

Approved
May 3, 2002

LAND USE COMMISSION
Minutes of Meeting
Conference Room 405
State Office tower, Leiopapa A Kamehameha
235 South Beretania Street
Honolulu, Hawaii

April 5, 2002

COMMISSIONERS PRESENT: P. Roy Catalani
Bruce Coppa
Pravin Desai
Isaac Fiesta
M. Casey Jarman
Merle Kelai
Stanley Roehrig
Peter Yukimura

COMMISSIONERS ABSENT: Lawrence Ing

STAFF PRESENT: Diane Erickson, Esq., Deputy Attorney General
Anthony J. H. Ching, Executive Officer
Russell Kumabe, Staff Planner
Bert Saruwatari, Staff Planner
Caroline Lorenzo, Secretary
Holly Hackett, Court Reporter

Chairman Kelai called the meeting to order at 9:30 a.m.

A00-730 LANIHAU PROPERTIES, LLC (Hawaii)

Chairman Kelai announced that this matter before the Commission is an action meeting to consider acceptance of petitioner's Final Environmental Impact Statement for the reclassification of approximately 336.984 acres of land currently in the conservation district into the urban district at Honokohau, North Kona, Hawaii for the development of a mix of industrial and light industrial commercial uses and quarry activities.

APPEARANCES

R. Ben Tsukazaki, Esq., representing Petitioner

William M. Moore, representing Petitioner

Dr. Ron Terry, representing Petitioner

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

Norman Hayashi, Planning Department, County of Hawaii

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

Abe Mitsuda, Land Use Division, Office of Planning

Judith Henry, Land Use Division, Office of Planning

PUBLIC WITNESS

1. Stanley Bond – In opposition of Petitioner's Final Environmental Impact Statement (FEIS) because it did not adequately assess the potential impacts to pond, marine and faunal resources affecting KAHO.

Russell Kumabe, staff planner, oriented the Commission using Map No. 1 and Tables 1, 2, and 2A and provided staff recommendations on the subject docket.

Mr. Tsukazaki reported that the draft Environmental Impact Statement (EIS) took into consideration staff's comments in the work that was done for the Final EIS.

Mr. Moore, lead planner and project manager overseeing the consultant team for this project provided an overview of the project, project concept, and final EIS contents.

Commission Jarman raised concerns that the FEIS did not adequately describe identifiable environmental impacts pursuant to the EIS rules and law such as the lack of rigorous exploration of potential impacts of proposed alternative actions, and issues regarding potable water sustainability, solid waste generation, air quality assessments, and regional energy demand.

Commissioner Roehrig suggested that it would be helpful if counsel for the petitioner provided a list of all of the conditions on TSA to compare with petitioner's Final EIS. Mr. Tsukazaki responded that the TSA conditions were included as an appendix in the Final EIS and refers to the fact that the Commission acted upon the TSA matter, and the TSA's conditions will likely be imposed upon the petitioner.

Mr. Moore also provided responses to staff's concerns and addressed the comments by the Honokohau National Park Service. Dr. Ron Terry provided responses to unresolved issues that have a significant bearing on impacts or mitigation that might occur as part of the action.

Commissioner Fiesta moved to deny petitioner's Final EIS based on the concerns raised by Commissioner Jarman. Commissioner Jarman seconded the motion and was polled as follows:

Ayes: Commissioners Fiesta, Jarman, Coppa, Catalani, Desai, Yukimura, and Roehrig

Nayes: Chairman Kelai

A93-701 KAUPULEHU DEVELOPMENTS (Hawaii)

Chairman Kelai announced that this matter before the Commission was an action meeting to approve the selection of a native Hawaiian member to the Kaupulehu Development Monitoring Committee.

APPEARANCES

R. Ben Tsukazaki, Esq., representing Petitioner

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

Norman Hayashi, Planning Department, County of Hawaii

Michael Matsukawa, Esq., representing Intervener, Ka Pa'akai O Ka'Aina

Leimana Damate, representing Intervenor, Ka Pa'akai O Ka'Aina

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

Abe Mitsuda, Land Use Division, Office of Planning

Mr. Tsukazaki noted that of the three candidates nominated by Petitioner for the position of the native Hawaiian member on the Kaupulehu Development Monitoring Committee, Ms. Leinaala Lightner was the most appropriate candidate because of her presence on the land and her family's history as keeper of the land.

The County of Hawaii and the State indicated that they would leave the decision on this matter to the Commission.

Mr. Matsukawa stated that the Intervenor nominated Ms. Hannah Springer to be the native Hawaiian member on the Kaupulehu Development Monitoring Committee based on her qualifications.

Commissioner Catalani reported that all four candidates were fully qualified for the position. After careful consideration, he reported that the four member subcommittee, appointed by the Chair to screen the candidates, nominated Ms. Hannah Springer to occupy the seat of the native Hawaiian member on the Kaupulehu Development Monitoring Committee and moved that this Commission adopt the committee's recommendation. Commissioner Jarman seconded the motion and was polled as follows:

Ayes: Commissioners Catalani, Jarman ,Coppa, Yukimura, Desai, Fiesta, Roehrig

Nays: Commissioner Kelai

MISCELLANEOUS

1. ADOPTION OF MINUTES

Commissioner Fiesta moved to approve the minutes for the meeting dates of March 21 and 22, 2002. The motion was seconded by Commissioner Roehrig and unanimously approved by voice votes.

The meeting was adjourned at 11:55 a.m.