets going one way and six streets going another  
16    way which aren't yet complete streets, and there's  
17    nothing sitting on those streets?

18          A     I can't speak to that.

19          Q     Okay. The concern I have is, you know, that  
20    the Second City is supposed to solve the problems out  
21    there. And I'm wondering why your office is not  
22    concerned with building the Second City rather than  
23    bringing these other things in.

24                 Can you tell us -- can you tell us why  
25    aren't you doing more about trying to get the Second

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1    City going?

2           A     I think I've already testified that I think  
3    the state government, state of Hawai'i is investing in

4 the City of Kapolei. Certainly there have been  
5 millions of dollars spent in building the state  
6 buildings there.

7           The Department of Transportation has  
8 identified various transportation improvements. And  
9 there is -- so there are those efforts going on there.  
10 In terms of our specific office we're not, we're not  
11 the Department of Accounting and General Services that  
12 builds buildings. We're not the Department of  
13 Transportation that builds direct transportation  
14 services. And we're not primarily involved in the  
15 development of new or of development of a city or a  
16 new city.

17       Q     Okay. But you are the planners, right?

18       A     We are planners, yes.

19       Q     Okay. And you are the people that  
20 commissions like this go to looking for approvals,  
21 right?

22       A     Yes.

23       Q     Okay. The Second City as a city, wouldn't  
24 that solve an awful lot of traffic problems? As a  
25 planner can't you tell us that? Wouldn't that take a

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1 lot of people off the freeway if we had a city there?

2       A     I think the idea was that there would be  
3 jobs provided within the Second City and that that  
4 would reduce some of the commuting. But could you ask  
5 that question again?

6 Q Well, I'm just -- I forgot the question.

7 We're getting older, aren't we?

8 A I am. (Laughter)

9 Q I think my question was basically about  
10 transportation and would the city take people off of  
11 the freeway and solve some of the transportation  
12 problem. That's the question I think.

13 A If there were additional jobs in the city,  
14 the core business area of Kapolei, yes, it is likely  
15 that or it is possible, feasible -- it is possible in  
16 that it would take some of the traffic off in that  
17 people who reside in the nearby areas would not have  
18 to commute.

19 Q And this Project, by their own admission, is  
20 gonna put 12,000 cars at least on the freeway, right?

21 A The Project will put cars onto the freeway.  
22 I don't remember the exact number of cars.

23 Q What about the problem that rail stops  
24 3-miles short of downtown Kapolei, the city as such?  
25 Did you have any kind of objection to that as far as

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1 your office is concerned?

2 A I have no opinion on that. I don't think  
3 our office looked at that. We didn't look at that.

4 Q You know, as one who lives in supposedly the  
5 Second City area, we have a lot of problems and we  
6 would like to have somebody planning for solutions.

7 And I'm wondering what office would do that if it's  
8 not your office?

9 A Well, I think that question is assuming  
10 that -- well, I think that there are many agencies  
11 that are involved in planning. So although we're the  
12 state planning agency there are planning agencies in  
13 the Department of Transportation. The Department of  
14 Accounting and General Services does planning. The  
15 various agencies that do provide services and  
16 infrastructure do have planning arms in the state  
17 government and are involved in developing improvements  
18 to try to solve some of the problems that you're  
19 talking about. There's always the city departments:  
20 Department of Planning and other direct service  
21 departments.

22 Q Okay. Thank you. Let me just ask some  
23 other questions here that came up. In your testimony  
24 you say that the Department is appreciative of the  
25 urban agricultural initiative that Horton has been

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1 offering.

2 Do you realize that the civic farms that  
3 you've been talking about are going to be in gulches  
4 and on rocky hillsides and places that are not farmed  
5 at the present time?

6 A That, the point has been made or the  
7 observation has been made. And that is why the  
8 Department of Agriculture sought assurances. And the

9 Office of Planning has included as -- sought  
10 assurances that the civic farms will meet the  
11 Department of Agriculture criteria, that the location  
12 of these lands can practicably be used for an  
13 economically viable commercial farming operation.

14 Q But you understand that you're starting  
15 though, with gulches, right? And then if the gulches  
16 don't work you're going to back up and go elsewhere?

17 A That -- the observation has been made  
18 that -- and there has been testimony to the effect  
19 that some of these areas may be located on gulches and  
20 hills and/or drainage areas.

21 So we're aware of that. But the analysis in  
22 terms of the specifics of the areas, the exact  
23 locations, looking at them, examining them would be  
24 something that would occur in the process of locating  
25 and determining where these areas are, is my

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1 understanding that the Department of Agriculture has  
2 sought and received assurances that these lands would  
3 meet the criteria that, as I've mentioned before, that  
4 these lands be located in areas that can practicably  
5 be used for an economically successful commercial  
6 operation.

7 Q Thank you. I just want to ask the question.  
8 If you take a look at the map that we have of Ho'opili  
9 originally, and you take a look at the map of the



10 agricultural initiative, and you see what was buffer  
11 zones on one is now farms on the other.

12           Wouldn't that cause some concern that, you  
13 know, we're going from areas that aren't cultivated at  
14 the present time, and we're putting our whole hope for  
15 future farms in those areas that are cast aside at the  
16 present time? I mean why is the Department so  
17 acceptive of this?

18           A     The Office of Planning and the Department of  
19 Agriculture, as the Department of Agriculture has  
20 testified, have received assurances from the  
21 Petitioner that the lands will meet the Department of  
22 Agriculture criteria.

23           Q     Okay. Let's talk about jobs. You mentioned  
24 jobs. What about loss of jobs? Aren't there direct  
25 jobs that are going to be lost? Like, don't they have

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1 a hundred, hundred fifty people working on those farms  
2 right now?

3           A     There are people working on the farms right  
4 now.

5           Q     Okay. What about indirect jobs like seed  
6 companies that give -- that sell seed, and fertilizer,  
7 people and truckers who take the stuff to market?  
8 Aren't there just a tremendous number of people that  
9 rely on that farm?

10           A     There are, and I did review some of the  
11 information as to the existing number of jobs

12 provided. And the revenues -- well, I guess that  
13 would not -- that would be the direct revenues from  
14 those operations. And they were -- both the jobs and  
15 revenues were much lower than the jobs and revenues  
16 that have been projected for the Ho'opili development.

17 But in terms of your direct question in  
18 terms of are there indirect economic feed suppliers  
19 and other suppliers that benefit from the farming  
20 operations, there are, yes.

21 Q Okay. And isn't it true that this is one of  
22 the biggest farms, I think the second biggest farm in  
23 the state? The Aloun Farms, the second biggest farm  
24 in the state?

25 A I know it's one of the larger farms in the

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1 state. I couldn't say it's the second or what have  
2 you. But it is a large farm.

3 Q And when you have a big entity like that,  
4 imports so many things, isn't it true that they bring  
5 things in at a discount? And because they're bringing  
6 those things in at a discount the little guys can buy  
7 stuff at a cheaper price?

8 A It could be true. I'm not really an expert  
9 on that.

10 Q I'm just wondering about the effect on all  
11 the little guys out there that there are farmers  
12 trying to survive too. Don't you think there's a

13 problem for them, though?

14 A In terms of?

15 Q If the farm should not be there like.

16 A Well, I think that that's making an  
17 assumption that perhaps that the farm is not able to  
18 continue elsewhere or that farming operations are not  
19 able to continue elsewhere. And so I don't know that  
20 I can reach that conclusion.

21 Q Okay. But let's say that just the farm is  
22 replaced by houses. Okay? In this situation where  
23 all of a sudden there is no farm anymore, you would  
24 agree that there are indirect people who are going to  
25 suffer, and all of the little farmers are also going

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1 to suffer because of the price increases that they're  
2 going to have to pay and so forth?

3 A If the current ag operations are not  
4 developed elsewhere, they could resume -- there's a  
5 possibility they could find another location to farm.  
6 And in that case the economic impact of those  
7 suppliers who rely on them would not be in jeopardy.

8 Q You know, talking about them finding another  
9 place, you were with the Office of Planning when  
10 Sandra Kunimoto was the Chair of the Department of  
11 Agriculture, is that true?

12 A Yes.

13 Q And didn't you receive her letter where a  
14 condition for this Project was that a piece of

15 property be found on O'ahu of equal size with the same  
16 kind of water and sunny conditions, everything else;  
17 and that an easement in perpetuity be given the  
18 Department of Agriculture saying that that property,  
19 the new property which had all these same  
20 characteristics, would remain in agriculture in  
21 perpetuity? Were you there when they got that letter?

22 A I was in the Office of Planning. I wasn't  
23 working in the land use program at that time. But I  
24 was in the Office of Planning. And, yes, I'm aware of  
25 the letter.

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1 Q Thank you. I just want to touch on just a  
2 couple more things. The affordable homes that you  
3 mentioned. You say that, you know, this Project is  
4 going to provide a lot of affordable homes. Are you  
5 aware that the Project is going to provide 30 percent  
6 affordable homes and 70 percent non-affordable homes?

7 A Yes.

8 Q Thank you. Then, finally, I just want to  
9 come down to the adequate facilities requirement  
10 again. Are you aware of the adequate facilities  
11 requirement in the 'Ewa Development Plan?

12 A I've seen the language. I heard your  
13 question previously. I can't say that I'm familiar  
14 with the details of its implementation, yes.

15 Q Okay. Are you aware that the 'Ewa

16 Development Plan says that we need adequate capacity  
17 of the freeway system for, during high, during peak  
18 rush hour, adequate capacity for the citizens of the  
19 west side to the Primary Urban Center?

20 A I don't remember that exactly from the 'Ewa  
21 Development Plan. I'm familiar with the 'Ewa  
22 Development Plan, but I don't remember that particular  
23 statement.

24 Q Okay. Do you think that the people of the  
25 west side would have a complaint against your office

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1 for not pushing to make sure that we have Level of  
2 Service D adequate facilities capacity on the freeway  
3 before this Project is approved?

4 A I think that the Department of  
5 Transportation has testified that they are proposing  
6 improvements along the H-1 Freeway, and that their  
7 intent is to address and try to mitigate traffic  
8 problems.

9 In terms of whether there may be complaints,  
10 people are free to complain. But the efforts of  
11 the -- and the testimony of the Department of  
12 Transportation are that they are striving to mitigate  
13 the traffic impacts. And they have reached consensus  
14 with the Petitioner that Petitioner will provide an  
15 additional lane in both directions between the Kunia  
16 and Waiawa Interchanges to be funded by the  
17 Petitioner.

18 Q Okay. And as a planner are you familiar  
19 with the problems at the H-1/H-2 merge, the bottleneck  
20 that occurs there?

21 A In general, yes.

22 Q Okay. And do you buy the idea that this  
23 extra lane, which ends at the H-1/H-2 merge, is not  
24 going to exacerbate the bottleneck there?

25 A I'm not a -- I am not a transportation

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1 expert. The testimony from the Department of  
2 Transportation, as I understand it, was that you can't  
3 look at any particular traffic improvement in a  
4 bubble. And that there are other measures that the  
5 Department of Transportation will be implementing that  
6 will address traffic congestion along the H-1 corridor  
7 and including the H-1/H-2 merge.

8 Q Okay. Thank you very much.

9 CHAIRMAN LEZY: Ms. Cerullo.

10 CROSS-EXAMINATION

11 BY MS. CERULLO:

12 Q Ms. Kobayashi, are you familiar with the  
13 Hawai'i State Plan's policies and objectives with  
14 regard to agriculture?

15 A Generally, yes.

16 Q Are you aware of the policy objective to, in  
17 particular to preserve land that's identified for  
18 diversified agriculture when it's currently being used

19 for diversified agriculture?

20 A I'm familiar with the policy that has, that  
21 generally states that. I don't know that that's the  
22 particular wording of the policy. But your question  
23 was am I familiar with that, right?

24 Q Right.

25 A Yes.

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1 Q To preserve lands that's currently being  
2 used for diversified agriculture. You're generally  
3 familiar with that.

4 A I think, yes. There is language that says  
5 to try to continue diversified agriculture.

6 Q In your testimony you stated that the  
7 Petition generally conforms to the Hawai'i State Plan.  
8 And you mentioned housing, economy, and  
9 sustainability. I noticed that you didn't mention  
10 agriculture. Does this mean that the Petition does  
11 not generally conform to the Hawai'i State Plan in  
12 terms of agriculture?

13 A No. I was -- I think that with the -- with  
14 the fact that there are additional lands available for  
15 agricultural use, that the reclassification would not  
16 necessarily adversely affect or impact the  
17 agricultural objectives of, various agricultural  
18 objectives.

19 And the reason that I focused on the  
20 economy, housing and sustainability were that these

21 were areas that were strongly, strongly supportive,  
22 strongly supported by their reclassification.

23 Q Okay. But you would agree that currently at  
24 the proposed Ho'opili site that there is currently  
25 going on diversified agriculture on that land?

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1 A Yes, there is.

2 Q Would you say that the Hawai'i State -- that  
3 the Petition conforms to the Hawai'i State Plan with  
4 regard to the policy objective that the land -- that  
5 land currently used as diversified ag be continued to  
6 be in diversified agriculture?

7 A There are lands that are going to be  
8 reclassified and used for the development of houses  
9 and will not be available for agriculture. So that is  
10 correct.

11 But there are other lands that are available  
12 within the Agricultural District for agricultural  
13 activities such that the State Plan policies with  
14 regard to agriculture as a whole are still being  
15 supported.

16 In addition, the reclassification supports  
17 Hawai'i State Plan policies to provide increased job  
18 opportunities, to effectively provide housing  
19 opportunities and addresses sustainability through  
20 energy and water conservation measures.

21 Q Okay. But for that particular policy



22 objective to keep land as -- land that's being used  
23 for diversified agriculture, to keep it being used for  
24 diversified agriculture, that particular policy  
25 objective, are you saying that the Petition conforms

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1 to that particular policy objective?

2 A No. The lands will not -- the lands will be  
3 used for other purposes than agriculture. Although  
4 there is the urban agriculture initiative for a  
5 portion of the lands.

6 Q Are you saying the housing and the economy  
7 and sustainability is more important than the  
8 agricultural objectives?

9 A We are weighing all the objectives and  
10 policies in the Hawai'i State Plan.

11 Q Okay. With regard to jobs you mentioned  
12 short-term construction jobs and jobs that will be  
13 relocated to the area. How many jobs will actually be  
14 generated directly by the development?

15 A The figures that I have are that at buildout  
16 there would be 7,000 direct.

17 Q I'm asking about the jobs directly generated  
18 by the development, not the ones that will be  
19 relocated to the area.

20 A I see.

21 MR. YEE: Are you referring to net jobs?  
22 You said "direct". Were you referring to net jobs?

23 MS. CERULLO: Direct jobs generated by the

24 development.

25 MR. YEE: "Net" I think is what you're

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1 referring to.

2 MS. CERULLO: Pardon me?

3 MR. YEE: You're referring to the number of  
4 jobs that are going to be created.

5 MS. CERULLO: Right. I'm not talking about  
6 the jobs that will be relocated to the area. Ones  
7 that will be directly generated by the development.

8 MR. YEE: I guess I'm going to object  
9 only -- and I think it's for clarification.

10 MS. CERULLO: Net.

11 MR. YEE: Because I think "direct" as versus  
12 "indirect", the jobs that are actually at the location  
13 versus the jobs that are, you know, generated  
14 somewhere else.

15 MS. CERULLO: Correct.

16 MR. YEE: "Net" refers to the difference  
17 between the additional jobs that are going to be  
18 created at the site versus jobs that are relocated.  
19 So I think those are two different criteria, direct  
20 and net.

21 MS. CERULLO: Direct.

22 CHAIRMAN LEZY: What's your question,  
23 Ms. Cerullo?

24 MS. CERULLO: "How many jobs will be

25 directly generated by the development?"

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1 CHAIRMAN LEZY: Please answer,

2 Ms. Kobayashi.

3 THE WITNESS: The information that I have is  
4 that at buildout there would be 7,000 direct  
5 operational-related jobs, of which 1,550 are new jobs.

6 Q (Ms. Cerullo) Okay. So the 7,000 number,  
7 those are jobs that will be or include jobs that will  
8 be relocated to the area. Is that correct? Or is  
9 that your understanding?

10 A They're perhaps relocated to the Petition  
11 Area. Maybe not to the region.

12 Q Right. From outside of the development to  
13 the development relocated. I'm just trying to  
14 understand.

15 A Yes. I guess I would.

16 Q Your number, 7,000.

17 A Right.

18 Q So the actual number of jobs, new jobs is  
19 how many?

20 A 1,550.

21 Q I wasn't clear from your answer to  
22 Dr. Dudley's question. Did you -- you looked at the  
23 loss of agricultural jobs at the Ho'opili site and  
24 potential agricultural jobs?

25 A The information that I reviewed was the

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1 existing number of jobs, agricultural jobs at the  
2 Ho'opili site, and the revenues provided by that. It  
3 was not the new jobs or future jobs, future  
4 agricultural jobs.

5 Q Okay. In deciding whether a project  
6 conforms with the Hawai'i State Plan do you consider  
7 the quality or type of jobs in terms of long-term  
8 sustainability?

9 A Not in -- the total number of jobs is a  
10 consideration. I would say no, not in terms of, not  
11 in specific.

12 Q Okay. Won't many of the new jobs and jobs  
13 relocated to the area be lower paying jobs like retail  
14 types of jobs?

15 A I don't think I can answer that question.

16 Q Okay. No further questions.

17 CHAIRMAN LEZY: Mr. Seitz.

18 CROSS-EXAMINATION

19 BY MR. SEITZ:

20 Q Ms. Kobayashi, you're familiar with the  
21 Hawai'i constitutional provision in article 11 section  
22 3 that says, "The state shall conserve and protect  
23 agricultural lands, promote diversified agriculture,  
24 increase agricultural self-sufficiency and assure the  
25 availability of agriculturally suitable lands,"

1 unquote. You're aware of that.

2 A Yes.

3 Q That's the highest law of the state, right?

4 Is that right?

5 A The constitution.

6 Q Yes.

7 A State constitution. I'm not a legal expert  
8 but I would say yes.

9 Q Okay. So now you tell me how the  
10 dislocation of some 1500 acres of prime agricultural  
11 land, which you're apparently recommending here, how  
12 does that promote the constitutional purpose to  
13 conserve and protect agricultural lands?

14 A It is not inconsistent with that provision.  
15 There are other lands in the Agricultural District  
16 that are available to increase or utilize for  
17 diversified agriculture and food self-sufficiency.

18 In addition, the Department of Agriculture  
19 has testified that there are state lands, including  
20 1,500 acres of Galbraith Estate Lands, an agricultural  
21 park in Royal Kunia, that are available to address the  
22 goals in the constitutional provisions including  
23 promoting diversified agriculture and increasing food  
24 self-sufficiency.

25 Q Now, would you like to answer my question?

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1 My question was: How does developing and building  
2 houses on this prime agricultural land, how does that

3 action conserve and protect agricultural lands? How  
4 does that action square with the constitutional  
5 mandate?

6 A It squares in the sense that there are a  
7 number of ways of implementing the constitutional  
8 provision. While this Project does take land out of  
9 the Agricultural District it does provide other  
10 benefits including providing jobs and housing.

11 Q Okay. I've heard your testimony in that  
12 regard. Isn't it the fact that by supporting this  
13 Petition in essence your department and the state of  
14 Hawai'i is saying that the houses that are going to be  
15 built, the jobs that are going to be created, is more  
16 important in this instance than preserving the  
17 agricultural lands in question? That's the essence of  
18 your position, correct?

19 A The testimony is in support of the  
20 reclassification which would provide for residential  
21 uses and commercial, light industrial uses in the  
22 property. So it would provide for urban types of uses  
23 and those jobs as opposed to the current agricultural  
24 use of the property.

25 Q So the answer to my question is, yes. You

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1 are taking a position that basically prefers building  
2 homes and you believe creating jobs over the continued  
3 use of this land for agricultural purposes in the way

4 in which it's currently being used, correct?

5 A Yes.

6 Q Okay. Now, can you tell me where in the  
7 State Constitution is there an explicit provision that  
8 authorizes your department or the Land Use Commission  
9 or any agency of the state of Hawai'i to favor  
10 building houses or building highways over preservation  
11 of prime agricultural lands? Is there such a  
12 provision anywhere?

13 MR. YEE: I'm going to object only -- or at  
14 least to be clear it's only to the extent she knows.  
15 She's being submitted as a planning expert --

16 MR. SEITZ: Only to the extent you know.

17 MR. YEE: -- rather than a legal expert. So  
18 it's beyond -- it's a legal question of what does the  
19 constitution provide. It's really not within her  
20 particular scope of responsibility.

21 Q (Mr. Seitz) Well, I only want to know what  
22 you think. But I also want to recall for the  
23 Commissioners that at the preface to your testimony  
24 you talked about an understanding of what the laws of  
25 the state of Hawai'i require.

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1 So as a preface why don't you tell me is  
2 there anything in the constitution, comparable to the  
3 provision I read to you for protection of agricultural  
4 lands, that authorizes you to act in a manner to  
5 encourage development of houses and building of

6 highways?

7           A       I would say that I haven't read -- I'm  
8 not -- I don't know of a provision to that effect.

9 But I will note that there are a number of provisions  
10 in the constitution that call for, for example,  
11 protection of natural resources, protection of scenic  
12 beauty, protection of agricultural lands.

13                   And that there are a number of ways of  
14 carrying out the provisions of the constitution. And  
15 that not every action that may, perhaps, on its  
16 surface might seem inconsistent is in actuality  
17 consistent -- not consistent with it.

18                   MR. SEITZ: I appreciate your answer. Thank  
19 you. No further questions.

20                   CHAIRMAN LEZY: Redirect?

21                   MR. YEE: No redirect.

22                   CHAIRMAN LEZY: Commissioners, questions?  
23 Commissioner Judge.

24                   COMMISSIONER JUDGE: Thank you,  
25 Ms. Kobayashi. I just wanted to confirm you were here

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1 earlier when Mr. Takeshita testified.

2                   THE WITNESS: Yes.

3                   COMMISSIONER JUDGE: So is it your  
4 understanding that, the Office of Planning's  
5 understanding, that regarding some of the traffic  
6 mitigation measures that at a minimum the Petitioner



7 has agreed to fund the design and construction of the  
8 additional traffic lanes in both directions from the  
9 Kunia Interchange to the Waiawa Interchange?

10 THE WITNESS: It is my understanding that a  
11 consensus has been reached, yes. And the Petitioner  
12 has agreed to fund the additional lane in both  
13 directions from the Kunia Interchange to the Waiawa  
14 Interchange. In terms of at a minimum, I suppose that  
15 is correct, since that's what has been specifically  
16 identified at this time.

17 COMMISSIONER JUDGE: Right. I'm just saying  
18 that's one piece of the traffic mitigation. Whether  
19 there will be more or what those will be is yet to be  
20 determined in that memorandum. But at this juncture  
21 that that is one piece that has been agreed.

22 THE WITNESS: Yes, that is my understanding  
23 that is one piece that has been agreed upon.

24 COMMISSIONER JUDGE: Okay. Thank you .

25 CHAIRMAN LEZY: Commissioners? Commissioner

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1 Matsumura.

2 COMMISSIONER MATSUMURA: Ms. Kobayashi, you  
3 talked about from the Office of Planning. Does the  
4 Office of Planning have a statewide population  
5 distribution plan?

6 THE WITNESS: No, not in the sense of having  
7 specific percentages or numbers of the distribution of  
8 population. No. The State Plan is a broad policy

9 document. It does call for encouraging economic  
10 growth on the neighbor islands, in my recollection.  
11 But the state doesn't have a specific population  
12 growth plan.

13 COMMISSIONER MATSUMURA: No further  
14 questions.

15 CHAIRMAN LEZY: Commissioners, any other  
16 questions? Thank you for your testimony,  
17 Ms. Kobayashi.

18 MR. YEE: With that the state rests.

19 CHAIRMAN LEZY: Let's take a brief break for  
20 lunch now. Ms. Cerullo, when we return let's take up  
21 with your first witness to the extent and try to see  
22 what we can get through. We have to break at 2:00 for  
23 public testimony, assuming that there is, it looks  
24 like there's a limited amount of testimony.

25 MS. CERULLO: Okay.

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1 CHAIRMAN LEZY: We can always jump back into  
2 it before we have to break for the agenda item, the  
3 executive session. So let's be back promptly at 10  
4 past 1, please.

5 (Lunch recess was held. 12:20-1:20)

6 CHAIRMAN LEZY: Back on the record. Let the  
7 record reflect that Commissioner Makua has been  
8 excused. Commissioner Chock is occupied at the moment  
9 but will be back in. We have a quorum so we will

10 proceed. Are you ready to proceed, Ms. Cerullo?

11 MS. CERULLO: Yes.

12 MICHAEL KUMUKAUOHA LEE

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

15 THE WITNESS: Yes, I do.

16 CHAIRMAN LEZY: Please state your name and  
17 proceed.

18 THE WITNESS: My name is Michael Kumukauoha  
19 Lee.

20 DIRECT EXAMINATION

21 BY MS. CERULLO:

22 Q Michael, where do you live?

23 A I live at 91-1200 Keaunui Drive, unit 614  
24 'Ewa Beach, Hawai'i, 96706.

25 MS. KUWAYE: Mr. Chair, just as a point of

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1 clarification. We never addressed the admissibility  
2 of Sierra Club's witnesses. I think that was a matter  
3 you deferred when we first raised objections. For the  
4 record I think I would like to renew our objections,  
5 particularly with respect to this witness. Initially  
6 he was identified as an expert. He was later changed  
7 as a lay witness.

8 We have not been provided with any type of  
9 documents or any clue about the scope of his  
10 testimony, the substance of his testimony. Therefore  
11 we have no idea what this witness is going to testify

12 to.

13                   It's also our understanding that there's  
14 certain visual aids that are going to be presented as  
15 demonstrative evidence that are not into the record.  
16 And specifically Hawaii Administrative Rules 15-15-63  
17 provides that demonstrative evidence as exhibits as  
18 evidence, provided the parties submit the number of  
19 legible copies as may be required by the presiding  
20 officer.

21                   And we have not been provided with any of  
22 the advanced copies to us regarding any type of  
23 evidence that's going to be shown in this visual aid.

24                   CHAIRMAN LEZY: Ms. Cerullo, you haven't  
25 disclosed to the other parties what the nature of the

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1 witness's testimony is going to be?

2                   MS. CERULLO: Yes, we did. We have him  
3 listed as a witness to testify as to cultural  
4 resources.

5                   CHAIRMAN LEZY: But you're not offering him  
6 as an expert. You're offering him as a lay witness?

7                   MS. CERULLO: As a lay witness, yes.

8                   MS. KUWAYE: I guess, Chairman Lezy, I guess  
9 my question is as a lay witness what differentiates  
10 him from a member of the public? If he's just  
11 testifying as lay witness, he could testify in the  
12 public testimony portion as they have offered their

13 other lay witnesses.

14 CHAIRMAN LEZY: I have to say it's a little  
15 bit confusing to me, Ms. Cerullo, that you would offer  
16 somebody on a particular area with obvious expertise  
17 which would be a cultural assessment, but then have  
18 him come to testify as a lay witness when the obvious  
19 intent is to have his opinions be given weight in that  
20 particular area.

21 Is there some reason why he wasn't  
22 identified as an expert witness and why he isn't being  
23 offered as an expert witness?

24 MS. CERULLO: We didn't receive the written  
25 testimony, basically, in time for the deadline. And

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1 we weren't sure how to qualify him as an expert in  
2 Hawaiian cultural practices. So we thought that  
3 coming in as a lay witness and describing his  
4 background would be sufficient.

5 CHAIRMAN LEZY: Ms. Kuwaye, let me ask you  
6 this question. If we were to defer this witness and  
7 allow the Sierra Club to provide you with the  
8 witness's written expert testimony, would that allow  
9 you sufficient time to prepare to cross examine him if  
10 he's offered as an expert at the next hearing?

11 MS. KUWAYE: If he provides -- if they have  
12 his written direct testimony within this week, you  
13 know, and his CV because we don't know his  
14 qualifications, then we will evaluate at that time

15 whether or not we will stipulate to him as an expert  
16 witness. I can't say yes or no at this point in time.

17 CHAIRMAN LEZY: I'm going to have to ask you  
18 to say yes or no at this time because otherwise I'll  
19 let him testify as a lay witness.

20 MS. KUWAYE: But that wouldn't make any  
21 sense. We don't know his qualifications. We don't  
22 know the scope of his written direct testimony. So if  
23 you're asking at this time to withholding objections  
24 that I may have--

25 CHAIRMAN LEZY: What I'm asking you to do is

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1 whether, and I'm trying to offer you an alternative  
2 here to having this witness testify now, is if you  
3 will agree to allow him -- and you can certainly  
4 object to his qualifications as an expert -- what I'm  
5 asking you, though, are you willing to waive the fact  
6 that he was not previously disclosed?

7 MS. KUWAYE: Yes, we will be willing to as  
8 long as we can get his written direct testimony as  
9 soon as possible so that our expert can review and we  
10 can provide adequate cross-examination.

11 CHAIRMAN LEZY: Ms. Cerullo, I expect that  
12 you already have the written testimony prepared?

13 MS. CERULLO: Well, I was under the  
14 assumption that he was going to go on as a lay  
15 witness. Yes, I have his qualifications prepared and

16 we're going to go through why he is an Hawaiian  
17 cultural practitioner.

18 CHAIRMAN LEZY: My question, though, is do  
19 you have his written direct testimony then prepared?

20 MS. CERULLO: I don't. I don't have written  
21 direct testimony.

22 CHAIRMAN LEZY: Can you have it to the  
23 Petitioner by next Wednesday?

24 MS. CERULLO: I can. Is there any way that  
25 we can go forward with him as a lay witness?

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1 CHAIRMAN LEZY: No.

2 MS. CERULLO: No. Okay.

3 CHAIRMAN LEZY: So we will defer this  
4 witness then. Do you have your next witness ready?

5 MS. CERULLO: Yes. I have to check.

6 CHAIRMAN LEZY: Then just addressing one  
7 other point, Ms. Cerullo, you are offering  
8 demonstratives that have not been made exhibits?

9 MS. CERULLO: Right.

10 CHAIRMAN LEZY: And have you provided those  
11 demonstratives to the other parties?

12 MS. CERULLO: No.

13 CHAIRMAN LEZY: Also provide those to the  
14 other parties by this Wednesday. So we're absolutely  
15 clear then, you will provide the written direct  
16 testimony of Mr. Lee as an expert witness along with  
17 his CV to all of the other parties and copies of any

18 demonstratives that you intend to use during the  
19 course of his testimony.

20               Petitioner reserves the right to object to  
21 him as an expert witness, so you should be prepared  
22 for the likelihood that that will happen.

23               MS. CERULLO: Okay. And that will be in  
24 March?

25               CHAIRMAN LEZY: That will be the next

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1 hearing.

2               MS. CERULLO: The next hearing.

3               CHAIRMAN LEZY: Yes.

4               MS. CERULLO: We're going to call Gary  
5 Maunakea-Forth.

6                       GARY MAUNAKEA-FORTH

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

9               THE WITNESS: I do.

10              CHAIRMAN LEZY: Please state your name.

11              THE WITNESS: Aloha kakou. My name is Gary  
12 Maunakea-Forth.

13              CHAIRMAN LEZY: Please proceed.

14                       DIRECT EXAMINATION

15 BY MS. CERULLO:

16           Q     Could you please tell us what you do for a  
17 living.

18           A     I'm an organic farmer. I farm on just under



19 25 acres in Lualualei Valley on the west side of  
20 O'ahu.

21 Q Could you please tell us about your farm in  
22 more detail, the various programs that you provide for  
23 the community?

24 A Sure. I'm the co-founder and the farm  
25 manager, I guess, of MA'O Organic Farms. We are a

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1 non-profit 501c3 incorporated as the Waianae Community  
2 Redevelopment Corporation. We are a social  
3 enterprise. We are involved in both education and  
4 sustainable agriculture.

5 We were incorporated in 2001. So we've been  
6 doing this about 10 years. We spent probably two or  
7 three years researching, looking for land to farm in  
8 the Wai'anae community.

9 Structured as a non-profit we do two really  
10 quite simple things. We grow the capacity of young  
11 people in our community to go to college, get them  
12 into college, retain them in college, hopefully  
13 graduate them and provide them jobs and leadership  
14 opportunities. And at the same time we grow organic  
15 fruits and vegetables for our certified organic farm.  
16 We were certified in 2003.

17 The young people who work on the farm in the  
18 comprehensive programs we run, generally aged 17  
19 through 23, 24, the majority of which are in the  
20 post-high school range. So they're in the internship

21 program that provides them a full-time college tuition  
22 mainly to Leeward Community College. Provides them  
23 with a stipend and a tuition waiver to college.

24 We also have programs within the school  
25 system, the public school system. So we have an

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1 organic garden in Wai'anae High School and associated  
2 curricula-based programs in the natural resources  
3 academy in that school.

4 And at Wai'anae Intermediate School we have  
5 another organic garden. And we work in  
6 curriculum-based programs introducing kids to  
7 agriculture and using just agriculture and a garden as  
8 a way to teach social studies and science.

9 Q Could you please tell us a little bit about  
10 your educational background.

11 A My personal educational background -- the  
12 stenographer's going to have to trip over some of the  
13 words I'm going to say. I was born and raised in  
14 Aotearoa, New Zealand. I was educated in the public  
15 school system in New Zealand, graduated 1984 from a  
16 small high school, Horrowhenua High School in Levin  
17 it's about an hour north of the capital city  
18 Wellington on the West Coast.

19 I came to Hawai'i in 1989. Originally I  
20 came to Hawai'i in 1989 just to play rugby for part of  
21 my life as a professional rugby player. It doesn't

22 last too long, as you can tell from some bruises on my  
23 regions.

24                   So got back to the university in middle  
25 '90s. Went to the UH Manoa, undergraduate I studied

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1 environmental studies and political science; got  
2 interested in the early kind of conversations about  
3 sustainability, sustainable development which, you  
4 know, the UN was promoting for development in third  
5 world regions. Got interested in green politics. Got  
6 interested in ways to make island systems more  
7 sustainable.

8                   And then I graduated. Spent a year working.  
9 Then I went back to graduate school at University of  
10 Hawai'i in the political science department. And at  
11 the political science department I studied sustainable  
12 development with the idea that agriculture was a means  
13 for rural communities to create jobs, businesses and  
14 social benefits as well.

15           Q       Could you tell us about your professional  
16 background, your work experience.

17           A       Yeah. I graduated in 1984 in New Zealand.  
18 And for a young male in New Zealand it's like three  
19 things, the common stereotypes: rugby, beer drinking,  
20 and agriculture. And I guess the first two I was  
21 fairly good at. And I, having spent most of my teens  
22 working on farms around our community is just, you  
23 know, a teenager needs money for certain things.

24 I got into the banking industry. I worked  
25 for three and-a-half, four years in foreign exchange

1 in New Zealand, Wellington, the capitol. And then a  
2 lot of New Zealanders -- at that time New Zealand was  
3 a fairly tedious place for young people to grow up.

4 So I traveled and came to Hawai'i and went  
5 to school, did all kinds of jobs. Then when I  
6 finally, the last few years of the '90s I worked as a  
7 developer of jobs program in the city system, through  
8 a job training partnership act was changing to the  
9 Workforce Development Act under the Clinton  
10 Administration. So for just under a year helped  
11 develop a jobs program and a new, I guess, system of  
12 finding jobs and employment for people.

13 After that I worked in finance again. I  
14 worked for a provider of loans, a non-profit provider  
15 of loans. Went from loans, anywhere from micro-loans,  
16 small micro-loans \$500, all the way up to, I think the  
17 largest loan we did was \$250,000.

18 So for four years I provided financing loans  
19 and technical assistance to businesses. A lot of  
20 those were in the agricultural industry.

21 And then during that time my wife and I and  
22 various others were concerned about issues in the  
23 Wai'anae Coast. Only need to say "Wai'anae community"  
24 and people are fairly aware of our educational

25 problems, our drug problems, our family problems. So

1 we wanted to do something that would combine both  
2 agriculture, young people and the creation of small  
3 businesses in the community. We were really concerned  
4 that the poverty issue was not going away.

5 From that point forward I've been that sort  
6 of farmer.

7 Q Are you familiar with this Petition?

8 A Yes.

9 Q What materials did you review in preparation  
10 for your testimony today?

11 A I've reviewed the Ho'opili website, looked  
12 at various documents that they have online. You know,  
13 read the newspaper and have read things that are  
14 online. There's a couple websites: Civil Beat has  
15 accumulated a lot of the documents both for and  
16 against. So I had a look at most of those.

17 I've been -- adjacent to the site I've been  
18 to the new UH West O'ahu site. I've seen the soil.  
19 I've never farmed on that particular piece of  
20 property. I've seen the soil reasonably up close.

21 Q And what were you asked to do in this case?

22 A I was asked to provide testimony, hopefully  
23 expert testimony, and valuable hopefully for the  
24 Commissioners, on a few things related to agriculture  
25 in Hawai'i in the 21st Century. That'd be: I think I

1 can speak to about the demand and the lack of supply  
2 for locally sourced products.

3 I think I can speak a little bit about the  
4 difficulties in building a farm in Hawai'i in relation  
5 to losing 1500 acres or thereabouts of ag land. So I  
6 can talk about the opportunities that this land would  
7 have by keeping it in agriculture. I think I can talk  
8 about related subjects to do with that.

9 Q Are the things that you were asked to  
10 provide an opinion on, things that you have studied  
11 and experienced as a farmer and expert in sustainable  
12 food production?

13 A Correct, yeah.

14 Q Have you testified before in this area of  
15 expertise?

16 A Before this panel just once, yes, for a case  
17 in Lualualei Valley where Tropic Land, LLC has an  
18 application to rezone agriculture land to light  
19 industrial. It's commonly referred to as the "purple  
20 spot".

21 Q Has anyone paid you to be here today?

22 A No.

23 MS. CERULLO: Chairman, I would like to  
24 offer Gary Maunakea-Forth as an expert in farming and  
25 sustainable food production on O'ahu.

1                   CHAIRMAN LEZY: Was he not stipulated to as  
2 an expert? I believe he was stipulated to.

3                   MS. CERULLO: He was?

4                   CHAIRMAN LEZY: Yes.

5           Q       (Ms. Cerullo): I'd like to turn to your  
6 written testimony, that's 43B. Could you please  
7 explain in your experience with agriculture training  
8 and the creation of green jobs.

9           A       Okay. MA'O Organic Farms was incorporated  
10 and started because we had some grandiose ideas about  
11 agriculture in the Wai'anae community for sure.  
12 Lualualei Valley sits on pristine soils that I think  
13 probably seven and-a-half thousand acres of them are  
14 still in use by the Lualualei Naval Magazine.

15                   For all intents and purposes it's a base  
16 that doesn't operate anymore. So it's more than  
17 likely going to be decommissioned at some time in the  
18 future.

19                   So the organization wanted to be a proponent  
20 of jobs in the community, agriculture in the community  
21 and, you know, wealth accumulation, to be perfectly  
22 frank. We wanted people to be making a lucrative and  
23 cash living from farming.

24                   So we started with a program that was really  
25 a jobs training program for out-of-school young

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1 people. It started as a job training program because  
2 our ideas of making a degree program didn't sort of

3 fit compatibility-wise with the local community  
4 colleges.

5           We said agriculture was important. But  
6 really at that time the demand for local products  
7 wasn't apparent yet. The demand for organic products  
8 wasn't apparent yet. And there really didn't look  
9 like that many jobs.

10           The honest truth in Wai'anae is that most  
11 young people, especially males, will work in the  
12 construction industry. They'll work generally close  
13 to home, which is Campbell Industrial Park,  
14 thereabouts.

15           And I know that because I was working with  
16 the jobs programs. And those were the jobs that they  
17 were going toward.

18           So we wanted to create a program that really  
19 was a leadership program. We didn't necessarily -- we  
20 thought that the battle to find, to make young farmers  
21 was going to be much bigger than we were doing at that  
22 point. So for five years we had a job training  
23 program that was 10 months long. We graduated 45ish  
24 young people. We put them into jobs. Many of them  
25 are in the construction or trucking, those kind of

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1 industries.

2           Then around five, six years ago, maybe a  
3 little more than that, our partnership with Leeward



4 Community College took an upswing. We, in partnership  
5 we developed a HUD grant and were awarded \$600,000.  
6 And we developed an Associate of Arts Degree program  
7 with specialization in Community Food Systems.

8               So we developed four, essentially four new  
9 classes in the UH system: An Introduction to Organic  
10 Agriculture. So there was no Introduction to Organic  
11 Agriculture in the UH system at that point. This is  
12 while at most, some public universities around the  
13 U.S. have degree programs in organic agriculture.

14               We developed a Management and Entrepreneur  
15 Class, developed a Geography Class in community food  
16 systems so you could understand the implications of  
17 not growing our own food.

18               Then we developed a fourth class which was  
19 sort of a research-directed reading to prepare young  
20 people to get to Manoa or a four-year college so that  
21 they would have the skills to research and present a  
22 paper on the subject in the field of community food  
23 systems.

24               Since that point we now operate with around  
25 32 young people that are fulltime college students and

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1 part-time stipended interns on the farm. They  
2 receive -- they received at the start of the program a  
3 \$500 monthly stipend which improves according to their  
4 combined GPA. We track the GPA they score at  
5 university. We also measure their performance on the

6 farm with a GPA as well. We aggregate this GPA. That  
7 sets their stipend and the conditions for which they  
8 work.

9           So a young person that's motivated can start  
10 on a fraction of the minimum wage with tuition paid  
11 for and go all the way up to a freshman of \$13 an hour  
12 on equivalent stipend.

13           What we've also done because the farm has  
14 grown from 5 acres to now a fraction of 25, is we have  
15 rehired some of those young people into management  
16 positions on the farm. So for all intents and  
17 purposes there are seven fulltime farmers on the farm  
18 funded by farm income. I'm one of them. Another  
19 young man is one of them. He's in his 30s. The other  
20 five are all young people aged 21 to 26, 27 maybe he  
21 is now.

22           So there are young people that grew up in  
23 our community and are now fulltime farmers. Four out  
24 of those five also go to the University of Hawai'i  
25 fulltime. So you can imagine their week is fairly

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1 full.

2           Q     Okay. Thank you. So based on your  
3 experience, in your opinion what is the potential for  
4 green jobs on 1500 acres of prime agricultural land?

5           A     Well, the potential's huge. We live in a  
6 situation where the demand for local products has gone

7 up. You don't need to be an ag expert or an economist  
8 or anything to understand that.

9           There are things that happened in the last  
10 five or six years that have spurned local demand. And  
11 there are local things that have sort of pushed that  
12 along.

13           You know there's a ton of them from people  
14 watching the Food Network -- and I saw an article  
15 yesterday that said, that named the top 50 people that  
16 are most influential in food in the United States.  
17 And the CEO's of Pepsi, Coke, and Walmart were in the  
18 top of course, but the top person was actually the  
19 head of the Food Network. So the CEO of the Food  
20 Network.

21           So people are watching these things, shows  
22 they're enthusiastic about cooking and food. And  
23 there's been a series of circumstances that occurred  
24 in the last six or seven years, five or six years,  
25 opening new restaurants like Town and Downtown

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1 Restaurant next door. Opening of Whole Foods for sure  
2 and the competition that's created within the grocery  
3 industry.

4           Then the farmers market movement which  
5 started with people's open market has been going for  
6 decades but has really increased now that the Farm  
7 Bureau pushed to have a hundred percent local produce  
8 at farmers markets. Now there are private entities as

9 well as non-profit farmers markets all over the place.  
10 It's hard to keep up with the new farmers markets.

11               So, you know, I hear the state say that for  
12 every 10 percent of food that we produce we can create  
13 something like 90 to a hundred million dollars in  
14 income. So that obviously translate in jobs.

15               You're going to need someone to manage  
16 farms, to work on farms, and to run the sort of  
17 attendant businesses: Trucking businesses, tractor  
18 dealerships, all kinds of things. So how many jobs  
19 could it create? You know, 5- or 600. But it really  
20 depends on how well and productive you run the farm  
21 system.

22               Some farms -- I saw the information about  
23 the seed industry, which is our biggest income  
24 generator in the state of Hawai'i. It generates  
25 248 million projected for last year. And it's created

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1 7100 jobs. So that's about now at the rate of 34,  
2 \$35,000 a job. So we can -- we know selling food we  
3 can match about that.

4               We can do much higher if we use land more  
5 intensively and we forget about our system which  
6 includes orcharding. In an orchard system I found  
7 less money per acre. So the potential on that side is  
8 enormous.

9           Q     Okay. If new farmers wanted to enter the

10 market or current farmers wanted to expand to meet  
11 this demand, you're talking about, would they  
12 encounter any problems with acquiring suitable  
13 agricultural land on which to farm?

14       A       They would have a lot of problems. Yeah, a  
15 lot of problems. They would have problems finding  
16 land, finding valuable land, land that has water  
17 resources, finding land that costs a minimal amount to  
18 start up, land that they could lease or own if they  
19 could lease it for a long term.

20               It's going to make them more viable for  
21 financing. It's going to make them more interested in  
22 doing, in taking on methodologies that's more  
23 sustainable that, I can think in the long run make  
24 them more money.

25               The problem is people shouldn't give Ph.D.s

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1 on this right now because if the two problems we have  
2 in food security in Hawai'i are land and farmers,  
3 we're in big trouble. We're in big trouble. I think  
4 the gentleman after me that's giving testimony is a  
5 CTAHR soils scientist. I reckon that CTAHR doesn't  
6 necessarily produce farmers, isn't producing farmers  
7 right now.

8               And their other thing is there isn't much  
9 structure in either our community colleges nor is  
10 there any cultural connection to land that makes young  
11 people want to farm. I'll give the example of we work

12 with young people in intermediate and high school.

13 They work both on the school gardens and on the farm,

14 so on a working farm with tractors and weeds and

15 timelines and pressure.

16               And the school system still tells kids today

17 that farming is a dead end job; that farming is a job

18 for the poor; that farming is a job for immigrants.

19               And I grew up with a very different system

20 where farming was very lucrative. Farming was very

21 honorable. I'm 45 now. My best friend in high school

22 used farming as a means to become an airline pilot.

23 So for six or seven years he worked on a potato farm

24 picking potatoes, planting broccoli, cabbage, that

25 kind of stuff; saved up enough money to get hours on a

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1 plane. And now he's a pilot for Air New Zealand. And

2 there's many stories like that in vibrant agricultural

3 economies.

4               To look at a newspaper, look on Craig's List

5 for a piece of vacant land with water and resources is

6 nearly impossible. So over the course of the last 12

7 years I've looked around for agricultural land fairly

8 aggressively.

9               When we first started we looked at two

10 parcels of land before we found the third parcel which

11 is the land we started on, which is 5 acres leased

12 under a 25-year lease from the community of Christ

13 Church.

14               It was leased to us by almost divine  
15 intervention because the church at that time wanted to  
16 develop on the property. And the Permitting  
17 Department said they couldn't unless half of that land  
18 was farmed.

19               So we came along and offered to farm half of  
20 it. They didn't end up doing the project they  
21 intended to do because they couldn't raise the funds.  
22 At the same time we looked at other property. I  
23 looked at a 7-acre parcel in Makaha. And that's now  
24 developed, that property. We chose not to develop  
25 that -- to go that property because the landowner at

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1 the time wasn't supportive of the longer lease.

2               So we've have 5 acres for the first sort of  
3 half of our history of this 21st Century. I think in  
4 about 2004, 2005 we realized we were onto something.  
5 We realized the demand for local food is huge. And we  
6 were on the search for more land.

7               We were kind of surprised that the young  
8 people wanted to farm. We had listened to the  
9 stereotypes ourselves. So didn't want to delude  
10 ourselves that we were going to create farmers.

11               We thought we'll stick to attracting people  
12 that can work, that can lead. They can go back to  
13 their community with a college degree hopefully. But  
14 we've started to realize that people, young people,

15 maybe for not the whole of their lives, they did want  
16 to work on a farm. I don't think they wanted to work  
17 on a plantation for sure. But they want to work on a  
18 farm where they can get a lot of job skills.

19               They can plant a lot of things. They can  
20 eat the food. They can get compensated fairly.  
21 They're not pigeon-holed to just being the weeder or  
22 the harvester or the vegetable washers. I think  
23 they're very interested in getting college funded.

24               So, so we looked all around the neighborhood  
25 and that had nothing. Then I started looking all

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1 around the state of Hawai'i.

2               I went to most of the neighbor islands,  
3 talked to a guy who owns almost the whole ahupua'a of  
4 Kealia in Kaua'i.

5               We were going to do a 5-acre farm there but  
6 I wasn't happy moving our project or part of that  
7 project or replicating our project on Kauai without  
8 having a larger piece of land. I'll get to that in a  
9 second, what it means to farm a bigger piece of land.

10               Looked at land in various places on O'ahu.  
11 Went to Maui Land & Pine. At the time David Cole was  
12 the CEO. We developed a good working relationship  
13 with him.

14               We looked at Kapalua lands but we realized  
15 the Kapalua lands had real acidity problems from years



16 of pineapple growing. So we proposed that we farm in  
17 Kula or Hali'imaile. They didn't want to do that  
18 because those lands are scheduled for development  
19 according to them.

20               So we got pretty, got pretty disillusioned.  
21 We talked to Kamehameha Schools. And they were  
22 really, really into hearing our story. They weren't  
23 ready yet. And to this day we still have  
24 conversations with Kamehameha Schools. We have a good  
25 working relationship with their land asset manager

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1 Neil Hannah. That is probably the more likely of the  
2 large land opportunities that we have.

3               We came full circle when the neighbors next  
4 door to us, we heard through the grapevine, wanted to  
5 sell their property. So a little bit more divine  
6 intervention I guess. And the property was a former  
7 chicken farm, had been 11 acres of the Takahashi  
8 chicken farm that had been started in the '50s. And  
9 in 1986 they closed down and just left the farm to  
10 become overgrown.

11              So we worked with Mr. Takahashi for  
12 approximately a year. We wrote a grant to the  
13 conservation program within DLNR, the exit lands  
14 program. And we've managed to match those funds with  
15 an enlistment from Pierre Omidyar through the Hawai'i  
16 Community Foundation. So we bought the 11 acres.

17              The property behind us was seven acres.

18 It's roughly nine acres, but part of it was a dry  
19 riverbed so we were afraid it was a little bit less  
20 because we knew who farmed that land.

21 We managed to buy that with another small  
22 investment, excuse me, another small investment from a  
23 funder as well as a state ag loan. So we have a  
24 state-guaranteed ag loan.

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25 Q Thank you. So it looks like it took you a

1 while to get to where you are. Based on that do you  
2 think we need to preserve the prime agricultural land  
3 at the proposed Ho'opili site?

4 A Yes, definitely. I mean we have to do that.  
5 We have to figure out a way to get small to medium  
6 sized farmers onto land. It's not being done  
7 anywhere. It's difficult to find any land over, over  
8 25, 30 acres, and under, say, 4- or 500 acres. I'm  
9 familiar with the Galbraith land. I'm familiar with  
10 the North Shore lands.

11 You know, the other side of the coin is that  
12 if you're going to -- the ideal situation for us if we  
13 were going to farm would be to farm more land right  
14 nextdoor to us. We have half a million dollars worth  
15 of equipment. If we farm next door to us it would be  
16 very easy to move the tractor from one field to  
17 another.

18 So if you're going fo invest anything in the

19 start-up of a business you want to -- you do -- there  
20 needs to be opportunities for expansion. Otherwise  
21 you keep your capital costs down as low as you  
22 possibly could. So this 1500 acres represents a huge  
23 opportunity.

24 And the start-up costs for this property,  
25 it's already been farmed -- if someone else came, it's

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1 already been farmed. The soil is all ready to go.

2 I can imagine -- I haven't seen the  
3 irrigation system, but I believe they probably own an  
4 irrigation system. If you were to invest in the  
5 property long-term basis you would put an irrigation  
6 system in a proper setting that would be underground.  
7 So you would bury pipes. You would use a more  
8 expansive larger diameter pipe and a schedule 40 pipe,  
9 perhaps. I think a pipe that's going to last for at  
10 least a hundred years. So it's a prime location.

11 Q In your opinion what would be the impact of  
12 the loss of local agricultural production as a result  
13 of the proposed Ho'opili development in terms of food  
14 self-sufficiency?

15 A Well, you know, the Alouns obviously  
16 produce, it's been said before, I believe that they're  
17 one of the biggest farms in the state. On O'ahu  
18 they're definitely number two. I think Larry Jefts is  
19 the biggest farm.

20 So they produce a lot of food. Yeah. So

21 it's a huge loss. That's going to be the argument in  
22 this case. I'll say some things that may be a little  
23 bit different than I've seen in the last 10 years.

24 For one: In farming, and this is such a  
25 different situation than growing up in New Zealand,

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1 farming feels like in Hawai'i we're at war with the  
2 outside world.

3 It feels like whether it's developers,  
4 whether it's, you know, whoever they don't want -- one  
5 side of the people's mouth want to grow food for  
6 Hawai'i. They believe this is a food security issue.  
7 They believe if it's a terrorism act or a shipping  
8 strike or a natural disaster we're going to need food  
9 for ourselves.

10 But on the other side of things I don't see  
11 people doing anything really tangible about it.  
12 Short-term leases just don't work. I would not take  
13 the risk to do that. There are farmers that will take  
14 the risk. We have farmers in our neighborhood that  
15 will take a three-month lease to intensively use land  
16 for growing basal to export. That land afterwards is  
17 kapulu. It's trashed. It can be remediated. Soil's a  
18 beautiful thing. It takes work, but it can be  
19 remediated.

20 So it feels like young people who want to  
21 farm in Hawai'i there's no easy access point. And to

22 create more of this environment is only, is only  
23 creating a situation that's worse.

24           At some point -- sort of sometimes I think  
25 about technology. I love tractors and bringing as

1 much that saves me, as I get older, especially, save  
2 my back and makes the farm more efficient.

3           You know, I often think about Silicon Valley  
4 and what it would take, what it took to make Silicon  
5 Valley. It took institutions that were supportive of  
6 technology. It took entrepreneurs that were willing  
7 to take risks. It took innovation, invention, all of  
8 those kinds of things. And in some cases it took  
9 contracts because some of them started with DOD  
10 contracts. Some of them started with guaranteed  
11 federal money.

12           So there's a pile of things that could go  
13 on. And I look at agriculture in Hawai'i and I figure  
14 there's none of those things that are brought to the  
15 table.

16           So the people -- and I sometimes hear,  
17 overly simplified, I heard a farmer who's pretty well  
18 known, say that if farmers' gonna make money they  
19 gotta farm. I think that's really a simple way to  
20 look at it.

21           I think that no one's telling a young  
22 person, say, wanted to farm, that they're going to  
23 make money. The common knowledge is that this is the

24 poor people's work. So that's part of it. I think  
25 someone expanding from a farm they own right now, and

1 I know -- I've heard farmers talk. I was in a round  
2 table with the mayor with a whole bunch of small  
3 farmers about our size.

4 And the whole family farm, 50 acres on the  
5 North Shore, I think three or four different parcels  
6 of leased land, all of their land has six months'  
7 termination leases. So at any point the landowner can  
8 take them off the land with six months' notice.

9 So they'll be looking around for land just  
10 as we'll be looking around for land. So we've been  
11 talking about whether they've been successful or not.  
12 These are two young people probably in their late 20s  
13 early 30s. They're not looking for land to expand  
14 anymore.

15 And I feel the state -- you know we don't  
16 need subsidies. We don't need -- we know that there's  
17 enough money to be made in the market if we do this  
18 right and do it with a little bit of forethought. But  
19 we certainly aren't going to do this if it's, if it's  
20 this kind of environment. I don't think we can feel  
21 about it too much.

22 CHAIRMAN LEZY: Ms. Cerullo, we need to take  
23 a break now for public testimony.

24 MS. CERULLO: Okay. We're actually done so

25 we can.

1 CHAIRMAN LEZY: Are you ready to pass the  
2 witness?

3 MS. CERULLO: Yes.

4 DR. DUDLEY: No, no. We have no questions.

5 CHAIRMAN LEZY: We need to take a break for  
6 public testimony so we'll get to cross-examination in  
7 a moment. So, Mr. Mauna Kea-Forth, we need to take  
8 public testimony now. So if you could please hang  
9 around for cross-examination I'd appreciate it.

10 THE WITNESS: Do you have a timeframe for  
11 that?

12 CHAIRMAN LEZY: It's probably going to be,  
13 my guess, about 30 to 40 minutes. Mr. Davidson, who's  
14 signed up?

15 MR. DAVIDSON: We have about 12 signups,  
16 Mr. Chair. First is Peter Lee followed by Alan  
17 Gottlieb followed by Alicia Maluafiti. And it's going  
18 to be a two minute time limit.

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

22 THE WITNESS: I do.

23 CHAIRMAN LEZY: Please state your name, and  
24 your address and proceed.

25 THE WITNESS: Peter Lee, 94-1012A Kekepa

1 Street, Waipahu, Hawai'i 96797. Aloha and good  
2 afternoon, Chair Lezy and Members of the Commission.  
3 My name is Peter Lee and I support Ho'opili. I've  
4 been a Waipahu resident for 16 years, born, raised  
5 here. I've been involved with my community in various  
6 ways including serving as treasure of the Waipahu  
7 Neighborhood Board.

8           At a Waipahu Neighborhood Board meeting in  
9 July after hearing a presentation on Ho'opili by D.R.  
10 Horton, our board voted unanimously to support this  
11 Project sixteen to zero.

12           In June the Makakilo/Kapolei and Honokai Hale  
13 Neighborhood Board voted eight to zero in support.

14           And in September the 'Ewa Neighborhood Board  
15 also voted 10 to zero to support Ho'opili.

16           We all know traffic is a concern with any  
17 new development. As a daily commuter to down from  
18 Waipahu traffic impacts me every day.

19           Back in November it was refreshing to hear  
20 Mike Jones' testimony outlining D.R. Horton's plan to  
21 mitigate Ho'opili's traffic impacts. One item that  
22 Mike Jones mentioned was Ordinance 0252 which ensures  
23 builders and developers pay their fair share of  
24 regional infrastructure improvements in 'Ewa. This  
25 would generate about 30 million in 'Ewa impact fees



1 for traffic and roadway improvements.

2 In addition, I've heard Mr. Jones say that  
3 they have made and is making significant  
4 transportation commitments including --

5 MR. DAVIDSON: Excuse me, 30 seconds.

6 THE WITNESS: -- including improvements to  
7 Farrington Highway. They contributed 20 acres of land  
8 to Farrington Highway widening; contributed land for  
9 the East-West Road. Contributed 10+ acres of land for  
10 rail and for rail park 'n ride and plan to contribute  
11 10 acres to DOT for Kunia southbound and onramp and  
12 4 acres to the Kualaka'i Parkway.

13 In total cash land and value D.R. Horton  
14 have and is committing over 136 million in today's  
15 dollars towards traffic improvements. On top of this  
16 they also plan to do construction work in the north/  
17 south spine road.

18 MR. DAVIDSON: Excuse me. Could you  
19 conclude.

20 THE WITNESS: In closing, traffic mitigation  
21 is the responsibility of all parties, the federal  
22 government, state DOT, city and developers. And from  
23 what I learned this morning D.R. Horton is committed  
24 to an additional lane to the H-1 corridor in each  
25 direction between Kunia and Waiawa.

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1 I hope you agree with me that Mike Jones and  
2 D.R. Horton are both committed in doing even more than

3 their part to mitigate traffic impacts in the area.

4 Mahalo for this opportunity.

5 CHAIRMAN LEZY: Parties, questions?

6 Commissioners, questions?

7 MR. DUDLEY: I think I'd like to ask a  
8 question. Just a quick question. Mr. Lee, do you  
9 belong to the Neighborhood Board in Waipahu?

10 THE WITNESS: Yes.

11 DR. DUDLEY: And, Mr. Lee, were you there  
12 when the vote was taken?

13 THE WITNESS: Yes.

14 DR. DUDLEY: And, Mr. Lee, how many people  
15 were sitting there with Ho'opili shirts on or  
16 construction shirts on or something like that at the  
17 time?

18 THE WITNESS: I believe maybe about 70?

19 DR. DUDLEY: Thank you. And with those 70  
20 guys there, let me ask, at that meeting or at any  
21 other meeting was anybody from the other side ever  
22 invited to present an anti-Ho'opili stand?

23 THE WITNESS: I'm not sure. It was on the  
24 agenda that the presentation will be on the minutes  
25 of -- I mean in the meeting.

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1 DR. DUDLEY: Wasn't the agenda updated on  
2 Ho'opili, sir?

3 THE WITNESS: Yes.

4 DR. DUDLEY: Thank you. And, again, was  
5 anybody from the other side ever invited to the  
6 Waipahu Board to say anything in opposition to  
7 Ho'opili?

8 THE WITNESS: You know, you would have to  
9 ask someone else. We don't invite anyone to meetings.  
10 The agenda is set. It's online. So if you look at  
11 the agenda online and if this issue is something that  
12 you're interested in, I'm sure any person from the  
13 public can attend that meeting.

14 DR. DUDLEY: Sir, I'm talking about making a  
15 presentation against Ho'opili. Was anybody ever  
16 invited from the community to make a presentation  
17 against the Ho'opili Project to the Waipahu  
18 Neighborhood Board?

19 THE WITNESS: I believe a request need to be  
20 made to the chair of the board if they wanted to make  
21 a presentation.

22 DR. DUDLEY: Thank you very much.

23 CHAIRMAN LEZY: Commissioners, questions?  
24 Thank you. Alan Gottlieb, Alicia Maluafiti, Sean  
25 Newcamp.

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

4 THE WITNESS: I do.

5 CHAIRMAN LEZY: Please state your name,

6 your address and proceed.

7 THE WITNESS: My name is Alan Gottlieb. My  
8 address is 92-6931 Puliku Street, Kapolei, Hawai'i,  
9 96707.

10 MS. ERICKSON: Please don't talk too fast  
11 for the court reporter.

12 THE WITNESS: Okay. But I've got two  
13 minutes and I've got a lot to say. (Laughter) Good  
14 afternoon, Chair Lezy, Members of the Land Use  
15 Commission. My name's Alan Gottlieb. I've already  
16 told you that. I'm the manager of Second City  
17 Property Management which currently manages the  
18 agricultural land --

19 CHAIRMAN LEZY: Mr. Gottlieb, you need to  
20 slow down for the court reporter. Okay?

21 THE WITNESS: Okay.

22 CHAIRMAN LEZY: You'll have your two  
23 minutes. I'm sure what you have to say is important  
24 but you should be able to communicate it to us in that  
25 two minutes.

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1 THE WITNESS: Okay. We manage agricultural  
2 lands and water systems at Ho'opili on behalf of  
3 farmers. Our company has managed these ag lands from  
4 the time when the original leases were entered into  
5 between Campbell and the farmers.

6 I think it's important for everyone to know

7 what everyone's understanding was at the time. From  
8 the very beginning Campbell told all the lessees that  
9 the land was planned for development and there would  
10 be no lease extensions past 10 years. The farms have  
11 now been there for 17 years.

12 In addition, back in 1994 the lessees were  
13 given two years' rent abatement as material  
14 consideration for the short-term nature of the leases,  
15 and have continued to pay the low market rates for the  
16 land to this day.

17 When Horton gave the farmers new leases in  
18 2006-2007 they made no attempt to increase rents. I  
19 have here a letter from Alec Sou of Aloun Farms in  
20 support of Ho'opili, addressed to the LUC, in which he  
21 clearly states that Horton has treated the farmers  
22 fairly and that they have made arrangements to  
23 continue their business. And just because Ho'opili is  
24 being developed does not spell the end of Aloun Farms.

25 If the Commissioners would like I have

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1 copies, I've copies of the letters and I'll make them  
2 available to you today.

3 I think it's also important to understand  
4 why they are for plans to develop the land at  
5 Ho'opili. In the mid to late 1990's there was a  
6 conscious decision by the state and county to preserve  
7 over 12,000 acres of some of Hawai'i's best  
8 agricultural lands mauka of H-1 Freeway in Kunia, and

9 to designate the land below the freeway for urban  
10 growth. Those mauka lands will always be protected  
11 and they should be protected and are home to many  
12 farmers.

13 We also currently manage 2700 acres in Kunia  
14 on the old Del Monte plantation which is now being  
15 intensively farmed. In fact Fat Law Farms, one of the  
16 sublessees at Ho'opili is an owner up in upper Kunia  
17 growing basal and other crops very successfully.

18 Very much in line with the 'Ewa Development  
19 Plan is the current development of UH West O'ahu,  
20 several thousands homes on Hawaiian Home Lands, the  
21 Kroc Center, a planned shopping center.

22 And just last Friday DLNR at their monthly  
23 board meeting had on their agenda an item for an RFP  
24 on 175 state agricultural -- acres of state  
25 agricultural lands surrounding the Horton property and

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1 now currently farmed by Aloun Farms and Sugarland  
2 Farms, the same farmers that are on Ho'opili property.

3 THE REPORTER: Slow down, please.

4 THE WITNESS: Okay. DLNR's staff submittal  
5 stated on Page 5, and I'll quote, "The subject  
6 property is located in East Kapolei, has excellent  
7 development and income potential." So the RFP wasn't  
8 for agriculture. It was for development.

9 "Development of the subject property" this is still

10 their quote, "is consistent with the state and county  
11 long-range plans including the underlying State Land  
12 Use Commission's Urban District classification and the  
13 City's 'Ewa Development Plan." That's the end of the  
14 quote.

15 MR. DAVIDSON: Excuse me, 30 seconds.

16 THE WITNESS: Okay. And I have copies of  
17 that submittal here for you as well. So I spoke fast  
18 enough so I'm finished. Thank you for giving me the  
19 opportunity to testify. If you'd like copies of both  
20 of those items I can provide those to the Commission.

21 CHAIRMAN LEZY: Parties, questions?

22 MR. SEITZ: I'm going to object to his  
23 submitting anything.

24 CHAIRMAN LEZY: As a public testifier he can  
25 submit.

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1 MR. SEITZ: He can but he can't submit an  
2 exhibit.

3 CHAIRMAN LEZY: He can.

4 MR. SEITZ: A letter from somebody else who  
5 can't testify?

6 CHAIRMAN LEZY: As a public testifier he  
7 can.

8 MR. SEITZ: Well, I'm going to object to  
9 that. And I'd like to, before that's even accepted,  
10 I'd like to ask him questions.

11 CHAIRMAN LEZY: Objection noted. And you're

12 certainly within your rights to question him. Before  
13 we get to you, though, Mr. Seitz, any of the other  
14 parties have any questions? Mr. Seitz? Dr. Dudley?

15 DR. DUDLEY: I'll defer to him.

16 CHAIRMAN LEZY: Mr. Seitz, please go ahead.

17 MR. SEITZ: Are you aware that under the  
18 terms of the Aloun Farms' lease with Horton that  
19 they're not free to oppose any development plans of  
20 Horton?

21 THE WITNESS: Yes, I am.

22 MR. SEITZ: So Mr. Sou cannot come here and  
23 testify because of the terms of his lease. Are you  
24 aware of that?

25 THE WITNESS: No, I'm not aware of that.

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1 MR. SEITZ: Would you like me to show you  
2 the lease to clarify?

3 THE WITNESS: I've seen the lease. I saw the  
4 lease, the original lease from 1994. I'm the property  
5 manager.

6 MR. SEITZ: So we cannot examine Mr. Sou on  
7 anything in his letter because he would otherwise be  
8 in violation of his lease if we were to elicit from  
9 him anything that might question Horton's plans. Are  
10 you aware of that?

11 THE WITNESS: I'll take your word for that.  
12 I'm not an attorney.



13 MR. SEITZ: Based upon that information, I  
14 would object to any letter being received at this  
15 point from a third-party. If Mr. Sou wants to come  
16 here and present a letter and take whatever risks are  
17 involved, then we can examine him, that's fine.

18 But otherwise I do not think that offering a  
19 letter over these circumstances is fair to any of the  
20 parties who may want to examine the contents of the  
21 letter.

22 CHAIRMAN LEZY: Mr. Seitz, I understand your  
23 position. And I understand it from the standpoint of  
24 your being an attorney and looking at this as an  
25 evidentiary issue. However, this is a Sunshine Law

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1 issue. And public testifiers are allowed to submit  
2 whatever they want in connection with their public  
3 testimony.

4 THE WITNESS: The letter is addressed to the  
5 LUC, sir.

6 CHAIRMAN LEZY: Wait, wait, sir.

7 MR. SEITZ: Well, I beg to differ with you  
8 when it comes to a letter from somebody else. I think  
9 that there's a problem with that. If Mr. Sou, as I  
10 said, wanted to come here and submit the letter, then  
11 we could question him. That would be one thing.

12 Public testimony from people is testimony.  
13 But I don't think it extends to offering exhibits and  
14 other evidence which we then cannot examine. And

15 that's basically my objection.

16 CHAIRMAN LEZY: Duly noted.

17 MR. SEITZ: Thank you.

18 CHAIRMAN LEZY: Commissioners, questions?

19 DR. DUDLEY: Mr. Chair?

20 CHAIRMAN LEZY: Dr. Dudley.

21 THE WITNESS: I did have some questions.

22 CHAIRMAN LEZY: Okay.

23 DR. DUDLEY: Sir, you say that you're

24 familiar with the lease and that you've seen the lease

25 and so forth, right?

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1 THE WITNESS: I manage the lease.

2 DR. DUDLEY: You manage the lease. And so

3 there is a clause in the lease that you acknowledge

4 that says that the Sous cannot do anything to oppose

5 development of the property, is that right?

6 THE WITNESS: The lease is confidential. I

7 believe you have copies of the lease so...

8 DR. DUDLEY: Didn't you just answer

9 Mr. Seitz saying yes, that there was such a clause?

10 THE WITNESS: I believe -- well, all of the

11 tenants had such a clause, not only that they would

12 not oppose the development; I believe it said that

13 they would support the development.

14 DR. DUDLEY: Thank you. And, sir, are you

15 aware that Mr. Mike Jones during his testimony,

16 testified that there was no such clause in the lease?

17 THE WITNESS: No, I wasn't.

18 DR. DUDLEY: Sir, if it's true that Mr. Mike  
19 Jones did say that there was no such clause in the  
20 lease and that Mr. Sou was free to come down here, and  
21 anything that we wanted to do in communication with  
22 Mr. Sou there would be no consequences to him, it  
23 seems that one of you is telling the truth and the  
24 other is not. Now, that being true, sir, which of you  
25 should we believe? You or Mr. Jones?

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1 MS. KUWAYE: Just for the record, Chair  
2 Lezy, I think Dr. Dudley is misstating Mr. Jones'  
3 testimony. Mr. Jones testified that there was no  
4 clause in the lease that prevented him from  
5 testifying. He didn't characterize whether or not  
6 what the lease said he could or could not testify on.

7 CHAIRMAN LEZY: That's my recollection as  
8 well, Dr. Dudley. Do you want to rephrase your  
9 question?

10 DR. DUDLEY: I would leave it to the  
11 recollection of all of the Commissioners, all of us  
12 who were here, about what really did happen with  
13 Mr. Jones. And I would like to --

14 UNKNOWN SPEAKER: Check the record.

15 DR. DUDLEY: Okay.

16 CHAIRMAN LEZY: Are you finished questioning  
17 the public witness?

18 DR. DUDLEY: Yes. I think I am, thank you.

19 CHAIRMAN LEZY: Commissioners, questions?

20 Commissioner Heller.

21 COMMISSIONER HELLER: Yes. Just one quick  
22 question. You mentioned that the existing farming  
23 tenants are paying below-market rents. Can you  
24 quantify that or elaborate on the scope of the  
25 difference between current market value and what

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1 they're actually paying?

2 THE WITNESS: Well, simple economics. I  
3 mean many farmers in Hawai'i pay below-market rates.  
4 And in many cases it's because it's on land that has  
5 short-term leases for whatever other purposes the  
6 landowner may deem it to be used for.

7 Simple economics. In the recent last few  
8 years there's been a number of sales of agricultural  
9 land on O'ahu just mauka of the freeway. Campbell  
10 Estate, in fact sold -- or James Campbell's company, I  
11 believe, sold about 8,000 acres. I think the average  
12 price there, I won't say an average, but prices range  
13 between, I think, 15 and \$20,000 per acre. Simple  
14 math. Someone invests \$15,000 per acre, any kind of  
15 an investment, would expect at least, what, a  
16 7 percent return? Want to say a 6 percent? 7 percent  
17 of \$15,000 is a thousand fifty dollars a year.

18 To me that's an economic value to the

19 investment that someone would make whether they buy it  
20 themselves or they buy it and they lease it out to  
21 someone else.

22               So that's why I would take that -- and I  
23 know of farmers that are paying in excess of --  
24 farmers and nurserymen, paying in excess of a thousand  
25 to \$2,000 a year for agricultural land.

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1               I know one such farmer that actually leased  
2 nursery land from Campbell Estate, was paying \$2,000  
3 an acre.

4               COMMISSIONER HELLER: My question is what is  
5 --

6               THE WITNESS: Okay.

7               COMMISSIONER HELLER: -- the differential  
8 between what they're actually paying and what a fair  
9 market rate would be.

10              THE WITNESS: The farmers at Ho'opili are  
11 paying in the neighborhood of currently about \$250 per  
12 acre per year. So the differential is probably four  
13 times or one quarter of the economic value of the  
14 land.

15              We're not talking about the development  
16 value of the land. But agriculture land. Because the  
17 land mauka of the freeway was sold for other than  
18 agriculture.

19              COMMISSIONER HELLER: Thank you.

20              CHAIRMAN LEZY: Commissioners, any other

21 questions? Thank you.

22 THE WITNESS: Thank you.

23 CHAIRMAN LEZY: Before we go to the next  
24 public witness, Ms. Cerullo, based on the additional  
25 signups and how questioning has been going thus far,

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1 it's very unlikely we're going to get back to  
2 Mr. Maunakea-Forth. So as a courtesy to him I would  
3 let him know so that he needs to leave.

4 And secondly, you'll need to bring him back  
5 at the next hearing so he can be cross-examined.

6 MS. CERULLO: Okay.

7 CHAIRMAN LEZY: Thank you.

8 MR. DAVIDSON: Alicia Maluafiti followed by  
9 Sean Newcamp followed by Ana Tuiasosopo.

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

13 THE WITNESS: Yes.

14 CHAIRMAN LEZY: Please state your name, your  
15 address and proceed.

16 THE WITNESS: Alicia Maluafiti, 91-285 Fort  
17 Weaver Road, 'Ewa Beach, Hawai'i 96706. I'm sorry.  
18 You said I had 20 minutes? Two minutes? (Laughter)  
19 Just checking.

20 CHAIRMAN LEZY: That's 30 seconds.

21 (laughter)

22                   THE WITNESS: Just let me know when we're  
23 starting. Starting the clock now. I'm sure you've  
24 seen this 'Ewa Development Plan. It's fascinating.  
25 You know, we're the only community that has a

1 development plan. Every other community has a  
2 sustainability plan. And I think that that speaks  
3 loudly to what it is that we want in and on the 'Ewa  
4 Plain.

5                   We moved out to the 'Ewa Plain -- I'm sure  
6 you heard this before -- I'll try not to share  
7 anything old, but for a lot of us who have families in  
8 town -- my family's in Papakolea, my husband's family  
9 in Aiea. We had to start fresh because there's  
10 nothing else affordable. So we moved out to 'Ewa.

11                  And as part of the Development Plan, what  
12 we've been promised is a slew -- and I brought  
13 testimony -- is a slew of projects that are being  
14 developed out there from West O'ahu Campus, as you  
15 know. Now our kids can go to school out there. From  
16 the new DeBartalow Shopping Center -- we don't have to  
17 go Ala Moana to do our Christmas shopping -- to now  
18 the Aulani Resort.

19                  We actually have a place where our folks and  
20 friends can stay. And now with the development of the  
21 Kroc Center we have a gathering place, a recreational  
22 place for the people out on the West side. We have  
23 not had that. And it's all defined in the Development

24 Plan.

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25 And I think anybody that has not

1 participated in this process has missed an opportunity  
2 to identify what it is that we want and what we need.  
3 By the year 2035 we need 83,000 more homes. We want  
4 our children and grandchildren to grow up where we are  
5 raising our families. In order to do that --

6 MR. DAVIDSON: Excuse me, 30 seconds.

7 THE WITNESS: Oh, there's no -- I want a new  
8 time book! (Laughter) Well, let me just say this is  
9 an important Project to our community. We support it.  
10 We didn't go into this to living out their blind. We  
11 know what we want. We would ask you to respect the  
12 people of the 'Ewa Plain that participated in this  
13 process.

14 I will add one more thing in addition to my  
15 testimony. We are going to face -- as you know I'm  
16 with the agricultural community -- we are going to  
17 face a slew of bills again this year. And they are  
18 "right to farm" issues.

19 I know you think that you're going to be  
20 able to keep agricultural land in the middle of all of  
21 this development, but it's not gonna happen. From  
22 issues from dust to noise to smells farmers need to  
23 farm. They wake up early. They go to bed late. They  
24 use tractors. They use trailers. They use chickens,



25 you name it. You keep ag land below the freeway with

1 all this development going around them, I guarantee  
2 you we're going to see more bills every year. You do  
3 not have a symbiotic relationship when you stick  
4 people around farmers.

5           It just doesn't work. And we're seeing this  
6 on many of the other islands and more specifically on  
7 Kauai. So I don't know that issue has been addressed.  
8 But commercial ag needs no nearby neighbors. We  
9 already have ridiculous buffer zones of one mile so  
10 that the farmers can't spray, so that they can't use  
11 their tractors, so they don't kick up dust.

12           So I would ask you to realistically take a  
13 look at this 200-something page development plan and  
14 know that this is important to the people of the west  
15 side. And as an 'Ewa Beach resident I support it.  
16 Can I enter this into the record?

17           CHAIRMAN LEZY: May I just suggest -- may I  
18 just suggest to you, though, that if you do our clerk  
19 will have to make copies of that entire submission for  
20 all the Commissioners and the parties which would be a  
21 burden.

22           THE WITNESS: I was just teasing.

23 (Laughter) I assume you read it already.

24           CHAIRMAN LEZY: Parties, questions?  
25 Commissioners, questions? Thank you for your

1 testimony.

2 MR. DAVIDSON: Sean Newcamp, Ana Tuiasosopo,  
3 Glenn Ida.

4 SEAN NEWCAMP

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

7 THE WITNESS: Yes.

8 CHAIRMAN LEZY: Please state your name, your  
9 address and proceed.

10 THE WITNESS: My name is Sean Newcamp. I  
11 live at 87-240-C St. Jones Road, Maili. And I  
12 represent the Hawai'i Carpenters Union. We have 6500  
13 members. Currently we're still at about 50 percent  
14 unemployment. So a lot of the jobs that were promised  
15 have fallen through the cracks, taken delays.

16 So I would ask that you guys reach as quick  
17 a decision as possible because there's real lives at  
18 stake. I understand farming is important. But so is  
19 construction. We've got a lotta guys that are trained  
20 and very skilled to do the work. And they just need a  
21 place to start. Thank you for your time.

22 CHAIRMAN LEZY: Parties, questions?  
23 Commissioners, questions? Thank you.

24 MR. DAVIDSON: Ana followed by Glenn Ida  
25 followed by Al Lardizabal.

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2 ANA TUIASOSOPO

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

5 THE WITNESS: Yes.

6 CHAIRMAN LEZY: Please state your name, your  
7 address and proceed.

8 THE WITNESS: My name is Ana Tuiasosopo. I  
9 live at 91-1795 Lo'o Street, 'Ewa Beach, Hawai'i. I  
10 been living in 'Ewa Beach over 17 years. I grew up in  
11 Kalihi, grew up in housing. Have 13 brothers and  
12 sisters. The only place that we could -- I grew up --  
13 I went to Damien, went to University of Hawai'i,  
14 played football, NFL, came back.

15 The only place I could find to buy a home  
16 was in 'Ewa Beach on the west side. I love Kalihi. I  
17 had to move to the west side to find a home.

18 I have two boys, both went to St. Louis, got  
19 a good education. Nowadays you look, a lot of them UH  
20 players they get graduate degrees, they can't even  
21 find jobs.

22 This Ho'opili job I really support it. I  
23 have two boys living at home right now. I told you I  
24 have 13 brothers and sisters, only two of us live in  
25 Hawai'i. All of 'em had to move to the mainland to

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1 find jobs and find cheap homes.

2 I really wish you guys would support this

3 development. I want my kids to find work. I want my  
4 grandchildren to find work. They talk about  
5 farmlands. If we don't find work we can't even buy  
6 those fruits, and buy food.

7 I work for the Operating Engineers. I'm a  
8 business agent. We have almost 800 people out of work  
9 right now. We have calls every day, wives, kids,  
10 asking me if I can find work for their families. You  
11 know, that's why I'm here.

12 I hope you guys support Ho'opili jobs. I  
13 hope one day my kids move out of my house and find  
14 their own place and raise their own family.

15 West side was the Second City of Honolulu.  
16 Like what the lady said before this, how can you build  
17 farmland around all this development going around? We  
18 got a lot of other land that can build, was that,  
19 farms. But I just hope you guys think about our  
20 future for our kids. This development is a growing  
21 community on the west side.

22 And I hope one day my kids will stay on the  
23 west side and grow their family and won't have to come  
24 to the east side. So thank you for the opportunity.  
25 I hope you guys really think about this Project.

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1 Thank you.

2 CHAIRMAN LEZY: Parties, questions?  
3 Commissioners, questions? Thank you for your

4 testimony.

5 MR. DAVIDSON: Glenn Ida, followed by Al  
6 Lardizabal followed by Pete Lui-Yuen.

7 GLENN IDA

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

10 THE WITNESS: I do.

11 CHAIRMAN LEZY: Please state your name, your  
12 address and proceed.

13 THE WITNESS: I apologize. It's Glenn Ida.  
14 Glenn with two n's and only one i, I-d-a.

15 MR. DAVIDSON: So sorry.

16 THE WITNESS: That's all right. I live at  
17 45-284 Pahikaua Street in Kaneohe, Hawai'i 96744.  
18 Aloha, Chair and members of the State Land Use  
19 Commission. My name's a Glenn Ida. And I'm a Kaneohe  
20 resident 26 years. I support the Ho'opili Project.  
21 My oldest son is a carpenter apprentice with the  
22 Carpenters' Union. The first eight years were great.  
23 There was plenty of work to do. He was working in  
24 Schofield doing military housing and also on the 'Ewa  
25 Plains and Makakilo.

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1 He has completed the required classes at  
2 Honolulu Community College. I thought he was right on  
3 schedule for a promising career. Then jobs started to  
4 get further and further apart. He has virtually been  
5 unemployed for the last two years.

6                   He's no longer covered under the union  
7 medical coverage and he has QUEST medical from the  
8 state.

9                   This past Monday my son thought he had a  
10 touch of food poisoning and suffered overnight only to  
11 find out that he really had appendicitis. He had  
12 emergency surgery done Tuesday afternoon to have it  
13 removed. And luckily it had not ruptured before they  
14 got to it. He's currently recovering in Castle  
15 Hospital.

16                  What if he had no medical coverage like the  
17 state QUEST program? Would he have tried to suffer  
18 through it rather than seek medical attention or deal  
19 with costly medical or hospital bills? I can only  
20 imagine what other kinds of decisions or drastic life  
21 choices other families have had to meet during these  
22 hard economic times, because it's happening to me.

23                  I believe a lot of families will benefit  
24 from the jobs, housing and retail that will be  
25 produced by the Ho'opili Project and others that will

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1 follow.

2                  So I strongly support the Ho'opili Project.  
3 Thank you for allowing me to testify.

4                  CHAIRMAN LEZY: Parties, questions?  
5 Commissioners? Hope your son has a speedy recovery.  
6 Thank you for your testimony.

7 THE WITNESS: Thank you.

8 MR. DAVIDSON: Al followed by Mr. Lui-Yuen.

9 AL LARDIZABAL

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

12 THE WITNESS: I do.

13 CHAIRMAN LEZY: Please state your name, your  
14 address and proceed.

15 THE WITNESS: My name is Al Lardizabal. And  
16 I'm a staff lobbyist for the laborers union. And I  
17 appreciate the opportunity to come back again.

18 I just have a few comments to make with  
19 respect to the Labor Department's report on  
20 employment. And I won't repeat what was said  
21 previously. December 19, 2011 the Labor Department  
22 issued a report about the employment. It was positive  
23 news. Some 850, eight-five-zero jobs were gained in  
24 November 2011 with about 4,600 jobs gained for the  
25 year 2011.

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1 There was expansion and we were happy for  
2 that, and tourism, professional jobs, business  
3 education, health. However, there was a nosedive in  
4 the construction industry. We lost 900 to a thousand  
5 jobs.

6 In September 10, 2010 the Labor Department  
7 made a projection for the two years hence to follow  
8 ending just this last month. And, quote,

9 "Construction may undergo more job losses, though at a  
10 lower pace with the projected loss of 2.9 percent  
11 overall. This is one sector of the economy that is  
12 still struggling and has yet to benefit from the  
13 turnaround," unquote.

14 We believe that this situation has not  
15 changed. Two months ago I testified for my union that  
16 I had about 600 men and women on the bench. My report  
17 this morning was a 17 percent jump of unemployment for  
18 about 700 members. These members and their families  
19 are suffering.

20 Last: Yesterday the Legislature opened up  
21 and said that job creation was a priority. We hope  
22 that that word will get around. Thank you very much.

23 CHAIRMAN LEZY: Parties, questions?  
24 Commissioners, any questions? Thank you.

25 MR. DAVIDSON: Mr. Lui-Yuen followed by Jim

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1 Schuler followed by Ron Sexton.

2 PELE LUI-YUEN

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

5 THE WITNESS: Yes.

6 CHAIRMAN LEZY: Please state your name, your  
7 address and proceed.

8 THE WITNESS: My name is Pele Lui-Yuen,  
9 91-1030 Kawaowai Avenue. That's in Kapolei, Haiku



10 Garden. I'm in support for this Project. First of  
11 all, it brings work for construction workers as  
12 myself. And that will create more tax paid into the  
13 state, the city. And maybe the state will give more  
14 money to education and athletic departments in the  
15 school.

16 I got kids in school. One play football.  
17 Every year it's like, oh, they're cutting down the  
18 funding for buy new equipment and stuff like that  
19 which is safety.

20 Second, you got UH West on that side  
21 already. I'm trying to keep my kids here to go school  
22 here. I got one in college now. The next one is  
23 going to graduate this year. I'm trying to keep him  
24 here, to stay here instead of going to the mainland or  
25 even international.

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1 And another thing is trying to keep 'em  
2 where they can probably buy homes up here and stay  
3 around us. Every parent would be happy to keep their  
4 kids around them until they pass on and whatnot  
5 instead of moving along to other places in the  
6 country. What I got. Any questions?

7 CHAIRMAN LEZY: That's my job. (Laughter)  
8 Parties?

9 THE WITNESS: I mean one more thing I want  
10 to add. I mean this Second City, you know, you never  
11 know, we might get one 'nother mayor if it gets

12 bigger. If you don't like the other mayor you move to  
13 the other side. (Laughter).

14 CHAIRMAN LEZY: Parties, questions?  
15 Commissioners, questions?

16 THE WITNESS: Thank you.

17 MR. DAVIDSON: Jim Schuler followed by Ron  
18 Sexton followed Thad.

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

22 THE WITNESS: I do.

23 CHAIRMAN LEZY: Please state your name, your  
24 address and proceed.

25 THE WITNESS: Good afternoon, Chair Lezy and  
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1 members of the State Land Use Commission. I'm Jim  
2 Schuler, 6969 Diamond Head Road, Honolulu, Hawai'i.

3 I wanted to be here today and want to thank  
4 you for the opportunity to talk about the history of  
5 Schuler Homes and the importance of Ho'opili to  
6 providing future jobs and homeownership for Hawai'i's  
7 families.

8 In 2008 I retired from D.R. Horton-Schuler  
9 Homes, so therefore the opinion I'm expressing today  
10 is my opinion. My dad Carl Schuler was a builder in  
11 Hawai'i long before I got here. I first came here in  
12 1956, worked for him for a couple years, attended UH,

13 moved to the mainland, finished college. And finally  
14 in 1967 I moved back to Hawai'i. In 1973 I started  
15 Schuler Homes.

16 I've always believed that everyone should be  
17 given the opportunity to own their own home. As a  
18 result, when I started Schuler Homes my goal and  
19 vision for the company was to build as many as  
20 possible in Hawai'i, build as many homes as possible  
21 in the entry level first-time buyer and first-time  
22 move-up buyer market.

23 Over the last 40 years we have probably  
24 built in excess of 10,000 homes. I've lost count but  
25 in excess of 10,000 homes in Hawai'i. Many of those,

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1 in fact many thousands of those, were built under the  
2 state's affordable housing requirement.

3 I had the best job in the world, certainly  
4 the best job in Hawai'i. I was doing what I loved.  
5 It was my passion. It wasn't work. It was fun. We  
6 were building communities where Hawai'i's families  
7 could raise their kids, make lifelong friends, put  
8 down roots and hopefully, hopefully build wealth  
9 through homeownership. What could be better than  
10 that? What could be more rewarding?

11 Hawai'i's population continues to grow. And  
12 along with that the demand for jobs -- you heard these  
13 folks before me -- we need jobs in Hawai'i. We've  
14 always needed more jobs in Hawai'i and housing. But

15 the demand for jobs and housing is going to continue  
16 to grow along with it.

17 Ho'opili is at the gateway to Kapolei, your  
18 second city. It's adjacent to the new University of  
19 Hawai'i campus, adjacent to a state-of-the-art world  
20 class Kroc Center. Simply said, Ho'opili represents  
21 the best opportunity to provide future jobs, thousands  
22 of jobs and thousands of affordable housing units to  
23 Hawai'i's families.

24 I thank you for the opportunity to be here  
25 today and express my opinion. And I respectfully

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1 request your consideration in approving Ho'opili.  
2 Mahalo.

3 CHAIRMAN LEZY: Parties, questions?  
4 Commissioners, questions?

5 MR. DAVIDSON: Ron Sexton followed by Thad  
6 followed by Victoria Cannon.

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

10 THE WITNESS: Yes, sir.

11 CHAIRMAN LEZY: Please state your name, your  
12 address and proceed.

13 THE WITNESS: Ron Sexton. I'm homeless. And  
14 I stay by my storage locker out by Kahala Mall. Okay.  
15 The traffic impact -- this is from being here earlier

16 during the meeting here -- the traffic impact along  
17 the H-1 corridor should have been addressed 20 years  
18 ago.

19               The 760 million already allocated that is in  
20 varying stages of planning, design and construction  
21 will help in several years to alleviate some of the  
22 distress that's experienced by the 'Ewa and Mililani  
23 residents.

24               Mr. Takeshita stated that the Petitioner has  
25 been very cooperative with the DOT in preparing the

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1 TIAR. The Memorandum of Agreement will be completed  
2 before any joint -- any zoning changes will take  
3 place. These change I hope pertain only to the  
4 designated 1500 acres that's owned by the Petitioners.

5               The development utilizing flat roof  
6 construction in commercial area for gardens and fruit  
7 trees with edible landscaping as well as vertical wall  
8 gardens, community gardens, will create many jobs in  
9 itself.

10               The Ho'opili Project has an opportunity to  
11 set an example to the world in sustainable living.  
12 There's land on O'ahu and the rest of the islands that  
13 could be used for farming -- and this is very  
14 important -- but lacks sufficient water.

15               I myself was born here in Hawai'i in 1957.  
16 Didn't go to school here, but I've been here, like, 35  
17 years mostly on the Big Island.

18                   Now, for years I've heard that. There's  
19 available farmland all over the place. But what you  
20 don't have to drink is water. You guys need water and  
21 you need it for farming and drinking. So that's an  
22 obvious one to me and something that should be  
23 addressed soon. And I ask that the Petitioner,  
24 though, resubmit a better plan and help to proceed and  
25 change the world in that way.

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1                   I've heard about -- one other comment that  
2 I'd like to make before I'm done -- is simply that a  
3 farming area around a community development would have  
4 certain problems, you know, with either spraying or  
5 different factors, dust and such. So mono cropping  
6 for one, as you can see, is very bad if you see cane  
7 land, even pineapple, destroys the land.

8                   So there's many solutions that I don't have  
9 time to give you but many people can. I'd like to  
10 give you one thing that you don't have. On the Big  
11 Island for 15 years at 2600 feet I tested a banana  
12 flower. Okay? You chop up -- this is the easy way to  
13 make it -- you chop up a banana flower and you just  
14 put it into a barrel. It makes a tea. It's sticky.  
15 The bugs don't understand what it is. It's full of  
16 phosphorus, potassium and a small amount of nitrogen.  
17 You add some chili pepper water, you even spray it  
18 into bromeliads and the pockets of bananas, the



21 relief from rail. The city itself in the  
22 environmental impact study for rail stated that  
23 traffic in the future with rail will be worse than it  
24 is today. So if the people aren't the ones who  
25 benefits from rail, then who benefits? The answer is

1 that developer of the area around the rail is the one,  
2 the only one who truly benefits. The developer gets  
3 rich, very rich.

4 Now, I'm all for someone getting rich. That  
5 is, after all, the great American dream. However, for  
6 someone to get rich at the people's expense is not  
7 right at all. To tax the great people of O'ahu so  
8 that D.R. Horton can make billions is wrong. Wrong,  
9 wrong, wrong, wrong, wrong. Deny this Petition  
10 because doing so is right. Right, right, right,  
11 right, right. It's that simple. Thank you.

12 CHAIRMAN LEZY: Parties, questions?  
13 Commissioners, questions? Thank you very much.

14 MR. DAVIDSON: Victoria Cannon followed by  
15 Alice Fisher followed by Annie Suite.

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

19 THE WITNESS: I do.

20 CHAIRMAN LEZY: Please state your name, your  
21 address and proceed.



22                   THE WITNESS: My name is Victoria Cannon,  
23 92-102 Oloa Place O-l-o-a, in Makakilo. Good  
24 afternoon, Commissioners. I'll keep this short. I  
25 really wasn't going to testify this afternoon. I

1 would like to point out respectfully our number one  
2 industry here in Hawai'i is tourism, not construction.  
3 Construction is resulting in paving over thousands and  
4 thousands of prime ag lands. It's not right. It's  
5 unacceptable.

6                   Regarding the issue of this constant  
7 referral to other lands being available to move this  
8 farm to, I'd like to point out that I spent -- in my  
9 research I spent eight hours over about a week's  
10 period of time last year. I contacted the state  
11 Department of Agriculture, the city and county Ag Task  
12 Force, CTAHR and Kam Schools.

13                   And not one person in any of those offices  
14 was able to give me a clear answer on how many acres  
15 of ag land we actually have on the island or if there  
16 are any acres to where we could relocate this farm.

17                   The one thing I was able to glean out of all  
18 four conversations is it's a very tenuous area. It  
19 isn't all that clear. There's too many variables such  
20 as hillsides, gullies and ditches.

21                   Commissioners, you're being asked to  
22 reclassify and rezone this land based on all of these  
23 maybe's, if's, perhaps's future agreements --

24 Memorandums of Agreement, future conditions being met.

25 It's out of control.

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1           You are also being asked to expect that  
2 there actually is \$760 million for these roads that's  
3 going to be the state portion. The last I heard  
4 Governor Abercrombie was telling he needs more money;  
5 he's got to make more cuts.

6           Regarding the rail mitigating traffic: I  
7 also spent a lot more time researching this issue.  
8 All I was able to find was that not one single person  
9 from the city and county from the mayor on down has  
10 never stated in public rail is intended to mitigate  
11 traffic.

12           What they have stated in public is this:  
13 "The rail was never designed or intended to mitigate  
14 traffic." I think that about says it all.

15           Once again, Commissioners, this is the cart  
16 before the horse. This Petition in front of you right  
17 now is the cart before the horse. There's too many  
18 if's, and's or but's.

19           I would like to say, again, also just to  
20 clarify earlier testimony, the  
21 Makakilo/Kapolei/Honokaihaale Neighborhood Board has  
22 never until a decision this year January 25th,  
23 represented me or my family or any of my neighbors  
24 since its inception.

25 MR. DAVIDSON: Excuse me, 30 seconds.

1 THE WITNESS: Thank you. I would also like  
2 to remind the Commissioners we are not here to create  
3 jobs. We're here to save farmland. Thank you again  
4 for your time.

5 CHAIRMAN LEZY: Parties, questions  
6 Commissioners, questions? Thank you.

7 MR. DAVIDSON: Alice Fisher, Annie Suite,  
8 Pamela Boyar.

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

12 THE WITNESS: Yes.

13 CHAIRMAN LEZY: Please state your name, your  
14 address and proceed.

15 THE WITNESS: My name is Alice D. Fisher. I  
16 live at 4300 Waialae Avenue in Honolulu. And I am  
17 here in opposition in D.R. Horton's request fo build  
18 houses on Ho'opili.

19 No one can tell the future, yet you on the  
20 Land Use Commission are being urged to grant  
21 permission to build houses on this valuable land  
22 because in 1963 or so it seemed like a good idea.

23 Not only can we not tell the future, but we  
24 also have a compulsion to deny bad news. Therefore  
25 even though we are confronted with clear evidence that

1 the scientists are right when they warn us that we  
2 must stop burning fossil fuel or die, we still  
3 consider projects like this. Not only will it waste  
4 the fuel needed when people commute, but it will also  
5 cover the precious fertile soil with houses and  
6 asphalt roads.

7           And the offer to replace it with other  
8 agricultural land doesn't make sense 'cause we are  
9 going to need every bit of agricultural land on the  
10 island.

11           The destructive signs of acid rain are  
12 becoming more and more evident: Turtles with cancer,  
13 coral reefs turning white, and children afflicted by  
14 new disabilities which don't seem to be caused by  
15 vaccines. The list goes on. This has been happening  
16 since the beginning of the Industrial Revolution which  
17 has brought us unimaginable wealth and luxury but now  
18 time is running out.

19           Some of you may have read Susan Scott's  
20 delightful column Ocean Watch. She reminds us that  
21 land and ocean plants enable us to breathe by taking  
22 in carbon dioxide and giving off oxygen. The burning  
23 of fossil fuel has been devastating to plant life.  
24 She says that we are now down to 10 percent of the  
25 world's original number of fish and squid. The

1 situation is now so cataclysmic --

2 MR. DAVIDSON: Excuse me, 30 seconds.

3 THE WITNESS: I'll try. So the situation is  
4 now so cataclysmic that most of us can't really grasp  
5 it. This hearing is a perfect example of that fact.  
6 Running out of oxygen won't just happen to the poor  
7 and middle class. It will affect all human and animal  
8 life on earth.

9 Our leaders continue to talk of wind  
10 turbines, solar panels and electric cars as though they  
11 will enable us to continue our present way of life.  
12 Instead, if we are to survive at all we probably will  
13 have to go back to being farmers, all of it, most of  
14 us and to stop traveling except by horse, sailing  
15 vessel and bicycle.

16 The optimists among us say that our  
17 wonderful engineers and scientists are sure to come up  
18 with extraordinary new ways to solve the problem. The  
19 pessimists see no sign of it and have turned to living  
20 for the day knowing the looming danger for our  
21 grandchildren and great-grandchildren.

22 Whether you on the Land Use Commission are  
23 optimists or pessimists, keeping this land for  
24 agriculture is imperative. Please save Ho'opili by  
25 turning down D.R. Horton's request. Thank you very

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1 much.

2 CHAIRMAN LEZY: Parties, questions?

3 Commissioners, questions?

4 (Applause)

5 MR. DAVIDSON: Annie Suite followed by  
6 Pamela Boyar followed by Glenn Martinez.

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

10 THE WITNESS: I do.

11 CHAIRMAN LEZY: Please state your name, your  
12 address and proceed.

13 THE WITNESS: Aloha. My name is Annie  
14 Suite, 1665 Kulueo Drive, Kailua, 96734. Aloha. And  
15 thank you for hearing testimony today. Once again,  
16 we're here gathered together to look at the importance  
17 of this land to the people of Hawai'i.

18 As an advocate for small farmers, for the  
19 small family farmer and co-owner of three farmers  
20 markets on O'ahu I hear on nearly a daily basis of the  
21 plight of the farmer regarding lack of natural  
22 resources, specifically land and water issues.

23 Here in Hawai'i we import somewhere between  
24 80 and 85 percent of the food that we consume,  
25 somewhere between 80 and 85 percent. We all know that

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1 it is better for the community, for our health, and  
2 for the environment to eat locally. Thirty percent of  
3 the food that we do grow on O'ahu is grown in this

4 fertile ground that is being discussed today.  
5 Thirty percent. We can talk about the need for us to  
6 buy locally grown produce, but our ability to do so is  
7 slowly being eroded.

8               The loss of this land to agriculture will  
9 result in importing up to 90 percent of what we  
10 consume. It's not sustainable. It's not pono. It's  
11 not acceptable. Please deny this Petition. Thank  
12 you.

13               CHAIRMAN LEZY: Parties, questions?  
14 Commissioners, questions? Thank you.

15               MR. DAVIDSON: Pamela Boyar followed by  
16 Glenn Martinez followed by Pearl Johnson.

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

20               THE WITNESS: Yes.

21               CHAIRMAN LEZY: Please state your name, your  
22 address and proceed.

23               THE WITNESS: My name is Pamela Boyar, 157  
24 Lanipo Drive, Kailua, 96734. As Annie was saying, 30  
25 percent of the food is produced in that parcel that's

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1 being determined to go into urban sprawl, more and  
2 more urban sprawl. A lot of the farmers that we deal  
3 with buy from Aloun Farms. This is part of their  
4 livelihood. And Aloun Farms also buys from a lot of  
5 other farmers, small farmers.

6                   So when we talk about jobs, Aloun Farms  
7 creates a lot of jobs here. And I have a statistic  
8 that I don't know if any of you if we're talking about  
9 jobs, which seems to be one of the issues for the  
10 other side, is that you could make 40 to \$60,000 on an  
11 acre of land each year.

12                   So if we were to divide that land up and  
13 lease 5 acres to each carpenter -- and by the way,  
14 being a carpenter on a farm is a great advantage --  
15 you save a lot of money because you can build  
16 everything and figure out how to fix that equipment --  
17 they could make a really good living. And it would  
18 not be a job that's six months. It's something that  
19 could be long term. And also it would provide food  
20 for this island.

21                   And one of these days something is going to  
22 happen where we are not going to be able to bring food  
23 into this island. And all of us are going to see the  
24 reality of what's happening here.

25                   Please do not give up that farmland. Aloun

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1 is a blessing to this island, a blessing. And even  
2 though they say they can move them someplace else, it  
3 takes a lot to start a farm.

4                   This is a farm that functions. And I work  
5 with a lot of small farmers that have 1 acre, 2 acres,  
6 10 acres. But there are no farmers like this on the



7 island except for Larry Jefts. But Aloun is the most  
8 important to me, the most important farmer on this  
9 island.

10 I know there's a lot of farmers on other  
11 islands but on this one where the population is, if we  
12 can't get even food from the other islands this farm  
13 is going to be important to us. And it will be  
14 devastating when it happens. I hope it never does.

15 So please, please see the importance of  
16 keeping this land that's already functioning, that  
17 already has all the water on it, it is prime ag land.

18 MR. DAVIDSON: Excuse me, 30 seconds.

19 THE WITNESS: That's really all I have to  
20 say. Thank you.

21 CHAIRMAN LEZY: Parties, questions?  
22 Commissioners, questions? Thank you.

23 MR. DAVIDSON: Glenn Martinez followed by  
24 Pearl Johnson followed by Shaunagh Robbins.

25 (Unidentified audience member): "Defer for

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1 Glenn Martinez."

2 MR. DAVIDSON: Next is 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 CHAIRMAN LEZY: State your name, your  
8 address and proceed.

9 THE WITNESS: Pearl Johnson, 2404 Kaneali'i  
10 Avenue, Honolulu. I am Pearl Johnson speaking for the  
11 League of Women Voters of Honolulu. The Land Use  
12 Commission can send an important message to the large  
13 landowners of O'ahu. In her report last week the city  
14 agricultural liaison identified lack of affordable  
15 land as the greatest barrier to expanding agriculture  
16 on O'ahu.

17 The report states that this is the highest  
18 priority barrier for food farmers. The people of  
19 O'ahu are increasingly demanding locally sourced food  
20 and food security.

21 Denying this Petition will signal to other  
22 large landholders that they should lease or sell land  
23 as agricultural land and not wait for the higher  
24 prices that an urban designation would bring.

25 Making land available as agricultural not

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1 urban prices would be a vital step to reducing our  
2 dependence on food brought in from thousands of miles.

3 According to Civil Beat, a spokeswoman for  
4 D.R. Horton said that the Ho'opili development is  
5 expected to increase potable water demand by  
6 4 million gallons a day. This increased demand could  
7 push the Board of Water Supply to start desalinating  
8 water. The Board has already made plans for a \$40  
9 million plant in 'Ewa to desalinate water using a

10 technology, reverse osmosis, that consumes huge  
11 amounts of energy. This is yet another reason to keep  
12 this land in agriculture.

13 And yet another thing, please do not inflict  
14 on west side commuters 12,000 or more additional cars.  
15 Traffic is either the worst or the second worst in the  
16 nation as it is. Thank you.

17 CHAIRMAN LEZY: Parties, questions?  
18 Commissioners, questions? Thank you, ma'am.

19 MR. DAVIDSON: Shaunagh Robbins followed by  
20 Judith Flanders followed by Councilmember Tom Berg.

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

24 THE WITNESS: I do.

25 CHAIRMAN LEZY: Please state your name, your

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1 address and proceed.

2 THE WITNESS: My name is Shaunagh Robbins.  
3 And I live at 1024 Noia Street in Honolulu, 96816. I  
4 think Pearl covered a lot of the issues that I was  
5 going to mention.

6 But I cannot believe it is a good idea to  
7 piecemeal away the best agricultural land on the  
8 island without an overall agricultural plan for the  
9 island. As somebody else said it's the cart before  
10 the horse.

11 I think that same situation exists in

12 Lualualei. These two areas have the best known soil  
13 for growing crops on the island. And contrary to what  
14 we may hear you can't just create a great agricultural  
15 soil situation by pumping fertilizer and pumping  
16 chemicals into it.

17               That does not create the natural good earth  
18 that we have. And it's going to be hard enough to be  
19 sustainable here. But if we don't work with nature  
20 we're not going to have a chance. So we really need  
21 to do that.

22               I also really think that all new  
23 developments that go up anywhere should be totally  
24 self contained, should have their own refuse center,  
25 their own sewage treatment plant, their own recycling

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1 center, perhaps even their own electrical generating  
2 system. And they shouldn't rely so much on all the  
3 county networks.

4               Last but not least, the whole water  
5 situation I think we were all in for a big shock when  
6 the sewer prices on our bills went up and apparently  
7 are going to go up another 200 percent. Obviously we  
8 were not tracking that very carefully.

9               And I really wonder if the Land Use  
10 Commission has a definitive reading from Board of  
11 Water Supply that there is enough water for 30,000  
12 additional people in that area.

13                   And is there enough water for this entire  
14 island with the amount of development and electrical  
15 generation that we have planned? So with those three  
16 things I thank you very much and hope that you do not  
17 vote to reclassify this land. Thank you.

18                   CHAIRMAN LEZY: Parties, questions?  
19 Commissioners, questions? Thank you for your  
20 testimony.

21                   MR. DAVIDSON: Judith Flanders followed by  
22 Councilmember Tom Berg followed by Candace Fujikane.

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

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1                   THE WITNESS: Yes.

2                   CHAIRMAN LEZY: Please state your name, your  
3 address and proceed.

4                   THE WITNESS: My name is Judith Flanders. I  
5 reside at 3003 Kalakaua Avenue, Honolulu, 96815. What  
6 else?

7                   CHAIRMAN LEZY: Please go ahead.

8                   THE WITNESS: Oh. Good afternoon,  
9 Commissioners. This is a first for me. My name is  
10 Judith Flanders. And I am keiki o ka'aina. I'm a  
11 direct descendant of James and Abigail Campbell and  
12 reside in Honolulu.

13                   My immediate family moved to California in  
14 1969. And I was only secondarily aware of all the

15 changes taking place culturally, physically and  
16 politically over the more than 30 years of my absence.

17               When I returned home to live in 2000 I was  
18 amazed by the trends that were sweeping our islands,  
19 some for the better by all means, but many caused me  
20 great concern. In 2003 when my mother, Muriel  
21 Flanders died I became an income beneficiary of the  
22 Estate of James Campbell. And when it was converted  
23 into an LLC in 2007 my children and I, along with most  
24 of our cousins, became stockholders.

25               We were caught in the tides of change like

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1 so many others nationally, where agricultural lands  
2 were sold for development of housing or commercial  
3 use. Twelve years into the 21st Century, thinking is  
4 changing globally and locally. We are becoming acutely  
5 aware of our vulnerability as an island state.

6               We now know Ho'opili is extremely productive  
7 for agriculture offering four crops a year and a  
8 climate that allows for a great diversity of food  
9 products. I think Pearl and Shaunagh have covered  
10 that very nicely.

11              This land, if used for agriculture, could go  
12 a long way to feed the people of the state and bring  
13 us closer to food sufficiency.

14              I'm before you today to ask you as leaders  
15 of our state if you are willing to sacrifice our

16 future with an old planning paradigm, a planning  
17 document that was created over 30 years ago without  
18 knowledge of the current economic, social or  
19 environmental issues.

20 I feel that it is imperative that we allow  
21 our consciousness to shift, as I have done in the  
22 past, from a plantation development model to a 21st  
23 Century model that promotes best use of the 'aina for  
24 maintaining balance between our needs to meet growth  
25 and our responsibility to become self-sufficient.

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1 I deeply regret that I was unable to impact  
2 earlier on the course of events that led to the case  
3 that's before us today.

4 When I looked down from a Hawaiian Airlines  
5 plane window recently and saw the fertile soil of  
6 Ho'opili in the foreground as contrasted against the  
7 red earth of the slopes of Kunia and the plains  
8 beyond, my heart was gripped with regret from what I  
9 have inadvertently been apart of.

10 I ask you today, before it is too late, to  
11 lift your heads and listen to the voice of the 'aina  
12 calling out to all of us who are keiki o ka 'aina to  
13 consider the land of Ho'opili to be put to highest and  
14 best use to feed our people.

15 I hope that our mistakes don't become  
16 exacerbated by your mistakes. I ask you please listen  
17 to the 'aina. Thank you for considering my testimony

18 today. (Applause)

19 CHAIRMAN LEZY: Parties, questions?

20 Commissioners, questions? Thank you, ma'am.

21 THE WITNESS: Thank you.

22 MR. DAVIDSON: The final three people signed  
23 up, Councilmember Tom Berg, Candace Fujikane followed  
24 by Choon James.

25 COUNCILMEMBER TOM BERG

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

3 THE WITNESS: Yes.

4 CHAIRMAN LEZY: Please state your name, your  
5 address and proceed.

6 THE WITNESS: Tom Berg, 91-203 Hanapuli  
7 Circle, unit 39U 'Ewa Beach, Hawai'i, 96706. Thank  
8 you for this opportunity. I'm on record this whole  
9 process from day one I've testified in writing and  
10 this person previously. And I don't come here  
11 proclaiming to represent council district 1. I'm  
12 predominantly speaking on behalf of what I've  
13 witnessed for simple dialogue here.

14 It's the community of the historic 'Ewa  
15 Villages. It's the only historic district in the  
16 state of Hawai'i, the... only... one. And they have a  
17 main vein called Renton Road. And as D.R.  
18 Horton-Schuler and I have engaged in numerous



19 conversations, I believe it would be gross negligence  
20 and a derelict of duties and harm, harm upon the 'Ewa  
21 Villages Community, if Ho'opili advanced without the  
22 requisite the 'Ewa Neighborhood Board passed in 2007.

23 And it said, "Dear State Land Use  
24 Commissioners: Please do not allow the Petitioner to  
25 reclassify unless and contingent upon that the

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1 East-West Connector Road be built and completed and  
2 open to public transportation first. First and  
3 foremost."

4 The 'Ewa roadway connectivity study of 2009  
5 thoroughly addressed the connectivity of the 'Ewa  
6 Plain. And it states, and this is in a previous  
7 testimony, "that if the East-West connector road which  
8 would connect UH West O'ahu with the Kroc Center, the  
9 Kualakahi Parkway, formerly known as North South Road,  
10 to Fort Weaver Road corridor. That if the East-West  
11 connector road is not built Renton Road becomes an  
12 arterial road by default. That's alarming to me.

13 And what I look at in my experience living  
14 near Haseko and Gentry development, there's these  
15 Memorandum of Agreements and unilateral agreements.  
16 And it's not until the last home is built and sold  
17 that the requisites have to be implemented: sidewalks,  
18 street lights, fire hydrants, you name it. Just the  
19 basics. The East-West connector road has to be built  
20 first.

21 I even came up with a solution when I worked  
22 11 years at the state capitol as an office manager, to  
23 allow the state to enter in to change the statue to  
24 allow for special purpose revenue bonds so that the  
25 developer can build the East-West connector road

1 first.

2 So there's many solutions out there where  
3 the developer, the owner had a farmer purchase those  
4 1500 acres it'd be the same -- I'd be saying the same  
5 thing here right now. The farmer has to build  
6 East-West connector road. Right now DHHL is on there  
7 and the Kroc Center. And if there's something that  
8 closes Kualakahi Parkway, they're trapped. It's the  
9 21st Century. Why would we knowingly and willingly  
10 advance ill will on an entire community? Renton Road  
11 is overcapacity. There's four schools on there.

12 MR. DAVIDSON: Excuse me, Councilman, 30  
13 seconds.

14 THE WITNESS: And if you drive down that  
15 road at 7:00 in the morning it can take you 25 minutes  
16 to go a mile. And it's unacceptable. So there's  
17 folks that talk with the carrying capacity of the H-1  
18 Freeway. They're talking about ag. I'm not an ag  
19 scientist, soil scientist and the number of homes and  
20 all that kind of stuff, the sustainability. I'm just  
21 focusing on something so simple: Renton Road, Historic

22 'Ewa Villages. They cannot accept having more  
23 vehicles.

24 So when Kualakahi Parkway opened up Fort  
25 Weaver Road was widened. Renton Road traffic volume

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1 didn't go down. It went up. And if we allow this  
2 development to go through without building the  
3 East-West connector road first, which is the  
4 developer's responsibility, if you allow this Petition  
5 to go forward without addressing this then I will have  
6 failed. I would a have failed my constituency and I  
7 would have failed in my own endeavor.

8 And the 'Ewa Historic Villages will be, and  
9 succumb, so 4,000 folks, to a plight that they won't  
10 get out for decades. So I urge you please to just  
11 focus on the East-West connector road, and I  
12 reiterate, passed by the 'Ewa Neighborhood Board in  
13 2007, must be built first. Mahalo.

14 CHAIRMAN LEZY: Parties, questions?  
15 Commissioners, questions? Thank you.

16 MR. DAVIDSON: Candace followed by Choon  
17 James.

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

21 THE WITNESS: Yes, I do.

22 CHAIRMAN LEZY: Please state your name, your  
23 address and proceed.

24 THE WITNESS: Candace Fujikane, 1733 Donagho  
25 Road, Honolulu, 96822. I am apposed to D.R.

1 Horton-Schuler Homes Petition for a reclassification  
2 of 1,553 acres from the Agricultural District to the  
3 Urban District.

4 Yesterday I received a copy of the letter to  
5 the Land Use Commission submitted by Russell Kokubun,  
6 Chair of the Board of Agriculture. In the letter he  
7 explains that he was asked to provide the numbers for  
8 total acreage used for agricultural production.

9 In the chart that he provided he gives a  
10 number or total cropland acreage for 2007:  
11 18,896 acres. I'd like to take that number and  
12 demonstrate how that number includes nonedible crops.

13 When we are trying to find a number for  
14 acreage in edible crop production, the Department of  
15 Agriculture numbers published in Statistics of Hawai'i  
16 Agriculture indicate that in the year 2007, of that  
17 18,896 acres only 3,600 acres were a fruit and  
18 vegetable crops.

19 The last time I presented testimony I used  
20 Plasch's report: O'ahu Agriculture Situation Outlook  
21 and Issues February 2011, which was prepared for the  
22 Department of Planning and Permitting.

23 According to Plasch's numbers, on the Island  
24 of O'ahu there are 4,800 acres of fruits and

25 vegetables. I argued then that 1,496 acres of leased

1 agriculture land in the Ho'opili Project site  
2 represents 32 percent of land in edible crop  
3 production on the island of O'ahu.

4           According to -- well, actually the  
5 Department of Agriculture figures are actually even  
6 lower than Plasch's figures for fruit and vegetable  
7 crop acreage: 3,600 acres to Plasch's 4,800 acres. So  
8 according to the Department of Ag figures, the  
9 Ho'opili Project site represents 42 percent of edible  
10 crop acreage on O'ahu. So, again, the Department of  
11 Agriculture figures are way lower than Plasch's report  
12 figures.

13           If you look at that number 18,896 we can  
14 ask, "What's so special about the year 2007?" Right?  
15 I mean why pick that year instead of a more recent  
16 year? The charts are footnoted explaining, quote,  
17 "Beginning in 2007 the category of 'all other crops'"  
18 which would be what is above and beyond the  
19 3,000 acres of fruits and vegetables," includes  
20 non-published vegetable commodities and ginger root,  
21 includes taro, seed crops, feed and forage crops,  
22 excluding pineapple feed products, flowers, nursery  
23 products, noni, kawa and others."

24           So the difference between the 2006 and 2007  
25 figures is that acreage for "all other crops" jumped

1 up from 2,700 acres to 7,300 acres. And this is  
2 because flora culture, seed crops and other non-edible  
3 crop acreage was added to that figure.

4 So my point is that even though --

5 MR. DAVIDSON: Excuse me, 30 seconds.

6 THE WITNESS: -- even though the Department  
7 of Agriculture submits the number of 18,896 acres for  
8 total crop acreage on O'ahu in 2007, according to  
9 their other numbers only 3,000 acres are in edible  
10 crop production. This is the data that they have  
11 available.

12 And if this is the case, then the Ho'opili  
13 Project site represents 42 percent of edible crop  
14 acreage on O'ahu depending on whether you go with the  
15 Plasch figures or the Department of Agriculture  
16 figures. Thank you.

17 CHAIRMAN LEZY: Parties, questions?  
18 Dr. Dudley.

19 MR. DUDLEY: I just wanted to be sure of  
20 these numbers. So using Plasch's figures the Ho'opili  
21 Project is 32 percent of the edible food that's  
22 locally produced --

23 THE WITNESS: Acreage.

24 MR. DUDLEY: -- on that property.

25 THE WITNESS: Yes.

1 DR. DUDLEY: And using the Department of  
2 Agriculture figure 42 percent of the fresh, local food  
3 that we eat comes from this property.

4 THE WITNESS: Yes.

5 DR. DUDLEY: Thank you.

6 THE WITNESS: That's according to their  
7 published numbers on their website.

8 MR. DUDLEY: Thank you.

9 CHAIRMAN LEZY: Commissioners, questions?  
10 Thank you.

11 THE WITNESS: I have a hard copy for every  
12 Commissioner. I came in late.

13 CHAIRMAN LEZY: You can submit it to the  
14 clerk.

15 THE WITNESS: Thank you.

16 MR. DAVIDSON: Choon James.

17 CHOON JAMES

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

20 THE WITNESS: Yes.

21 CHAIRMAN LEZY: Please state your name, your  
22 address and proceed.

23 THE WITNESS: Choon James, Kahuku 96731.

24 Aloha. Significant events like September 11 and the  
25 financial meltdown in 2008 have shook the world as

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1 well as turned our lives upside down. I have read the  
2 edition, the commission report of 9/11 and also the

3 commission report of the financial crisis. And what  
4 is alarming is that these two game changer events have  
5 one very significant pattern of behavior, so to speak.

6           This significant pattern is that we have a  
7 very bureaucratic system that does not serve us well.  
8 A lot of times we drown common sense at our own peril.

9           Chapter 8 of this 9/11 Report stated that  
10 the system was blinking red. The drum beat was  
11 getting louder and louder with countless reports of  
12 plans to launch attacks on US interests. Top  
13 decision-makers were briefed in such terms like Bin  
14 Laden planning high profile attacks. And we know that  
15 the Trade Center was bombed once before. There were  
16 blinking warnings all across the board. But there was  
17 a big disconnect. No one seemed to get the big  
18 picture and to be in charge of this whole situation.

19           As with the sub-prime meltdown it was the  
20 same thing. There were blinking warning signs and  
21 even the federal Chairman Alan Greenspan assured  
22 jittery citizens that the economy was sound and that  
23 most homeowners put 20 percent down on their mortgage  
24 so the mortgage situation was good. And I'm a real  
25 estate broker. I was shocked when I heard him say

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1 that.

2           Look at us now. This country and the world  
3 have been turned upside down with foreclosures,



4 unemployment, raiding of pension funds, trillions of  
5 debts, college graduates not being able to find jobs  
6 after they graduate. And it goes on. And why?  
7 Because decision-makers who were supposed to be  
8 working for the public good did not carefully examine  
9 or connect the dots. Decision-makers did not  
10 recognize or refused to recognize the blinking red  
11 signals, warning signals.

12           And why am I sharing with you this  
13 situation? It's because this Ho'opili situation on  
14 our island is the same microcosm of what is going on.  
15 There are tons and tons of red warning signs like we  
16 are already importing 92 percent of our food.

17           We are a small island of only 567.60 square  
18 miles in the middle of the vast Pacific Ocean. There  
19 could be unforeseen events that could cause havoc on  
20 our food supplies and our distribution. Food security  
21 is imperative. Food security is good business. No  
22 can eat cement.

23           We must not allow mainland developers to  
24 control and hijack our land use policies. There is no  
25 question the powerful corporations with their hired

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1 lobbyists and PR consultants are breathing down the  
2 throats of decision-makers. Anyone with half a mind  
3 can see it. We cannot develop --

4           MR. DAVIDSON: Excuse me. Thirty seconds.

5           THE WITNESS: We cannot develop like

6 Delaware or Texas or Florida. There's already an  
7 estimated 30,000 housing units in the pipeline to be  
8 built. Who, as a real estate broker, I have seen the  
9 trend of local people being displaced because  
10 seriously, sincerely they cannot afford the prices  
11 that are being built for them.

12           And there are issues, warning signs, red  
13 warning signs of the water aquifer, the cost of  
14 infrastructure, the real affordability, and the  
15 multiplier effects. It goes on and on; traffic, and  
16 on and on.

17           And the list of red warning signs is long  
18 but I know I'm out of time. Please, this is not about  
19 our job. This is not about just that we have to win  
20 this war over those people. Or we have to -- it's not  
21 that. The bottom line is at the end of the day we are  
22 all human beings.

23           And we are all residents in a very small  
24 canoe in the middle of nowhere. And our families will  
25 be affected.

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1           The multiplier effects and the unintended  
2 impacts must be very carefully combed over by an uku  
3 comb.

4           Again, may I stress there are already lots  
5 of warning signs. What do we want Hawai'i to become?  
6 Do we want Hawai'i to become like Singapore where a

7 hundred percent of the food is imported? Where it is  
8 voted as the most unhappy people on Earth?

9 MR. DAVIDSON: Thank you.

10 THE WITNESS: Thank you very much.

11 (Applause).

12 CHAIRMAN LEZY: Parties, questions?  
13 Commissioners, any questions? Is there anybody else  
14 who would like to provide public testimony? Step  
15 forward please. Have a seat.

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

19 THE WITNESS: Yes, I do.

20 CHAIRMAN LEZY: Please state your name, your  
21 address and proceed.

22 THE WITNESS: My name is Kahu Manu Mook.  
23 Commissioners, brothers and sisters, and kupuna in the  
24 house, we made it through another year. Today's the  
25 very day in our lives for all of us to make the right

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1 choice for our children and our childrens not born.

2 To all my brothers out there, the trade  
3 unions, I applaud you. We all applaud the great work  
4 that the trades people did for the state of Hawai'i.  
5 And we will continue. But we need jobs. The last  
6 time I came to the Commissioners I told them one of my  
7 plans. We all have to give to what we know what is  
8 good for the future of Hawai'i. And I have some good

9 plans.

10               Whoever our state planners are I'd like to  
11 meet them. And our union trade members, their  
12 leaders, get together with the state planners. We  
13 have jobs. All the houses, all the apartments, every  
14 building in these islands need painting. People come  
15 to Hawai'i.

16               Let's make our island beautiful with our  
17 homes being built, our children get jobs, the unions  
18 automatically take care of the homes that need -- the  
19 communities that needs to be carpenters, plumbers,  
20 mason, rebuilt.

21               Furnish our own homes, our family homes so  
22 we can be here. Because we really have a lot of  
23 childrens coming, all of us even together. My  
24 childrens are going to be playing with your childrens.

25               For Aloun Farms, that's the bread basket of

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1 that area. Don't take the food away from the people  
2 who have been living there all their lives. That's  
3 our food too. All the farmlands that being disturbed,  
4 and my calling here on earth is taking care our  
5 kupuna's ancestors, giving them a very ceremonial  
6 blessing of ho'oponopono to their resting place and to  
7 protect our iwi's.

8               Remember now, brothers and sisters, we  
9 wouldn't even let see somebody go and touch our

10 ohana's iwi's. So please when you pray with your  
11 children you tell them the truth what you want or what  
12 He wants.

13               What they would be doing from what you could  
14 give them the morals and whatever comes out of your  
15 mouth came from your heart and they know because what  
16 you tell them they going remember. They going honor  
17 you as the parents. They depend us.

18               This day is a very important day for all us  
19 to keep the money here in trade union, then one  
20 billionaire come here, make their money, get rich, who  
21 can afford a million dollar home? Can any afford?  
22 No. Cannot.

23               But we need to work together in this world.  
24 We have to be -- we are brothers and sisters. Let's  
25 do our part in sharing and caring for the future

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1 because our childrens depend on us. And this is an  
2 important day and historic for all of us to work  
3 together.

4               So, please, everyone here, when you go home  
5 today, when we leave here, educate yourself and your  
6 hearts, the next time we come here we have a solution  
7 that's going to be worked on together.

8               Please, everyone, your future is in our  
9 hands for Hawai'i, the leaders. There's a purpose.  
10 Look in the mirror. Tell yourself, "What is my  
11 purpose after I become a lawyer? What is the end of

12 my road?" Then you're going find what your purpose in  
13 life is.

14 I found mine. I want to be the ears and the  
15 mouth for the ones that not here. There's a lot of  
16 people that lives on that side they cannot be here  
17 too. They have to work, pay the taxes.

18 So I'm here to be the eyes and ears.  
19 Hopefully they will listen if I tell the truth because  
20 He's my boss. I pray that everyone here have a  
21 beautiful and long life together. And let's all be  
22 friends when we leave here.

23 There's no pilikia because if you get hatred  
24 in yourself you get sick, you might not wake up  
25 tomorrow morning. But when you have love and you

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1 forgive, He forgive you and the healing begins and  
2 heaven opens up because this is Hawai'i. We want our  
3 childrens to live according to His -- so, please,  
4 thank you very much for your time.

5 CHAIRMAN LEZY: Parties, questions?  
6 Commissioner, questions? Thank you, sir.

7 (Applause).

8 Is there anyone else who wishes to provide  
9 public testimony? Step forward.

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

13 THE WITNESS: Yes.

14 CHAIRMAN LEZY: Please state your name, your  
15 address and proceed.

16 THE WITNESS: My name is Elaine Tam, and I'm  
17 from Honolulu, 96816. Commissioners, my grandparents  
18 were farmers. And I'm an aspiring small farmer.  
19 Right now I just have a tomato plant and two lemon  
20 trees. (laughter)

21 Air, water and food are the basic needs of  
22 everyone here on O'ahu, as you know and even before  
23 acquiring a roof over our heads. Establishing a  
24 sustainable food supply here first with this important  
25 A quality productive ag land makes much more sense

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1 than developing houses which will earn a few ambitious  
2 developers millions of dollars, unfortunately at the  
3 expense of all of our residents and visitors here.

4 As many of you know these 1,555 acres of  
5 farmland, which Dean Okimoto and D.R. Horton hope to  
6 cover with about 12,000 houses, is the greatest  
7 producing farmland in our state.

8 Most places in the world, as you know,  
9 because of their winters, grow just one crop a year.  
10 Waimanalo with their rainfall, as you know, grows two  
11 crops per year. Central O'ahu grows three. And 'Ewa,  
12 where Ho'ipili exists with its sunny lowlands, can  
13 produce four crops per year. Isn't that an amazing  
14 blessing?

15               This agricultural zoned land is equivalent  
16 to over, as you know, again, 6,000 acres of good food  
17 productive land. The fact that we need to import  
18 approximately 85 percent of the food we eat, and  
19 should we face all these catastrophes such as natural  
20 ones, typhoons and hurricanes or natural such as  
21 shipping, air strikes or war indicates that O'ahu  
22 should and needs food sustainability.

23               Commissioners, I strongly urge you to vote  
24 to keep Ho'opili land zoned agricultural. It would be  
25 a wonderful legacy for all of us. Thank you for your

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1 time.

2               CHAIRMAN LEZY: Parties, questions?  
3 Commissioners, questions? Thank you, ma'am.

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

7               THE WITNESS: Yes.

8               CHAIRMAN LEZY: Please state your name,  
9 address and proceed.

10              THE WITNESS: My name is DeAngelo McIntire.  
11 I reside at 91-1010 Maka'aloa Street, Apartment B,  
12 'Ewa Beach, Hawai'i 96706. I'm a protestor with the  
13 Occupy Honolulu movement so that's one reason I'm here  
14 today because of the things that we really talk about  
15 is self-sustainability and corporate greed.



16                   And basically my message is today that what  
17 is happening, the fact that we are even here is a  
18 classic example of dollars talking louder than  
19 people's voices. We need that land and that's all  
20 there is to it. And I notice that the "Ho'opili Now"  
21 people are no longer here, when we sat through their  
22 testimony. That kind of to me shows the cognitive  
23 dissidence that there is about the gravity of the  
24 situation.

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25                   Furthermore, every one of them -- not every

1 one of them, a lot of -- a big concern was their  
2 children and their keiki. They kept using their  
3 children. I cannot stand that. The kids can speak  
4 for themselves.

5                   And, furthermore, the close proximity to  
6 Scofield will make it a magnet, in my opinion, for  
7 military personnel who lessors will definitely set  
8 their prices to match whatever living allowance they  
9 have set.

10                   So, like, I'll guarantee you at least of  
11 that subdivision would be allotted to the military and  
12 there would not be room for the keiki. So with that  
13 very real possibility, I don't see how that would  
14 benefit people born and living here who are civilian.  
15 That's really all I have to say.

16                   CHAIRMAN LEZY: Parties, questions?

17 Commissioners, questions? Thank you.

18 (Applause).

19 STUART SCOTT

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

22 THE WITNESS: Absolutely.

23 CHAIRMAN LEZY: State your name, your  
24 address and proceed please.

25 THE WITNESS: My name is Stuart Scott. My

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1 address is 2801-N2 Lai Road, Honolulu 96816, one of  
2 perhaps the last remaining pockets of ag land in the  
3 downtown area.

4 First, the gentleman that came before me,  
5 I'll make a footnote that possibly the reason for the  
6 absence of the Ho'opili Now testifiers at this point  
7 may be in large part because they are paid to be here.  
8 They're given the day off or half the day off. They  
9 have to get back to work. So, again, it emphasizes  
10 the point that it's dollars fighting conscience in my  
11 view of what we're looking at.

12 I wanted to testify today because two days  
13 prior to today there was a briefing at the state  
14 capitol called by Senator Mike Gabbard. Cynthia  
15 Thielen was there. She was probably the most active  
16 besides Senator Gabbard. And there were four people  
17 who testified. First was Chip Fletcher from UH. The  
18 session was about climate change. It was the state

19 getting an update on what the status is.

20               What are we looking at with climate change?

21 Chip Fletcher -- Dr. Fletcher's testimony was, again,  
22 informative and shocking. The numbers were medium to  
23 long term. The climate change is slow moving in human  
24 terms and very fast in geologic terms. But talk about  
25 "by 2050, by 2110" what will happen, but nobody talks

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1 beyond that.

2               Representative Thielen asked each of the  
3 four people who gave their briefings, "How about  
4 agriculture?" And the answers, generally speaking,  
5 were not encouraging, those who had specific answers.

6               Those who did not say, "We haven't  
7 considered that yet." But the feeling that one in the  
8 audience got is that agriculture will be severely  
9 challenged by the best available information presented  
10 to the House of Representatives and the Senate of the  
11 state of Hawai'i agriculture will be severely  
12 challenged in the coming decades.

13              Again, they talked 2050 and 2100. But  
14 climate change is always tracking faster impacts, a  
15 ramping up of impacts that are faster than the  
16 scientists predict because scientists by needs must be  
17 conservative in their predictions.

18              So, again, I will ask you to please consider  
19 the legacy, the seventh generation they say in the  
20 American -- Native American tradition, consider the

21 impact of your decision, not just for today or  
22 tomorrow or for the next 10 years, but losing that  
23 farmlands to concrete to a subdivision is a forever.

24 It's an extinction of 1500 acres. We're  
25 told they'll haul away the soil as they've done in the

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1 neighboring Hawaiian Home Lands development. They'll  
2 bring in crushed coral which supports concrete  
3 foundations and roads much better.

4 That will be it for that, I'll call it 6,000  
5 acres. I'll call it as it should be called, that  
6 6,000 acre equivalent of productive land. Thank you  
7 very much.

8 CHAIRMAN LEZY: Parties, questions?  
9 Dr. Dudley.

10 DR. DUDLEY: Mr. Scott, you've been to  
11 Durban, South Africa as a representative of the United  
12 Nations. Could you tell us about that since we've  
13 seen you last year?

14 THE WITNESS: Yes. Once a year the UN holds  
15 a climate change, major climate change meeting  
16 negotiation. And this past year 2011 it was in  
17 Durban, South Africa. I attended.

18 I held a press conference between religious  
19 leaders and scientists expressing their unified  
20 concern about climate change and the global impacts it  
21 will have on food security.

22               If you take a look, the places in the world  
23 internationally, globally, the places in the world  
24 that produce the most food are also experiencing the  
25 greatest extent of long-term drought. Again, Choon

1 James said we're a microcosm. There are buttons  
2 flashing red on the dashboard and they're being  
3 ignored.

4               Globally at these negotiations the reason  
5 because the nations are hitched to the economic forces  
6 that drive them. Very few nations can unhitch from  
7 that. So globally we were threatening our food  
8 supply. How possibly can that not affect us? As the  
9 image was drawn we are a small canoe in the middle of  
10 nowhere.

11              One of the slides that was shown at this  
12 briefing on Tuesday showed Hawai'i dead center of the  
13 globe rotated via Google Earth. And the rest of the  
14 land masses are just a thin border around the edge of  
15 the globe when you project down on Hawai'i.

16              So I'm sorry to expound so much, but I  
17 viewed this problem of food security from a global  
18 level as well as a local level because my children  
19 live here. Please don't make that mistake.

20              CHAIRMAN LEZY: Commissioners, questions?  
21 Thank you. (Applause).

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

24 and testified as follows:

25 THE WITNESS: Yes.

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1 CHAIRMAN LEZY: Please state your name,  
2 your address and proceed.

3 THE WITNESS: My name is Nicole Ferguson.  
4 My address is 45-868 Inouye Road, Kaneohe, Hawai'i  
5 96744. Hello, everyone. Thank you very much for this  
6 opportunity to address the community today. This is  
7 my first opportunity to testify. I've heard about the  
8 democratic process and I'm very glad to have this  
9 opportunity.

10 I come to you today on behalf of a student  
11 group at the University called 'Sustainable UH'. This  
12 group is made up of students and faculty with a  
13 passion for sustainable solutions. This group has  
14 worked on smart solutions for energy waste and  
15 transportation and has been recognized by the state  
16 Legislature for its successes.

17 Sustainability to us means meeting the needs  
18 of the present while not compromising the future.  
19 After evaluating this proposal with its impacts we  
20 strongly oppose the Ho'opili Development Project.  
21 This is because it compromises our ability to meet our  
22 needs in the future in aspects of food, water,  
23 transportation and energy.

24 I would also like to point out that this

25 does not have to be a conversation of agriculture

1 versus development. We can have both. Development  
2 should be dense and transit-oriented. We live on an  
3 island. Development should be up and not out. We  
4 should reduce the pressure of sprawl on agriculture  
5 land. We can do this by meeting the O'ahu General  
6 Plan which was set out in 2002.

7           Development needs to be well planned out so  
8 that we can choose long-term solutions and not  
9 short-term fixes.

10           I would like to finish on a more personal  
11 note. I'm currently 24 years old. And I look forward  
12 to living in Hawai'i for the rest of my life if the  
13 future looks blight. Two days ago we had a  
14 sustainability summit on campus at the University of  
15 Hawai'i Manoa. We had approximately 200 people from  
16 the community, different community campuses as well as  
17 organizations.

18           During this sustainability summit I had the  
19 opportunity to speak to many people. The people with  
20 which I spoke about Ho'opili were actually appalled  
21 about this, probably not as much as I am.

22           This is not Smart Growth. I'd like to  
23 finish on a more optimistic note which is to say that  
24 I've been very impressed with some of the bright minds  
25 I've have the chance to work with in Hawai'i over my

1 short amount of time here.

2 I know that we can use our best minds, our  
3 best efforts and our collective energy to plan a  
4 smart, sustainable healthy future. Thank you.

5 CHAIRMAN LEZY: Parties, questions?  
6 Commissioners, questions? Thank you.

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

10 THE WITNESS: Yes.

11 CHAIRMAN LEZY: State your name, your  
12 address and proceed.

13 THE WITNESS: My name is Kauaoa Friola. I'm  
14 from 47-328 Waihe'e Valley Road, Kaneohe, Hawai'i  
15 96744. I'm a little dry. I haven't drank water for a  
16 while.

17 Uhm, yeah, thank you for hearing my  
18 testimony. And I'd just like to say I'm here in  
19 opposition to the Petition to redistrict for the  
20 Ho'opili Development. Can you guys hear me okay?  
21 Okay, cool. Yeah. And I had all the stuff planned  
22 out, written out to say. I wasn't sure how much I  
23 could say and if I could fit it all in three minutes.

24 But since I've been here and I came a little  
25 late there was a lot of things said that I wanted to



1 cover and even more. And I'm very optimistic and  
2 excited to hear all the ideas that are going around  
3 and the perspectives.

4 And I'm glad that you guys are getting all  
5 this good info from all these people. And I'd just  
6 like to say please consider all that you've heard and  
7 please, please deny this Petition. Thank you.

8 CHAIRMAN LEZY: Parties, questions?  
9 Commissioners, questions? Thank you for your  
10 testimony.

11 THE WITNESS: Oh, I have some written  
12 testimony.

13 CHAIRMAN LEZY: Thank you.

14 THE WITNESS: Good afternoon.

15 CHAIRMAN LEZY: Good afternoon.

16 BUZZ HONG

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

19 THE WITNESS: I do.

20 CHAIRMAN LEZY: Please state your name, your  
21 address and proceed.

22 THE WITNESS: For the record my name is Buzz  
23 Hong. I'm retired from Hawai'i Building and  
24 Construction Trades Council. And I reside at 49-737  
25 Kam Highway Ka'a'awa.

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1 I have not submitted any prepared testimony.  
2 But after listening to both sides of the issue I would

3 just like to ask the people here that support Ho'opili  
4 now to stand and show their presence. We do speak and  
5 hear everybody's testimony out of respect for  
6 everybody in this room.

7               Second point that I'd like to bring up is  
8 that to compete in today's global economy you need a  
9 world class transportation system. You got H-1, H-2,  
10 H-3, Kalaniana'ole Highway widening. And part of that  
11 is part of our harbors, port improvements, airport  
12 improvements.

13              And also rail is another mode of  
14 transportation to give us the economic competitive  
15 that we need in today's global economy.

16              The second thing, you talk about farmland.  
17 My dad was a farmer. He was also an engineer. And we  
18 had a home in Manoa. And in the backyard we had a  
19 calf, we had a guava tree, we had mango tree and we  
20 had every type of crops. We had the best Manoa  
21 lettuce, and Manoa produce. And we grew everything in  
22 the backyard.

23              And that sustained our family and we had  
24 enough to share with the neighbors in the vicinity up  
25 in the valley. Just a matter and just an example that

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1 people can do what they want to do if they really want  
2 it. Thank you very much for this opportunity. I  
3 appreciate it.

4 CHAIRMAN LEZY: Parties, questions?

5 Commissioners, questions?

6 Q Thank you.

7 EVERN WILLIAMS

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

9 and testified as follows:

10 THE WITNESS: Yes, I do.

11 CHAIRMAN LEZY: Please state your name and

12 address and proceed.

13 THE WITNESS: I'm Evern Williams. My

14 address is 3220 Esther Street, Honolulu, Hawai'i. I

15 come from a kama'aina family that's been here ever

16 since early 1700s. My testimony today, I represent my

17 family. And I'm also representing the Hawaiian Civic

18 Club. Malama 'aina.

19 The agricultural zoning that was created to

20 protect this land was not intended for developers to

21 purchase it for, like, 73 million and sell it for 8

22 billion. That is blatant profit for the few 1 percent

23 at the expense of the 99 percent.

24 Regarding jobs. You know, I support jobs

25 for people. But this is short-term jobs. These jobs

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1 are only going to give people employment for three

2 years.

3 Why aren't the unions being creative and

4 looking to creating new jobs making homes for energy

5 efficient? That's long-term jobs. So short-term gain

6 for long-term pain doesn't make sense here. Your  
7 denial of this will help force them into looking at  
8 more forward thinking for jobs.

9 For traffic: There's already 30,000 parcels  
10 zoned. We don't need 12,000 more people in traffic.  
11 And I don't understand why more isn't being said as to  
12 why the zoning for that 30,000 isn't being used and  
13 why we're looking at something completely new except  
14 that it's for profit.

15 I don't see affordable homes going in. The  
16 people that will be able to get those homes are --  
17 sure, they need the homes, but there's people in the  
18 lower part of the economic stratosphere that need it  
19 more. And that's not being provided.

20 For infrastructure I hope you're closely  
21 looking at where the water's going to come from and  
22 where is it going to come from in the future. Because  
23 there's a very -- I think there's a bit of a coverup  
24 going on there.

25 And you're not seeing the total thing, just

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1 like when the plan was presented to you for steward  
2 farms. But you're not looking at these farms are  
3 located in gullies. I mean I hope the Land Use  
4 Commission is looking at this thoroughly.

5 For food production, D.R. Horton can't  
6 possibly replace the highly productive farmlands with

7 backyard gardens, steward farms and alternative  
8 locations. Once the prime land soil is removed and  
9 coral is replaced, it's gone forever.

10               So you as Commissioners have a sacred  
11 responsibility to malama 'aina and protect and care  
12 for our land. You've got to look through the smoke  
13 screens and see our future for the sake of our  
14 community.

15               And I implore you to take this  
16 responsibility seriously because once this land is  
17 gone, as you know, it's gone forever. You have to  
18 protect our ability to feed ourselves, be sustainable,  
19 and most important, the future generation.

20               So please don't allow this land to be  
21 redistricted for urban housing.

22               CHAIRMAN LEZY: Parties, questions?  
23 Commissioners, questions? (applause)

24                               NATALIE KATZ

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               CHAIRMAN LEZY: Please state your name, your  
4 address and proceed.

5               THE WITNESS: Hi. My name is Natalie Katz.  
6 I'm out in Waimanalo. And live on a farm, actually  
7 learned about farming, learned about sustainability,  
8 learned that countries outside of Hawai'i is striving

9 for sustainability to feed the people that's on their  
10 islands.

11 Also to know that when you take farmland,  
12 prime farmland that's being used to support part of  
13 our food production and growth for the -- feeding  
14 people, it's really important.

15 I think the development on Ho'opili is a big  
16 mistake and that should be stopped. I think the rail  
17 that's being thought of put on this land should be  
18 stopped. I think a lot of the developers that are  
19 making the decisions to destroy Hawai'i's prime land  
20 is incorrect.

21 I just feel that increasing population of  
22 people on this island and the traffic that we have to  
23 put up and get into on a daily basis is not going to  
24 bring solutions to how we have to live in Hawai'i.

25 So just ask that you folks would consider

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1 changing the direction of what we want to do to  
2 support Hawai'i.

3 CHAIRMAN LEZY: Parties, questions?  
4 Commissioners, questions? Thank you. Before we  
5 conclude today's hearing on this docket matter,  
6 Ms. Cerullo, I'll just remind you again on your  
7 obligations to the other parties concerning Mr. Lee's  
8 testimony. And also we'll pick up at the next hearing  
9 on this docket matter with Mr. Maunakea-Forth on

10 cross-examination.

11 MS. CERULLO: Yes.

12 CHAIRMAN LEZY: All right. Unless there's  
13 anything else, then the hearing will be concluded for  
14 today. Thank you very much.

15 (Recess was held. 3:55)

16 CHAIRMAN LEZY: So we're back on the record.  
17 Chair moves to amend the agenda with regard to Section  
18 5, the executive session, to add as a subject for  
19 discussion on personnel matters. Do we have a second?

20 COMMISSIONER JUDGE: Second.

21 CHAIRMAN LEZY: All in favor say aye.

22 COMMISSIONERS VOTING: Aye.

23 CHAIRMAN LEZY: All opposed? Passes. Do I  
24 hear a motion to enter into executive session?

25 COMMISSIONER HELLER: So moved.

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1 COMMISSIONER JUDGE: Second.

2 CHAIRMAN LEZY: All opposed? None.

3 (The proceedings were recessed for executive session  
4 at 3:55 p.m and adjourned at 4:37 p.m.)

5 --oo00oo--

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C E R T I F I C A T E

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

6

That I was acting as court reporter in the  
7 foregoing LUC matter on the 19th day of January 2012;

8

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

11

That the foregoing represents, to the best  
12 of my ability, a true and correct transcript of the



13 proceedings had in the foregoing matter.

14

15 DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2012

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20 \_\_\_\_\_  
21 HOLLY M. HACKETT, HI CSR #130, RPR  
22 Certified Shorthand Reporter  
23  
24  
25