

MEETING MINUTES

February 3, 2011

Mitchell Pau`ole Community Center,
Kaunakakai Molokai, Hawaii

COMMISSIONERS PRESENT: Vladimir Devens
Ronald Heller
Normand Lezy
Charles Jencks
Thomas Contrades
Nicholas Teves, Jr.

COMMISSIONERS EXCUSED: Kyle Chock
Lisa Judge
Duane Kanuha

STAFF PRESENT: Orlando Davidson, Executive Officer
Diane Erickson, Deputy Attorney
General
Scott Derrickson, Staff Planner
Bert Saruwatari, Staff Planner
Riley Hakoda, Staff Planner/Acting
Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIANS: Walter Mensching

CALL TO ORDER

Chair Devens called the meeting to order at 1:55 p.m.

ACTION

DR10-41 Molokai Properties Limited

Chair Devens announced that this was a hearing and action meeting to consider Declaratory Ruling No. DR10-41 Molokai Properties Limited, a Petition to

designate Important Agricultural Lands for approximately 4,919 acres at West Moloka`i, Moloka`i, Hawai`i TMK: 5-1-02: portion of 23, portion of 30.

APPEARANCES

Wyeth Matsubara, Esq., and Curtis Tabata, Esq., represented Molokai Properties Limited

Peter Nicholas, Molokai Properties Limited

Roy Sugiyama, Molokai Properties Limited

Michael Hopper, Esq., Deputy Corporation Counsel representing Maui County Department of Planning

Jeff Dack, Maui County Department of Planning

Bryan Yee, Esq., represented the State of Hawaii Office of Planning

Mary Alice Evans, Office of Planning

Russell Kokubun, Director, Department of Agriculture

Chair Devens inquired if Petitioner had been provided the Commission's policy regarding reimbursement of hearing expenses. Mr. Tabata replied that Petitioner had been provided with the policy and agreed to the policy regarding reimbursement of hearing expenses.

Chair Devens stated that the Commission intended to hear from the public, the Petitioner, the public agencies, and the staff regarding DR10-41 and noted that there was a preliminary matter of Petitioner's request that this matter be set for a contested case pursuant to sections 15-15-100 and 15-15-103 of the Commission's rules. Chair Devens suggested that the Commission allow Petitioner to present its request for a contest hearing first.

Mr. Tabata argued his reasons for requesting a contested case hearing and stated that Petitioner would have no objection to a contested case hearing.

Mr. Hopper stated that Maui County was not a party but would be interested in intervening and had no opposition to the request for a contested case hearing.

Mr. Yee stated that he had no objection to the contested case request and concurred with it; and that the Department of Agriculture had requested to intervene and that the Office of Planning would defer to the Department of Agriculture.

(Please refer to LUC Transcript for more details on this matter.)

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PUBLIC WITNESSES

1. Lori Buchanan

Ms. Buchanan provided her reasons for wanting to participate as an Intervenor in the contested case hearing..

Chair Devens described what the protocol of the Commission would be in a contested case hearing and how Ms. Buchanan could pursue her request to be an Intervenor.

There were no questions for Ms. Buchanan and no other Public Witnesses.

Commissioner Heller moved to set the matter for a contested case hearing since there was opposition to the Petition and to be sure all the information on this matter could be heard. Commissioner Teves seconded the motion..

Commissioner Contrades requested clarification on what the time frame would be for handling this Petition if it became a contested case hearing. Executive Officer Davidson expressed that it would be handled like a District Boundary Amendment with subsequent notification to the public .

There were no further questions.

Chair Devens directed Mr. Davidson to poll the Commission.

The Commission voted as follows:

Ayes: Commissioners Heller, Teves, Contrades, Jencks, Lezy, and Chair Devens.

Nays: None

The Motion passed 6-0 with 3 excused.

Chair Devens announced that the Commission would hear public testimony.

PUBLIC WITNESSES

1. Andrew Arce

(Please refer to LUC Transcript for more details on this matter.)

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Mr. Arce expressed his reasons for supporting the IAL Petition.

There were no questions for Mr. Arce.

2. Cheryl Corbiell

Ms. Corbiell stated that she represented the Molokai Land Trust and expressed the reasons why her organization supported the IAL designation change; and why she personally supported it as well.

There were no questions for Ms. Corbiell.

3. Adolph Helm

Mr. Helm submitted written testimony and shared his reasons for supporting the IAL Petition and Uncle Jimmy Duvachelle's ranching efforts.

There were no questions for Mr. Helm.

4. Dawn Bicoy

Ms. Bicoy stated that she represented the Molokai Farm Bureau and submitted written and oral testimony from both her organization and the Maui Farm Bureau in support of the IAL designation.

There were no questions for Ms. Bicoy.

5. Kuulei Arce

Ms. Arce described her role in the community and provided her reasons for supporting the IAL Petition and Uncle Jimmy's ranching operation.

There were no questions for Ms. Arce.

6. Lori Buchanan

Ms. Buchanan described her concerns about the IAL Petition and expressed why she opposed it.

There were no questions for Ms. Buchanan.

7. Robert Stephenson

Mr. Stephenson represented the Molokai Chamber of Commerce and expressed his support for granting the IAL Petition and Uncle Jimmy's ranching operations.

There were no questions for Mr. Stevenson.

8. Renee Montizor

Ms. Montizor stated her reasons for supporting the IAL petition.

There were no questions for Ms. Montizor.

9. Rex Kamakana

Mr. Kamakana expressed why he supported the IAL petition.

There were no questions for Mr. Kamakana.

10. Butch Haase

Mr. Haase stated his reasons for supporting the IAL petition.

There were no questions for Mr. Haase.

There were no other public witnesses.

There being no further business, Chair Devens adjourned the meeting at 2:43 p.m.