

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room B and C  
State Office Building  
75 Aupuni Street  
Hilo, Hawaii

Approved  
2/23/95

February 8, 1995

HEARING OFFICER: Benjamin Matsubara, Esq.

STAFF PRESENT: Esther Ueda, Executive Officer  
Kathy Yonamine, Staff Planner  
Darlene Kinoshita, Chief Clerk  
Evelyn Miyata, Court Reporter

Benjamin Matsubara, Hearing Officer, called the meeting to order.

HEARING

BR94-707 - OFFICE OF STATE PLANNING, STATE OF HAWAII  
(North Hilo)

Pursuant to a notice published in the Honolulu Advertiser, Hawaii Tribune Herald, and West Hawaii Today on December 21, 1994 and notices sent to all parties, a hearing was called by the Hearing Officer in the matter of the petition by the Office of State Planning to reclassify approximately 171.61 acres of land currently in the Agricultural and Urban Districts into the Conservation District at North Hilo District, Laupahoehoe, Hawaii for protection and preservation of Manowaiopae, Kuwaikahi and Kihalani Streams and associated gulches.

Appearances

Rick Eichor, Esq., Deputy Attorney General, Office of State Planning

Marylou Kobayashi, Office of State Planning

Rebecca Alakai, Office of State Planning

Judith Henry, Office of State Planning

Frederick Giannini, Esq., Deputy Corporation Counsel, County of Hawaii

Thomas Young, Intervenor

Mark Gushiken, for Hilo Electric Light Company

Steven Lim, Esq., for Laupahoehoe Ventures I and Ralph and Grace Black

Arguments on the Petitions for Intervention were heard from Mr. Eichor, Mr. Giannini, Mr. Young, Mr. Gushiken, and Mr. Lim.

Benjamin Matsubara, Hearing Officer, granted the petitions for intervention filed by Mr. Young, Hilo Electric Light Co., Laupahoehoe Ventures, and Ralph & Grace Black.

Arguments on the Motion to Waive Metes and Bounds were heard from Mr. Eichor, Mr. Young, Mr. Gushiken, and Mr. Lim. After hearing arguments, questions were asked by Mr. Matsubara.

Benjamin Matsubara, Hearing Officer, granted the motion to waive metes and bounds subject to the following condition, "That at any time in the future when an accurate metes and bounds description of any portion of the property is needed at the request of the Land Use Commission, the Office of State Planning shall provide a metes and bounds description and map."

Kathy Yonamine, staff planner, oriented the hearing officer to the area requesting reclassification on the Land Use District Boundaries and tax maps.

PUBLIC WITNESSES

1. David Sheehan
2. Michael Barton
3. Thomas Crabb
4. Paul Bryant

EXHIBITS

1. Petitioner's Exhibit A, B, Nos. 1 through 18 were admitted into evidence by the hearing officer. Exhibit Nos. 3 and 6 were withdrawn.

2. Helco's Exhibit Nos. 1 and 2 were admitted into evidence by the hearing officer.

3. Laupahoehoe's Exhibit A, B1 through B8, and C were admitted into evidence by the hearing officer.

4. The letter dated February 8, 1994 from Councilmember Takashi Domingo were admitted into evidence by the hearing officer.

It was advised by Mr. Lim that his client and the Office of State Planning have entered into a stipulation. He withdrew as an intervenor at this time, but reserved the right to appeal if needed to.

PETITIONER'S WITNESSES

1. Marylou Kobayashi
2. Bob Nishimoto

INTERVENOR'S WITNESS

1. Mark Gushiken

A lunch recess was taken at 12:00 p.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

PETITIONER'S WITNESSES (Continued)

3. Robert Boesch
4. Sally Edmunds
5. Edward Henry

At this time, Mr. Young, moved for a continuance. There was an objection by Mr. Eichor to continue the hearing at this time, but there were no objections to allow Mr. Young to file an additional written memo or supplemental materials.

Benjamin Matsubara, Hearing Officer, granted Mr. Young ninety days for submission of additional information. Mr. Young's additional information is due on May 8, 1995. The Petitioner has until May 22, 1995 to file any written response to Mr. Young's additional information. The hearing will be closed thereafter. Mr. Matsubara instructed all parties of post-hearing procedures.

The meeting was adjourned at 3:00 p.m.