

Approved
2/03/00

Minutes of Meeting

Conference Room 405
State Office Tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

January 20, 2000

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Pravin Desai
Isaac Fiesta, Jr.
Lawrence N.C. Ing
M. Casey Jarman
Merle A. K. Kelai (portion of
proceedings)
Peter Yukimura

COMMISSIONER ABSENT: Stanley Roehrig

STAFF PRESENT: Esther Ueda, Executive Officer
Presley Pang, Esq., Deputy Attorney
General
Bert Saruwatari, Staff Planner
Russell Kumabe, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

Presiding Officer Jarman called the meeting to order at
9:30 a.m.

ACTION

A92-684 - STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION,
AIRPORTS DIVISION (Maui)

Presiding Officer Jarman announced that this matter before
the Commission is an action meeting to consider Intervenors'
Motion to Continue Hearing Date scheduled for January 20 and 21,
2000 to reclassify approximately 210.471 acres of land currently
in the Agricultural District into the Urban District at Kahului,
Maui for expansion of Kahului Airport and facilities.

On January 19, 2000, the Commission received Maui Planning
Department's Statement of Non-Appearance at Intervenors' Motion
to Continue Hearing Date Scheduled for January 20 and 21, 2000.

On January 19, 2000, the Commission received a facsimile letter from Isaac Hall stating that he will not be attending today's meeting.

On January 19, 2000, the Commission received separate facsimile letters from Kelly A. Cairns, Deputy Corporation Counsel and Isaac Hall requesting that the hearings be continued to March 16 and 17, 2000.

Commissioner Kelai was excused from this proceeding due to a previously declared conflict of interest.

Appearances

Bruce T. Matsui, Esq., Lane Ishida, Esq., Attorneys for
Petitioner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of
Planning

David Blane, Director, Office of Planning

Mr. Matsui and Ms. Ogata-Deal had no objections to
Intervenors' motion as well as the requests to continue the
hearings until March 16 and 17, 2000.

Commissioner Ing moved to approve Intervenors' Motion to
Continue the hearing to March 16 and 17, 2000. The motion was
seconded by Commissioner Fiesta and unanimously approved by voice
votes.

AR&R98-14

Chairperson Kelai announced that the Commission would
discuss the Governor's letter dated December 11, 1999 regarding
the proposed Rule Amendments and determine how the Commission
would like to proceed on this matter.

Deputy Attorney General Presley Pang briefed the Commission
on the Governor's letter.

Commissioner Jarman moved to go into executive session to
discuss legal matters on the Governor's letter of December 11,
1999 regarding the proposed rule amendments with our deputy
attorney general. The motion was seconded by Commissioner Fiesta
and unanimously moved by voice votes.

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting date of December 3, 1999. The motion was seconded by Commissioner Kelai and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDERS

Commissioner Jarman moved to adopt the Order Granting Petitioner's Oral Motion to Continue for Docket No. A99-729 - The Newton Family Limited Partnership. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

Commissioner Jarman moved to adopt the Order Granting In Part Motion To Release, Discharge And Delete All Conditions Imposed On Certain Lands Made A Part Of The Commission's Findings Of Fact, Conclusions Of Law, And Decision And Order Dated December 28, 1987 for Docket No. A87-612 - Grove Farm Properties, Inc. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

Commissioner Jarman moved to adopt the Order Granting Motion For Release From Decision And Order Entered On September 21, 1984 for Docket No. A83-558 - MSM & Associates, Inc. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

AR&R98-14

Commissioner Jarman expressed concerns that it was unclear as to what the Governor thought about all of our rule amendments because his rejection letter was received prior to his officially receiving our rules for approval.

Commissioner Catalani moved that staff officially submit the rules to the Governor for approval and request that the Governor approve or deny each rule individually. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

MISCELLANEOUS (Cont'd.)

3. LITIGATION MATTERS

- a) A status report on the following docket was given by Deputy Attorney General Presley Pang: Molokai

Ranch Circuit Court case; Civil No. 97-0383(1), (DR97-20). Commissioner Jarman moved to have Mr. Pang file an Amicus Brief. Because the LUC is not a party to this proceeding, Mr. Pang stated that he will have to ask the Court for permission to file the Amicus Brief. The motion was seconded by Commissioner Catalani and unanimously approved by voice votes.

4. The Commission discussed a letter dated November 22, 1999 from Governor Benjamin J. Cayetano regarding LUC Docket No. A99-278/Housing Community Development Corporation of Hawaii. The Executive Officer pointed out that Petitioner's attorney informed her that they will be coming to the Commission with a motion to amend the condition.

5. LEGISLATIVE MATTERS

The Executive Officer briefed the Commission on bills proposed by the Office of Planning that directly impact the LUC. The Commission expressed their objections to the proposed bill regarding temporary reclassification. She also went over LUC procedures for preparing legislative testimony. The Commission directed staff to send a letter to DBEDT with respect to their concerns regarding procedures for testimony approval. The Commission also authorized staff to use the same procedures as last year with respect to the chairperson approving all LUC testimony.

The meeting was adjourned at 11:20 a.m.