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LAND USE COMMISSION

3

STATE OF HAWAI'I

4 HEARING

5

A11-793 CASTLE & COOKE HOMES, HAWAII, INC.)

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TRANSCRIPT OF PROCEEDINGS

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11 The above-entitled matter came on for a Public Hearing

12 at Conference Room 204, 2nd Floor, Leiopapa A

13 Kamehameha, 235 S. Beretania Street, Honolulu,

14 Hawai'i, commencing at 9:10 a.m. on February 3, 2012

15 pursuant to Notice.

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

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Certified Shorthand Reporter

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LISA M. JUDGE
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Docket No. A11-793 Castle & Cooke Homes, Hawai'i, Inc.

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CURTIS TABATA, ESQ.
WYETH MATSUBARA, ESQ.

For the County: DAWN TAKEUCHI-APUNA, ESQ.
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For the State: BRYAN YEE, ESQ.
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For Intervenor The Sierra Club

and Senator Clayton Hee: ERIC SEITZ, ESQ.
SARAH DEVINE, ESQ.
DELLA BELATTI, ESQ.

For Makakilo Neighborhood Board:

RICHARD POIRIER
KAREN LOOMIS

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1 PRESIDING OFFICER CHOCK: Good morning.
2 This is a continued hearing in Docket A11-793 to amend
3 the Agricultural Land Use District into Urban, for
4 approximately 767 acres of land in Waipio, Waiawa on
5 the Island of O'ahu. Is there anyone from the public
6 wishing to provide public testimony at this time? I
7 believe we have a number of testifiers registered to
8 provide testimony. (no responses) Okay. I think
9 we're good. Petitioner, your witness.

10 MR. TABATA: Thank you, Mr. Chairman.

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

14 THE WITNESS: Yes.

15 DIRECT EXAMINATION

16 BY MR. TABATA:

17 Q Please state your name.

18 A Ronald Nishihara.

19 Q And your address?

20 A 1916 Young Street.

21 Q Thank you. Mr. Nishihara, did you provide
22 written testimony in your curriculum vitae, which is
23 Petitioner's No. 36?

24 A Yes.

25 Q Does your curriculum vitae provide your

1 qualifications and experience in the fields of energy
2 conservation, sustainable developments and LEED?

3 A Yes.

4 Q Thank you. And are you a licensed architect
5 in the state of Hawai'i?

6 A Yes.

7 Q Are you also a LEED accredited professional?

8 A Yes.

9 Q Thank you.

10 MR. TABATA: Mr. Chair, the Petitioner
11 requests that Mr. Nishihara be admitted as an expert
12 witness in the fields of energy conservation,
13 sustainable developments and LEED.

14 PRESIDING OFFICER CHOCK: Parties, any
15 objections?

16 MS. TAKEUCHI-APUNA: No objection.

17 MR. YEE: No objections.

18 MR. POIRIER: No objection.

19 MR. SEITZ: None.

20 PRESIDING OFFICER CHOCK: Commissioners?
21 Proceed.

22 MR. TABATA: Thank you.

23 Q Mr. Nishihara, are you familiar with what's
24 known as the Koa Ridge Sustainability Plan?

25 A Yes, I am.

1 Q Which is identified as Petitioner's Exhibit
2 No. 14?

3 A Yes.

4 Q And what is your experience with the
5 Sustainability Plan?

6 A Well, backing up, I started working with
7 Castle & Cooke in about 2007. And our assignment
8 initially was to help them with their sustainability
9 training. They wanted to look at ways to green their
10 company.

11 So we worked with them for about a year in
12 three primary areas: Their internal operations, their
13 construction practices, and the management of their
14 assets.

15 And after working with them for about a year
16 that's when we started, they asked us to continue on
17 and start helping them on the Sustainability Plan for
18 Koa Ridge.

19 Q Thank you. And what was the purpose for
20 developing the Sustainability Plan?

21 A Well, it was to incorporate a lot of the
22 training that we went through in the previous year,
23 and incorporate all of that into the planning of their
24 next master planned community.

25 Q Mr. Nishihara, could you describe for us

1 what is a sustainable development generally?

2 A Generally it's one that, well, backing up --
3 even development is a necessary. It's necessary in
4 this, in any kind of a community.

5 And where it has to happen what we believe
6 is that it should be as sustainable as possible to
7 have as little impact as possible. And so we
8 incorporate a lot of the concepts of Smart Growth and
9 sustainability in the preparation of this plan.

10 The plan was designed to really mitigate a
11 lot of the effects of development. And I think that
12 what we have developed is effective in achieving that.

13 Q Could you also describe for us generally the
14 Sustainability Plan, which is Exhibit No. 14?

15 A Yes. The way that it's structured from a
16 high level is that we had goals. And we have seven
17 categories. The seven categories being: Land use and
18 urban design, transportation, economics, parks and
19 open space preservation, water management, energy
20 management, and education.

21 For each one of those major topics we had an
22 overriding goal we wanted to achieve. Under the goal
23 there are several strategies for each goal. And the
24 strategies represent the commitments that the
25 developer's making for this Project.

1 Under the strategies are planned actions.
2 And the planned actions, if I could use an analogy,
3 the strategies would be like the targets. The planned
4 actions would be like the quiver of arrows. Those are
5 the ones that we would pick and choose from in order
6 to achieve those strategies or targets.

7 Q Mr. Nishihara, could you explain for us why
8 these seven sustainability goals were chosen to be a
9 part of the Sustainability Plan?

10 A Well, it goes back to the whole process that
11 we spent -- prior -- like I said, we spent about a
12 year just going through general sustainability
13 training. And it was about another year to develop
14 the plan.

15 And these were the goals that we felt would
16 have the biggest impact. And those were the ones that
17 we needed to deal with in terms of a project of this
18 magnitude.

19 Q Thank you. If you could, please turn to the
20 fifth goal stated. I believe it's on Page 11 of the
21 Sustainability Plan. It's entitled Water Management.
22 Could you briefly discuss the targets that are
23 identified and the strategies that are listed.

24 A Well, as far as the overall goal under Water
25 Management it's to care for our watersheds by reducing

1 and conserving water use, recharging groundwater and
2 protecting stream and ocean water quality.

3 And so we looked at it as almost how you
4 would look at a budget. You have income, you have
5 expense. We looked at how much water we're using, and
6 we looked at how much we can actually recharge. So
7 conservation as well as recharge.

8 So, you know, you look at the balance or the
9 net water consumption. So some of the strategies that
10 we identified would be to reduce water runoff with
11 green infrastructure design, reduce potable water use
12 by at least 20 percent in parks. In landscaped areas
13 reduce potable water use by at least 20 percent.

14 Commercial buildings, reduce potable water
15 use by at least 20 percent. And then in the
16 residential buildings, again, we're looking at hitting
17 20 percent reductions over new homes.

18 Q Thank you. And could you also describe the
19 targets and strategies for the section called the
20 Energy Management which is item No. 6 found on Page 12
21 of the plan.

22 A Sure. The overall goal under Energy
23 Management section is to reduce and conserve energy
24 use through efficient community layout and building
25 design, and incorporate alternative energy sources

1 where feasible. So some of the goals -- I'm sorry --
2 some of the strategies were that for the village
3 center we would reduce non-renewable energy use.

4 And some of the planned actions would be,
5 for example, increased the R value of insulation to
6 keep interiors cooler and reduce air conditioning
7 loads, incorporate natural ventilation techniques to
8 reduce the need for air conditioning, and landscaping
9 to shade and cool buildings.

10 But for the residential buildings we also
11 have strategies which would be to achieve a 25 percent
12 reduction in energy use over a comparable newer
13 dwelling, or a 35 percent reduction over an older
14 dwelling.

15 Q Now, Mr. Nishihara, is it your understanding
16 that the Petitioner has committed itself to the
17 targets and strategies in the Sustainability Plan?

18 A Yes, that's my understanding.

19 Q And that is the means by which the
20 Petitioner intends to implement the plan while giving
21 itself the requisite amount of flexibility?

22 A Yes, that's my understanding.

23 MR. TABATA: Thank you very much.

24 Mr. Nishihara is open for questions.

25 PRESIDING OFFICER CHOCK: County?

1 MS. TAKEUCHI-APUNA: No questions.

2 PRESIDING OFFICER CHOCK: State?

3 CROSS-EXAMINATION

4 BY MR. YEE:

5 Q Mr. Nishihara, what's the general or average
6 lifetime of a residential building?

7 A It can vary greatly but I would say 50 years
8 would be a good number.

9 Q So when you say, then, it's important to put
10 sustainability design measures at the time the
11 building is constructed rather than try to retrofit a
12 building to meet sustainable measures?

13 A Yes.

14 Q Because it's much less expensive to do it
15 at the time you build it rather than to try to
16 retrofit, correct?

17 A Correct.

18 Q And the same would be true for the general
19 design of a neighborhood. That if you want to put in
20 sustainable measures, the best time to put it in is
21 the time the neighborhood is developed rather than
22 wait until after the neighborhood is created?

23 A Correct.

24 Q So in this case that's the purpose of the
25 sustainability plan to make sure that you thought

1 ahead and planned to build in these sustainable
2 design measures at the beginning rather than try to
3 retrofit later.

4 A That's correct.

5 Q And the particular targets and goals are, I
6 think -- let me rephrase that. The particular targets
7 and strategies I understand are things that Petitioner
8 has committed to. And then the planned actions are
9 possibilities -- possible ways in which those targets
10 and strategies will be achieved. Correct?

11 A That's correct.

12 Q I just want to go over a few of them.

13 A Sure.

14 Q So one of the strategies is to reduce
15 potable water for park use or park irrigation I
16 suppose, is that right?

17 A Yes.

18 Q And you have similar provisions for potable
19 water use reduction for commercial buildings and
20 residential buildings.

21 A That's correct.

22 Q Now, the particular way you achieve it I
23 understand would be different. But one of the ways
24 which you may achieve that is by having LEED Certified
25 commercial buildings?

1 A That's correct.

2 Q So I understand it's not a commitment to do
3 LEED Certified. I ask is that the current intention?

4 A I believe that is the current intention.

5 Q So it might be that you're eventually going
6 to decide on a different strategy to achieve the
7 reduction in both water use as well as electrical and
8 other sustainability measures, but the current
9 intention is for LEED Certified.

10 A That's the current intention. And what we
11 wanted to do was maintain flexibility in the planned
12 actions because of changes in technology. As an
13 example: When waterless urinals first came out that
14 was the latest and greatest thing. In 2006 the Army
15 mandated them for their projects.

16 But in last year they rescinded that because
17 they found out that there were problems within it. So
18 we want to maintain that flexibility to be able to
19 adapt to new technologies.

20 Q So you may want to improve upon the planned
21 actions you've got listed as a means of achieving your
22 targets and strategies?

23 A Yes.

24 Q And is that intent, though, then, to -- the
25 intent I understand you're not committing to it --

1 the intent is to implement the planned actions unless
2 you, perhaps, find a better way or method of achieving
3 those targets and strategies?

4 A Correct.

5 Q There's not an intent to reduce the planned
6 or the quality of the planned actions, simply to save
7 money.

8 A No.

9 Q One of those strategies I believe is a
10 25 percent reduction in energy use over typical newer
11 buildings for the residential construction, correct?

12 A Correct.

13 MR. YEE: That's all the questions I have.
14 Thank you.

15 THE WITNESS: Thank you.

16 PRESIDING OFFICER CHOCK: Neighborhood
17 Board?

18 MR. POIRIER: Yes.

19 CROSS-EXAMINATION

20 BY MR. POIRIER:

21 Q Could you tell us something about your
22 sustainability goals for transportation, how you would
23 effectuate them?

24 A Well, the transportation goals are stated
25 where a lot of the planning of the community

1 incorporates jobs being within the community itself.

2 But I believe there's a transportation expert also
3 going to be testifying on that.

4 MR. YEE: Okay. Thank you.

5 THE WITNESS: Thank you.

6 PRESIDING OFFICER CHOCK: Mr. Seitz?

7 MR. SEITZ: No questions, thank you.

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

10 COMMISSIONER JUDGE: Good morning.

11 THE WITNESS: Good morning.

12 COMMISSIONER JUDGE: This is sort of a
13 follow up to Mr. Yee's line of questioning. And I was
14 looking at the sustainability plan in the energy
15 measures and I don't see any mention of PV for the
16 commercial buildings and the community buildings, and
17 I'm just wondering why.

18 If that seems to be the most efficient use
19 of photovoltaic at the moment, is all the tax credits
20 and the commercial facilities actually seem to be the
21 most efficient use of photovoltaic, but I don't see
22 that mentioned anywhere.

23 THE WITNESS: Yeah, it may not be mentioned
24 but it's not a preclusion of it. I think that
25 definitely the developers of the commercial buildings

1 will be taking a look at it. It is getting more and
2 more, very viable.

3 COMMISSIONER JUDGE: So it's not something
4 that -- so it's something that would be looked at, but
5 it's not, it's not -- I don't see it as one of the --
6 so it's not necessarily one of the -- trying to look
7 for the terminology you used. So it's not a planned
8 action at this point. It's not included in your
9 planned actions.

10 THE WITNESS: It is not listed specifically
11 as one of them.

12 COMMISSIONER JUDGE: Is there a reason that
13 it was left out? I mean because it's a pretty
14 substantial use -- you've got it as a planned action
15 for your residential. I'm just wondering why it was
16 left out for the commercial and community buildings?

17 A Well, I think that a lot of the development
18 of the commercial buildings may not be done by the
19 Applicant. And I'm not sure if it's something that
20 they are going to be placing on the developer or
21 whoever is going to be going in and developing those
22 buildings.

23 COMMISSIONER JUDGE: Okay.

24 PRESIDING OFFICER CHOCK: Commissioner
25 McDonald.

1 COMMISSIONER McDONALD: Morning, Ron.

2 THE WITNESS: Morning.

3 COMMISSIONER McDONALD: You just mentioned
4 that it was likely that the Petitioner would not be
5 the developer of the commercial, I guess, parcels or
6 properties. So the statement that's made within the
7 sustainable plan, I guess I'm just trying to get a
8 handle on the statements that are being mentioned in
9 the sustainable plan. How is that being translated to
10 the ultimate developers of the commercial properties?

11 THE WITNESS: You know, I think I would need
12 to defer that to the developer of the Project, how
13 they're going to be putting those requirements onto
14 the developer of the commercial buildings. And that's
15 not to say that Castle & Cooke will not be the
16 developer of the commercial properties. It's just,
17 I'm not sure. They may or they may not.

18 COMMISSIONER McDONALD: Okay. Thank you.

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

22 THE WITNESS: Thank you.

23 PRESIDING OFFICER CHOCK: Petitioner, next
24 witness.

25 MR. MATSUBARA: Next witness is Tom Nance.

1 Mr. Nance will be our final witness today. Mr. Nance.

2 TOM NANCE,

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

4 and testified as follows:

5 THE WITNESS: I do.

6 PRESIDING OFFICER CHOCK: Please proceed.

7 DIRECT EXAMINATION

8 BY MR. MATSUBARA:

9 Q Would you state your name and your
10 professional address for the record, please.

11 A Tom Nance, 560 North Nimitz Highway, Suite
12 213.

13 Q What is your profession, Mr. Nance?

14 A I'm a Registered Civil Engineer specializing
15 in groundwater and water resource development.

16 Q You've been a Professional Licensed Civil
17 Engineer since 1975.

18 A Thereabouts, yes.

19 Q About 37 years?

20 A Yes.

21 Q You're almost as old as me. (Laughter).

22 Could you give the Commissioners a brief background on
23 your educational background?

24 A As an undergraduate I have degrees from
25 Claremont Men's College in Economics and from Stanford

1 in Mechanical Engineering, and a Master's Degree also
2 from Stanford in Civil Engineering with a speciality
3 in Hydrology.

4 Q And over the years you've developed an
5 expertise in the area of groundwater and surface water
6 development?

7 A Since the early 1970s that's been the focus
8 of my profession.

9 Q Also hydraulics and water system design?

10 A Yes.

11 Q Fluid control and drainage?

12 A On occasion, yes.

13 Q And coastal engineering?

14 A On occasion also, yes.

15 Q Have you previously been qualified as an
16 expert hydrologist and water resource engineer before
17 the Land Use Commission?

18 A Yes.

19 MR. MATSUBARA: Mr. Chair, I'd like to have
20 Mr. Nance qualified as an expert witness in hydrology
21 and water resource engineering.

22 PRESIDING OFFICER CHOCK: Parties, any
23 objections?

24 MS. TAKEUCHI-APUNA: No objections.

25 MR. YEE: No objections.

1 MR. POIRIER: No objections.

2 MR. SEITZ: May I ask a couple questions?

3 PRESIDING OFFICER CHOCK: Sure, go ahead.

4 VOIR DIRE

5 Q (Mr. Seitz) Mr. Nance, I have a report from
6 Daniel Lum. Is that the report that you're going to
7 be testifying about?

8 A I'm going to be testifying about water
9 availability for the Koa Ridge Makai Project, also the
10 Waiawa development.

11 Q Did you submit a report in this case
12 separate and apart from Mr. Lum?

13 A No, I did not.

14 Q Have you read Mr. Lum's report?

15 A Yes, I have.

16 Q And do you work with him?

17 A No.

18 Q Okay.

19 MR. MATSUBARA: Maybe I can provide an
20 explanation as --

21 MR. SEITZ: That's what I was going to
22 suggest.

23 MR. MATSUBARA: When we submitted our
24 witness list we listed those witnesses we would be
25 calling again to present direct testimony, and listed

1 those that we would submit prior testimony for. And
2 if there was any request, that we have those persons
3 present to request it.

4 We had Mr. Nance originally listed as a
5 rebuttal witness. Just prior to the hearing in
6 meetings with the Office of Planning, Mr. Yee
7 requested that somebody, either Mr. Nance or Mr. Lum,
8 testify on water availability.

9 Since we already had Mr. Nance scheduled for
10 rebuttal, and since no one had asked for Mr. Lum, we
11 just decided to have Mr. Nance address the questions
12 that the Office of Planning had, which was the
13 availability of water for this particular Project.
14 That's how he happens to be here today.

15 MR. SEITZ: I have no objections to either
16 his qualifications or his testifying. But what I
17 would like to do, with your permission, is to reserve
18 the right to recall him if we later determine that
19 that may be necessary based upon the testimony of
20 other witnesses and other inquiry which we will
21 initiate in the next couple of weeks.

22 PRESIDING OFFICER CHOCK: That would be
23 fine.

24 MR. MATSUBARA: I have no objections. And
25 Mr. Nance would be available for rebuttal on our case

1 also, Mr. Chair.

2 MR. SEITZ: Thank you. No objections, then.

3 PRESIDING OFFICER CHOCK: Commissioners, any
4 concerns, objections? Please proceed.

5 MR. MATSUBARA: Thank you.

6 CONTINUED DIRECT EXAMINATION

7 Q (Mr. Matsubara) Mr. Nance, now I'm going to
8 ask you to address the questions that the Office of
9 Planning had which basically focus on what the
10 groundwater needs for the Project would be and whether
11 or not you had an assessment of the supply of
12 groundwater available for this particular Project.

13 A I'm gonna be addressing both Koa Ridge Makai
14 and Waiawa. The calculated average -- I'm going to
15 call it average demand -- for potable water for Koa
16 Ridge Makai was 2 million gallons a day, and for the
17 Waiawa Project .7 for a total of 2.7.

18 Those numbers are derived applying BWS
19 design criteria which, by their nature, are equal to
20 or greater than what ultimately is actually the water
21 use. So that infrastructure isn't designed with
22 sufficient capacity.

23 A previous witness on the sustainability
24 indicated the goal would be to possibly achieve up to
25 20 percent reduction in the potable water use. If

1 that were, in fact, the case the number might come
2 down, the 2.7 total might come down closer to
3 2 million gallons a day. For both those projects new
4 wells would have to be developed. For Koa Ridge Makai
5 there would be two sets of wells in two service
6 pressure zones; for Waiawa one well in one service
7 zone. Both projects overlies what is known as the
8 Waipahu/Waiawa Aquifer.

9 Use of groundwater from that aquifer, as
10 well as others, is regulated by the State Water
11 Commission. And it has been declared a Groundwater
12 Management Area. So all new wells would need a well
13 construction permit, pump installation permit and
14 water use permits.

15 The state regulates the water use by setting
16 a sustainable yield amount. The sustainable yield is
17 the amount that can be withdrawn from the aquifer
18 without diminishing the quality or quantity of the
19 water supply. For the Waipahu/Waiawa Aquifer that
20 total sustainable yield number is 104 million gallons
21 a day.

22 At the present time up to, as of yesterday
23 in fact, the total allocated supply of the 104 was
24 84.856, let's just call it 85 million gallons a day.
25 That number, by the way, hasn't changed in the last

1 five years. There hasn't been any new allocations in
2 this aquifer over that period of time.

3 Between the 104 and the 85 that's allocated,
4 it's a total of 19 million gallons a day that is not
5 yet allocated that is available for people to apply
6 for water use permit.

7 It's also important to realize that of this
8 allocated supply 85 actual use at the present time is
9 about 55 million gallons a day. Meaning that there's
10 about 30 million gallons a day, a supply that's
11 allocated but not yet in use.

12 Another important thing, because the wells
13 that would supply these projects would be dedicated to
14 the Board of Water Supply, it's appropriate to look at
15 what the Board of Water Supply's share of the
16 allocated supply is. Where their facilities in this
17 aquifer they have an allocated supply of 64.292 mgd.
18 Their present pumpage -- and this is only an
19 approximation -- I don't have exact numbers, but it's
20 on the order of 40 million gallons a day or possibly a
21 little less than that.

22 That means that more than 20 mgd of supply
23 currently allocated to BWS from this aquifer is not
24 yet being pumped. So of the 30 in the total that's
25 not being pumped, more than 20 of it is allocated to

1 the Board of Water Supply.

2 With the 19 mgd that's currently
3 unallocated, the Project can apply for and if judged
4 to be a reasonable and beneficial use to be granted
5 water use permits for its wells. And the intention
6 then would be to turn those permits and dedicate the
7 facility to the Board of Water Supply to own and
8 operate. That's just a brief, set the framework for
9 whatever questions you might have.

10 Q So the long and the short of it, based on
11 the water demands this Project would have, and the
12 availability of water currently, the levels of the
13 currently available water, there's sufficient water
14 for this Project.

15 A That's correct, yes.

16 MR. MATSUBARA: Mr. Nance is available for
17 questions.

18 PRESIDING OFFICER CHOCK: County?

19 MS. TAKEUCHI-APUNA: No questions.

20 PRESIDING OFFICER CHOCK: State?

21 CROSS-EXAMINATION

22 BY YEE:

23 Q Thank you, Mr. Nance. And you have answered
24 several of my questions. I just have a few other
25 follow-ups. As you noted, the permitted amount is

1 approximately 85 mgd. Whereas the actual usage -- I'm
2 sorry. Let me go back a second. Daniel Lum's
3 testimony indicated actual usage was approximately 50
4 or 51 mgd. I thought I heard you say 55. Is that an
5 update of numbers?

6 A Yeah. I think Dan's numbers were quoting
7 what was going on in about '05 or '06.

8 Q Right.

9 A And my numbers are more current than that.

10 Q Do you know what year they would be good
11 for? 2010?

12 A 2010.

13 Q But the unallocated supply from 2006 is
14 still valid today?

15 A Seems, yes.

16 Q So going back to my question. If the
17 permits -- permitted amount is approximately 85 and
18 the actual usage is 55, I guess my first question is
19 why do you need to dig a new well?

20 A You need to dig a well in a location where
21 it can serve the Project Area. So I would tell you it
22 doesn't necessarily -- well, let's back up. You go to
23 the Board of Water Supply. You say, "Here's what I'm
24 going to do. And I intend to dedicate all these
25 facilities to you." You have to meet their service

1 pressure zones that they have. So you need to put
2 sources of supply in the locations where the use is
3 going to occur.

4 You could also tell the Board of Water
5 Supply, "Hey, you've got all this allocated but unused
6 supply, why don't you just shift some of that to the
7 wells that I give you?" Their answer is probably
8 going to be, "No."

9 And they would tell you, "Go apply for a use
10 permit. Get the use permit and then give the use
11 permit to us."

12 You'd really have to ask the Board of Water
13 Supply why their answer would be "no". Some of that
14 not used or not pumped allocated supply is reserved
15 for other projects that are in the process of building
16 out or maybe haven't started but have acquired an
17 allocation from the Board of Water Supply, or might
18 have even put some facilities in that they're not
19 using.

20 But the first -- just based on past
21 experience -- the first cut in your request to the
22 Board of Water Supply will be, "Why don't you just
23 move something from this facility to that?" Which the
24 Water Commission has allowed them to do. And their
25 answer would be, "No, just go get a new permit and

1 give it to us."

2 Q You indicated that some of the unused --
3 some of the permitted allocated amount which is unused
4 currently may be due to future projects. I guess that
5 does lead me to my next question of what is the
6 capacity of the Waipahu/Waiawa Aquifer to take into
7 account not just your Project but all other projects
8 that may be coming online in the anticipated future?

9 A Almost an impossible question to completely
10 answer. But a couple of projects, Ho'opili being one,
11 most of what's going to happen in the 'Ewa Development
12 Plan area are already accounted for in existing use
13 permits for the 'Ewa Shaft, for example, which is
14 dedicated for uses in the 'Ewa Development Plan area.

15 Ho'opili has an ag use permit which can be
16 sequentially over a period of time turned into an
17 urban allocation for the Board of Water Supply.

18 What used to be the Gentry Waiawa project
19 has allocation on wells that they drilled sometime
20 ago, not sufficient for the total project, but
21 probably just for the first phase. Gentry's no longer
22 going to be the developer so I don't really know
23 what's going to happen there.

24 But I can't give you a point-by-point total
25 for projects that people have in mind versus allocated

1 or unallocated supply for them.

2 Q You generally in your field don't do some
3 sort of historical analysis to look at anticipated
4 increases over time just based upon some historical
5 data?

6 A In this particular -- we would do that on
7 outer islands primarily. But on this island because
8 Board of Water Supply has a system integrated that
9 covers most of the island and has a staff that does
10 long-range planning.

11 That kind of planning that you're asking for
12 is really Board of Water Supply takes it as their job
13 and isn't soliciting my opinion about that.

14 Q Well, I mean, but that begs the question if
15 they've done that work have they calculated the water
16 needs in the near future?

17 A I believe so. For example, in the prior
18 docket for Ho'opili, Mr. Usagawa testified that there
19 would be enough for that project and it's that kind of
20 planning that they've done. I'm assuming that had the
21 question been raised here too to Mr. Usagawa the
22 response would have been the same.

23 Q But you haven't looked at their data to say
24 whether or not there's enough water for this and other
25 projects?

1 A I have not.

2 Q Okay. Is there a reason why there's such a
3 big difference -- you sort of referred to this
4 question, but I'm just going to see if you have any
5 further information -- is there a particular reason
6 why there's such a big difference between the amount
7 of committed use and the amount of actual use?

8 A Are you talking about Board of Water Supply
9 or everybody in general?

10 Q Well, in this particular case if you have an
11 answer or generally if that's the only response you
12 have.

13 A Yeah. I mean I think for the Board of Water
14 Supply I don't really have anything to add to what I
15 testified for. They've got reservations for projects
16 that may not have gone. They've got reservations for
17 projects that are in the process of building out.

18 And the reservations are based on design
19 standards. And actual use may not meet the design
20 standard. Other unused allocations in the aquifer,
21 significant part of it is O'ahu Sugar, old O'ahu Sugar
22 Plantation facilities, in particular EP18 which is in
23 the Ho'opili Project Area. Allocation is 8. The
24 current use is 3.

25 Q Moving to a different general issue. Given

1 the fact that the Petition Area is within a
2 groundwater management area, does this support the
3 need to look at reasonable alternatives to potable
4 water use such as stormwater and R1 water for
5 irrigation?

6 A It's certainly -- you'd look at those kinds
7 of things. Stormwater is actually a, within this
8 Project Area, fairly difficult kind of thing because
9 it's not a high rainfall area. The runoff amount is
10 pretty small. You can look at nearby streams. You
11 also have Waiahole Ditch, whether people are willing
12 to take a look at using Waiahole Ditch water for this
13 kind of use.

14 Q But it's important to look at alternatives
15 for potable water for any development within the
16 groundwater management area.

17 A Certainly.

18 Q Would you also agree that it's important for
19 new developments to look at low impact design to
20 minimize the reduction in recharge to the increased
21 impervious surfaces?

22 A Yes.

23 MR. YEE: That's all the questions. Thank
24 you.

25 PRESIDING OFFICER CHOCK: Neighborhood

1 Board?

2 MR. POIRIER: Yes, just one. Just one
3 question.

4 CROSS-EXAMINATION

5 BY MR. POIRIER:

6 Q In your best professional judgment to what
7 extent would the development contribute to aquifer
8 contamination relative to pesticides and industrial
9 solvents?

10 A I don't think it will be substantial. I
11 mean in Central O'ahu the urban development that has
12 occurred to date hasn't created that kind of problem.
13 Most of the problems that you're referring to are
14 linked to prior agricultural practices and,
15 unfortunately, fuel spills by military and others.

16 But the Project itself doesn't -- in that
17 regard isn't very different than what's already been
18 developed out there which hasn't created those kinds
19 of problems.

20 Q But there were industrial solvents found in
21 the wells contributing to Wahiawa?

22 A Yes. I mean, but industrial solvents, I
23 don't think anything in the Project is planned to have
24 that kind of use here. Better off looking at
25 something like Mililani or Waipio Gentry, Waipio, all

1 the projects that have been developed makai of that.
2 And we don't have that kind of problems associated
3 with it. The contaminations are mostly military
4 activities and prior agricultural activities.

5 MR. POIRIER: Thank you.

6 PRESIDING OFFICER CHOCK: Mr. Seitz?

7 CROSS-EXAMINATION

8 BY MR. SEITZ:

9 Q Mr. Nance, what happens in terms of the
10 replenishment of the aquifer when we continue to
11 essentially pave over agricultural and other lands for
12 the purposes of building roads and homes? What's the
13 long-term impact on the refurbishment of the aquifer?

14 A Well, let me try to address that
15 specifically for these sites. They're in relatively
16 low rainfall areas. So the recharge that's ongoing in
17 these areas is relatively modest. During prior
18 agricultural activities there's additional recharge
19 due to excess irrigation applied and getting into the
20 aquifer.

21 But as lands stand fallow now rainfall
22 recharge is the only thing going on. And that's
23 relatively modest due to the relatively low rainfall
24 in these areas.

25 When you come in and develop you create a

1 certain amount of impervious surfaces, a certain
2 amount of landscaped surfaces, and a certain amount of
3 it that's left pretty much in its natural state.

4 Then when you develop you have to capture
5 surface runoff, put it in detention basins so you
6 don't increase the peak runoff. And what appears to
7 be happening in areas of relatively low rainfall,
8 relatively low recharge, is that the development as a
9 whole, including landscaped irrigation, including the
10 recharge that happens in the detention basins, that
11 the recharge actually is increased.

12 Now, if this kind of development occurs in a
13 higher rainfall area, higher recharge area, the
14 comments I just made are probably not applicable. But
15 I think they do apply to these two Project Areas that
16 we're talking about.

17 Q But there's some degree of ambiguity as we
18 continue to build out projects over these lands as to
19 what the long-term effect would be on the aquifer; is
20 that fair to say?

21 A Could you be a little more specific about
22 "ambiguity"?

23 Q Well, we don't have a crystal ball. We
24 can't -- we can't ensure that the aquifer is going to
25 be adequately protected as we build out more and more

1 in these areas, even if they are, as of now,
2 relatively low rainfall regions.

3 A If -- again it depends on where it happens.
4 As I say if we've got landscaped irrigation to capture
5 surface runoff and having it infiltrate into the
6 ground in these low recharge -- low rainfall, low
7 recharge areas, I don't think -- I think the recharge
8 numbers aren't going to be much different or possibly
9 even be increased by the development. If that
10 development goes into forest preserves and the like,
11 unquestionably that would impair the aquifer.

12 Q Now, with respect to the figures that you've
13 been utilizing, I was looking at Mr. Lum's report.
14 And he has essentially the same figures that you have
15 been referring to: 104 million gallons per day would
16 be the estimated sustainable yield. Current regional
17 use is 50 million and so forth. And those figures
18 appear to be the same. But his figures are from 2006.

19 Do you know if those figures would change if
20 we were now six years later to make inquiries about
21 them?

22 A Made such an inquiry yesterday. Got a
23 printout from Roy Hardy of the Water Commission. The
24 numbers I told you today, the 104 and 84.856 is
25 allocated supply identical to what are in Mr. Lum's

1 report are the numbers today as of yesterday.

2 Q So from that we can infer, despite the
3 building that's occurred in the last six years or the
4 projects that have opened, that there's been no
5 changes. Is that your understanding?

6 A Not in the water use permit numbers. The
7 actual water consumption has increased. So I think
8 Dan was quoting a number about 50. I believe it's
9 closer to 54, 55 mgd today.

10 Q Now, with regard to Ho'opili, when we heard
11 testimony recently, there was testimony there was
12 adequate water supply. And Barry Usagawa came in and
13 confirmed that. But there was also testimony that
14 down the road they may need to engage in some
15 desalinization.

16 There was some question about how that's
17 going to happen, when, and who's going to pay for it.
18 Are you aware of that?

19 A If "they" was the Board of Water Supply
20 you're referring to I'm aware of it, yes.

21 Q And you mentioned that you felt that if
22 Barry were to testify here that he would conclude that
23 there is adequate water for these projects which are
24 the subject of this Petition. Is that your
25 understanding?

1 A Yes.

2 Q Have you actually been involved in
3 discussions or conversations with him over that issue?

4 A No.

5 Q To what extent -- if, in fact, agriculture
6 is developed further on some of the former plantation
7 lands that are not now being irrigated or have useable
8 irrigation systems, to what extent might that affect
9 the numbers which you've been relying upon if, in
10 fact, there's any significant further development of
11 agriculture?

12 A It really depends on what source of
13 irrigation supply is going to happen for the
14 agriculture. If it continues to be Waiahole Ditch,
15 then more water would be brought into the aquifer.
16 And the percentage of the applied irrigation
17 water that goes to recharge would actually be
18 increased over what's happening today.

19 If, instead of using Waiahole Ditch, a
20 farmer is using groundwater as that source of supply,
21 then he would be a competitor for this same remaining
22 unallocated supply.

23 MR. SEITZ: Thank you. No further
24 questions.

25 PRESIDING OFFICER CHOCK: Redirect?

1 MR. MATSUBARA: No redirect.

2 PRESIDING OFFICER CHOCK: Commissioners, any
3 questions? Maybe just a couple of quick ones on my
4 end. Does your client have a water agreement approved
5 with the County Board of Water Supply?

6 THE WITNESS: Not to my knowledge. It
7 doesn't mean it hasn't. It's just I don't know.

8 PRESIDING OFFICER CHOCK: Okay. Any
9 questions, Commissioners? Thank you for your
10 testimony. Next witness.

11 MR. MATSUBARA: That concludes our witnesses
12 for today. The only remaining witness we have is
13 Mr. Pascua the traffic engineer.

14 PRESIDING OFFICER CHOCK: County, do we have
15 a witness today?

16 MS. TAKEUCHI-APUNA: We do.

17 PRESIDING OFFICER CHOCK: Okay. Please
18 proceed.

19 MS. TAKEUCHI-APUNA: The County calls Mike
20 Watkins.

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

24 THE WITNESS: I do.

25 xx

1 DIRECT EXAMINATION

2 BY MS. TAKEUCHI-APUNA:

3 Q Mr. Watkins, what is your employment
4 background with the city?

5 A I've been a long range city planner with the
6 city for 25 years, all of it with the Planning
7 Department or its successor, the Planning Division of
8 the Department of Planning and Permitting.

9 I have had the following types of experience
10 related to this Project: This is my third Land Use
11 Commission boundary amendment petition that I've
12 worked on. I've also handled zone changes, revisions
13 to the public infrastructure map. And I'm currently
14 the project manager for the County's General Plan
15 Revision Program. I also do an annual report on
16 housing construction on O'ahu.

17 Q Are you familiar with the Petition?

18 A I am generally familiar with the Petition,
19 but unlike some of the others of you, I was not here
20 last time.

21 Q What is DPP's position with regard to the
22 Petition?

23 A The Department of Planning and Permitting
24 supports this Petition.

25 Q And in a nutshell why does DPP support the

1 Petition?

2 A This Project is consistent with our
3 long-range land use plans for Central O'ahu.

4 Q How is the Petition consistent with the
5 O'ahu General Plan?

6 A The O'ahu General Plan has three priority
7 areas for development. First, redevelopment of the
8 Primary Urban Center to more intense uses.

9 Second, the full development of the
10 Secondary Urban Center in 'Ewa.

11 And third, further suburban development in
12 the rest of 'Ewa and in Central O'ahu.

13 Q How is the Petition consistent with the
14 Central O'ahu Sustainable Communities Plan?

15 A First the Petition Area is within our Urban
16 Growth Boundary. It is also specifically listed as a
17 priority area for development. And it is included on
18 our maps and in our future population and housing
19 growth table.

20 And I would say furthermore, that there's a
21 specific policy allowing the medical center. And I'm
22 sure that there are other policies which generally
23 support residential development and also employment
24 centers within the Urban Growth Boundary.

25 Q Does the city have processes and

1 opportunities beyond this LUC proceeding to address
2 issues of traffic, housing and other areas? And if so
3 please explain.

4 A Yes. And as you probably all know the
5 county -- the Petitioner also needs to get this
6 Project rezoned. And at that time the city council
7 usually imposes unilateral agreement conditions in
8 addition to the State Land Use Commission's.

9 And in our report on the zone change we will
10 include recommendations on unilateral agreement
11 conditions that the city line agencies and our own
12 permit division requests.

13 And beyond that there will be additional
14 opportunities at the subdivision levels and at the
15 individual permit levels. And I might also mention
16 specifically for major residential projects there's
17 always an affordable housing requirement. And there
18 will be a detailed affordable housing agreement with
19 our department that the Petitioner must make.

20 Q What is the city's main concern regarding
21 the access points to the Koa Ridge Makai Project Area?

22 A Obviously we want there to be good access to
23 all the uses in the Project and for the Project not to
24 have major negative impacts on the downstream traffic.
25 And since there are at least minor questions about two

1 of the three proposed access points, I would say the
2 city is concerned that at least two of these access
3 points do go forward and do get completed.

4 It looks like the Kamehameha Highway access
5 point is the most iffy. So I would say we would be
6 concerned with the Waipio Interchange and the main
7 entrance off of Ka Uka Boulevard as well as the
8 Pineapple Interchange. And we would be interested to
9 see whether the proposed third access point on
10 Kamehameha Highway proceeds or not.

11 MS. TAKEUCHI-APUNA: Mr. Watkins is now
12 available for cross-examination.

13 PRESIDING OFFICER CHOCK: Petitioner?

14 MR. MATSUBARA: No questions.

15 PRESIDING OFFICER CHOCK: State?

16 MR. YEE: No questions.

17 PRESIDING OFFICER CHOCK: Neighborhood
18 Board?

19 MR. POIRIER: Yeah.

20 CROSS-EXAMINATION

21 BY MR. POIRIER:

22 Q Basically what you say is that the Urban
23 Growth Boundary essentially determines whether a
24 project is allowed under the County General Plan
25 process?

1 A That's correct.

2 Q If it's in the Urban Growth Boundary it's
3 okay. If it's outside the Urban Growth
4 Boundary...(inaudible)

5 A I missed the last part of that, what you
6 said after I talked.

7 Q Okay. Basically you're saying that the
8 Urban Growth Boundary is the thing which determines
9 whether a project is acceptable and in keeping with
10 the County General Plan process. And if it's in the
11 Urban Growth Boundary it's okay. If it's outside the
12 Urban Growth Boundary it's not okay.

13 A That's a simple way of looking at it.

14 Q Simple way.

15 A Yes. And if we have done our development
16 plans and Sustainable Communities Plan right they do
17 conform to the General Plan.

18 Q Right. Okay. And also you say that your
19 priorities are the primary urban growth area,
20 secondary urban growth area and all other surrounding
21 suburban developments?

22 A In 'Ewa and Central O'ahu.

23 Q In 'Ewa and Central O'ahu. Could that be
24 considered as legalized urban sprawl in the sense that
25 everything from Pearl City out west is basically

1 allowable from the point of view of the county?

2 A Let me put it this way: The Primary Urban
3 Center stretches from Kahala to Pearl City. And there
4 are almost no vacant developable lands within the
5 Primary Urban Center. All future development and all
6 current development is occurring as redevelopment of
7 existing lands in use.

8 Waipahu is fully developed. And 'Ewa is
9 increasingly being developed. Ho'opili is one of the
10 last major areas that's completely undeveloped makai
11 of the H-1 Freeway.

12 And 'Ewa is, as you know, the secondary
13 urban center. Before 1989 it was the main growth,
14 suburban growth area of the entire area. So it's only
15 going up into Central O'ahu that you are really in
16 danger of urban sprawl.

17 And given that Mililani was the very first
18 one to go in, I believe that all the developments
19 south of Mililani are considered to be suburban
20 infill. They do not extend need for transportation.
21 They just add to the needs for transportation along
22 the existing routes and so forth.

23 Q Okay. When you came up with the Urban
24 Growth Boundaries for 'Ewa and Central O'ahu, was
25 there any major land developers who were not included

1 in the Urban Growth Boundaries?

2 A Thank you for that question. There is one
3 case. This was actually in 'Ewa, but I think it
4 applies because we drew the growth boundaries for 'Ewa
5 and Central O'ahu at the same time.

6 Stanford Carr came in requesting the city
7 council amend our pending 'Ewa Development Plan to
8 include a project across from Village Park in the
9 Hawai'i Agriculture Research Station area mauka of H-1
10 Freeway and west of Kunia Road. And the city council
11 denied that because it was outside of our proposed
12 Urban Community Boundary.

13 That's an example of a request for the
14 development that had been denied because they're
15 outside of our Urban Growth Boundary.

16 Q And how large was that particular boundary?

17 A That was pretty large, maybe the size of
18 Village Park.

19 Q Which is?

20 A I don't know.

21 Q Which is approximately?

22 A I have no idea the acreage. Maybe 500 or
23 something.

24 Q Okay. You said that your concern -- that
25 one of your concerns was the negative impact of these

1 developments going to town or going to the 'Ewa side.

2 Based on what we know the O'ahu
3 Transportation Plan says that our travel times are
4 going to increase from approximately an hour 15
5 minutes to 2 hours if all this development is allowed
6 to proceed. And I'm talkin' about the Castle & Cooke
7 developments plus the Bishop Estate developments.

8 How is that in keeping with your concern
9 regarding the impact on downward travel flows and
10 commuter times?

11 A Let me give you some background here. The
12 State Department of Planning, Economic Development and
13 Tourism does statewide and county-level population and
14 economic projections. And their projections through
15 2035 is what the county uses in our projections by DP
16 area.

17 And these are also -- the county projections
18 are the one that the O'ahu Metropolitan Planning
19 Organization uses when it does its traffic analyses,
20 computer traffic studies.

21 And basically what our projections are
22 saying is that the projected population will be met
23 and it doesn't matter which exact projects -- at which
24 exact projects the growth occurs.

25 So the traffic and transportation forecasts

1 are not project specific. They are for projected
2 growth. So we at DPP are assuming that the
3 development, enough development will occur to meet the
4 needs for population housing and jobs.

5 And we already have enough authorized
6 development such as Waiawa Ridge and Royal Kunia Phase
7 II and Makaiwa Hills and Kapolei West, and so forth,
8 that this population growth will occur.

9 So we cannot state that if this Koa Ridge
10 development is approved that automatically there will
11 be a problem based on the traffic projections. It
12 will simply provide growth that might otherwise go to
13 other developments. And the only major factor is the
14 localized and which downstream track your following
15 questions.

16 Q I haven't the slightest idea of what you
17 just said. I really don't.

18 A Oh, I'm sorry. I'm not a traffic expert.
19 And I cannot really comment on the adequacy of the
20 Final EIS or of the TIAR.

21 Q Do you agree that if you add developments to
22 a particular area that the traffic is going to be
23 increased? Do you agree with that?

24 A Certainly.

25 Q Do you agree that in the 'Ewa area you're

1 going to be adding -- or you want to add another
2 30,000 in Central O'ahu, another 20,000 housing units
3 which will generate X number of cars on the road,
4 which is going to generate increases in computer time?

5 A That's right.

6 Q Does the Department of Planning and
7 Permitting have a policy on how bad the traffic has to
8 be before you would disallow development based on the
9 traffic?

10 A No. We follow the OMPO long-range plan.
11 And we follow each developer's requirement to improve
12 traffic. And we rely on the State Department of
13 Transportation to worry about the adequacy of roads to
14 handle future regional traffic needs.

15 Q Okay. So you're saying that the adequacy of
16 the transportation system is someone else's problem,
17 the Land Use Commission, the State Department of
18 Transportation, the people doing rail, what have you?
19 You're saying that you guys are not concerned with
20 those particular kinds of impacts?

21 A I'm sure that our traffic engineers and
22 other engineers are concerned about these matters and
23 that they are raised by our department and by the
24 city. It's just that we do not have the lead on these
25 matters. And these questions, these concerns are

1 usually handled at a lower level than the State Land
2 Use Commission. That's my main answer.

3 And let me also say that our department's
4 main land use planning intent, so to speak, is as
5 required by the General Plan is to -- our requirement
6 in the General Plan is to plan for future population
7 growth. And we have to plan for the growth that DBEDT
8 projects.

9 And we have to look at all the developments
10 that are authorized or are upcoming and are likely to
11 be authorized, and see if enough development has been
12 authorized to meet the population projections.

13 And let me add the development plans are
14 designed to go beyond a 20-year planning horizon. So
15 it's current city policy not to cut off further
16 development approvals if there's enough development
17 already authorized to meet the next 20 years' worth of
18 growth.

19 We and the Land Use Commission are aware
20 that there's a certain amount of land banking going
21 on, and that economic conditions are changing. And
22 some of the authorized developments just might prove
23 unfeasible in the near term.

24 So we are not doing as you suggest, and
25 proposing that new developments be cut off because

1 there's already enough development approved on the
2 books.

3 That's a similar answer to what the previous
4 testifier said about the unallocated potable water.
5 That there's a lot of approved developments that,
6 where there's no developer and there's no timeline for
7 those to develop.

8 So if they don't develop for another 20
9 years we need to rely on other more near-term
10 developments to meet the growth needs of O'ahu.

11 Q Yeah. But that's contradicted by your
12 development plans which implement the General Plan,
13 correct?

14 A It's not contradictory but the development
15 plans implement the General Plan.

16 Q Right. And the development plans for 'Ewa,
17 for example, call for things like phasing where one
18 development would be preferred over another, or some
19 kind of a sequence based on whatever rationale.

20 It also talked about making sure that there
21 was adequate infrastructure to accommodate the
22 development. It also talked about the county coming
23 up with a CIP program which would essentially assure
24 that the -- that any infrastructure deficiencies would
25 be met through a county funding.

1 So, in other words, there's a whole bunch of
2 tests which are part of your Sustainable Communities
3 Plan, or your development plan, which lay out a number
4 of factors which must be taken into account before
5 zoning is granted, right?

6 Which contradicts what you're saying is that
7 what with the county general planning process
8 basically is a land banking scheme where any large
9 developer is basically allowed to develop at any
10 particular point and as long as the targets are met.

11 MS. TAKEUCHI-APUNA: Objection. Is there a
12 question or can he do a question?

13 PRESIDING OFFICER CHOCK: Can you get to a
14 question, Mr. Poirier?

15 Q (Mr. Poirier): Right. So my question is:
16 What happened in the 'Ewa Development Plan that had
17 all these criteria which you were supposed to apply
18 before granting zoning?

19 A Let me answer your question in pieces. Let
20 me start with the technical stuff because it's closer
21 to mind. The 'Ewa Development Plan is the only
22 development plan that has a phasing map that actually
23 phases allow development.

24 The Central O'ahu Sustainable Communities
25 Plan does not say when the approved development should

1 occur. The 'Ewa Development's phasing map, the
2 phasing basically has already expired because it took
3 a while for 'Ewa to develop and all the milestones
4 have passed I think. So that the phasing plan of the
5 'Ewa Development Plan has never had much teeth.

6 In terms of infrastructure capacity
7 basically the city only handles sewers and water. And
8 the state handles highways and schools. Oh, the city
9 also handles refuse. So our CIP is not a major
10 determinant as to whether the Project has adequate
11 infrastructure.

12 And there's one more thought here, if I can
13 catch it again. Our General Plan and our policies
14 are, increasingly, rely on developers to pay for the
15 needed infrastructure improvements. So the city's CIP
16 is not a major factor in whether or not the Project's
17 infrastructure adequacy is being met.

18 And the larger answer to your question, as I
19 already said, the city's concern is that Final EIS is
20 adequate, that the developer is meeting conditions
21 imposed by the Land Use Commission, the requirements
22 of State DOT, State Department of Education, and once
23 we get to the zone change level any unilateral
24 agreement conditions that we impose.

25 We are assuming that the existing system for

1 infrastructure adequacy that is already in place will
2 solve the problem as much as possible. And if there
3 are existing problems with the transportation systems
4 that were not the fault of the development, that
5 that's a matter for State DOT to try to eventually
6 solve.

7 Q I mean it's more than State DOT. It's also
8 you guys. It's also you guys. It's also Department
9 of Transportation Services. Given the fact that
10 you're in charge of the rail project, that's not a
11 state project.

12 In other words, don't these people have to
13 get together, decide what the problem is and how best
14 to approach it? I mean you just can't say, "Because
15 it's not our kuleana, it's not our responsibility."

16 A The O'ahu Metropolitan Planning Organization
17 is where everybody gets together. And they basically
18 help these agencies get federal funds and do the
19 required federal long-range transportation planning.

20 The city itself is only responsible for city
21 roads. So we're having only an advisory manner on the
22 regional transportation system. And our unilateral
23 agreement conditions are likely to come from the
24 Department of Transportation as well as our own
25 traffic engineers, and the Department of

1 Transportation Services.

2 So we are not independently working to do
3 State DOT's job. We are relying on them for their
4 regional -- and OMPO -- for their regional, the
5 regional transportation issues. And on rapid transit,
6 that is somewhat a separate issue in this particular
7 case because this Project is up in Central O'ahu and
8 is not being, directly being served by rapid transit.
9 They have to have feeder buses come down from
10 Mililani.

11 And I'm not an expert on the relationships
12 between rapid transit and the highway system. My
13 understanding that rapid transit will make congestion
14 slightly better than it would otherwise be. But the
15 main problem is future developments and existing
16 bottlenecks on the transportation system.

17 So all that the traffic engineers can do
18 beyond rapid transit and beyond highway improvements
19 and beyond what they require developers to build, is
20 to do other policy approaches such as traffic demand
21 management and ride sharing, and these other
22 approaches which try to improve things, telecommuting,
23 all that kind of stuff.

24 The bottom line is that traffic is going to
25 get worse. And rapid transit and highway widenings

1 are not going to completely solve the problem. And
2 all that we can ask the developers to do is to make
3 improvements that their projects are responsible for.
4 And if they're willing to do slightly more, then fine.

5 But we're not going to solve the
6 transportation bottlenecks in the future by denying
7 individual developments because the development -- the
8 growth will simply go elsewhere.

9 Q No -- well, okay. That doesn't make sense.
10 If the Land Use Commission did not approve Waiawa, if
11 they don't approve Castle & Cooke, we don't have a
12 problem. So, in other words, they are part of the
13 solutions which really resolve the problem made by
14 disallowing the development.

15 A If the Land Use Commission was to start
16 going back and removing permissions, that might --

17 Q I'm not saying that.

18 A -- solve the problem.

19 Q I'm not saying that. I'm saying any future
20 ones.

21 A Any future one. I'm sorry. But Central
22 O'ahu already has more than enough approved
23 developments for 30 or 40 years.

24 Q Well, of course. So why should we approve
25 more from a county planning perspective?

1 A I think I already answered that. We are
2 planning for up to 50 years. And we are assuming that
3 not all of the approved developments will proceed any
4 time soon. And our policy is not like it was decades
5 ago before our current development plans came into
6 being.

7 We are allowing developments within the
8 Urban Growth Boundary as long as their EIS says their
9 impacts can be resolved, and as long as there are no
10 major objections from the State Department of
11 Transportation or other, or other infrastructure
12 bottlenecks that are pointed out at the time of Land
13 Use Commission zone change, and possibly revisions to
14 the development plans.

15 Q So you're saying that in, with respect to
16 Ho'opili, for example, under the previous
17 administration the Department of Transportation did
18 have -- did have an objection in the sense that there
19 was going to be gridlock if you allow anything else
20 out there.

21 So if that's true, and based on what you
22 said, then DPP should be against -- at that time
23 should have been against Ho'opili. Were they?

24 A I would have to say that I was not involved
25 in that. And I can't give you a complete answer on

1 behalf of DPP. But obviously the fact that DOT
2 changed their mind the second time around without the
3 size of the Project being reduced, suggests that DOT's
4 concerns may have been technical rather than -- and
5 with the size of the Project.

6 Q Right. Now, I'm having a hard time thinking
7 of anything that would happen between the last
8 administration and this administration that would
9 change either relative to project impact regarding
10 transportation.

11 A So all I can tell you is --

12 MR. YEE: I'm sorry. I'm going to object on
13 the basis that the discussion of Ho'opili and why
14 DOT's position did or did not change on Ho'opili is
15 irrelevant to this matter.

16 PRESIDING OFFICER CHOCK: So noted.
17 Mr. Poirier, please stick to the matter in chief.

18 MR. POIRIER: I shall stop questions then.

19 PRESIDING OFFICER CHOCK: Mr. Seitz.

20 CROSS-EXAMINATION

21 BY MR. SEITZ:

22 Q Mr. Watkins, I don't see your name on the
23 witness list. Are you appearing as the representative
24 of Mr. Tanoue?

25 A That's correct.

1 Q So you speak for the department, is that
2 correct?

3 A I am the project manager and I'm the one
4 selected to testify here today.

5 Q So you're speaking to the Land Use
6 Commission for the department, correct?

7 A I believe so, yes.

8 Q Okay. Is your department bound by the
9 Constitution of the State of Hawai'i?

10 A In general yes. The Constitution is a bit
11 general on a lot of subjects.

12 Q How about Article 11 of the Constitution?
13 Is it too general for you to understand?

14 A You'd need to tell me the subject of Article
15 11.

16 Q Well, let me read it to you: "The State
17 shall conserve and protect agricultural lands, promote
18 diversified agriculture, increase agricultural
19 self-sufficiency, and assure the availability of
20 agriculturally suitable lands." Are you familiar with
21 that language?

22 A Yes.

23 Q How does your support of this particular
24 proposal implement the Hawai'i Constitution as set
25 forth in Article 11 that I just read to you?

1 A Thank you for your question.

2 Q My pleasure.

3 A The Petitioner gave a similar answer to
4 ours. And our department gave a similar answer for
5 Ho'opili. And I would have to repeat some of the
6 things we said in Ho'opili in answer to your question.

7 That article in the State Constitution is
8 only one of the state requirements, things that must
9 be addressed including housing, economic development
10 and so forth. So we have done the best that we can in
11 our Central O'ahu Sustainable Communities Plan by
12 creating an Urban Growth Boundary that does protect
13 huge amounts of agricultural land from development,
14 and that does reserve these lands, hopefully in
15 perpetuity.

16 And we did design our Urban Growth Boundary
17 in conjunction with the State Office of Planning and
18 the State Department of Agriculture. And we followed
19 their advice to protect the very best prime
20 agricultural lands that look to be safe from
21 development for the foreseeable future, which is
22 basically west of Kunia Road and north of the H-1
23 Freeway, along with military lands within the Pearl
24 Harbor blast zone.

25 And we are also basing our recommendation

1 here on Bruce Plasch's testimony. We have hired him
2 as well on our General Plan revision project. And the
3 development plan that Central OSCP used earlier
4 versions of Bruce Plasch's findings to state that
5 there's plenty of available agricultural land, way
6 more than is likely to be needed in the foreseeable
7 future, especially on the neighbor islands. And so we
8 are confident that we were meeting this State
9 constitutional requirement.

10 Q And do those other available agricultural
11 lands, do they have water available to them now so
12 somebody can move in and farm?

13 A That is a technical question that we're not
14 really considering at the State Land Use Commission
15 level or in our development plan level. We know that
16 water is potentially available on the ditch and Board
17 of Water Supply availability and non-potable water
18 wells and so forth.

19 Q You know, do you not, that the current land
20 at issue here and in Ho'opili -- since you raised
21 that -- is among the best, most productive
22 agricultural land in the state of Hawai'i, is that
23 correct?

24 A Yes.

25 Q And you know that those lands are currently

1 in cultivation and producing crops which are sold to
2 people in Hawai'i for local consumption, correct?

3 A Yes.

4 Q And yet you're willing, in your department's
5 wisdom, to surrender those lands for development in
6 favor of supposed other agricultural lands that don't
7 have water at the present time, is that correct?

8 A Let me say this...

9 Q Well, maybe you can answer my question
10 first.

11 A Okay.

12 Q Is that a yes or no?

13 A Why don't you repeat your question because I
14 was thinking about this other answer.

15 Q Okay. I think we'd probably do better here
16 if you answer my question, think about it, as opposed
17 to thinking about something else.

18 My question simply is this: You, in your
19 wisdom in your department, would rather surrender
20 lands that are currently in cultivation, that are
21 producing food for consumption in Hawai'i, for
22 development purposes in favor of lands that may be
23 ultimately valuable for agricultural purposes but
24 currently don't have the infrastructure for
25 agriculture to occur there. Is that correct?

1 A No. I would disagree with that on a few
2 points.

3 Q Go ahead. Why do you disagree?

4 A First, the development plans came in before
5 these lands were, or at least some of the lands, were
6 put into agricultural use. So our development plan
7 policy came before the use.

8 And what's my other point? We were assured
9 at the time that we adopted these development plans
10 that there were lands that did have adequate water;
11 that it was not a matter of there were no lands with
12 water available.

13 Q All right. Let me take those questions in
14 order. With respect to your plans, the plans that
15 you're talking about with regard to urban boundaries
16 and urban development, they were developed 30, 40, 50
17 years ago, correct --

18 A No.

19 Q -- in some instances?

20 A Our new development plans were put in place
21 starting in 1997 and Central O'ahu was 2002, I
22 believe.

23 Q Okay. Even if we say that those are the
24 dates, 8, 10, 12 years ago, in any event is it your
25 testimony here that a plan that was developed some

1 time ago that may now be obsolete in terms of the
2 public's interest in protecting and growing
3 agriculture in Hawai'i; that you are simply entitled
4 to go right ahead because those plans are on the
5 table, and ignore any changes with respect to the
6 public's demand to protect agricultural lands? Is
7 that your position?

8 A No. I disagree with your assumptions as
9 well as the thrust of your question.

10 Q Thank you. Now, I want to ask you several
11 other questions. First of all, you would agree that
12 the traffic situation coming in on H-2 right now is a
13 problem, correct?

14 A I'm not personally familiar with rush hour
15 traffic on H-2. I'll have to rely on the traffic
16 studies.

17 Q Okay. So you are not able to testify, and
18 your department is not able to provide any assessment
19 as the basis for its opinions that the traffic
20 situation out there is already pretty horrendous? You
21 haven't taken that into account?

22 A I would say that we relied on the final
23 environmental impact statement as part of our decision
24 last time around to support this Project.

25 Q And have you or anybody in your department

1 looked at the H-2/H-1 Interchange there to determine
2 whether or not the situation there has gotten any
3 better, any worse since the last time you were here?

4 A I am fairly confident that our traffic
5 engineers are aware of the situation. But they have
6 not reported any concerns of us -- any concerns to us
7 at this Land Use Commission level. Their concerns are
8 for lower level permits to zone change and
9 subdivisions and so forth.

10 They are concerned about the TIAR updates.
11 But they're not concerned at the Land Use Commission
12 level or with regard to the broad land use policy
13 questions.

14 Q Well, I'm not addressing now the Land Use
15 Commission level. I'm addressing your recommendations
16 for the purpose of this Project going forward and the
17 fact that you and the people who you work with
18 apparently don't have any concern for the existing
19 traffic problems, or the fact those problems will be
20 grossly aggravated because there is not, apparently,
21 any solution to them. Is that a fair statement?

22 A No. We are well aware of the problems. We
23 just don't see any solution to the existing traffic
24 problems other than all the things that are already
25 being proposed.

1 Q So it's the position of your department that
2 although there are no solutions to already existing
3 traffic problems on the freeways, we should just go
4 ahead blindly and continue to build and aggravate
5 those problems because ultimately maybe somebody will
6 come up with a solution. Is that a fair appraisal of
7 your testimony?

8 A No, I don't agree with that.

9 Q All right. Lastly, do you know what the
10 so-called 'affordable price' is going to be for the
11 units that are proposed to be built in this particular
12 Project?

13 A No. I'm not involved in that. And it
14 probably is not certain at this point. I believe Laura
15 Kodama testified on that. And the really tricky
16 thing -- our division does handle that when, after the
17 zone change unilateral agreement and we start
18 negotiating with the developer. And the tricky thing
19 is it depends on how many bedrooms the home has and so
20 forth.

21 It also depends on what the HUD median
22 price -- median income is, median household income is
23 at that time. So to say what the price would be when
24 the homes start being offered for sale is almost
25 impossible.

1 Q Were you here yesterday when Ms. Kodoma
2 answered my question?

3 A Yes.

4 Q And you recall that she estimated that give
5 or take, the affordable range for a four-person family
6 would be about \$450,000, give or take? Did you hear
7 that testimony?

8 A I heard that conversation.

9 Q In terms of public policy, which you folks
10 are responsible for addressing, do you think a
11 \$450,000 home for a family of four would be affordable
12 for, for example, by a teacher or a carpenter or even
13 that young lady who testified here yesterday, in
14 today's market? Would that be an affordable price?

15 A I'm not a real estate expert. And I'm not
16 an expert on our affordable program. But I would say
17 if the median price of single-family homes is, like,
18 600,000, then a much cheaper price than that might be
19 affordable to the various target groups, the upper
20 income target groups that we have in our affordable
21 housing agreements.

22 Q The city has a policy, does it not, of
23 wanting to have at least 30 percent of the homes be
24 affordable so that people, like the young lady who
25 testified here, can buy a home in these new

1 developments, is that correct?

2 A Yes. Very much so.

3 Q And isn't it important, however, above and
4 beyond whatever HUD may determine, above and beyond
5 what the mortgage market allows for, isn't it
6 important that your department advocate in such a
7 manner that the homes are truly affordable for Hawai'i
8 people? Wouldn't you agree with that?

9 A Yes. And that's a very good statement to
10 make, but I would add that our city's housing powers
11 are limited. So there's not all that much we can do
12 to lower the prices of affordable homes. The only
13 matter that's been proposed, in fact, is to open the
14 flood gates and let all developments proceed and
15 hopefully affordable housing will be cheaper then.
16 And we're not doing that.

17 MR. SEITZ: Thank you. No further
18 questions.

19 PRESIDING OFFICER CHOCK: Redirect?

20 MS. TAKEUCHI-APUNA: I just have a few
21 questions.

22 REDIRECT EXAMINATION

23 BY MS. TAKEUCHI-APUNA:

24 Q Do you know the negative -- the possible
25 negative impacts of the Project that the Neighborhood

1 Board had asked about, aren't those -- such as
2 traffic, aren't those addressed at the zoning level or
3 beyond this proceeding by the county?

4 Didn't you mention that there's ways that
5 they can specifically address these impacts?

6 A Yes. The zone change stage is when the
7 county does its traffic analysis and imposes
8 conditions on other infrastructure that the Project
9 will need.

10 Q So, in fact, the city doesn't simply rely on
11 their plans but there are points beyond this
12 proceeding where the city can look at specific areas
13 of the Project.

14 A And I will say also for master planned
15 communities and other fairly large projects, the city
16 does rely heavily on the State Department of
17 Transportation's position and their requirements that
18 they're trying to impose.

19 Q And as far as the development plans, you
20 said that they were put in place in 1997 and updated
21 in 2002?

22 A No. What I said was the 'Ewa Development
23 Plan was adopted in 1997. And the Central O'ahu
24 Sustainable Communities Plan was adopted, I think, in
25 2002. And they are now in the process of being

1 updated. But we've only managed to actually update
2 and revise one of the eight development plans, and
3 that was the North Shore, fairly recently.

4 All the other six that we're working on are
5 still in process.

6 Q So DPP is under a mandate to have these
7 plans updated periodically, is that correct?

8 A We are supposed to update them every five
9 years. And due to budget constraints we haven't been
10 able to do that. And I must say that we are having to
11 hire private planning consultants to even get them
12 done at all.

13 Q But they are updated periodically.

14 A We are in the process of updating. I think
15 we have one more that's ready -- two more that are
16 ready to go through the Planning Commission and City
17 Council and a couple more that are ready for a public
18 review draft.

19 Q Right.

20 A Release of a public review draft.

21 Q So when they are updated they include a
22 process that, like you said, includes city council
23 approval and other public input during the updates, is
24 that correct?

25 A Yes. The update includes consultation with

1 the line agencies, the infrastructure experts.

2 Q And therefore we're not relying on the plan
3 that was first originated back in 2002. There are
4 updates and there is public input during these
5 updates.

6 MR. SEITZ: Mr. Chairman, I'm going to have
7 to object at this point. If Ms. Takeuchi wants to
8 testify, let her take the witness stand. But she
9 should not be asking every question in as leading a
10 manner as she is. She's basically testifying.

11 PRESIDING OFFICER CHOCK: So noted. Can you
12 please --

13 MS. TAKEUCHI-APUNA: That's fine. I'll move
14 on.

15 Q The H-1/H-2 merge that Mr. Seitz had spoken
16 of, and the problems there, is the H-1/H-2 merge a
17 city highway of concern?

18 A No. All the freeways are under state
19 control. Basically the city roads only are within
20 urban, rural and suburban communities, not between
21 them.

22 MS. TAKEUCHI-APUNA: I have no further
23 questions.

24 PRESIDING OFFICER CHOCK: Commissioners, any
25 questions? Commissioner Judge.

1 COMMISSIONER JUDGE: Good morning.

2 THE WITNESS: Good morning.

3 COMMISSIONER JUDGE: I wonder if you could
4 clarify a point for me. The last time through the
5 city was very adamant about the timing of the
6 construction of the Pineapple Interchange. I believe
7 there was a -- the county was asking for a date of
8 2017 and wanted real concrete windows of when that
9 interchange would get constructed. I don't see that
10 this time around. It seems to be absent. I'm just
11 wondering if you could shed light on why that is.

12 THE WITNESS: I wasn't here last time
13 around. But I understand that we raised those
14 concerns at the draft findings of fact stage rather
15 than during our testimony. So it may have been later
16 in the process last time as well.

17 And I would answer more directly to your
18 question. We have consulted with our traffic experts.
19 They are not quite as adamant this time around. And
20 we may not even request conditions on traffic and
21 transportation.

22 COMMISSIONER JUDGE: Can you explain why?
23 Because you don't see that traffic is of the same
24 level of concern? Go ahead.

25 THE WITNESS: I would say that's an internal

1 matter to our department.

2 PRESIDING OFFICER CHOCK: Commissioners,
3 any further questions? Commissioner Matsumura.

4 COMMISSIONER MATSUMURA: Good morning,
5 Mr. Watkins. For clarity, if you can answer for me.
6 You talked about 2035. You talked about 50 years
7 projection. Does the state, the county of O'ahu,
8 Honolulu -- excuse me -- I'm from the Big Island --
9 have a population ceiling projected within that
10 timeframe?

11 THE WITNESS: There's two different things
12 there. We do not have a maximum ceiling for what we
13 want the population to never grow beyond. All we're
14 doing is following the state's projections. The state
15 makes the best estimate of what the population will be
16 in 2035 for O'ahu. And we follow that by trying to
17 figure out where on O'ahu this population will go.

18 We do our own projections by development
19 plan area, the eight areas of O'ahu, based on what we
20 know about future developments and real estate and
21 development trends and so forth.

22 COMMISSIONER MATSUMURA: So if it's open
23 ended as such, and you're projecting 35, 50 years, are
24 you going to hit some kind of a saturation point in
25 your Urban Growth Boundaries? When that happens then

1 what?

2 THE WITNESS: Let me answer it this way. We
3 feel that our Urban Growth Boundaries are adequate for
4 future growth and the development for the foreseeable
5 future. We see and the State Department of Business
6 and Economic Development foresees population growth
7 continuing to decline more and more in the future. So
8 that O'ahu is not going to continue any sort of boom
9 growth.

10 The occasional economic downturns will
11 continue and may result in no -- in only rare economic
12 booms in the future, fairly slow economic and
13 population growth over the long term.

14 COMMISSIONER MATSUMURA: So you use that as
15 an assumption for that. Is that a projection for the
16 state?

17 THE WITNESS: Excuse me. This is more staff
18 level analysis than DPP's official position. And I
19 can't testify for DBEDT. They probably only talked to
20 2035 which is basically a 20 to 25-year projection.

21 COMMISSIONER MATSUMURA: No further
22 questions.

23 PRESIDING OFFICER CHOCK: Commissioner
24 Judge.

25 COMMISSIONER JUDGE: Thank you. This is

1 just a clarification from my last question. So am I
2 correct in understanding, then, from your response, is
3 that the Department of Planning's change in position
4 on the construction of the Pineapple Interchange is
5 not due to any change in the traffic data, but it's
6 due to more of a change in administration policy?

7 THE WITNESS: If you want more detail I
8 would say first that we have not necessarily changed
9 our position, yet, since we didn't mention this, I
10 don't think, in our testimony last time. We waited
11 till the findings of fact stage.

12 So we don't know yet exactly what we're
13 going to do at the draft findings of fact stage this
14 time, whether we'll propose any conditions or not.

15 Second. By 'internal change within the DPP'
16 I meant that it had nothing to do with traffic
17 projections or changes in traffic analyses. I don't
18 want to say anything more specific than that. It was
19 not due to a change in director or a change in mayor
20 necessarily.

21 It was just a change in opinions as to how
22 we should proceed at the State Land Use Commission
23 level. That's about as specific as I think I should
24 go.

25 COMMISSIONER JUDGE: Okay. That's fine. I

1 just can't remember last time. But I just remember
2 the county coming out pretty clearly. And I thought
3 it was during -- you did lay foundation for making
4 that condition during testimony. It didn't just come
5 up at the end.

6 I thought there was some foundation laid
7 during your position statement, that it just didn't
8 come out at the end.

9 So that's why I was asking if there was --
10 why the change occurred, why it's not included. But I
11 think you've answered as far as you can so I'll leave
12 it at that.

13 PRESIDING OFFICER CHOCK: Commissioners, any
14 further questions for this witness? Thank you for
15 your testimony, Mr. Watkins. We're going to be taking
16 a 10-minute break -- actually why don't we take a
17 15-minute break and reconvene at 11 a.m.

18 (Recess was held. 10:40)

19 PRESIDING OFFICER CHOCK: (11:05) Okay.
20 We're back on the record. County, does that conclude
21 your case?

22 MS. TAKEUCHI-APUNA: Yes. The City rests.

23 PRESIDING OFFICER CHOCK: Neighborhood
24 Board, I understand you have two witnesses --

25 MR. POIRIER: Yes, we do.

1 PRESIDING OFFICER CHOCK: -- that you were
2 able to -- we really appreciate that. Thank you very
3 much for your consideration. Why don't you proceed.

4 MR. POIRIER: Okay. Our first witness is
5 Ann Freed. Ann is a member of our board and I will
6 introduce her, ask her to state her name and your
7 address, please.

8 PRESIDING OFFICER CHOCK: Before we do that
9 can I swear you in?

10 THE WITNESS: Absolutely.

11 ANN FREED

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

14 THE WITNESS: I sure do. My name is Ann
15 Freed. I live in what is called Melemanu. And I'm a
16 member of the Melemanu Neighborhood Board 25. My
17 address is 95-227 Waikalani Drive, 843 Mililani. And
18 I've been involved in the neighborhood board for quite
19 some time. Have moved to O'ahu -- most of the
20 Commissioners have heard my testimony before. But
21 there are some new folks so it bears repeating some of
22 the things that have been said in the past on this
23 issue.

24 You know, I've been listening to the
25 discussion of the roads and the traffic. And the

1 experts have all testified on that. I understand that
2 the environmental impact statement that was done did
3 not consider the impact of traffic when it reaches the
4 H-2/H-1 merge where Middle Street merges on that.

5 So traffic in and around may have been
6 deemed adequate but it certainly is going to degrade
7 the quality of life for people who are commuting and
8 working in O'ahu, commuting from Central O'ahu.

9 I had to sit in that traffic like I did for
10 two and-a-half years when I worked at the Legislature.
11 I can tell you it was a nightmare.

12 And it hasn't gotten -- it's gotten
13 progressively worse without these thousands of homes
14 that are proposed to be developed in our neighborhood.

15 The second concern that we have, I have as a
16 community member, has already been stated, the
17 preservation of agricultural land. I understand the
18 Land Use Commission was created to protect Hawai'i's
19 land. As Mr. Seitz has pointed out that that is in
20 our constitution. It's a requirement.

21 So I would ask that some ag land be
22 preserved. I think that was some of the things, the
23 conditions that the Neighborhood Board would consider
24 in supporting a development such as this, is that some
25 parts of the agricultural land be preserved. The

1 suggestion from some of the farmers when they came
2 here, would community farms be part of that.

3 The other thing that has not been mentioned
4 is the condition of our sewers. I heard a lot of
5 discussion about water, water supply. Our sewers are
6 in, approaching failure in the city and county of
7 Honolulu.

8 So where brand new sewers may be adequate
9 for the problem within your community, the pressure
10 they put on our interconnected sewer system leaves
11 something to be questioned. I have concerns about
12 that.

13 Okay. The other part was education. We --
14 developers and concurrency. The developers have
15 basically been given a green light to do whatever they
16 want. When they say, "I plan to do," it means I plan
17 to do. It doesn't mean I will do or I must do. And
18 so we have to look towards government and government
19 bodies, and agencies to ensure that those developments
20 live up to the things they said they were gonna do.
21 Now, we have plenty of examples of where that has not
22 happened.

23 In our own Mililani Mauka there was a school
24 planned there that is not there. Department of
25 Education says that, you know, it's adequate. Their

1 idea of adequate is that we still have falling down
2 temporary school rooms over in Mililani High School.

3 And the school-sized rooms, the class sizes
4 are approaching 30. And in order to accommodate
5 they're sending these children to school in three and
6 four shifts throughout the day, throughout the year.

7 We have a very low rating in our public
8 education system. We're going to the bottom. And yet
9 here we are going to plan another community without --
10 talk about interim plans.

11 That before DOE actually builds the schools
12 that are planned there, which there's no guarantee
13 that they will do that because they have to have money
14 to do that, and we know what the state of our finances
15 are in the state right now, those schools are not
16 going to be built for quite a while. And if they're
17 not built then what happens to the children who are in
18 those neighborhoods?

19 So another point that I wanted to make was
20 the idea of affordable housing. You know, again
21 Mr. Seitz has pointed out what is really affordable.
22 400,000 K is going to attract people like me. I'm a
23 retiree with a pension. I don't have a problem
24 financially.

25 But we have families in Hawai'i who are

1 gonna wind up homeless because there's no good rental
2 housing. That 400,000 is certainly not something
3 someone who is living hand-to-mouth and barely --
4 working two or three jobs, is going to be able to
5 afford to buy. There's no rental in here.

6 So, okay, the other point I wanted to make
7 was the urban boundary. We've heard, again, the city
8 and county testifying how they have not yet concluded
9 their review of the sustainability plan. And yet
10 they're going to give away permits without current
11 review.

12 To me that means kapakahi, really upside
13 down. I don't understand how you give out permits
14 when all around you, all you have to do is look at
15 what's happening on our roads, look at what's
16 happening in our schools, look at what's happening
17 with our food safety and food security.

18 But you're gonna go ahead and give a permit
19 to a planned residential development that's going to
20 attract more population from the mainland and do
21 nothing to provide for Hawai'i's families.

22 So I'm really having some doubts about
23 whether or not the Neighborhood Board should support
24 this Project at all. The only reason that I think we
25 have supported this is the need for medical for

1 another hospital, for Wahiawa General to find another
2 place to go because they can't rebuild the current
3 structure in affordable fashion.

4 But I think some things have changed now
5 that the two hospitals have closed. I'll tell you a
6 little story. I have a friend who had to go to the
7 emergency room two days ago at Wahiawa General. And
8 she wound up in the hallway for two days with a, you
9 know, just a screen around her because they're
10 overwhelmed.

11 So my question to the Commission that I
12 think you should ask of this developer in this area in
13 the community is: Is that hospital actually going to
14 get built? What is the business plan for Wahiawa
15 General? Are they actually going to be able to move
16 there? I understand there's no provision for an
17 emergency room right now. They're not planning to
18 have an emergency room at this facility. Right?

19 And I think that this development would be
20 better if it were not residential, if it were some
21 combination of agricultural and medical park. That
22 would serve the needs of our community. That would
23 serve the needs of our people.

24 Residences need to be built within the
25 existing urban corridor, whatever the guy said,

1 rebuilding the current structures.

2 I look in Waipahu, I don't see very many
3 highrises down there. It seems to me that that's the
4 way we need to go. We need to go with highrises that
5 are built for families, large apartments, some of them
6 truly affordable, some of them rentals.

7 But right now our plan is gonna put our
8 people and Hawai'i in ruin. As a retiree who came
9 here and cares very much about the 'aina, I would be
10 devastated to see that happen. So thank you.

11 MR. POIRIER: Questions?

12 PRESIDING OFFICER CHOCK: Go ahead.
13 Petitioner?

14 MR. MATSUBARA: No questions.

15 PRESIDING OFFICER CHOCK: County?

16 MS. TAKEUCHI-APUNA: No questions.

17 PRESIDING OFFICER CHOCK: State?

18 MR. YEE: I do have one question.

19 CROSS-EXAMINATION

20 BY MR. YEE:

21 Q With respect to your support for the Wahiawa
22 Hospital or the medical center for park and further
23 agriculture, are you aware that the Petitioner is
24 donating the 28 acres for the hospital?

25 A I don't know that I was, but that's laudable

1 if they are.

2 Q So does it make much economic sense to go
3 through this process just to donate 28 acres to a
4 medical hospital?

5 A No. But I also need to point out that they
6 also donated land, that was the word they used, to the
7 O'ahu Arts Center and then took that back.

8 MR. YEE: Thank you. Nothing further.

9 PRESIDING OFFICER CHOCK: Mr. Seitz?

10 MR. SEITZ: No questions. Thank you.

11 PRESIDING OFFICER CHOCK: Any redirect,
12 Mr. Poirier?

13 MR. POIRIER: No.

14 PRESIDING OFFICER CHOCK: Commissioners, any
15 questions? Thank you, Ms. Freed, for your testimony.
16 Next witness?

17 MR. POIRIER: Our next witness is Karen
18 Loomis who's going to testify from an educational
19 perspective.

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

23 THE WITNESS: Yes, I do. My name's Karen
24 Loomis. I've been a resident of Mililani for over 35
25 years. My address is 94-599 Pulehu Street, Mililani

1 96789.

2 I have a number of concerns regarding the
3 proposed development. But for my testimony now I
4 would like to speak to the educational impacts. I
5 believe there are issues for both the students who
6 move into Koa Ridge as well as the students and the
7 families in the surrounding schools and neighborhoods.

8 The Petitioner predicts that there will be
9 over 1,000 students from the Koa Ridge development:
10 628 elementary, 179 middle school and 209 high school
11 aged students. A single elementary school is proposed
12 to be located within the Koa Ridge development.

13 It is anticipated that middle and high
14 school students would attend schools that have been
15 proposed for the Waiawa Ridge development which has no
16 developer. While the Petitioner has agreed to provide
17 land and a financial contribution for an elementary
18 school on the Koa Ridge site, and seeks close
19 coordination with the Department of Education,
20 neither the developer nor the DOE can actually deliver
21 on these intentions. It's been mentioned before
22 because the funding needs to come from the
23 Legislature.

24 So the reality is that many of the families
25 who move into Koa Ridge, particularly in the early

1 phases, will likely have to send their children to
2 schools elsewhere.

3 And the DOE has said that they believe that
4 the Waiawa Ridge development will eventually be built
5 with its proposed schools, and that Koa Ridge alone
6 will not trigger the need for a new middle school or a
7 new high school. But I think the development of
8 Waiawa Ridge is speculative at best.

9 And so the question then becomes where will
10 those middle and high school students living in Koa
11 Ridge go to school? According to the figures provided
12 by the DOE and contained in the Petitioner's EIS,
13 Mililani High School already has nearly 500 students
14 more than its official capacity.

15 According to the DOE Mililani Middle School
16 has capacity for about 150 more students, but this is
17 only because they are using a multitrack system where
18 only two-thirds of the students are in school at any
19 one time. So if they were to be on a normal school
20 calendar they would be overcapacity as well.

21 While Pearl City High School appears to have
22 some excess capacity according to DOE figures,
23 Highlands Middle School has very little extra space.
24 So if this development goes forward its children will
25 be attending overcrowded schools in the surrounding

1 communities.

2 The commuting distances are certainly not
3 within the sustainable walkable community concept that
4 the Petitioner has proposed. And the educational
5 impact is negative both for the Koa Ridge students and
6 for those in the surrounding neighborhoods.

7 As a mitigating measure I would ask that the
8 developer provide funding in addition to the
9 construction contribution already agreed to. Such
10 funds would be for the surrounding schools that need
11 to absorb the additional students from that
12 development until such time that the new schools are
13 actually built.

14 This may not be an ideal solution, but if
15 money were made available over and above the way the
16 student formula funding is, perhaps the affected
17 schools would be able to afford additional staff,
18 transportation services and equipment to improve the
19 educational experience for their students. That's all
20 I have.

21 PRESIDING OFFICER CHOCK: Questions?

22 MR. POIRIER: No questions.

23 MR. MATSUBARA: No questions.

24 PRESIDING OFFICER CHOCK: County? State.

25 MR. YEE: Yes.

1 CROSS-EXAMINATION

2 BY MR. YEE:

3 Q Are you aware that an educational agreement
4 has already been executed between DOE and the
5 Petitioner?

6 A Yes, I am.

7 Q Have you had an opportunity to review that
8 document?

9 A I think I did for the hearings two years
10 ago.

11 Q Do you recall how much more you're looking
12 for in cash contribution than is already provided?

13 A My understanding is the cash contribution is
14 towards the construction of the new schools.

15 Q You're familiar with the testimony from the
16 Department of Education that if the Waiawa Ridge
17 development does not move forward that there's
18 sufficient capacity in the middle and high school --
19 there's sufficient capacity for the middle and high
20 schools and other schools to account for just the Koa
21 Ridge Makai Project?

22 A I don't recall that testimony.

23 MR. YEE: That's it. Thank you.

24 PRESIDING OFFICER CHOCK: Mr. Seitz?

25 MR. SEITZ: No questions, thank you.

1 PRESIDING OFFICER CHOCK: Redirect,
2 Neighborhood Board?

3 MR. POIRIER: No.

4 PRESIDING OFFICER CHOCK: Commissioners, any
5 questions? Thank you for your testimony, Ms. Loomis.
6 I believe that is our last witness for today. The
7 Chair would like to entertain a motion to amend our
8 agenda to include an executive session matter relating
9 to personnel.

10 COMMISSIONER TEVES: So moved.

11 COMMISSIONER JUDGE: Second.

12 PRESIDING OFFICER CHOCK: Moved and
13 seconded. All in favor say aye. (Voting aye) Any
14 opposed? We're in exec session. And after that we'll
15 be coming back to recess and conclude the meeting.
16 So, Parties, I think that concludes your portion of
17 the day. Any questions before we break?

18 MR. MATSUBARA: Just thanking the Commission
19 for taking the time. Sorry we couldn't fill up your
20 day since you devoted the whole day to this. I hope
21 at the next scheduled meeting all of the parties can
22 finalize it by having all their witnesses present so
23 that we can utilize the full day that you set aside.

24 And it may be helpful if a list of witnesses
25 were exchanged between the parties at least a week in

1 advance so that we would know how much time we need to
2 set aside and when we can close the hearing down.

3 PRESIDING OFFICER CHOCK: Parties, would you
4 be amenable to do that? That would be the preference
5 of this Commission.

6 MR. YEE: OP will have its witnesses
7 available, all witnesses available at the next
8 hearing. We'll send that list to all the parties and
9 the order of witnesses.

10 PRESIDING OFFICER CHOCK: Okay. Thank you
11 very much. Have a great weekend.

12 (Executive session held at 11:18)

13 (The Commission reconvened from executive
14 session at 11:40. Vice Chair Chock announced that
15 Executive Officer Davidson was authorized by the
16 Commission to begin proceedings to seek his
17 replacement and process the necessary personnel and
18 administrative documents in order to assist the
19 Commission in its ultimate selection of a candidate.
20 There being no further business the meeting adjourned
21 at 11:40)

22

23 --oo00oo--

24

25

1 C E R T I F I C A T E

2

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

5 That I was acting as court reporter in the
6 foregoing LUC matter on the 3rd day of February 2012;

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

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

13

14 DATED: This _____ day of _____ 2012

15

16

17

18

19 _____
20 HOLLY M. HACKETT, HI CSR #130, RPR
21 Certified Shorthand Reporter
22
23
24
25

