

LAND USE COMMISSION

Approved
6/14/01

Minutes of Meeting
King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

June 1, 2001

COMMISSIONERS PRESENT: P. Roy Catalani
Isaac Fiesta, Jr.
M. Casey Jarman
Lawrence N.C. Ing
Stanley Roehrig
Peter Yukimura

COMMISSIONERS ABSENT: Bruce Coppa
Pravin Desai
Merle A. K. Kelai

STAFF PRESENT: Anthony J.H. Ching, Executive Officer
John Deller, Esq., Deputy Attorney
General
Russell Kumabe, Staff Planner
Teri Hee, Chief Clerk

Holly Hackett, Court Reporter

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting date of April 19, 2001. The motion was seconded by Commissioner Roehrig and unanimously approved by voice votes.

2. ADOPTION OF DECISION AND ORDER

Commissioner Jarman moved to adopt the Order Accepting Petitioner's Final Environmental Assessment for Petitioner's Second Amended Petition for Docket No. A00-733 – Harrison J. & Sharene Z. Klein. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

Commissioner Jarman moved to adopt the Findings of Fact, Conclusions of Law, and Decision and Order Determining a Finding of No Significant Impact for a State Land Use District Boundary Amendment for Docket No. A99-729 – The Newton Family Limited Partnership. The motion was seconded by Commissioner Fiesta and unanimously approved by voice votes.

OTHER PENDING MATTERS

1. Litigation – Pacific Star, LLC v. The Sierra Club, et al., Civil No. 00-1-0209K (3rd Circuit). Executive Officer Anthony Ching provided an update of the pending litigation in this matter.

Vice Chairperson Ing called the meeting to order at 9:05 a.m.

CONTINUED HEARING

A00-732 – TSA CORPORATION (Hawaii)

Vice Chairperson Ing announced that this matter before the Commission was a continuation of the hearing which was adjourned yesterday at 5:05 p.m.

Appearances

Nathan Natori, Esq., representing Petitioner

Rodney Funakoshi, Wilson, Okamoto & Associates

Patricia O'Toole, Corporation Counsel, County of Hawaii

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Norman Hayashi, County of Hawaii Planning Department

John Chang, Esq., Land Use Division, Office of Planning

Judith Henry, Land Use Division, Office of Planning

Nicole Walthall, Esq., representing Intervenor

Stanley Bond, representing Intervenor

PETITIONER'S WITNESSES (cont'd.)

1. Tom Nance (cont'd.)
2. Dr. Theierry Work

A lunch recess was taken at 11:45 a.m. to reconvene at 12:45 p.m.

- 12:55 p.m. -

PETITIONER'S WITNESSES (cont'd.)

3. Steve Dollar
4. Richard Brock
5. Masa Fujioka
6. Cross examination of Tom Nance, Steve Dollar, Richard Brock, Masa Fujioka and Reginald David by all parties.

The meeting was adjourned at 2:50 p.m.