

Minutes of Meeting

Approved
8/9/01

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

July 19, 2001

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Isaac Fiesta, Jr.
Lawrence N.C. Ing
Stanley Roehrig
Peter Yukimura

COMMISSIONERS ABSENT: Pravin Desai
M. Casey Jarman
Merle A. K. Kelai

STAFF PRESENT: Anthony J.H. Ching, Executive Officer
John Dellera, Esq., Deputy Attorney
General
Russell Kumabe, Staff Planner
Bert Saruwatari, Staff Planner
Teri Hee, Chief Clerk
Esther Ueda, Consultant
Holly Hackett, Court Reporter

Vice Chairperson Ing called the meeting to order at 8:32 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 5:12 p.m.

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Appearances

Nathan Natori, Esq., representing Petitioner

Rodney Funakoshi, Wilson, Okamoto & Associates

Patricia O'Toole, Esq., Corporation Counsel, County of Hawaii

Norman Hayashi, County of Hawaii Planning Department

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

Judith Henry, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Nicole Walthall, Esq., representing Intervenor KAHO

Stanley Bond, representing Intervenor KAHO

INTERVENOR'S WITNESSES (continued)

1. Stan Bond

ACTION

A93-701 – KAUPULEHU DEVELOPMENTS (Hawaii)

Vice Chairperson Ing announced that this matter before the Commission was an action meeting to consider Draft Proposed Findings of Fact, Conclusions of Law, and Decision and Order as prepared by staff pursuant to the Order Requiring Preparation of Proposed Findings of Fact, Conclusions of Law, and Decision and Order issued on June 29, 2001, in response to the Hawaii Supreme Court's decision in *Ka Pa'akai O Ka'aina, et al. v. Land Use Commission, et al.*, Sup. Ct. Nos. 21124 and 21162.

Appearances

R. Ben Tsukazaki, Esq., representing petitioner

Patricia O'Toole, Esq., Corporation Counsel, County of Hawaii

John Chang, Esq., Deputy Attorney General, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Michael J. Matsukawa, Esq., representing Intervenor Ka Pa`akai O Ka`aina

Alfred Lerma, Esq., representing Intervenor Ka Pa`akai O Ka`aina

Duane Erway, representing Intervenor Plan to Protect

Larry Ford, representing Intervenor Plan to Protect

PUBLIC WITNESS

1. Janice Palma-Glennie

Executive Officer, Anthony Ching, provided a report regarding the circumstances under which the proposed draft decision and order was assembled. Mr. Ching also provided the Commission with an assessment as to potential actions to be taken by the Commission. Mr. Ching also pointed out that a memorandum from Deputy Attorney General John Deller was received with his comments.

After much discussion, Commissioner Fiesta moved to defer this action to the August 9 meeting in Hilo to provide time to review Mr. Deller's comments. The motion was seconded by Commissioner Yukimura and unanimously approved by voice votes.

Further discussions were held as to new timeframes for the parties to review the proposed order. Commissioner Yukimura moved to shorten the time period for the parties' review of the proposed order so that action could be considered at the August 23rd meeting date. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

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CONTINUED HEARING

A00-732 – TSA CORPORATION (Hawaii)

STATE'S WITNESS

1. Stanley Tamura

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Roehrig moved to approve the minutes for the meeting dates of June 28, 2001, as amended. The motion was seconded by Commissioner Coppa and unanimously approved by voice votes.

OTHER PENDING MATTERS

1. Tentative Meeting Schedule – The Commission expressed an interest in a site inspection for Docket No. A00-734/Castle & Cooke Homes Hawai'i, Inc. & Pacific Health Community, Inc.
2. Litigation Update – Pacific Star, LLC v. The Sierra Club, et al., Civil No. 00-1-0209K (3rd Circuit). Executive Officer, Anthony Ching, reported on behalf of deputy attorney general, Charleen Aina, that the Pacific Star agreed to dismiss the county as a defendant from the suit and the commissioners, in their official capacities only, are now the only defendants in the action. He also stated that the court set trial in the federal case for May 2, 2002 and that September 4, 2001 is the date set for the motion for summary judgment.

The meeting was adjourned at 11:50 a.m.