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STATE OF HAWAI'I  
LAND USE COMMISSION

ADOPTION OF ORDER	PAGE
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TRANSCRIPT OF PROCEEDINGS

The above-entitled matters came on for a Public  
Hearing/Action Meeting at Conference Room 204, 2nd  
Floor, Leiopapa A Kamehameha, 235 S. Beretania Street,  
Honolulu, Hawai'i, commencing at 9:10 a.m. on June 21,  
2012, pursuant to Notice.

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

## A P P E A R A N C E S

## COMMISSIONERS:

KYLE CHOCK

THOMAS CONTRADES

RONALD HELLER

LISA M. JUDGE

NORMAND LEZY (Chairman)

CHAD McDONALD

ERNEST MATSUMURA

NICHOLAS TEVES, JR.

EXECUTIVE OFFICER: DAN ORODENKER

CHIEF CLERK: RILEY HAKODA

STAFF PLANNER: SCOTT DERRICKSON

DEPUTY ATTORNEY GENERAL: SARAH HIRAKAMI, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. A11-793 CASTLE &amp; COOKE HOMES, HAWAI'I, INC.

For the Petitioner: BENJAMIN MATSUBARA, ESQ.

WYETH MATSUBARA, ESQ.

LAURA KODAMA, Castle &amp; Cooke

For the County:

DON KITAOKA, ESQ.

Deputy Corporation Counsel

MIKE WATKINS, Planning Dept.

For the State:

BRYAN YEE, ESQ.

Deputy Attorney General

MARY LOU KOBAYASHI

For Intervenor Board #25: RICHARD POIRIER

For Intervenor Senator Clayton Hee:

ERIC SEITZ, ESQ.

SARAH DEVINE, ESQ.

For the Sierra Club: ELIZABETH DUNNE, ESQ.

## A P P E A R A N C E S, cont'd.

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

For the Petitioner: BENJAMIN KUDO, ESQ.  
NAOMI KUWAYE, ESQ.  
CAMERON NEKOTA, ESQ.

For the County: DON KITAOKA, ESQ.  
Deputy Corporation Counsel  
TIM HATA, DPP

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

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

For Intervenor Sierra Club: ELIZABETH DUNNE, ESQ.

For Intervenor Senator Clayton Hee: ERIC SEITZ, ESQ.  
SARAH DEVINE, ESQ.

## I N D E X

## PUBLIC WITNESSES PAGE

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Mitchell Tynanes 29

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Kika Bukoski 37

1                   CHAIRMAN LEZY: (gavel) Good morning.  
2 This a meeting of the state of Hawai'i Land Use  
3 Commission. Before we move into the agendaed items  
4 I'd just like to take a moment to both introduce and  
5 welcome the Commission's new Executive Officer Dan  
6 Orodenger.

7                   MR. ORODENER: Thank you, Commission.

8                   CHAIRMAN LEZY: First item on the agenda is  
9 the adoption of the minutes for the June 6, 7 and 8,  
10 meeting 2012. Commissioners, any revisions? Do I  
11 hear a motion?

12                  COMMISSIONER TEVES: Moved to accept.

13                  COMMISSIONER CONTRADES: Second.

14                  CHAIRMAN LEZY: All in favor? (Aye). All  
15 opposed? The tentative meeting schedule please.

16                  MR. ORODENER: This morning, Mr. Chair, we  
17 have an adoption of order for A11-793 Castle & Cooke  
18 Homes.

19                  CHAIRMAN LEZY: The meeting schedule,  
20 tentative meeting schedule.

21                  MR. ORODENER: Okay. The tentative  
22 meeting schedule is A11-793 Castle and Cooke Homes,  
23 Inc. possible adoption of order, and A06-771 D.R.  
24 Horton-Schuler Homes, LLC possible adoption of order.  
25 And the SP09-403 Department of Environmental Services,

1 Department of Public Works city and county of  
2 Honolulu, O'ahu.

3 CHAIRMAN LEZY: The next agendaed item is  
4 an action meeting on Docket A11-793 Castle & Cooke  
5 Homes Hawai'i, Inc., to approve the form of the order  
6 in this matter.

7 On June 7, 2012 the Commission met in  
8 Honolulu, Hawai'i and voted to grant Docket No.  
9 A11-793 to amend the Agricultural Land Use District  
10 Boundary into the Urban District for approximately  
11 767.649 acres at Waipio and Waiawa Island of O'ahu,  
12 state of Hawai'i TMK:(1)9-4-06: Por.1, Por. 2, Por. 3,  
13 Por. 5, Por. 29, Por. 31, 38, and 39; 9-5-03: Por. 1  
14 and Por. 4; and 9-6-04:21. Parties, appearances,  
15 please.

16 MR. MATSUBARA: Good morning, Chairman,  
17 members of the Commission. Ben Matsubara, Wyeth  
18 Matsubara on behalf of Castle & Cooke Homes Hawaii.  
19 To my right, Laura Kodoma, director of planning and  
20 development.

21 MR. KITAOKA: Good morning, Mr. Chair and  
22 Commission members. Don Kitaoka, deputy corporation  
23 counsel on behalf of the department of planning and  
24 permitting. With me is Mike Watkins from that  
25 department.

1 CHAIRMAN LEZY: Good morning.

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

4 MR. POIRIER: Good morning. Dick Poirier  
5 for Board No. 25.

6 CHAIRMAN LEZY: 'Morning.

7 MR. SEITZ: Good morning, Sarah Devine and  
8 Eric Seitz representing Senator Clayton Hee.

9 CHAIRMAN LEZY: 'Morning. Allow me to  
10 update the record in this matter. Between June 7 and  
11 June 19 the Commission received written correspondence  
12 from Tracy Higa, Ryan Matsumoto, Susan Smith, Lloyd  
13 Keanu Young III. Do we have anybody signed up for  
14 public testimony?

15 MR. ORODENKER: Yes, Mr. Chair. We have  
16 Gil Riviere followed by Mike Dau.

17 THE WITNESS: Good morning.

18 CHAIRMAN LEZY: Good morning.

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

22 THE WITNESS: Yes, sir.

23 CHAIRMAN LEZY: Please state your name,  
24 your address and proceed.

25 THE WITNESS: My name is Gil Riviera. I

1 live at 65-137 Hukilau Loop in Waialua. I'm the  
2 representative in the House of Representatives for the  
3 North Shore District 46. I'm here to just make some  
4 comments regarding -- I believe we're on the Koa Ridge  
5 Project, correct?

6 CHAIRMAN LEZY: Correct.

7 THE WITNESS: Thank you very much. Traffic  
8 is always a concern. Traffic is a concern throughout  
9 the islands, throughout the state. The bottlenecks at  
10 the H-2/H-1 merge are not pleasant in the morning.  
11 And it's going to get worse here. I do appreciate the  
12 fact, and I think most people observing, while they  
13 would prefer to save agricultural lands.

14 On this particular subject I'd just like to  
15 share I really hope that this Commission will hold  
16 firm on the conditional portions for the second phase.

17 I know there's conditions and mitigation  
18 and such. So, and I'm sorry if I'm a little bit off,  
19 but I believe the second phase of the Koa Ridge's  
20 conditional will come back before this Commission  
21 later.

22 I really truly hope that you folks will be  
23 very, very strong. And if they have not addressed the  
24 concerns that the community has expounded and that  
25 this Commission is expecting, that I do hope that



1 you'll draw the line. It is important that the Land  
2 Use Commission represent the people of Hawai'i.  
3 That's what you're here for. So I know it's  
4 complicated. I know there's a lot of pressures to do  
5 certain things. But please hold the line continue to  
6 look out after the people of Hawai'i. Thank you very  
7 much.

8 CHAIRMAN LEZY: Thank you. Parties,  
9 questions?

10 MR. MATSUBARA: No questions.

11 CHAIRMAN LEZY: Commissioners, questions?  
12 Thank you. Mike Dau. Good morning.

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

16 THE WITNESS: Yes.

17 CHAIRMAN LEZY: Please state your name,  
18 your address and proceed.

19 THE WITNESS: Hello. My name is Michael  
20 Dau. I live at 94-500G Kam Highway, Waipahu, Hawai'i.

21 CHAIRMAN LEZY: Please go ahead.

22 THE WITNESS: Good morning, Commissioners.  
23 Koa Ridge. I can't resist: Sugarcoat it, baby. Let's  
24 see. No. 1 I got here: Agricultural land. Land Use  
25 Commission. It's a dead issue. Don't worry, Matson

1 containers will keep coming. Don't be a farmer in  
2 Hawai'i. It's hard work and if you can find land  
3 you'll be at the low end of the totem pole.

4 Traffic, traffic. What traffic? Watching  
5 the Land Use Commission hearings there appear to be  
6 some confusion when it comes to traffic. "Don't  
7 worry", the state and city planners say, TIAR before  
8 the MOD, ya, ya, ya. Executive session. Everybody  
9 comes back. It's okay. It's all right.

10 Building 16,750 units there's gonna be a  
11 lot more traffic no matter what you do. Sensible  
12 growth. Land use. 5,000 houses five miles away.  
13 12,000 houses. Sensible growth? I don't think.

14 Koa Ridge, nobody talked about this, it's  
15 going to be a very, very expensive Project.  
16 Interchange, road work around the Project 150 million  
17 to 200 million what the developer's engineer said.  
18 Moving 138,000-volt main power line for the island of  
19 O'ahu, they're going to have to reroute it through  
20 their Project; 15 million probably for that. Just a  
21 guess; 3 and-a-half miles for a 36-inch sewer main  
22 down to Waipahu, that may run probably more than  
23 15 million.

24 So let's do it here: 5,000 units, that's  
25 about 230 million, divided by (sic) comes out to be

1 46,000 per unit. If Koa Ridge Makai only, which is  
2 3500 units divided by the 230 million, you're going to  
3 be 65,000 per unit. This is before you even start  
4 construction. That's not even talking about the  
5 internal roadways, water and sewer lines in the  
6 Project.

7 Let's see. Number 5. Conditions,  
8 conditions. What condition is a condition end? Or  
9 did the song go? If the developer does not meet the  
10 conditions of the Land Use Commission what is the  
11 penalty? \$50 fine? A \$100 fine? Million dollar  
12 fine? Do they stop the Project? I don't, I don't see  
13 how the conditions can be enforced. Thank you. Mike  
14 Dau.

15 CHAIRMAN LEZY: Thank you. Parties,  
16 questions?

17 MR. MATSUBARA: No questions.

18 CHAIRMAN LEZY: Commissioners, questions?  
19 Thank you for your testimony.

20 THE WITNESS: Okay.

21 CHAIRMAN LEZY: That's the last of the  
22 public witnesses who have signed up. Is there anybody  
23 in the audience who wishes to provide public  
24 testimony? If so, please step forward. 'Morning.

25 THE WITNESS: 'Morning.

1 KIKA BUKOSKI

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

4 THE WITNESS: Yes.

5 CHAIRMAN LEZY: Please state your name,  
6 your address and proceed.

7 THE WITNESS: Kika Bukoski. 560 North  
8 Nimitz Highway. I'm here representing the Hawai'i  
9 Building Construction Trades Council. And also,  
10 Chair, Commissioners, if I could beg your indulgence  
11 I'd also like to represent myself as an individual  
12 citizen and as a Native Hawaiian.

13 I wasn't prepared to testify this morning.  
14 So, again, I ask for your indulgence. But I read a  
15 commentary yesterday in the local newspaper and it  
16 caused me to come down. And I felt I had to come down  
17 and say something.

18 First of all, I'd like to thank all of you  
19 for your time, for your energy, for your wisdom. I  
20 thank you for moving this Project forward. There was  
21 a commentary that called into question some of the  
22 Commissioners on this panel and their responsibility  
23 as Native Hawaiians and as cultural practitioners.

24 As a graduate of the Kamehameha Schools, as  
25 a Native Hawaiian, you know, and I mentioned

1 Kamehameha Schools because this institution that was  
2 put in place to perpetuate the culture and the spirit,  
3 the aloha of these islands instilled in its students  
4 the kuleana, the meaning of "kuleana" and taking care  
5 of our resources.

6           And in doing our day-to-day jobs in the  
7 construction industry, people like myself and people  
8 that you see in this audience all keep that in mind,  
9 our kuleana not only to provide for our people but to  
10 do it in a responsible way.

11           I wanna offer, and I wanna thank this  
12 gentleman for putting the commentary and taking the  
13 time to maybe learning, trying to understand the  
14 Hawaiian culture. I understand he's a student at UH,  
15 Mr. Adam Bensley. But when he uses the phrase "Ua mau  
16 ke ea o ka aina i ka pono," and the literal  
17 interpretation and the perception that somehow that  
18 means that we must preserve land over life, I have to  
19 say something.

20           And just to kind of set the record  
21 straight, and I wish the Senator from Ko'olauloa,  
22 Ko'olaupoko region was here. And I wish that  
23 Commissioner Makua was here, because maybe they can  
24 appreciate more. And my comments are directed more  
25 towards them than anything else.

1 But the Great Mahele, as was referred to in  
2 this article, occurred in 1848. The phrase, "Ua mau  
3 ke ea o ka aina i ka pono" was said in 1848,  
4 July 31st, 1843 actually. And that was when Britain  
5 actually held Hawai'i, occupied Hawai'i for a brief  
6 period of time and was returned to Hawai'i on  
7 July 31st, 1848. And they called that day Ka La  
8 Ho'iho'i Ea or Sovereignty Restoration Day.

9 The phrase that we now use as our state  
10 motto wasn't intended to indicate that we must  
11 preserve land over life. The phrase was spoken by  
12 Kamehameha III in response to the land, the  
13 sovereignty, the life of the land, the people, the  
14 land being returned to its rightful owners, to  
15 Hawai'i, to the Kingdom of Hawai'i.

16 And at that time Kamehameha III uttered  
17 those words. And those words were adopted as our  
18 state motto referencing the political stance of this  
19 nation and not the fact that we must preserve land  
20 over life.

21 So I just wanted to offer that as insight  
22 to this young gentleman and the group of his  
23 cosignatories. And hopefully they will look into it a  
24 little further and those in this audience that tend to  
25 use that phrase to influence this body that indicate

1 that we must preserve land over life.

2 But life of the land is just as important.  
3 The people that occupy this land is just as important  
4 as the land itself.

5 So, again, I apologize for the  
6 non-substantive testimony, but I felt compelled that I  
7 had to say something and I appreciate everything that  
8 you guys do. Thank you. And, also, Chair, if I could  
9 ask for the sake of time I did want to enter my words  
10 that I just spoke into the following docket, Ho'opili,  
11 because the reference on this article in the paper  
12 referenced both Koa Ridge and Ho'opili.

13 So I would like to ask that my words be  
14 entered into the docket following this docket as it  
15 pertains to Ho'opili so I don't have to come up and  
16 repeat what I just said. I appreciate it.

17 CHAIRMAN LEZY: Okay. That's fine. Thank  
18 you. (Applause) Parties, questions? Commissioners,  
19 questions? Thank you for your testimony.

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

23 THE WITNESS: I do.

24 CHAIRMAN LEZY: Please state your name,  
25 your address and proceed.

1 THE WITNESS: My name is Dennis Egge. I  
2 live at 2920 Ala Ilima Street close to the airport.  
3 There's no farms there.

4 It's a basic truth that farmers are at the  
5 base of Honolulu county's food channel. Remove them  
6 and we rely on imported food forever. No way will  
7 the food seed train ever stop until it does.

8 Our farmers aren't here today because the  
9 sun is out and they're working. No way can they  
10 sustain us on the remaining 2800 acres of farmland.  
11 That's 300,000 households that are going to be in need  
12 of the food seed train.

13 Consider inviting our farmers to  
14 participate in an LUC hearing when they aren't serving  
15 our basic interests providing food for us. Thank you.

16 CHAIRMAN LEZY: Parties, questions?  
17 Commissioners, questions? Thank you for your  
18 testimony, sir. Good morning.

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

22 THE WITNESS: I do.

23 CHAIRMAN LEZY: Please state your name,  
24 your and address and proceed.

25 THE WITNESS: My name is Sheri Pollock.



1 And I live at 47-185 Hui Akepa in Kaneohe.

2 CHAIRMAN LEZY: Please go ahead.

3 THE WITNESS: I just have to say how taken  
4 aback I was that day when your Commission each took a  
5 turn to speak and give your thoughts and  
6 justifications for the vote you were about to take.  
7 One thought that came to mind was the expression, "Me  
8 think thou doth protest too much," when several of you  
9 complained about audience remarks as to your  
10 motivations behind your stand on this Project.

11 Then there was the excuses such as, "It's  
12 not my fault. I had no choice. It's the city council  
13 that's to blame." All these excuses and I was  
14 expecting to hear next, "Oh, and the dog ate my  
15 homework," which in my mind would have been a better  
16 reason because with all the ample testimony from  
17 experts providing clear and undeniable reasons as to  
18 why this Project is an immense mistake, all of you but  
19 one, still decided to vote with those who have special  
20 interests motivated by profit only and who won't be  
21 satisfied until the entire island is paved over.

22 So since the evidence from experts clearly  
23 has no impact on you I won't bore you with reciting  
24 the data. Instead, I ask you to remember those  
25 hopeful, wide-eye'd faces. Remember those kids that

1 day? They came in to you with open hearts. They came  
2 in to testify. Well, my wish for you is that you  
3 remember their faces till the end of your days. And  
4 in every face of every child that you see you remember  
5 and you remember that what you've condemned them to  
6 because of the immense mistake that you made with this  
7 decision and what it's going to do to this island.

8 And so what I'd like to say in closing is a  
9 quote from a Cree Indian from the 1800s: "Only when  
10 the last tree has died and the last river has been  
11 poisoned and the last fish has been caught will we  
12 realize that we cannot eat money."

13 I guess you probably don't have any  
14 questions for me but in case you do?

15 CHAIRMAN LEZY: Parties, questions?  
16 Commissioners, questions? Thank you for your  
17 testimony, ma'am. Is there anybody else who wishes to  
18 provide public testimony? Good morning, Ms. Johnson.

19 THE WITNESS: Good morning.

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

23 THE WITNESS: Yes.

24 CHAIRMAN LEZY: Please state your name,  
25 your address and proceed.

1           THE WITNESS: Pearl Johnson, 2404 Kaneali'i  
2 Avenue, Honolulu, 96813. I'm testifying here on  
3 behalf of the League of Women Voters of Honolulu. I  
4 hope that at least three of you will reconsider your  
5 decision to reclassify Ho'opili.

6           First of all, these conditions that you're  
7 now putting on into the reclassification to urban will  
8 probably not be enforceable. Remember Aina Le'a. The  
9 courts have said that you are not able to reclassify  
10 this back into agriculture no matter *what* the  
11 Petitioner does.

12           That Petitioner never came up with 1600  
13 affordable homes. After many, many years they came up  
14 with 16. And you finally said: All right. Let's  
15 take back the urban designation. And the court said  
16 no. So really all these conditions that you are  
17 putting on could be quite meaningless.

18           Also, I would like you to consider our  
19 children and grandchildren. If they should decide 50  
20 years, a hundred years from now, that they would like  
21 to grow more of our food on this island, that land  
22 will never be available.

23           You can tear down those houses but the soil  
24 will have been carted away and replaced with coral.  
25 You cannot grow food on that coral. Please consider

1 our children and reconsider your decision. Thank you.

2 CHAIRMAN LEZY: Parties, questions?

3 Commissioners, questions? Thank you, ma'am. Is there  
4 anybody else who wishes to provide public testimony on  
5 this docket matter?

6 (Pause)

7 That concludes public testimony on this  
8 matter. Before we move on to adoption of the form of  
9 the order in this matter, parties, is there anything  
10 additional you'd like to add?

11 MR. MATSUBARA: Nothing further, Mr. Chair.

12 MR. KITAOKA: Nothing further.

13 MR. YEE: Nothing further.

14 MR. SEITZ: I have two matters I want to  
15 place on the record. First of all, we have not seen  
16 any proposed order. So I would object to any  
17 consideration of any document that hasn't been  
18 circulated to us so that we have an opportunity to  
19 look at it and raise timely objections.

20 Secondly, I do also want to place on the  
21 record an objection to the proceedings as they were  
22 conducted last time we were here. As you may recall,  
23 in the midst of discussion about what the vote was  
24 going to be and how it was going to be handled, the  
25 Commission took an executive session. I believe that

1 was impermissible. I believe that there were  
2 discussions that took place in violation of the  
3 Sunshine Law.

4 And I think, therefore, that taints any  
5 decisions that may be made by the Commission in this  
6 matter. And I want to place an objection on the  
7 record for that purpose.

8 CHAIRMAN LEZY: Your point and objection  
9 are noted, Mr. Seitz. Commissioners, before you is  
10 the Form of the Order granting the Petition in this  
11 docket. What's your pleasure?

12 COMMISSIONER McDONALD: Move to accept,  
13 Chair.

14 CHAIRMAN LEZY: Commissioner McDonald. Is  
15 there a second?

16 COMMISSIONER CONTRADES: Second.

17 CHAIRMAN LEZY: Discussion? Hearing none,  
18 Mr. Orodenger, if you'd please poll the Commission.

19 MR. ORODENER: Commissioner Matsumura?

20 COMMISSIONER MATSUMURA: Aye.

21 MR. ORODENER: Commissioner Judge?

22 COMMISSIONER JUDGE: Yes.

23 MR. ORODENER: Commissioner Teves?

24 COMMISSIONER TEVES: Yes.

25 MR. ORODENER: Commissioner McDonald?

1 COMMISSIONER McDONALD: Yes.

2 MR. ORODENKER: Commissioner Contrades?

3 COMMISSIONER CONTRADES: Yes.

4 MR. ORODENKER: Commissioner Makua is  
5 absent. Commissioner Heller is recused. Commissioner  
6 Chock?

7 COMMISSIONER CHOCK: Yes.

8 MR. ORODENKER: Chair Lezy?

9 CHAIRMAN LEZY: Yes.

10 MR. ORODENKER: Chair, the motion passes  
11 with seven votes.

12 CHAIRMAN LEZY: Thank you very much.  
13 Parties, thank you. We'll take a five minute break in  
14 place so we can reset.

15 (Recess was held. 9:30)

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1 CHAIRMAN LEZY: (Gavel) The next item on  
2 the agenda is an action meeting on Docket A06-771 D.R.  
3 Horton-Schuler Homes, LLC to approve the form of the  
4 order in this matter.

5 On June 8, 2012 the Commission met in  
6 Honolulu, Hawai'i and voted to grant Docket No.  
7 A06-771 D.R. Horton-Schuler Homes LLC, a Delaware  
8 limited liability company d.b.a. D.R. Horton-Schuler  
9 Division, Honouliuli, 'Ewa, O'ahu to amend the  
10 Agricultural District into the Urban District for  
11 approximately 1,525.516 acres of land at Honouliuli,  
12 'Ewa District, O'ahu, Tax Map Key Nos: 9-1-1-17:4  
13 portion, 059, 072; (1) 9-1-18:001 and 004. Parties,  
14 appearances, please.

15 MR. KUDO: On behalf of the Petitioner Ben  
16 Kudo and Naomi Kuwaye. And with me Cameron Nekota,  
17 vice president of Schuler Homes.

18 CHAIRMAN LEZY: Good morning.

19 MR. KITAOKA: Good morning, Mr. Chair and  
20 Commission members. Don Kitaoka, deputy corporation  
21 counsel, on behalf of the department of planning and  
22 permitting for the city and county of Honolulu. And  
23 with me is Tim Hata from that department.

24 CHAIRMAN LEZY: 'Morning.

25 MR. YEE: Good morning. Deputy Attorney

1 General Bryan Yee on behalf of the Office of Planning.  
2 With me is Mary Lou Kobayashi from the Office of  
3 Planning.

4 CHAIRMAN LEZY: 'Morning.

5 DR. DUDLEY: Good morning. Dr. Kioni  
6 Dudley for the Friends of Makakilo. And with me is my  
7 attorney Linda Paul.

8 CHAIRMAN LEZY: Good morning.

9 MS. DUNNE: Good morning. Elizabeth Dunne  
10 on behalf of the Sierra Club.

11 CHAIRMAN LEZY: Good morning.

12 MS. DEVINE: Good morning. Sarah Devine on  
13 behalf of Senator Clayton Hee.

14 CHAIRMAN LEZY: Good morning. Allow me to  
15 update the record on this matter. On June 14, 2012  
16 the Commission received written correspondence from  
17 Esther Shimazu, Colleen Kudo and Diane Lantow.

18 On June 21, 2012 the Commission received  
19 written correspondence from Senator Will Espero.

20 Mr. Orodenger, public testimony signup?

21 MR. ORODENER: Yes, Mr. Chairman. We have  
22 seven people signed up to testify this morning. First  
23 we have Maeda Timson followed by Georgette Stevens.

24 CHAIRMAN LEZY: 'Morning.

25 THE WITNESS: Good morning.



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MAEDA TIMSON

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

THE WITNESS: Yes, I do.

CHAIRMAN LEZY: Please state your name,  
your address and proceed.

THE WITNESS: Okay. My name is Maeda  
Timson, 92-6284 Nohona Street, Kapolei, a 40 year  
resident of the area as well.

Thank you for letting me be here today. I  
am here on behalf of the Ho'opili Task Force. And I  
have a few messages from the Task Force. First of  
all, we really want to thank you for enduring this  
long process. And we know that it took a lot out of  
you, because what it took out of us, we can only  
imagine a hundred fold that it happened with you. So  
we thank you for supporting this community.

The Ho'opili Task Force has been together  
over six years. Over 24 folks that are involved in  
the task force, they're community members to community  
leaders, people have been in the community from 40  
years to two years.

We have been actively involved six years.  
We have combed thousands of documents. We have  
listened to many a testimony from experts from

1 transportation to housing to land use. We have spent  
2 hundreds of hours at meetings. We have been totally  
3 informed of this Project.

4 And we are from the area. We are not from  
5 some remote thinking or someone on the other side of  
6 the island of Honolulu or whatever. It's the people  
7 who live, breathe and live here. And I already have a  
8 second generation of folks, that of my kids, that are  
9 here. So we are speaking for the people who live and  
10 breathe here every day.

11 We also feel it was unfortunate for Schuler  
12 Homes-D.R. Horton to be given a pretty raw deal of a  
13 misconception that they're just some developer that  
14 comes, builds and makes money. And it's really not  
15 true. Because us as community leaders and active in  
16 the community, Schuler Homes has been around for 40  
17 years. Out of those 40, half of the time it's spent  
18 on the west side. So they're here to stay. And  
19 that's why we engaged with them.

20 So that's it. So I'm sure you're so sick  
21 of hearing everybody yapping up here. And I'm  
22 probably one of them as we'll. Again, on behalf of  
23 the Ho'opili Task Force we send out a big mahalo and  
24 aloha. Thank you.

25 CHAIRMAN LEZY: Parties, questions?

1 Ms. Timson. Dr. Dudley.

2 THE WITNESS: Sure, Kioni.

3 DR. DUDLEY: Ms. Timson, good morning.

4 Just wondering about the Task Force. Now, the Task  
5 Force had people from the Waipahu Board and the 'Ewa  
6 Board and the Makakilo Board, is that right?

7 THE WITNESS: Yes, as well as other  
8 community members.

9 DR. DUDLEY: And it had the chairpersons  
10 from each of those boards on it?

11 THE WITNESS: I don't know.

12 DR. DUDLEY: Okay.

13 THE WITNESS: I mean over six years the  
14 different chairs had changed over the years.

15 DR. DUDLEY: Okay. But during the years at  
16 least some of the time they had a chair from each of  
17 those boards who was on that Task Force?

18 THE WITNESS: I believe so, yes.

19 DR. DUDLEY: And during the early years was  
20 there not a Sunshine Law that said you could not meet  
21 together like that?

22 THE WITNESS: What Sunshine Law you're  
23 referring to did not apply to us because there was  
24 never more than three Chair or Neighborhood Board  
25 people at any of those meetings. And there's no proof

1 for you to imply that there was because there wasn't.  
2 And I beg you to show us the proof because we knew  
3 what we were doing.

4 DR. DUDLEY: And didn't the law, though,  
5 say that you could not get together with more than  
6 one?

7 THE WITNESS: No.

8 DR. DUDLEY: Yes.

9 THE WITNESS: You know, Mr. Dudley, I --

10 DR. DUDLEY: Thank you very much for your  
11 testimony, Ma'am. Thank you very much.

12 THE WITNESS: Don't cut me off --

13 DR. DUDLEY: Thank you. Thank you very  
14 much for your testimony.

15 THE WITNESS: -- after you tried to make  
16 the community look bad. It's totally irrelevant.  
17 Shame on you.

18 CHAIRMAN LEZY: Thank you for your  
19 testimony. Any other questions? Commissioners,  
20 questions? Dr. Dudley, you may have other questions  
21 to ask. And I just remind you the reason we're here  
22 today is to consider adoption of the form of the  
23 order. I understand you still want to make the points  
24 that you want to make, but if you'd please keep that  
25 in mind.

1 DR. DUDLEY: Thank you very much.

2 GEORGETTE STEVENS

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

5 THE WITNESS: Yes.

6 CHAIRMAN LEZY: Please state your name,  
7 your address and proceed.

8 THE WITNESS: I'm Georgette Stevens, P. O.  
9 Box 75414, Kapolei, 96707. And I'm just here today to  
10 express my mahalo and sincere appreciation for all of  
11 the testimony that you've heard and all of the  
12 deliberations that you've been hearing.

13 And just want from the bottom of my heart  
14 just really thank you because I know that this  
15 development is so important to the community of  
16 Kapolei and the surrounding community as well.  
17 Mahalo.

18 CHAIRMAN LEZY: Parties, questions?  
19 Commissioners, questions? Thank you.

20 MR. ORODENKER: Mitchell Tynanes followed  
21 bay Gil Riviere.

22 MITCHELL TYNANES

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

25 THE WITNESS: Yes.

1                   CHAIRMAN LEZY: Please state your name,  
2 your address and proceed.

3                   THE WITNESS: Mitchell Tynanes, 91-3074  
4 Makalea Loop 'Ewa Beach, Hawai'i. Aloha,  
5 Commissioners. Speaking on behalf of working families  
6 we just wanted to extend a heart-felt gratitude to all  
7 of you for allowing Koa Ridge and Ho'opili  
8 developments to move forward in the entitlement  
9 process.

10                   It has been an arduous process through this  
11 Commission and we appreciate your time and effort.

12                   As members of this Commission you have been  
13 scrutinized by the media and judged by the general  
14 public. We as a group think that the people should  
15 realize you're serving the state of Hawai'i in a  
16 voluntary capacity. There's no monetary rewards for  
17 what you do. There's just criticism.

18                   To be subjected to this negativity and  
19 still serve with integrity, honesty and a betterment  
20 of the people of Hawai'i we commend you for that.

21                   Due to this long economic downturn we have  
22 seen lives dismantled and families destroyed and our  
23 keiki going astray and leaving Hawai'i. We know your  
24 decision was a tough one but deep down it was a  
25 decision of Hawai'i's family values of long, long ago.

1 Once again mahalo for the opportunity to provide for  
2 our families. Thank you.

3 CHAIRMAN LEZY: Parties, questions?  
4 (Applause). Commissioners, questions? Thank you.

5 MR. ORODENKER: Gil Riviere.

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

9 THE WITNESS: Yes, sir.

10 CHAIRMAN LEZY: State your name, your  
11 address and proceed.

12 THE WITNESS: Thanks. My name is Gil  
13 Riviere. I'm at 65-137 Hukilau Loop in Waialua. I'm  
14 the Representative for House District 36 in the North  
15 Shore in the State Legislature.

16 Thank you for allowing me to testify today.  
17 My comments address just a couple things. Again, you  
18 folks have the trust, the kuleana, of the big picture  
19 of land use decisions for the state of Hawai'i. The  
20 land use decisions, obviously you have the challenge  
21 of balancing agricultural needs and another choices  
22 and considerations.

23 Your kuleana is not necessarily economic  
24 decisions. Your kuleana is what is the proper use for  
25 the land. And I say that in light of sustainability

1 is a buzzword that's already hackneyed and worn out.  
2 People are tired of the word already because it's been  
3 so used. So we've had a lot of lip service from the  
4 Legislature, from agencies, but are we really getting  
5 there?

6 Are we really committed to it? Or do we  
7 say we're committed to because it sounds nice? I  
8 really hope that we are at that crossroads of moving  
9 towards true sustainability and local food production.

10 There was a bill this year that was  
11 introduced by Representative Chris Lee from district  
12 51. And I was one of the co-introducers of it. There  
13 were 38 out of 51 representatives. 38 out of 51  
14 representatives put through a bill to require a  
15 doubling of local food production because nobody would  
16 argue against that.

17 So if this bill soared, it just flew  
18 through the Legislature. It went through the House.  
19 It went through the Senate. It came back. As it came  
20 out of the Senate it was in more or less roughly the  
21 same condition.

22 It says: "Your committee finds that  
23 Hawai'i is dangerously dependent on imported food.  
24 Your committee further finds that each food product  
25 imported to Hawai'i is a lost opportunity for local



1 economic growth."

2           So not to badger the point our belabor it,  
3 but your decisions must also protect agricultural  
4 possibilities, right? Your job is not to generate  
5 jobs. Your job is not to put farmers on the land.  
6 Your job is not to put construction guys -- your job  
7 is to manage the land as the trust for the people of  
8 Hawai'i.

9           So as you go through this, I really hope  
10 that you guys will continue to take very serious looks  
11 next time somebody comes along and says, "Oh, we only  
12 need this much land for now. That's it. That's it.  
13 This is it. All we need is here." And then they come  
14 back 10, 15 years later, "Oh, we just need this much."  
15 So thank you for the hard work that you do.

16           The reason I'm here today -- you may wonder  
17 why is a guy from the North Shore here is 'cause we  
18 have vast amounts of agricultural lands. I'll give  
19 you a quick example.

20           There's three farmers in Kahuku that have  
21 been told they've got to relocate. They're farming on  
22 65 acres of land up by Marconi Road.

23           You know how easy it is for them to find a  
24 place to relocate? It's almost impossible. So when  
25 we talk about thousands and thousands of available

1 acres, no, they're not really available for the  
2 farmers. There are farmers wishing to get onto the  
3 land. But for one reason or another they're not  
4 getting onto the land. So we have a hardship.

5 We have people who are actually farming and  
6 they can't get more land. Yet at the same time we say  
7 we've got thousands of acres, don't worry about it.  
8 So there is a problem there.

9 Thank you, Commission, for looking after  
10 the people of Hawai'i going forward into the long  
11 range. Thank you very much for your time.

12 CHAIRMAN LEZY: Parties, questions?  
13 Commissioners, questions? Thank you for your  
14 testimony.

15 THE WITNESS: Mahalo.

16 MR. ORODENKER: Peter Ganaban followed by  
17 Sheri Pollock.

18 THE WITNESS: 'Morning.

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

22 THE WITNESS: I do.

23 CHAIRMAN LEZY: State your name, your  
24 address and proceed.

25 THE WITNESS: Peter Ganaban, 85-152b

1 Honouluulu Street, Wai'anae, Hawai'i 96792. Again,  
2 thank you for giving me the opportunity to come up  
3 here and speak with you all. Again, my name is Peter  
4 Ganaban, business manager, secretary/treasure for the  
5 Hawai'i Laborers Union, also vice president for the  
6 Hawai'i Construction Alliance.

7 I would like to extend our sincere  
8 appreciation and gratitude on behalf of the Hawai'i  
9 Construction Alliance and thousands of trade workers  
10 to each member of the LUC for approving with  
11 conditions a long-awaited Ho'opili development  
12 reclassification.

13 You have made it possible for the Project  
14 plans to move forward to comply with all government  
15 regulations. You have also given much hope to the  
16 thousands of unemployed construction workers on O'ahu.  
17 Thank you for your courage, wisdom and forthright  
18 action. Thank you.

19 CHAIRMAN LEZY: Parties, questions?  
20 Commissioners, questions? Thank you for your  
21 testimony. (Applause)

22 MR. ORODENKER: Sheri Pollock followed by  
23 Councilwoman Ann Kobayashi. Sheri Pollock? (no  
24 response) Councilwoman Ann Kobayashi.

25 xx

1 COUNCILWOMAN ANN KOBAYASHI

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

4 THE WITNESS: Yes.

5 CHAIRMAN LEZY: Please state your name,  
6 your address and proceed.

7 THE WITNESS: I'm Ann Kobayashi, 3657  
8 Wa'aloa Way in Honolulu. In February of this year the  
9 Honolulu City Council passed Resolution 1223 urging  
10 the city's agricultural liaison to expedite by  
11 identifying and mapping of Important Agricultural  
12 Lands and ensure that the City works to preserve the  
13 availability of agricultural lands for farming.

14 This resolution was amended by adding: "Be  
15 it further resolved that the process of identification  
16 and mapping of Important Agricultural Lands also  
17 consider agriculturally productive lands within Urban  
18 Growth Boundaries that are classified as prime  
19 agricultural lands provided adequate water supply is  
20 available."

21 But even without identifying and mapping  
22 Important Ag Lands on O'ahu, we know what ag lands are  
23 prime ag lands because there's so little of these  
24 lands left. We know the lands at Ho'opili are prime  
25 ag lands. We know our residents and visitors want

1 more locally grown products. So why would we  
2 knowingly develop ag lands?

3 Housing can be developed on any land. And  
4 once these houses are built the prime agricultural  
5 land is lost forever. Prime agricultural land must be  
6 protected forever. Thank you for this opportunity.

7 CHAIRMAN LEZY: Parties, questions?  
8 Commissioners, questions? Thank you.

9 THE WITNESS: Thank you.

10 CHAIRMAN LEZY: That's the last of the  
11 public witnesses who have signed up. Is there anybody  
12 else who would like to provide public testimony in  
13 this matter? If so, please step forward.

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

17 THE WITNESS: Yes.

18 CHAIRMAN LEZY: State your name, your  
19 address and proceed.

20 THE WITNESS: Kiki Bukoski, 560 North  
21 Nimitz Highway, here representing the Hawai'i Building  
22 and Construction Trades Council. The council is made  
23 up of approximately 15,000 members, approximately  
24 75 percent of which reside in this particular area  
25 that we're speaking of where Ho'opili is currently

1 being considered.

2           The 15,000 members don't include their  
3 extended families. So we have a lot of people that  
4 are gonna be either directly or indirectly impacted by  
5 this, by this Project. And we thank you for moving  
6 this Project forward.

7           I'd also like to ask, as I stated in the  
8 last docket, if you could please incorporate the words  
9 that I stated into this verbal testimony as well.

10           But I also would like to add a couple  
11 comments. It was stated that, by the previous  
12 speaker, the state representative from the North  
13 Shore, that your job is not to generate jobs. And I  
14 beg to differ on that.

15           As the Land Use Commission your job is to  
16 weigh the use of land. And part of the constitution  
17 is not only saving ag land but also providing for the  
18 health and well-being of its people. So I would beg  
19 to differ on that.

20           Also the city councilwoman from Makiki area  
21 brings in Resolution 1223. And I'm a little  
22 disappointed in testimony which I was a part of that  
23 hearing.

24           It was stated on the record that this  
25 resolution would in no way be used to impact or

1 influence any docket or decision that was currently  
2 before this Commission.

3 So to introduce that resolution at this  
4 point in time I feel is disappointing.

5 Also it contradicts the statement that was  
6 just previously made by the state representative from  
7 the north shore stating that -- and this is his  
8 quote, "There are vast amounts of agricultural land n  
9 the north shore."

10 So with that, again, I thank you for your  
11 moving this Project forward and helping the working  
12 people of Hawai'i. Mahalo.

13 CHAIRMAN LEZY: Parties, questions?  
14 Commissioners, questions? Thank you for your  
15 testimony. Is there anybody else in the audience who  
16 would like to provide public testimony on this docket  
17 matter? (applause). That concludes public testimony.

18 Before we move to consideration of the  
19 adoption of the form of the order in this matter,  
20 parties is there anything you'd like to add?

21 MR. KUDO: Nothing further.

22 MR. KITAOKA: Nothing further.

23 MR. YEE: Nothing from the state.

24 DR. DUDLEY: I'm just wondering, did  
25 everyone just get the form right now that you're going

1 to vote on?

2 CHAIRMAN LEZY: Pardon me?

3 DR. DUDLEY: It looked liked Scott just  
4 brought in copies of the document that you're going to  
5 vote on. Is this the first time everybody has seen  
6 it?

7 CHAIRMAN LEZY: Dr. Dudley, I think at this  
8 point in the proceedings you know you're not asking  
9 questions of the Commission. The Commission's  
10 pre-decisional actions are confidential. Rest  
11 assured, however, that the Commissioners have  
12 considered the proposed form of the order in this  
13 matter.

14 DR. DUDLEY: Thank you.

15 CHAIRMAN LEZY: Is there anything else  
16 you'd like to add?

17 DR. DUDLEY: No, no. Thank you.

18 MS. DEVINE: Mr. Chair, we object on the  
19 basis that we have not seen the proposed order and  
20 have not had the opportunity to make timely  
21 objections.

22 CHAIRMAN LEZY: Your objection is so noted.

23 MS. DUNNE: Sierra Club would like to  
24 incorporate that objection.

25 CHAIRMAN LEZY: Objection noted.



1 Commissioners, before you is the form of the order  
2 granting the Petition in this docket. What is your  
3 pleasure in this matter?

4 COMMISSIONER TEVES: Mr. Chairman, I move  
5 to accept the form of the order.

6 CHAIRMAN LEZY: Commissioner Teves. Do we  
7 have a second?

8 COMMISSIONER CONTRADES: Second.

9 CHAIRMAN LEZY: Second by Commissioner  
10 Contrades. Discussion? Hearing none, Mr. Orodenger,  
11 would you please poll the Commission.

12 MR. ORODENER: Thank you, Mr. Chair.  
13 Commissioner Teves?

14 COMMISSIONER TEVES: Yes.

15 MR. ORODENER: Commissioner Contrades?

16 COMMISSIONER CONTRADES: Yes.

17 MR. ORODENER: Commissioner Matsumura?

18 COMMISSIONER MATSUMURA: Yes.

19 MR. ORODENER: Commissioner Judge?

20 COMMISSIONER JUDGE: Yes.

21 MR. ORODENER: Commissioner McDonald?

22 COMMISSIONER McDONALD: Yes.

23 MR. ORODENER: Commissioner Makua is  
24 absent. Commissioner Heller?

25 COMMISSIONER HELLER: Yes.

1 MR. ORODENKER: Commissioner Chock?

2 COMMISSIONER CHOCK: Yes.

3 MR. ORODENKER: Chair Lezy?

4 CHAIRMAN LEZY: Yes.

5 MR. ORODENKER: Mr. Chair, the motion  
6 carries unanimously with eight votes.

7 CHAIRMAN LEZY: Thank you. Parties, thank  
8 you. The Chair would like to entertain a motion to go  
9 into executive session. (10:05)

10 COMMISSIONER HELLER: So moved.

11 COMMISSIONER JUDGE: Second.

12 CHAIRMAN LEZY: All in favor? (aye) All  
13 opposed? We are in executive session. Recess for  
14 executive session.

15 (Recess was held.)

16 CHAIRMAN LEZY: (10:20) Okay. The next  
17 item on the agenda is election of officers. Do I hear  
18 a motion?

19 COMMISSIONER TEVES: Yes.

20 CHAIRMAN LEZY: Commissioner Teves.

21 COMMISSIONER TEVES: Mr. Chair, I make a  
22 motion to nominate Kyle Chock as the Chairman and  
23 Mr. Ron Heller as the Co-Chairman, and Chad as the  
24 second Co-Chair.

25 COMMISSIONER CONTRADES: Second.

1 CHAIRMAN LEZY: Discussion?

2 COMMISSIONER JUDGE: I have a question.  
3 The vice-chairs?

4 CHAIRMAN LEZY: The two vice would be  
5 Commissioner Heller and Commissioner McDonald.

6 COMMISSIONER CONTRADES: I was going to  
7 volunteer but then I heard next year going be really  
8 tough. (Laughter).

9 COMMISSIONER CHOCK: Mahalo.

10 (Laughter)

11 CHAIRMAN LEZY: Any further discussion? I  
12 think those are excellent nominations, my little  
13 editorial comment there. Let's poll just one last  
14 time.

15 MR. ORODENKER: Commissioner Teves?

16 COMMISSIONER TEVES: Yes.

17 MR. ORODENKER: Commissioner Contrades?

18 COMMISSIONER CONTRADES: Yes.

19 MR. ORODENKER: Commissioner Matsumura?

20 COMMISSIONER MATSUMURA: Yes.

21 MR. ORODENKER: Commissioner Judge?

22 COMMISSIONER JUDGE: Yes.

23 MR. ORODENKER: Commissioner McDonald?

24 COMMISSIONER McDONALD: Yes.

25 MR. ORODENKER: Commissioner Makua is

1 absent. Commissioner Heller?

2 COMMISSIONER HELLER: Yes.

3 MR. ORODENKER: Commissioner Chock?

4 COMMISSIONER CHOCK: (Pausing) (Laughter)  
5 Yes.

6 MR. ORODENKER: Chair Lezy?

7 CHAIRMAN LEZY: I was going to be like  
8 Chock and pause. (laughter) Yes.

9 MR. ORODENKER: Commissioner Chock, would  
10 you like me to put that down as "yes with  
11 reservations"? (Laughter)

12 COMMISSIONER CONTRADES: Listen, you've got  
13 two wonderful guys backing you up.

14 CHAIRMAN LEZY: Very good.  
15 Congratulations, gentlemen. Unless there's anything  
16 else?

17 COMMISSIONER TEVES: I have something to  
18 say. Since this is our last meeting with Chair Lezy  
19 and Commissioner Judge, I just want to thank them for  
20 doing a great job all those years. Been with them for  
21 a while. They never failed to give a hundred percent.

22 CHAIRMAN LEZY: Thank you.

23 COMMISSIONER CONTRADES: I just wanted to  
24 say thank you to both of you also. We're going to  
25 miss both of you. We really are. The best to both of

1 you and good luck. Enjoy your time off.

2 COMMISSIONER TEVES: They're so lucky.

3 CHAIRMAN LEZY: Okay. Thanks. We're back

4 and we stand adjourned.

5 (The proceedings were adjourned at 10:25 a.m.)

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## C E R T I F I C A T E

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

That I was acting as court reporter in the  
foregoing LUC matters on the 21st day of June 2012;

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

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

DATED: This\_\_\_\_\_ day of\_\_\_\_\_2012

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