

**LANAI PLANNING COMMISSION
REGULAR MEETING
JANUARY 16, 2013**

APPROVED 04-17-2013

A. CALL TO ORDER

The regular meeting of the Lana'i Planning Commission (Commission) was called to order by Chair John Ornellas at approximately 6:00 p.m., Wednesday, January 16, 2013, in the Lana'i Senior Center, Lana'i City, Hawaii.

A quorum of the Board was present (See Record of Attendance.)

Mr. John Ornellas: The Lanai Planning Commission meeting of January the 16th come to order. Okay. I see we have, we have quorum tonight. Yeah, we're missing one person this evening and that's Letty and Priscilla. Were they – Leilani, were they, they said they were going to be here? Okay.

Okay. We'll go to Item B, approval of the November 28th minutes – the meeting of the 28th. Anyone has any problems with that? The 28th minutes? Hopefully everybody had a chance to read it. If there's no objections, we can accept it.

B. APPROVAL OF THE NOVEMBER 28, 2012 MEETING MINUTES

Mr. Gerald Rabaino: So move.

Mr. Ornellas: Jerry. We got a second?

Mr. David Green: Second.

Mr. Ornellas: Alright Mr. Green. Any more discussion on it?

Mr. Rabaino: Nope.

Mr. Ornellas: Seeing none, all in favor of accepting the minutes say aye. Thank you.

It was moved by Commissioner Gerald Rabaino, seconded by Commissioner David Green, then

VOTED: to approve the November 28, 2012 Lanai Planning Commission meeting minutes as presented.

(Assenting: J. Aoki, S. Barfield, D. Green, S. Marlowe, S. Koanui Nefalar, G. Rabaino

Excused: L. Castillo, P. Felipe)

C. PUBLIC HEARING (Action to be taken after public hearing.)

1. **MR. WILLIAM SPENCE, Planning Director, referring to the Lanai, Maui, and Molokai Planning Commissions Council Resolution No. 12-111 containing a proposed Bill Amending Chapter 19.40, Maui County Code, Relating to the Duration of Conditional Permits. (J. Alueta)**
 - a. **Public Hearing**
 - b. **Action**

Mr. Ornellas: We'll go to Item C, the public hearing. First up will be Mr. Spence, the Planning Director, referring to the Lanai, Maui, and Molokai Planning Commissions Resolution No. 12-111, containing a proposed bill amending Charter 19.40, Maui County Code, relating to the duration of Conditional Permits. Can we get the –. Okay staff report.

Mr. Joseph Alueta: Good evening Mr. Chair and Lanai Planning Commissioners. My name is Joe Alueta. I'm your Administrative Planning Officer this evening. There are two ways in which amendments to Title 19 can occur. One is by resolution which is the way you have it, and there's a certain time line in which Council can take action, can wait. They're required by Charter and by 19.510 to send it out to the commissions that are impacted or communities that are impacted, and get – hold a public hearing and have comments sent back by the various commissions. The other way is where you normally seen me is where we're amending Title 19 from the director's side, and will come before you to get your input before transmitting to Council.

Today's matter is a resolution. It's amending, primarily 19.40 which is the Conditional Permit section of the Maui County Code. Conditional Permits are used – they should be used sparingly, but they are used on occasion, and they –. Their intent of Conditional Permits is to provide an opportunity to consider establishing uses not specifically permitted within a given use zone, or the proposed use is similar, related or compatible to those permitted uses in which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the uses being proposed for a particular location.

The Conditional Permit process is an old process. Many communities – some communities have them. Maui County has them since its formation, even going back to the Planning Traffic Commission in the early – before Title 19 ever came about. The way our zoning code works, it's a Euclidian zoning which is a permissive zoning, which it lists out all the uses that each zoning category. So your residential district, your business district, and what not. And it lists specifically the uses can. If it's not listed, then it's a prohibited use in that district. Early on – so, it was kind of important to have a Conditional Permit because the county was young, and land use was in the early stages. And also over time, uses change, so new things come up that you do not know what the specific impacts are. And they may not be, and most codes across the nation, like Maui County Code, is 40 years old. So, a lot of times there's uses that may have been relevant. And then as new uses come about, they're not particularly thought of or they don't exactly know where they go and they're not listed in any particular zone.

A classic example would be cell phones, cellular towers. They're not exactly – they're not

thought of at the time when the code is written. So there's really no district that lists them for a long time. And so many of times, also, the way cell technology came about, some of it has transformed. A lot of it is now line of sight. Most were line of sight. But also the transmission power varies. So where you need your towers a lot of times are not in the urban core, especially in Maui and the rural communities. So they're out in the agricultural district, they're out in the rural district, where you have better line of sight, and so therefore, they would come in for a Conditional Permit to establish that use because obviously that wasn't used.

Maui County is unique in that it has some of the most rural lands of any other of the counties. I don't even think Oahu has any lands that are zoned rural, or even state rural. Whereas Maui County has quite a bit. That's another reason. So, again, even though we're using a zoning category, Conditional Permit is for specific uses, and we're to allow for special types of uses. It's a handy tool. It can be abused, but it's a handy tool when you want to establish urban type uses in non urban areas without going through the zoning change. And I bring up the point of Maui County having ag and rural lands is that you can establish certain uses that would typically be located in the business or commercial use outside of those urban cores. This way it protects some of our rural communities from establishing an urban core. Because one of the justifications for future urbanization is having an existing urban designated land. And that's how you kind – we try to protect some of our rural areas.

Good, good examples of some Conditional Permits that have been out there, again, established, again, is cell towers where you don't want to do a spot zoning to just establish a 20 by 20 footprint for a cell tower. Landfills or dumps or whatever you want to call them are typically not located within your urban core, and so you tend to locate them outside. And you normally establish them via a Conditional Permit and a State Special Use Permit.

The other one is concrete batching or quarry facilities. I like to joke around that the only place that you can legally do a rock quarry operation in Maui County, or one of the few places, is on Lower Main Street in Wailuku behind Iao Parkside because it's in the State Urban area and it's zoned County Ag. Okay. Because –. So it's kind of a bizarre. So, but, would a rock quarry – would the location of a rock quarry be appropriate in the urban core, and next to a multi-family complex? And the answer is generally no. So typically these are established concrete batching plants – same thing – are located outside of the urban core, but you don't necessarily want to grant them urban designation. Go through the process of doing a Community Plan Amendment to an industrial type use or commercial use, then going through a State Land Use District Boundary Amendment to re-designate land to an urban designation, and then do the Change in Zoning process. Only for a use that, one, maybe temporary. Quarry operations tend to be temporary, and they may reclaim the land back being ag after they finish quarrying. Same thing with a landfill operation. They tend to – once you're done with it, you can fill it back in and potentially reuse part of the land later on. So –. And again for cellular tower facilities you don't necessarily want to do a spot zoning for a use that's not gonna take up that much of a footprint. It's a very – and can be – and collate – co-locate some of your other facilities on there.

So those are the good things. There are bad issues where you have Conditional Permits particularly maybe in the urban core where they've established some type of commercial use

maybe in the residential district. Examples maybe a daycare facility that has more kids than is allowed, in the residential district, than is allowed by the code, and they've gotten a Conditional Permit. Some church facilities also. And so the – and they go on for years and years and you wonder shouldn't they just go get a Change in Zoning. And I think that was the intent of the maker of this resolution was that maybe it's time that some of these Conditional Permits that have been going on for 10 or 20 years should just come in and get re-zoned. And we understand that. That is true. But this time limit that the Council is proposing, meaning if you have a Conditional Permit you can only go beyond – you cannot go beyond five years. Okay? There's more questions than are – that the department has that are being answered. Meaning, what happens to those people who already have out there 10 years? Do you then deny them their permit at the beginning and say they can't renew if the bill is passed? So then you tell them to get a re-zoning, but they're not going to be able to get a re-zoning right away. Or, again as I indicated, it may not be appropriate. We may not support a broadening of the use. So if you re-zone, and someone has a cellular tower facility there or a quarry facility, we're not going to re-zone to quarry. We're gonna to re-zone to industrial or some type of industrial use. And that opens it up for a lot of, a lot of different things, more thing than you want. And so, again, the Conditional Permit can sometimes be used to narrow the scope for a particular project, and there are a very few.

Again, the bad is when the Conditional Permit goes on and on, and it's what I call the tail wagging the dog. The classic example of a tail wagging a dog is, on Maui, is Waiko Road, where you had industrial uses established along Waiko Road through the Conditional Permit process as well as the State Special Use Permit process, and then later on they went and got a Community Plan Amendment. After 10 years, they got a Community Plan Amendment to do – or during the last Community Plan process, they got it designated to industrial. And then they got zoning to industrial. That's a backwards way. You should always start with the community plan and the desires. So, there's a good and a bad of Conditional Permits, and you have to be careful.

But the ultimate authority with Conditional Permits, as we indicated in our staff report, lies with the Council. The Council can choose at any point to deny a permit, or tell them we would support a Change in Zoning. You should seek a Change in Zoning through the Community Plan Amendment process. Or they can initiate a Change in Zoning for them through the resolution process. And they can address those permits that they have on a case by case basis rather than creating a blanket restriction on the five years.

Again, it is a useful tool especially in rural communities like Maui, or Lanai, East Maui where you don't want to establish urban uses in, in a, in a rural community such as Hana or East Maui or Upcountry and Kula where it's not necessary. And again – so the department was not exactly supportive of it. We laid out the pros and cons of the resolution. And again we have some concerns over it. Both the Maui and Molokai Planning Commissions both said thank you, but no thank you. We'd rather keep the way the Conditional Permits are handled now. And if Council has got a problem with a specific use that they want to see get re-zoned, then they should take up on a case by case basis. But they feel that right now the process is not broken, per say, so let's not try to fix something that's not broken. And that they have the power to fix

it because they are the ultimate granting authority. When you see Conditional Permits at the Planning Commission level, you are a recommending body. Just like you are a recommending body here for this resolution.

So that's all I have unless you have any other questions. I believe there was some testimony passed out to you. Mostly – we had some from, on Maui, I think you might have got it also, which was some of them are from quarry operations that are, again, they don't own the land. They lease the land. And they plan – they have to –. And the landowner doesn't have a zoning change for the quarry. They want to just – they're going to do the quarry. And when they're done quarrying, they're gonna restore the land back, and then the person is gonna farm it again. You also see it with the cellular tower companies have testified that – especially on Molokai, and even on Maui, and I'm sure you might have a few Conditional Permit out there on Lanai that can – you don't need a zoning change. You just – you'd rather have it as Conditional Permit. And if they make – and if they have a five year limit, they're making a great big investment. And if they prove that they're capable on being on the property without causing or disturbing the neighbors, and creating adverse impacts, they should continue to be granted extensions. And then, again, it's revokable at any time. Rather than the Zoning Change is kind of permanent.

Mr. Ornellas: Alright. Thank you Joe. Members, everybody has the two written testimonies? One from Verizon and the other one from Ashford and Wriston. Okay, that's from T-Mobile, I think it is, yeah. So everybody's got one. Alright. Okay, I'm gonna open it up to for public hearing. Anyone wants to come up? Ron? Why don't you grab a chair. Can you sit down? There. There you go. Right behind you. Joe's got you. Okay.

Mr. Ron McOmber: I – I can see all kinds of problems. If you get a developer that has Special Use Permit stuff that, you know –. We had it with Lanai Company, already, with Castle & Cooke. Some conditions, they can wait it – wait this out five years and let it die some conditional permits. And we had a couple down at Manele. I think some of it was like the parking for the parking area down below, and we ran into that situation. I think we should leave it alone. Leave the five years. That's – a contractor or a, or an owner of the land can wait that out and then it turns around it goes back to a political football at that time. If Special Use Permit, or that Conditional Permit goes with that development, I don't think you should put a five year limit on that because I can see a developer using that as just waiting it out, waiting it out, until he does that part of it. And it may be advantageous to the developer and not necessarily for the surrounding people. Thank you.

Mr. Ornellas: Thank you Mr. McOmber. Any questions for the testifier, members? Thank you Ron. Next up, Mike Beason. And how do you say your last name sir? Beason. Okay.

Mr. Mike Beason: Hi. My name is Mike Beason. I am a planning consultant for Verizon Wireless and speaking on behalf of them. They've given you written testimony. I wanted to briefly describe some of the things that happen as I go through planning process, and why we feel that this is not – this would hurt us, hurt Verizon Wireless quite a bit by having a five year end term.

Verizon has a permit on Maui. That is a Conditional Permit now. And it was just approved two years ago, I think, and the big question would be if we have a five year – if they have a five year limit, then they just did a huge, big project with the idea if they met all their conditions they would be renewed. And this would theoretically end it right there. So there's the first question on the existing site. Conditional Permits aren't sought often. But they are, like Joe said, a very good tool in places where it's not specifically called out. And there's quite a – there's only a couple of areas where telecoms specifically called out. And then it's usually used as accessory or other kinds of uses, and we try to fit it in to areas that are, are appropriate for that.

The process for Verizon and probably most of the other carriers can take five years from going out at the very beginning, and to go look for a site, finding a landowner that's willing to work a license agreement, to then taking it to permitting, to build permit and constructing it. So our concern here is we get to that point in five year conditional permits. And if we want to keep that infrastructure in that area, we're gonna have to seek it again. Now whether we can seek it on the same property again, it doesn't seem like it. It seems like the whole point here is to stop that. But now we're going to have to go some where else, and you've just installed all this infrastructure to get a cell site going. So it becomes so expensive that we think that it's something that would just eliminate being able to provide service. And that's just – we just see it killing that part of industry.

T-Mobile also submitted testimony. AT&T submitted testimony. We're all kind of shaking our heads, going "oh, no, what's gonna happen here?" We'd like to ask you to go against this recommendation, and keep the Conditional Permit process. We understand the importance of the process in coming to you first. We come to the planning commission level, and to the County Council level for these kinds of permits. So, the County Council who's starting this draft will have a say in the end anyway on time lines and conditions they want to see for that type of industry. So I ask that you vote against this.

Mr. Ornellas: Thank you Mr. Beason. Members, any questions for the testifier?

Mr. Rabaino: John?

Mr. Ornellas: Go ahead Jerry.

Mr. Rabaino: Question for you. When you guys signed up for the – let's say wireless facility – you guys went through all the process, right? Was that –? Did you apply also for the five years or that was already in, in, instituted?

Mr. Beason: The way it was explained to us was that the five year was what proposed as conditions when the application was, was responded to from the Planning Department. And the, the Conditional Permit on Maui is a co-location of all the carriers. We're all involved in it. And that one, we had asked for a longer term, but they wanted to limit to make sure the conditions were met. And then – as long as the conditions were met, we, we're expecting that it would be renewed.

Mr. Rabaino: Okay, with that said, then, like Maui, Honolulu – because Lanai is different yeah – you guys gotta get permission to have a facility with the, the landowner. My question to you is the next stage is when on the other islands you already pick your sites, and that would be a permanent facility in that location wherever you pick that site. That still falls under – Corporate Counsel – that still falls within the five year Conditional Permit?

Mr. James Giroux: Jerry, to answer the question – what happens is that when you get a Conditional Permit during the council deliberation, they look at the suggestion from the, the community and from the Planning Department on how long to make that term and have it as a condition. So it's called a Conditional Permit because it has a litany of things that, that the applicant has to do. And one of the last things is that, that the condition is that they'll, they'll have that permit for a set number of years. So that when we use Conditional Permit, there is no set number of years until the Council determines that. So as long as you get your Conditional Permit you can do what, what you want. But the Council determines how long you can do that. So that's, that's why the Conditional Permit – and what gets confusing is, is that in our zoning scheme, we have what's called Conditional Zoning.

Now in Conditional Zoning that zoning runs with the land in perpetuity. And that's the difference is that you can have a litany of conditions that you need to do, but the zoning runs with the land. So it, it's, it's almost – it's not malibu. You know, you just can't just go around changing it all the time or going and checking up on the conditions and things like that. Once the conditions are met or they feel that they're met that, that zoning continues to run with the land. So it's more of a permanent change once you get your zoning changed.

Mr. Rabaino: Okay. Thank you.

Mr. Giroux: And another thing I just want to point out, Jerry, because that question is important in that in your Conditional Permit you can actually delineate in a condition a small portion of a property. And therefore you're not industrializing 50 acres or 150 acres just to put a small little, you know, transducer. And if you, if you force somebody to zone, and go through the Conditional Zoning process, you have to describe the whole parcel. And it becomes very – you know, it's very difficult for the community to fathom that you're gonna have 150 acres of industrial just so you have a use that it may or may not be compatible to the whole area. But it would – if it were contained on an area, then it is, it is palatable. So, that's, that's the difference is that the Conditional Permit is a tool that that's a little bit more – it allows a little bit more flexibility in the land use arena.

Mr. Rabaino: Okay, with that said, I'm gonna use the area, the Project District at Koele. Remember they put up the wireless facility there. Is that tied in with just what you just said? Because they have a project district up there, and then they have the cellular towers there that I believe was Verizon. Because what I'm trying to get at is if they're gonna choose a location to make a building after the five years would become permanent like a wireless or any telecommunication facilities. After that five years – or let's say the Conditional Permit is – they complied with everything in the Conditional Permit, and even though it's going on the sixth year, let's say, and that facility is permanently anchored at that site, do they have to – is that still tied

with the zoning or outside of the zoning?

Mr. Ornellas: Hang on Joe. Do we have any more questions for the testifier? You have – you've already started the discussion part of it so thank you for sharing your testimony. Okay, anybody else wants to come up and weigh in on this subject? Okay, then I'm gonna close public testimony and we'll open it up for discussion. So you wanna, you wanna answer – you want to get the Reader's Digest version of Jerry's question?

Mr. Alueta: If I – yeah, if I can. I'm not, I'm not following. If it's in the Project District, then it's in the Project District. Then it wouldn't be. So Project District is zoning.

Mr. Rabaino: Okay, yeah. Because like Koele, you have the Project District, I understand that. But this one is sitting on the edge that they built it, and it became permanent behind the cemetery up there.

Mr. Alueta: Right. If it's outside of the Project District, then they would fall under – they could apply for a State's – if in the agricultural district, they would need a State Special Use Permit and a Conditional Permit from the County.

Mr. Rabaino: Okay, I'm gonna throw another monkey wrench at you again. Let's say Kaunapali, we need a tower down there because a lot of the cell phones – and let's say if one of the three carriers decide to put a tower down there to meet the people's need of cellular usage. Okay because the land line that only exists down there is Hawaiian Tel, at the barge, and there's no emergency phone if something happens down there. My question to you is at Kaunapali that is not a Project District yet, but what if the applicants of any of these three telecommunication come, companies come in and want to fulfill our request to have a tower down there so we have better reception for our cellulars and for emergency purposes.

Mr. Alueta: It should all be dependent upon on what type of zoning it is, and that would determine what type of permits. Conditional – Project District is a zoning, okay. I just want to make sure that you understand like – so if you have a Project District, you kind of have your own special development criteria and your own – you may have your own variety of residential so you don't fall under the normal Title 19 when you develop. All your development standards are located within the Project District. And that Project District may call out a process in which you can get a Special Use Permits or, or Conditional Permits, but it may have a separate process now. So, but, outside of Project District, in a normal zoning, if you're in, say, the commercial district, say BCT, right? You would then look at the BCT, BCT zoning ordinance which is 19.15, and look at your design guidelines if it's in the – in your community plan design guidelines, to see what – if telecommunication facilities and tower structures are allowed. If they are, then they would be – they wouldn't need any permit and the Conditional Permit would not apply. If it did not apply or if it did not have list telecommunication facilities, right, then they would be required to get a Conditional Permit. We would most likely determine that it's Conditional Permit. In all the zoning categories that I've – you know, I've come before you with different – like Residential District, Business Country Town, B1, B2, and this normal structure that we're trying to follow is, you have an allowed use, your principal permitted use within each

zoning category, uses that are considered accessory, okay, to those permitted uses, and then uses that are deemed to be special, your County Special Use Permits. All – those permits come before and get approved by this Commission. Anything that's not listed as a permitted use cannot be approved as an accessory use to a principle use or cannot be granted through a County Special Use Permit via the Planning Commission. The department can determine that it's a Conditional Permit, meaning you have to go before Council. It's not a use specifically listed in one of the mechan – that you'd fall under those mechanisms.

My job as the Administrative Planning Officer is to try to sort of bring down a lot of these uses. So a lot of the times when you see the updates to Title 19, the various zoning districts, you'll see me add in telecommunication facilities or you saw tower structures being allowed. Because we want to add cellular tower facilities or radio facilities or any type that could be allowed in some of your urban areas so you – and make a specific list that you can do it in these districts. So you don't have to get a Conditional Permit all the time.

We've done it also with in the interim district, and then we've also done it with the rural district. Or you saw it with small scale energy facilities to clarify that you can do PV panels on your roof at your house or on your, you know, business, without having to have it specifically listed. I mean we had this so it's not an interpretation, so –. But what we're dealing with is 19.40 in which you have a use that's – the use may be listed in another category but they want to do it here. And, or, it's never been thought of before. It's like roller blade repair shop. I don't even know if people roller blade any more. It might have gone away with the roller skate. But that's – we don't know what's going to come down the line. When I first started as a planner I did a lot of – to show my age – RAM paging tower. I don't know anybody that carries a pager anymore, but that was the big thing back in the 90s. I mean, everybody – and so they were all coming – and those facilities have different technological characteristics so we did a lot of them because they had to be repeated over and over. And then some analogy cell towers, right, could carry far distance. So we only had a few cell towers when they first came out. Now it's digital, more high tech, but some of them are not as strong, and you need several of them. It all depends on the technology. So cell towers and other towers are coming up, radio towers and all that. But, again, they're addressing – we're dealing with Conditional Permits. It's to allow uses in categories where it's not specific and it allows you the opportunity to say, yeah, we'll test out that use. If it works, we'll let you keep it in there. We're not sure if we want to re-zone it. In some cases, if it's in the urban district we may say go get a zoning. Or if it's consistent with the community plan or if it comes along in the community plan, then we'll say, go ahead and get the re-zoning. But for areas like East Maui and Lanai and Molokai where you're trying to service some rural communities or towns, but you don't want to have an urban designation on the State level and the County level which could open it up for more urbanization. Thank you.

Mr. Ornellas: Alright Joe. Jerry, thank you. Mr. Green?

Mr. Green: I don't have a question, but I'd like to make a statement or make a comment. It seems to me that there are many more negatives attached with this resolution than there are positives. And it sounds like the Planning Department is against this resolution. I found the

testimony compelling, the written testimony and the testimony from the gentleman today, this evening, and I think we should not approve this.

Mr. Ornellas: Thank you. Any other discussion, members? Joe, I have a few questions. Item C, it says the Planning Director may approve an application for time extension provided the following criteria is met. I thought a couple years ago we had this – I'm sorry this is for the – this is the – it's the resolution, the ordinance, and this is page one, number C. You see that?

Mr. Alueta: Yes.

Mr. Ornellas: Okay. A couple years ago I remember I was having the discussion that there are things that are being approved by the Planning Director or the County of Maui without our knowledge and this is one of those things that I think that it should come back to the Planning Commission for a time extension. That way it keeps us in the loop and not a, and not a management decision. And that way we can weigh in on, if anything. I mean, we know better than the Planning Director as far as the happenings on Lanai, so I, I question, is it possible? Can we – I mean – okay, let me finish the question then. Is it possible to change it to the Planning Commission?

Mr. Alueta: You can make any recommendation –

Mr. Ornellas: Okay.

Mr. Alueta: – but typically your discussion, what was noticed on is what's the Ramseyer version underline. So I'll leave that to Corp Counsel if he's got a problem with you guys making a comment. It's being sent here for your comments or recommendations so if you want to take a stab at language that's not being proposed for change, and have comments on it, you can – we will transmit those comments to them.

Mr. Ornellas: Okay. I figured since it's coming to us for – I consider the whole thing as being something that we can be discussed, not just the underlined. Well, I want to discuss it all. Between, between both of you, can we make, can we make this ordinance island specific? Is it possible to do that?

Mr. Rabaino: Mr. Chair?

Mr. Ornellas: Go ahead Jerry.

Mr. Rabaino: I'm with John on that Item C, yeah. If we can add or amend another sentence to that Item C under the Conditional Permit. That anything that reflects other applicable government requirements or any kind of proposed development that we put a language in there that says it comes back to the Lanai Planning Commissioners to make a decision and recommendation before it's been forwarded to the Council of Maui – Maui County Council.

Mr. Giroux: Can I just make a comment? Corp Counsel. Basically, you know, we've been

directed by Council before to, you know, as far as these transmission, to try to keep everything as sharp as possible. And what they're asking for is your comment on the possible changes that they've proposed. I think that if we want to go further into discussion on how to further amend Title 19, or 19.40, that we put it on another agenda item that it's properly noticed and that we can formulate a more proper discussion around those and probably get better input from the public.

Mr. Rabaino: I'm for that John. Chairman?

Mr. Ornellas: Okay.

Mr. Rabaino: I'm kind of for that proposal. Yeah, let's just go that route.

Mr. Ornellas: Any objections? Members? To put this on a, on a, on a – to work on – work on this as described as far as the underline. And then maybe –

Ms. Stacie Koanui Nefalar: John, can I get a comment?

Mr. Ornellas: Okay.

Ms. Koanui Nefalar: So as it, as it sits right now, it comes to the Lanai, Lanai Planning Commission anyway, right? Yeah, without this resolution.

Mr. Clayton Yoshida: Yeah. Well, I think the original Conditional Permit comes to the Lanai Planning Commission. You conduct a public hearing. You make a recommendation to the Council. Your recommendation and the record is transmitted to the Council and they decide on the Conditional Permit and conditions.

Ms. Koanui Nefalar: So if we decide to deny this or not go with it, it would still come here anyway.

Mr. Yoshida: The original Conditional Permit application will still come before the Planning Commission.

Ms. Shelly Barfield: Can I make a comment? So initially when you do the Conditional Permit, right, it comes before us. So wouldn't that make sense for us to initiate that condition of that permit? Where if it's extended or if it's, you know, comes before the Council for anything – any changes, any extensions – we can add that condition to it, in the initial permit. Correct?

Mr. Alueta: That is, that is a potential that you could do that.

Ms. Barfield: So when we review the permit then that's when we should put it in the permit saying that it should come back to us for review.

Mr. Alueta: That is right.

Mr. Ornellas: For extensions?

Mr. Alueta: Yeah.

Ms. Barfield: Yeah. Anything. So should they request in the future for an extension, it should always come back to us for review, versus us changing the whole resolution.

Mr. Rabaino: Mr. Chair?

Mr. Ornellas: Okay. Jerry?

Mr. Rabaino: I agree with what Shelly's proposing and stated, yeah, so let's go that route like I said earlier.

Mr. Ornellas: I can live with that. Thank you. Go ahead Mr. Green, you have something to say?

Mr. Green: I'd like to make a motion that we do not approve –. What's the right language? Do we not approve or we reject the –

Mr. Alueta: That you recommend against the proposed amendments.

Mr. Green: Okay. We recommend against this proposal.

Mr. Ornellas: Do I hear a second? Discussion? Members?

Mr. Rabaino: Call for the vote.

Mr. Ornellas: Any discussion? Okay. All in favor of the motion to deny. All in favor? To deny the resolution. To deny the motion. Okay.

Ms. Joelle Aoki: Mr. Chair, could you please call the vote again to make that clear?

Mr. Ornellas: Okay. All those in favor of denying the resolution say aye. Okay, that is –. Can I just see your hands everybody? Okay, so it's unanimous.

Mr. Alueta: Thank you very much.

It was moved by Commissioner David Green, seconded by Commissioner Stewart Marlowe, then unanimously

VOTED: to recommend, to County Council, against any proposed amendments to Chapter 19.40, relating to the duration of Conditional Permits.

(Assenting: J. Aoki, S. Barfield, D. Green, S. Koanui Nefalar, S. Marlowe, G. Rabaino

Excused: L. Castillo, P. Felipe)

Mr. Ornellas: Okay, so I just want to make sure that staff understands that our – I mean, even though we're not approving this, we still want to make sure that we get to see, get to see these Conditional Permits, and we are able to make changes – not changes to the – changes to the conditions of the permit.

Mr. Alueta: That is the current process, again, for initial Conditional Permits. When they first come in, as their first time –

Mr. Ornellas: Okay.

Mr. Alueta: – they will come before the Planning Commission, and you'll have an opportunity to make recommendations on the conditions to County Council. And so at that time, as indicated by the Vice-Chair, you would probably want to put in say, for this permit, you want to have any amendments, time-extension or any other amendments, come before the Planning Commission for recommendation, I guess, if it's a time extension, your recommendation to the director instead of the County Council.

Mr. Ornellas: Okay. Great. Thank you very much. Okay, how we're doing on time? We're okay, Anthony? Okay. I want to take a short little recess before we move on to the next item, which will be the workshop by Lanai Water Company. Yeah, five minutes. Five minutes.

(The Lanai Planning Commission recessed at approximately 6:45 p.m. and reconvened at approximately 6:52 p.m.)

D. Workshop conducted on Lanai Water Report for Period 12 (2012) dated December 20, 2012 for the Lanai (Lanai Resorts, LLC) wells – John Stubbart, Director of Utilities, Lanai Water Company, Inc.

Mr. Ornellas: Okay, we're gonna go, next up is Item D, workshop conducted by the Lanai Water – on the Lanai Water report period 12, dated December 20th, 2012, for the Lanai Resort's wells. Lanai Water Company. John Stubbart, Director, of the Lanai Water Company. How we're going to do this is we're gonna let John speak first, and then – well, I'm going to do it. You want – you don't want to ask questions? Okay. That's what I'm doing right now, okay. We'll let John give his spiel first, and then ask questions. You guys could be able to – the audience will be able to ask questions, and then followed by us, by the board. Okay. So, Mr. Stubbart, thank you for coming tonight and go ahead.

Mr. John Stubbart: Thank you. I'm John Stubbart, Director of Utilities. And I'm here tonight to help you to be able to review the periodic water report that you'll be receiving in the information from Department of Planning. And when you first look at it, it looks extremely complicated and difficult, but hopefully after tonight you'll be able to pick out those things that are of interest to you.

I'm coming over tonight with the invitation of your chair. Thank you John. And in lieu of our – one of the things that we've been looking at was the Lanai Advisory Water Committee, and I like this format better because I would like to speak directly to you rather than through a committee, and talk to you guys and answer questions. So this is one of the things that we were looking at doing. Some of the future things that I might suggest to the chair are update on the water use development implementation provisions, the water quality, and the consumer confidence report that will be coming out in the next few months. Island Resource Plan update and talk to you guys about the Water Resource Plan and some of the things that you've heard about like RO and other projects, and bring you up to speed on those things. And also the Hale Conservation update. That's a big primary issue that we're all very concerned about and we're taking some aggressive actions now with our new owner in building the employees out there, doing the work, equipment, and our practices of how we're gonna approach things. So those are some of the future topics that might be of interest.

As I mentioned it might look very difficult. I'm gonna go through on a handout that I gave you. It's actually the Period 11, and then – number 12 – I'm gonna through 11 which is another handout you got that has this title page. I started this before I got 12 done. And so we'll look at that. And then 12 will be one that you can compare to how it progresses. Yeah, that's 12, so we'll look at that in a little bit. Okay? So if you can pull out your packet that has that page that would be great. Thanks.

If you – after tonight, if you still are puzzled about things, and you want to ask some specific questions, I'd be glad to meet with you and go through them. The tap water is vital thing for our community, and some of the things that provides us is public health protection. Meaning it doesn't spread diseases. You're all aware of plagues and different things that occurred before – public health, the chlorination of water and making sure it was healthy to drink. And so there's many things that we do to make sure that we have safe and sufficient water for our community. One of the things that we forget until it's needed is fire protection, all the fire hydrants for up town, and providing that fire protection service. Also support for the economy. Without a good infrastructure, without those water systems, we wouldn't be able to do the kind of things we want to do in our community – restaurants and other services like gas stations and as well as any of the businesses that we run, all have water as a necessity. And of course our quality of life. Being able to turn on the facet and have good, safe water at our homes to do the things we want to do in our businesses. So it gives us a quality of life. And those are the kinds of things we want to make sure we preserve.

I'm gonna –. Excuse my nasal. I caught a cold the other day and I went home half day today, and slept so I could be here to make sure I at least could get through and talk to you tonight. The medication also makes you thirsty.

So our map there that you have, we've outlined the water systems and basically what you're looking at is – let me get mine out too so I can see it. The blue lines represent the potable water systems that come around – oh, that helps, thank you – through the city. Down here is my little arrow. There's Lanai City. And we have two systems. One is the Lanai City system which is up here in Lanai City, and also runs down past the airport and goes down to

Kaumalapau Harbor. The other system, the Manele system, comes down this way, and down the power line. And down the power line road, and you can see the tanks as you go down to Manele over on the right side, and it services that area.

We also have a brackish water system that starts in the Palawai Basin, and services as a dual system down the construction road, down to –

Mr. Stuart Marlowe: . . . (inaudible) . . .

Mr. Stubbart: Yes. The 15 million gallon reservoir is at the top of that system as it comes over the hill. And comes down to Manele.

We also have a very interesting water system – aquifer, I should say – hydro logic system on our island. And that's one of the reason why we do this periodic water report. To monitor and make sure that we don't do things or to watch for changes in the aquifer that would alert us to things that we need to do to change. And that's some of the information we'll be going over tonight. In our island we dyke confined aquifers. These aquifers are confined by dyke in the mountain. These dykes, remember if you've all seen the curtain of fire, Kilauea and those areas, you have this fissure opens up and the lava comes out. Those fissures create like barriers or dams, and so they create these dykes in the mountain. And they're like having cups and a whole bunch of them, and they're – they confine water in them. So as the rain percolates down into the mountain, it gets damned up behind these walls, these dykes. And so as the water moves through, and one of the really interesting things is we have the Palawai Basin, and the Palawai Basin is the caldera that the island, the main caldera that the island formed around. And so Hale MauMau on the Big Island, that's what this looked like at one time. It's a big pit. So when you go down into the Palawai Basin and you look around you, you'll see the walls of the caldera up on the mountain, before the benches, and you look around, you'll see the hill that goes over towards Miki Basin which is another smaller caldera. And so as the water passes through and into the caldera where all this volcanic activity happens, it picks up minerals, from the caldera walls, from the geological structure, salts, manganese, calcium, and different minerals, volcanic minerals, sulfur. And so it changes, and this is what we call the non-potable brackish area. And this is where –

So we get our potable water from wells up here, up above where the plantation was. Up on the sides of the mountain. So it's very good water. It's very smart of them to keep it up above. And in the Palawai, they found this lesser quality water with well 1 and then subsequent wells – we have four – that provide a lesser quality water for irrigation, the golf course and the Manele residential area. And when we get into our report, I'll show you why some of that is very important to keep track of.

The PWR comes out every 28 days. You ask why 28 days and not a month. It makes so it's easy to look at the numbers and compare them from one period to another because you know that it's 28 days. And that's close to a month. We'll have one month, I think it's November, where we actually have two reports in the same period, in the same month. But it makes it easy so you can compare data from period to period because it's equal.

So there's 13 PWRs basically in a year. We send them to government agencies and the Planning Commission. And you'll be getting those through your planning commission. We also post them in locations around town, and I've listed those there on your slide.

The PWR is three pages. First you have the pumpage and use. And this is probably the most complicated looking one and we'll come back to this one to go through it and to hopefully help you to understand it. But it's the wells over here, are listed, all of our production wells. And then the use is out here in the middle field, the columns here. And so we'll come back and go through that so don't worry yet. You'll worry at the end of my presentation when you don't understand.

So temperature and chlorides. For each of those production wells we track every 28 days the temperature of the water from the well. Because if we had a change in temperature, that would alert us to something changing in aquifer. So it's important for us to monitor, to manage, data is looking at the information so we can manage our aquifer and understand it and look for issues that we need to adjust what we're doing.

So if you look across you'll see on temperature here. Where's my little arrow? There we go. You'll see the temperature here, 82, 82, 82. And those are the kinds of things we'd expect. We've got an 80 down here. Water, the aquifer water should be very consistent. It should be pretty stable because it's in these large cups, remember, in the mountain, so it's in these large aquifer areas. Some are smaller, some are bigger. And so we monitor to make sure that what is the – is there any change that we're looking for – ie: more activity, a higher temperature could mean we're getting more recharge from the surface. Colder would mean it's not recharging as much and we have to watch temperatures. But they should be very consistent.

Then the other thing we look at is chlorides. And these chlorides will, as you look at your chart, you'll see they move around. We take three samples. One sample goes to an independent laboratory on Oahu; one sample goes to our hydro geologist, Tom Nance; and one sample, Steven Hanna of Kimo, takes and analyzes. We take those three results and – because they're just a little different, each one, so we take all three and take the average, and that's what we put in our report. And that helps us to look at a mis-sample, a miss lab result. If one of them is bad. We just had one the other month, last period, and it came out, it was mis-labeled, and we had to re-do them and send it back out. Because we got the results back and Tom Nance alerted us that wasn't right and so we had to re-do it again.

And so we look at the chlorides and it's very important on the chlorides because here again it shows you characteristics of change. And in the brackish wells, this area right here, these wells here, we look at those to see if we're over pumping. And over pumping is where you would be pulling too much out of this glass. So out of this cup, this aquifer, we put a straw in here, and I took out more than what was coming in. The water level would drop, and the characteristics would change. And so what we have to look at now and long term is management of the aquifers so that we don't negatively impact them. Now I'm going drink of this – deplete my aquifer.

And so by period by period, when you look at this you can see the changes that we're recording for the – each well.

Mr. Green: Can I ask a question?

Mr. Stubbart: He has to wait till the end.

Mr. Ornellas: . . . (inaudible) . . .

Mr. Stubbart: Thank you chair. High level and low levels. This is where we get to the real management issue. We have multiple wells feeding our system – well 6 and 8 here in town, wells 4 and well 2, shaft 3. And we look at how to make sure we don't over pump any particular well. Some of the wells in the past were over pumped. Water levels dropped drastically. And in our plan, the water use development plan, we have to build more wells and bring them online so we can rest the aquifers in certain areas, that we can be able to have a well go down and have a redundant well so that we can continue to supply for health and safety. And so having multiple wells is very important to our future aquifer management.

On this you can see that there's a high level and a low level. This is the high for the month in that well, and the low for that month. We look at these well levels to see changes, and on the low level there are targets which is half of the original aquifer that is set by the commission, the Water Resource Management and by Tom Nance originally, and we have to make sure we don't fall below those levels. If we do, then the Commission on Water Resource Management, which is the state regulation from the DLNR, will come in and work with us to make sure that we stop messing up. And so here again by having multiple sources, being able to balance the aquifer, being able to allow recharge. If you look at well 6 down here, well 6 was dropping, and so we started to adjust our pumpage, and well 6 is starting to rise at low level and high level. And this next report that you'll see you'll look at that because we're balancing it between well 6 and well 8. And so well 6 is getting lower than I want it, so by pumping it less and pumping 8 more, I've been able to hold 8 because it has a higher well capacity from its class, and yet well 6 is recharging. And so that's the kind of thing we want to do, and that's where we want to have best practices for management. And that where our report helps us to manage what we're doing.

Now, here's the fun part. Okay, back to – we're on this page here, and I'm gonna break it down into sections because this is how we look at the report, okay. You can see here we're looking at period 11, and it shows you the dates. And the first four are brackish wells. And so we can see where we pumped the brackish wells. And if you look there at well 9, it's got zeros. That's because we pulled the well pump, it failed. And there was a cracked seamed in the casing. You know when we pulled it out, we found all the casing. It was bad, and we had to replace it. So we've ordered the pump and I think they start arriving in the next two weeks to reinstall that pump.

You can see where well 15 came online in the middle of the year. And that allows us, as you see, we've been able to turn off well 1 which was one of our . . . (inaudible) . . . I should say,

which was one of our wells which sits out in the middle of the basin right next to the highway as you go down Manele Road. It's that building that sits right on the left, going down the straight away. That's well 9. And we're watching the chlorides in that one. It also allows us to change and use less from well 1 because now we have an extra well. And well 1 is a sensitive well, and a great producer. It was one of the – it was the first well, really, that, it was a productive well for the plantation.

When you look over here, as we go down, you'll see that there's a monthly – a period, I should say – a period amount. Then there's the same period from the year before. There's an annual amount here. And then you have an annual amount for the same period last year, so you can do some comparison of how we're doing, especially with the four drought years that we've had. One year to the next, you can look at it, and see, wow, we did this or this is happening. And then this is the total from last year that we've pumped. And so on the 13th periodic report which will be coming out next week or so, you'll see a total of the year, and then, previous year.

So these are the brackish wells. These are the potable wells. And the potable wells – excuse me – are noted. And I should point out that you note at each well there's a number. This is the state well number. The state takes this data and enters it into their data bank also, so they've asked us to make sure we put the well numbers on there so that they can easily identify the data. And you can see here which ones are active wells, which ones are not being used. And I'd like to point out – well, let's just take one of them here. These are definitely reports you have to wear glasses with. So on well 2, you can see that we were pumping that well, and then we stopped pumping it. And you can see the total. And right at the column here, you'll see a number here, and that's the total for – if you look up at the heading, for 13 periods – it's a rolling total. So every time I print the report, I take off one period and add the current period so that it's an average, annual, rolling total. And this becomes important because the number right above, right here, is the average gallons per day. So that during a year, a year's period, is how many gallons per day are pumped from that source. And I'll point out in a minute why that's critical. Because some of the ordinances and obligations are that we can only use so much from certain wells, or for certain purposes.

Okay, the next part is the uses in certain areas. And this is one of those critical areas. Let me point that one out, right here. This is the use for the golf course. Well, let me first point out, here's the 15 million gallon reservoir that was commented on at the top of the hill. And so we – this is where all the brackish water comes together so we keep track of the chloride average in that, and it also helps us to look at the change in level as we look at where the water went.

That's the one at the very crest of the hill. When you go over the hill it's that fenced one, the big open reservoir. Okay, so right here, this is the brackish water that goes down to Manele for the golf course. We have a meter there. When we read it, and we have a restriction of 850,000 gallons a day that we can use on that golf course. 850,000 gallons a day that we can use on the golf course for irrigation purposes. And so you can see the number five-something. 508,717. And so this is something that we track and – as Ron's shaking his head and this is one of a issue of disagreement from way back on exactly what that means. But we track this number on this report to make sure we at least know what we're using.

One of the other things here is the brackish water for the residential, and this is one of the helpful parts where if you look at it, and you look at the previous period or the year to date, you can see the actions of how much water has been used in the past. What we look at is conservation efforts. Because if we practice conservation, and last year was a drought year, and the community really responded by reducing the water usage. And so I noticed that the city actually reduced its water usage and you can see it. And now its picked up a little bit. So people conserved and then they back to their own ways, and yet we're still in a drought, and so we're still very carefully watching our aquifers and what we can do and what we take out. So far, we're okay. But, it doesn't keep up from not being good stewards.

And so this gives you the waste water also from the two plants. We reclaimed all of our water from the waste water plants. All the water that comes out of the Koele plant for the Lanai City plant from the county, we take that water, polish it up, clean it to what they call R1 which is a reclaimed status one, and we can irrigate with that water. And that's the only water other than runoff that they catch from rain, that they can use on that golf course. And with the drought that we've had and low rain and no runoff, and less use in town, smaller population and less use period, conservation, the water for the golf course is below 7,600 – 76 for Manele added, and 100-and something there for the golf course up here. And typically a golf course will use 800,000/900,000 gallons a day. So they're only using, they're getting, maybe 130,000, 150,000 gallons a day to run the golf course up there. And that's why it looks bad. They just don't have that water. But we tracked that. We give this data to the golf course, and talk to them about what we can do, and there's a lots of plans on things we're gonna be doing for the future coming up here.

The last section is the, where the uses are. And right now it's broken out into three, basically four areas. It's the city use and so here again if you look at your use going across the page. You look at your total, you look at your gallons per day average there. You look at last year's use. Because that kind of helps you to see where we are. You getting the flow of the chart here. The next one is what goes down to Manele for brackish and potable. And the next one is what, including the Palawai Basin. So the difference between those two numbers, the second and the third, is what goes out on to the Palawai Basin. We are in this process of installing a meter on that pipeline that goes out to the Palawai so we can exactly monitor its use. And there use to be a lot leaks out there, and we had a lot of loss water. And we were in the 30's and 40's percent lost water. Through changes in our practices of repairing leaks, we replaced whole sections rather than patching a leak, and changing the pressure, lowering the pressure on those old pipeline, we've been able to reduce our unaccounted water. And now we're down in the teens. And so if we can get down to 10%, that's an industry standard for being very good. So last year we were 13 and so we want to make sure we keep striving towards that, and will be also, through conservation, working to reduce that amount.

So here again you can look across the page and see what the totals are for the different areas of water use. And then the total gallons at the bottom. And the totals at the bottom of the page need to match up with the total pumped at the first section up here. So this needs to match the meters and the flow that we've identified where it goes. The end. I'll turn it back to the chair.

Mr. Ornellas: Thank you John. I appreciate it. That's – anybody on the audience has questions? Ron, do you have questions? Okay. There's a chair for you. John just brought you a chair.

Mr. Ron McOmber: This has nothing to do with your presentation, the periodic water report, which most of us have been dealing for over 20-something years. My question is why hasn't Lanai, along with Molokai and Maui declared a drought? It is a drought, and you know it's a drought. You've mentioned a couple of times, but, yet, it has not be declare a drought. Is it because you know that there's conditions that go with that that you have to cut back a certain amount of your irrigation, in and around, the hotels and the golf course? And is that a reason that you're not declaring a drought? Because it's very obvious that we've got a drought. But, John, I don't see it in the paper, I don't see it declared, and I don't understand why you're not doing that. Because we see it with the deer. We see it with watering. We can't even get water out for our animals. And I think that's sinful that this company doesn't do that, and then stick with what the conditions of the quorum was. I talked to Charley Ice the other day, and he's getting me some numbers on that. But I think, if I remember correctly, I think you got to cut back like 20% and you haven't done that.

Now the other question is I noticed that you're now running drip lines on all the pine trees again. Why are we using our drinking water to water ornamental trees on this island when we're in a drought? I do not understand that. Thank you. That's all I gotta say.

Mr. Ornellas: Thank you Ron. John?

Mr. Stubbart: Ron is good at this. He knows to turn off the microphone each time. Ron usually won't even recognize me when I pass him on the street, so, but I will answer his questions. On the drought issue – we are in a drought, and one thing we carefully watch is the aquifer level. We have very little . . . (inaudible) . . . We have our aquifers, which is pretty large right now. And we have a restriction placed on us from the Commission on Water Resource Management of six million gallons a day. They have a margin of safety. Ron's shaking his head no.

Mr. McOmber: . . . (inaudible) . . .

Mr. Ornellas: Excuse me, Ron? Please. Let him finish.

Mr. Stubbart: And we have a restriction of 10% safety margin, so it's 5.4 million gallons a day. And then that's divided into two aquifers, the leeward aquifer and the windward aquifer. And so we watch how much we're taking, and the water levels. Right now we haven't seen, matter of effect, large enough to cause any kind of concerns on our part as the stewards to me as the water company. And I'll get to the second part about 20% reduction of things. And so we haven't seen a reason to declare a 20% or 10% or 5% drought condition for water use. We advertise and put things in the paper – every paper that comes out, right below the police report – ideas for conservation and for the quality and the value of our water. And I go to the school and I teach kids on water conservation and water activities. So, for the first part Ron, we haven't had that level.

The second thing I wanted to say, and thanks for asking the question, we – I have written a drought plan which has responses in it that follows closely to the state drought plan. But the conditions for when to start that restriction has not been formalized. We're working with the state drought committee, and our hydro geologist . . . (inaudible) . . . and Charley. And I hope to have that finalized this summer so that we have the – we have it all written out. I have it all written out. And the hard part is to determine what are the triggers? Is it just that there's a drought? Or is it that the aquifer level is dropping by a certain percentage? Looking across the country at different places, they all have different triggers, and so we want to make sure we use the realistic trigger.

The third thing is that on reduction, we have worked closely with the hotel. Golf courses reduced its water consumption. It used to be 575,000, 576,000 gallons a day. You can see on the report we're down just above 500,000, 510,000. So they've reduced their water use, substantially. The Hotel at Manele, putting in all the drip lines. They have reduced their water consumption by about 20% to 30%. The Koele, we have put them, off and on, depending on what our pumping conditions are, we have put them on restriction. Telling the hotel and saying they can't water. We're working with them on putting in and here's one of the big issues, and we didn't have money for these resorts to do some of the things that we wanted them to do. That is putting in smart irrigation systems. So the irrigation is not going off on these large properties when it's raining. And so they're going to be changing over to smart systems. We now have an owner that really wants to be sustainable in all senses of the word – economic, resources, education, food, energy. And so he will invest the capital to make it work. So before we couldn't get money to do anything. I had wells that I needed to have built just for redundancy. Things fix, things change.

And so the first – one of the first things you probably heard about was \$10 million from Larry Ellison for infrastructure. Well 3, well 2, well 7, pipeline, up here, across the old pipeline going through Queen Street. Pipelines out in the Palawai. Sewage lift stations needs to be replaced. So all of these things he will invest in. There's lots of exciting things that you probably heard about in the last week. So now we're gonna be able to do things, things that Ron's talking about. Things that we've all been talking about. Things that I would have loved to have four years ago when we got here. But we've been able to make some changes by following some practices. This year we'll come out with a conservation program for businesses and homes. And because the more we save on not using the water and it goes to waste, then we don't have to build another well. We don't have to pull more water from the aquifer. By being intelligent for our use. So we're going to be moving that way very quickly. Larry Ellison's plan is to get – go running. And I have to have certain things done by the end of the year. So the drought plan is finalized, conservation plan is finalized.

Mr. Ornellas: Okay, thank you. Christine, do you have anything? Okay, but you, you're – I mean, he brought up conservation, and you're the –

Mr. Stubbart: Oh, the hale. . . (inaudible) . . . May I?

Mr. Ornellas: Sure. Yeah. It's about water.

Mr. Stubbart: I just got put in charge of the conservation department, and so . . . (inaudible) . . . management been pulled off, and – okay, Ron's . . . (inaudible) . . . on that one. So conservation and Brian Plunkett is now with the – because the hale is critical to the water. What we need – I mean, all of our activities are gonna to be focused on the hale and the shoreline. And for me, the hale is my source. And so getting it to the point where we need to get it is critical. Yesterday, I was at a conference on Oahu – I mean on Maui – and met with koa specialists, met with some of the ag guys, and the watershed advisory groups for Maui. And so pulling the information together. We have a lot of the information. We know what to do. We didn't have resources. Now we've got resources. So we're gonna be staffing up. We're gonna have – what we're looking at is four teams.

One team starting up the Munro Trail, the road where it splits, to go below the bench and then where it goes up the mountain. Starting there in increment two which is fenced totally. And we're gonna be going through, not only with the ungulate removal, shooting all the deer and goats and everything, getting them out of there. We're going to go through with equipment, and the first team – the first team is the GIS group. And they go through and they tag all the trees and all the areas that we want or don't want. That map then goes to the guys that will come through and tear everything out that we don't want, mulch it onsite, and put it on the ground.

The next team – and you just keep going – the next team plants. And we're really looking at koa, the native koa. It, it, it has a canopy. It grows fast. It's a good fog drip from – we've known that for years. And so that's one of the focal plants that we're gonna be going back in with, and planting those. So the next group plants all the kinds of plants we want to put in.

The fourth group is the maintenance group. And they'll start off small, but as we clear more area, hundreds of acres, the maintenance group will have to get bigger to keep up with it, and go back in and remove the leaves, remove the invasive species, knock them down, kill them, so that we can move our way through the watershed.

The one section of fence we're having a little debate on right now where it goes. Before it was four mile section, up and down, the biggest gulches. Now we're thinking of going down further and around, and encompassing a larger area. More like 18 miles of fence. So we're trying to get that worked out so we can go ahead and release that contract. But it's vitally important to, to me to get that done now that we have somebody that will finance that. Okay.

Mr. Ornellas: Is that good enough?

Mr. Stubbart: And if you want to talk.

Ms. Christine Costales: . . . (inaudible) . . .

Mr. Ornellas: Come grab the mic. Yeah, so that way we have it on record that you're –

Ms. Costales: Well, okay. I don't want to really go, you know, so into detail of it because I really don't know what the real true plan is. But, you know, the fog comes from the east side and not

the west side. I mean, it drops over. So starting on the west side is the – I don't know. For me, what I see and when I've been up there, for many years, it's on the east side that we really have to work at and that's what we're doing, you know, for the past five, six years, is on the east side. So when I really know what the plan is, then maybe I can, you know, kind of go over on what our history has been working up there.

Currently we're doing hack and squirt which is working with sea tar with the university because the strawberry guava is just really taking over. In the mean time while they release the bug on the Big Island which I'm really skeptical about right now. But we're doing hack and squirt on the east side because that's where the fog comes through. As far as on the west side, I'm really – I mean, you can do as much as you can, moving machines in there and breaking down everything, but really the west side of that mountain is not really collecting anything, as far as, you know, what I see anyway.

Lanai has always been a really low canopy forest. So too much koa will not really be the ground cover, you know, as far as the layers of a forest. But, truly it would be the east side that we would be working at. And the only way to get there is by foot. So machinery on the west side you can do that, but not on the east side where the really the fog comes in. That's my opinion.

And I think my boss will be speaking with Kurt at the end of the month.

Mr. Stubbart: Yeah, Kurt's heavily involved. I had a chance to talk with Kurt. That's correct. I think what I want to say is, yes, you're correct, absolutely. We will be continuing on with programs that have been ongoing on restoration. It's a big area. It's a long, arduous job. We're starting in the location that easiest for us to perfect what we're trying to figure out what to do. It's right there, we can get to it, we can figure out if it's going to work and how it's going to work. Getting to the strawberry guava, that's an issue. I was just talking with the university. We want them to do a study because in some of the places that have been – I mean, with the fern and having all that there, we want to expand all of that. But we've been to places up where you've worked up, you and Karen, and it's been dry. You stand there where the restoration has occurred and we dig down and it's dry. And you go over to the strawberry guava 20 feet away and the ground is wet because it's capturing fog. And so if there was a rain event that ground over in the guava would recharge faster than the other. So it's like this struggle on, well, if we want recharge for water, what is the best plants? Native species that we want to –? What, what do we want to get up there that is going to serve multiple purposes, natural habitat for the wild, the native species. And this is something that Larry is really interested in because part of what we're gonna do – what he wants to do is he's already reached out to the university to bring an extension, a university extension over here for sustainability, and part of that is gonna be for the plants. And so we'll be working in an educational atmosphere and those people actually going up and looking at those kinds of issues. That's down the road, but for right now, we're, how do you get out to these places? What do you do? How do you do it? They have a watershed management plan. We're still sticking with that. But there's gotta be some technologies and things we can do to make things go faster and more purposefully with the investor we have.

Mr. Ornellas: Okay. thank you. Karen, you have anything you want to add? No? Butch?

Mr. Reynold “Butch” Gima: I think it was good that your chair asked for the – this workshop tonight. But I want to put this workshop into some context for you. And let me ask this kind of rhetorical question. Based on the presentation tonight can you make a good informed decision on water issues that come before you in an application? I think not, and – that is why over the last couple of years, the Lanai Water Advisory Committee (LWAC) has been trying to have an ordinance passed to make the advisory committee a standing committee for the County.

One of the reasons why we want to do that is because the Lanai people know the water the best. The County of Maui does not want to take responsibility for our water. This is a private water system so they have no authority over, a regulatory authority over, the Lanai Water Company. The Planning Department doesn’t want to oversee our water. Public Works doesn’t want to oversee our water. County Council – well, they really couldn’t – but they’re not wanting to. The Lanai Water Advisory Committee wants to help oversee our water, but every agency, including Lanai, Castle & Cooke, and now Lanai Resorts, I think homeowners associations, are against LWAC from – are against the bill to establish LWAC which is pretty sad.

Now I think this is a good start in terms of learning about the water. Some things, I think, is important to realize that, in all fairness to Lanai Water Company they have been reducing the amount of water they’ve been pumping out of the aquifer. I think it’s right around two million gallons a day. In it’s hay day, Dole Plantation pumped up to 3.5 million gallons out of the aquifer a day. I think John was in error when he said 850,000. By county ordinance through Linda Lingle’s administration, they’re allowed to use 650,000 gallons per day down at the golf course. What’s – what’s in conflict between Lanai Water Company and the Lanai Water Advisory Committee is the definition of the – definition – definition of the water being used from wells 1, 9 and 14, and now 15 down in the Manele Project District. Their stats show that they’re using any where between 600,000 to maybe 800,000 gallons per day on the golf course. However, they’re pumping out of 1, 9, 14 and 15, sometimes close to one million gallons a day. So the rest of the water is being to used to irrigate common landscaping.

There are those of us who feel on the Lanai Water Advisory Committee that they should not use up to 1,000,000 gallons a day from wells 1, 9, 14, and 15, down at the Manele Project District. They can use up to 650,000 gallons a day because that’s they’re – they’re authorized to do that by the County of Maui. So that’s an ongoing conflict that we have.

It’s, it’s important to understand too that we have one aquifer on this island. All of the other islands have more than one aquifer. So the philosophy of the Lanai Water Advisory Committee has been to be conservative because we only have one aquifer. We don’t have any stream water to tap in also. Our aquifer is split into two aquifers, two sub-aquifers, the windward and the leeward. Any where from 90% to 100% of the water being pumped is being pumped on the – from the leeward side. No water is being pumped on the windward side.

Mr. Ornellas: Butch, can you hang on a second? Anthony, you want to make the switch now? Okay, can you hold that thought? That way he switches batteries. We can take a short minute

or two break if –. Another five minutes? Yeah, okay, five.

(The Lanai Planning Commission recessed at approximately 7:48 p.m., and reconvened at approximately 7:52 p.m.)

Mr. Ornellas: Let us continue. We have quorum so she can join us. Okay, go ahead Butch finish please.

Mr. Gima: It's, it's important – it's important to note too that when John was talking about some of the improvements they're making to the infrastructure, the Lanai Water Company inherited obviously a real old water system. So at one point in the Palawai irrigation grid they were not able to track about 40% of the water, whether it was because of poor record keeping or whether there were leaks. And so they have made some improvements and have brought that down to a more a manageable level. The industry standard is 12% leaks are unaccounted for water.

So in spite of some of the issues that I brought up with the Lanai Water Company, I personally have felt having John in the Water Department has been good for the island. He's been, you know, honest with, with the committee, provided us a lot of information. Now, the flip side of that is last year and I don't think John made the decision himself, but an executive decision was made that the Lanai, Castle & Cooke would no longer participate in the Lanai Water Advisory Committee. So it's been over, I think, a year now since they've been participating in the committee. And it's very disappointing because, you know, we used to have monthly meetings and we would discuss the status of the potable wells, we would discuss the status on non-potable wells, we would talk about what projects would be coming before the Planning Commission that involved water, and so they would discuss it with us first. We would talk about the Water Use and Development Plan. But, for some reason they made an executive decision not to participate in the Water Advisory Committee.

Since then, Lanaians for Sensible Growth – one of the reasons we intervene in the Public Utilities Commission hearing was because of the water issues. But primarily because Castle & Cooke, now Lanai Resorts, had chosen not to participate in the community process about our water. We want – we want the bill to be passed, so Lanai Resorts and the community continues to participate and look, oversee, the good stewardship of, of our water.

So as your turn comes to ask questions of John tonight, I would suggest that you ask why Castle & Cooke does not want to – I mean, why Lanai Resorts does not want to participate in the Lanai Water Advisory Committee. They prefer to come to you on a periodic basis to talk about water and hope that only you guys are gonna make decisions on water, and not Lanai Water Advisory Committee.

Mr. Ornellas: Alright. Is that it? Thank you. John, you want to respond to some of the comments?

Mr. Stubbart: . . . (inaudible) . . .

Mr. Ornellas: Yeah, go ahead and respond because it will be fresh. Go ahead.

Ms. Joelle Aoki: Mr. Chair, I'm sorry, I have a question for Butch.

Mr. Ornellas: Okay.

Ms. Aoki: So Butch, just to be clear, this decision for previously Castle & Cooke, now Lanai Resorts, made the decision to no longer participate in the Committee under the previous owner of the Island of Lanai, or Castle & Cooke, but now Lanai Resorts.

Mr. Gima: Right. I should add that it wasn't totally on Castle & Cooke that made the decision. The Department of Water Supply Director sent a letter to the LWAC basically saying that only he can call a meeting and there no longer needs to be a Lanai Water Advisory Committee. Subsequent to that he, at a public meeting, admitted that he made a mistake, but by that time Castle & Cooke had already decided it was no longer going to participate in an LWAC meeting unless the director called the meeting, which he has not done since that time.

Ms. Aoki: Okay, so the answer is yes, it was under the previous owner.

Mr. Gima: Correct.

Ms. Aoki: Thank you.

Mr. Ornellas: Anybody else has a question for Butch? Thank you Mr. Gima. John, you'd like to respond to some of the –

Mr. Stubbart: Good. Perfect timing. I don't want to make this an LWAC issue at this point with you because it will be coming up in the future. But Butch is correct in his final statement there was that the Department of Water Supply had dis-banded the committee and thanked them for their services. And because it was no longer any official capacity, the company, Castle & Cooke, and since Lanai Resorts, who Kurt, still looking at the issue, has decided not to participate in that group's meetings because they weren't officially called by the department.

On the issue of talking to the LWAC and meeting with them rather than coming before you, the current ordinance being proposed is a group of citizens that was set, and have rotate on and off this committee, and make decisions and/or recommendations to you. And if there was anything involving water it would come through the Planning Commission. And I'm usually going to be here to talk about water any time for any permit. But rather than speak to another group that then is gonna give recommendations to you, why not we just all come talk to you. It's an open forum, and I can come educate you on water, talk to you directly about water, and you can ask me the questions about water rather than have another layer of bureaucracy. So, I'll stop there.

Mr. Ornellas: Thank you John. Anybody else in – has more questions? Okay, then I'll close the public participation and members, the Planning Commission, do you have any questions

for John?

Mr. Rabaino: Yeah. John, when the Department of Water wrote that letter that saying that they didn't want to recognize LWAC, was the company in agreement of that? That another agency would tell the company what they should and should not do? As a private – as a private company?

Mr. Stubbart: It was one of the things. When the ordinance came forward to institutionalize the Lanai Water Advisory Committee, LWAC, there were several reasons that we were concerned. Not only the extra layer of bureaucracy but the funding issues, the communication link, and that it had been dis-banned by the Director and he was not going to be calling any meetings. He made that clear. And so right after he wrote his letter, we informed LWAC that we weren't going to participate unless it was a sanctioned meeting called by the Director per the ordinance. And he hasn't continued to do that. The current board for the Department of Water Supply for Maui County has issued their statement saying that they would not like to see LWAC kind of a committee. The Department of Planning has come forward with that same statement. And so it's just that the group and the way it was being proposed was not in line with what we were looking at as a communication forum for water and water permits. As Butch mentioned, this was just a pick, a presentation on one little aspect of what you'll be seeing. But any permitting or anything that comes before you, I will – you will definitely be hearing from the planning committee and their briefing to you, and I would be here to answer questions. I don't know if that answers your question fully.

Mr. Rabaino: Okay, moving forward with this new owner that came into play and with Kurt in the picture now. Has any dialogue in the coming months to review about this organization that is already established as well as the Planning Commission, and that the Director of Planning has a say over everything because we – because they don't own the water system on Lanai. So it's only logical that he steps on the side and let LWAC and the company which is the new owner and Kurt them make a decision. Has any of this item been discussed with the new owner?

Mr. Stubbart: Let me mention what I know. I think Kurt has met with Butch Gima, who is a principal leader for the – moving forward with Lanai Advisory Committee. And so they have had dialogue. We have had dialogue with other groups around the island, unions and different people, on what our formats that would be good, from public meetings to –. But it keeps coming back to this audience. It's a public meeting. Water is primarily gonna be part of what Water Use comes back to zoning and permitting. And so it keeps coming back to the Lanai Planning Commission.

You're right, the state owns the water. We have to get permits for the water use from the Commission on Water Resource Management in Honolulu. And they monitor what we do. And so at one point we talked about just having them run the thing. But –

Mr. Rabaino: Can you clarify the state owns the water, what I just said earlier that the water on Lanai is private?

Mr. Stubbart: The water system is. The state owns all water resources. I have to go to the state to get a permit to drill and use any water. The state represents the people of Hawaii in this regard. So the people owns the water. The state looks at the use request, and the zoning, and the aquifer impacts, and they say, yes, you can use this water. They have power over that water. They can take it away or cause it to be restricted. Butch – I mean, not Butch, but Ron mentioned about conditions being placed by the state. And they have that power to do that.

Mr. Ornellas: Thank you Jerry. Anybody else? Thank you John. Anybody else? Mr. Green?

Mr. Green: I just wanted to ask the question I wanted to asked earlier. When you were talking about water temperature variations and chloride variations you mentioned what higher water temperatures might mean. What, if you see chloride levels go up what does that mean? Or what are possible interpretations of that cause and effect?

Mr. Stubbart: Temperature changes would be warmer water moving one area into your glass. And so why is that change happening, why a temperature change. Are you drawing down too much? Are you getting a different recharge into the water? So temperature it's a matter of management and monitoring. Chloride change – the chlorides are rising. Why? It's because you're lowering the water level more and chlorides are moving from another source, another part of the aquifer. When you have a – ours are all high level – ours are all high level aquifers. How do I do this? Okay, I'll just leave it here. I can go like this. Show –. Where? I got the new program. I've never done the link in this format, the new format. Anyway, ours are all high level. And that's one of the big issues in, in discussion, and has been going on for quite a while. Every where along our coast line from here to here, you see how the water level is higher than the sea level. Typically on most islands, the basal lens – this is high level aquifer – this is a basal aquifer. Basal means the fresh water is floating on the heavier, denser, salt water. So the whole island is saturated underneath. And a lot of islands pull off this basal lens, and that's what they tried to do over on the windward side, in the early days when they were trying agriculture. But it was too brackish. Our basal lens is really thin and very focused in some places, where it spills out.

And so where you might go in and drill a well and you pull too much water, it means you're depleting that basal lens, that fresh water lens, and you're pulling the salt water up to the well. You're over pumping. Ours is high level, and it's different. It's not salt water. In fact, it's geologically altered as the water passes through it . . . (inaudible) . . . water picks up minerals – remember, through the caldera. So if we had changes in that we would – Chair is looking at his watch – we would see changes that we would want to know why we're over pumping the particular well. Is the whole region changing? It would tell us what our capacity is. So just like, you know, we're looking at sustainability, you have to look at the sustainability of each aquifer, and the aquifer totally to make sure you aren't pooping in your own nest. I mean, you gotta make sure you're protecting your resources and you aren't over doing it. So that's what we would be looking for.

Mr. Ornellas: Okay Stacie.

Ms. Koanui Nefalar: I'm new to the water conversation and, you know, just learning. Where or is there information on what our total water availability is. Because I was thinking, okay, where on this paper –

Mr. Stubbart: The water total, water availability as Butch mentioned, we have a set amount by the –. Thank you for correcting me. It's 650,000. It's set by the Commission on Water Resource Management, the state. They run models and they've decided what that is, six million gallons a day with a 10% safety margin, so 5.2 million gallons a day. Our current planning in this book – this is the Water Resource and Development book that Butch and Ron and all of us had a fun time putting together, David at the end – and in it describes the water demand and the water availability. Based on conservation and other sources, we were gonna go up to 4.2, 4.3 million gallons a day of aquifer pumpage. And then go into other resources, like R0. R0 is pulled not from this high level, and that's what they're talking about. This is high level aquifer, and what its expected capacity is. So we would pump from the basal lens over here outside the high level, and pull sea water in, treat it with, right now it's state of art technology is reverse osmosis, and then use that as water for irrigation and potable use. And so there is a set amount here, and that's why watching these records closely, we're, I'm in disagreement with some of Butch's statements, but that's not – we disagree. But that's where we watch those to make sure where we're going, how much we're using. We break that down per unit so if we're using too much water per unit, per household, per condo, for these kinds of things, we work with trying to lower those to meet the expectations and the ordinances.

Ms. Koanui Nefalar: Okay, so going with that, I, you know, I was raised island – I was taught island life, so I learned conservation just because you see the rain and, you know, you have water, you know, kind of simple terms. So not every, everyone was taught that so a lot of people don't know, and so a lot of people don't know that we're in a drought. If it's not said, I've never heard that we're in a drought, but I just know from living in Hawaii what the rain fall is and, oh, we didn't have too much rain, so, you know, start cutting back, or cut back anyway because our water, our rain is so sporadic.

Being that, did – is there any mention of possible catchment systems? You know, there's rain landing on our homes, you know, is there any conversation about that type water collection?

Mr. Stubbart: Absolutely, there will be. In certain states you can't capture the roof off your water because anything that falls from the sky is public. In our state, you can, and doing rain barrel catchment for gardening and for other uses. You don't want to use it for drinking purposes because get bugs and bird poo and stuff like that. And, so – but for home use and gardening, absolutely. Those are the kinds of things that we should be doing is having roof catchment. And in a lot of place – I was born and raised in the islands – and on the Hamakua side, that's what a lot of people have is just roof catchment. You don't have plumbing services. And there's only a few kuleanas, and on the other side that actually have roof catchment. But it hasn't been raining enough, so, yes, we are in a drought. As mentioned, if you look under the Police report, I have things that we talk about, our drought and drought conditions. But our drought plan we'll be talking about that.

Mr. Ornellas: Okay.

Ms. Koanui Nefalar: Just, just couple more.

Mr. Ornellas: One more?

Ms. Koanui Nefalar: Yeah, just a couple more. Not long ones. And part of my, you know, my thoughts and notes here was how did the Department of Water get involved, and you kind of answered some of those that it's the people's water even if it's a private aquifer.

Mr. Stubbart: Oh, I forgot that. No, it's not a private aquifer.

Ms. Koanui Nefalar: Oh.

Mr. Stubbart: It's a private water system. It delivers it to you. So from the aquifer which we get a permit, we pump the water out and deliver it. And so the system delivering the water is a private water system, meaning it's owned by a private company, rather than being a governmentally owned, like you do in certain areas on Maui or Oahu. So Maui you have Kaanapali, Kapalua. Yeah, those are private water systems, and most of the other island, the rest of the islands is a county owned, governmentally owned, water system. So they report to the Mayor.

Ms. Koanui Nefalar: Okay.

Mr. Stubbart: In this case we report to our owner which is Larry Ellison, in this case, and Lanai Resorts.

Ms. Koanui Nefalar: Okay. Thanks for clarifying. Just my last comment is, me personally, just because – you know, I'm not experienced in the water conversation, I would rather a group like the water committee, they've been doing it for so many years they're almost experts on it. I would rather get their opinions and they be part of the conversation. Being that the commissioner's terms are five years and they've been doing it for so long, they would know more than what we would.

Mr. Stubbart: Let me mention that in the ordinance the Mayor assigns the committee members so it may not be Butch, or Ron, or anybody. And their terms rotate off, almost identical to yours.

Ms. Koanui Nefalar: Okay.

Mr. Ornellas: Jerry? Jerry, has a short question. Okay, alright, Joelle is next.

Mr. Rabaino: Okay. John, you guys were talking about conservation, yeah. In well 15 above, below – wait – below twin peak. You have a well in there, right? Okay, now with the conservation, how far down are you extending to do the conservation for tree planting? And are you using well 15. How much of well 15 are you using?

Mr. Stubbart: Well, it's in the report. That's why you got it. So well 15 we use it a lot. I've been pushing to see what the aquifer characteristics are. We planned on attacking everything inside the watershed fence line. That's our primary target is the watershed, the hale. Then coastal regions for protection and conservation of the coastal coast line. Those are our two. First the hale. How far down we're gonna go? I don't know yet. We will eventually, probably in my great-grandchild's lifetime get down the whole island.

Mr. Rabaino: You said something about 18. You say something 18. What, you gonna spread it out to 18 what – whatever you was saying earlier. 18 miles, the fence. Okay –

Mr. Stubbart: Yeah, the fenced area –

Mr. Rabaino: Okay, line, okay but how far down are you gonna extend the watershed forest?

Mr. Stubbart: Down to the fence line. Right now, down to the fence line because it's just so many acres you have to target. And you have to focus on certain areas and just keep moving and then you may have to maintain. So the benches, above the benches, and going around the top of the island.

Mr. Rabaino: Okay, last question. On the news it says that he was gonna make a desalination plant. Did he discuss that with you folks?

Mr. Stubbart: Yes.

Mr. Rabaino: And the location.

Mr. Stubbart: Yes.

Mr. Rabaino: No location though?

Mr. Stubbart: Manele area.

Mr. Ornellas: Joelle?

Ms. Aoki: Thank you. First of all, thank you Mr. Stubbart for coming this evening and giving us this excellent presentation. I'm much more educated on how to read the report that you delivered to me, every 28 days, so thank you very much because it took me quite a while to stare at it and say I give up. But now I'm much more knowledgeable about your report. Thank you. So I have a question in reference to your reforestation of the watershed. When you – when – excuse me – when Lanai Water Company, Lanai Resorts, Castle & Cooke – and please, could you clarify for me, who is it? Which entity is it? I know it's Lanai Water Company, but is it Lanai Resorts or is it Castle & Cooke because I'm a little bit confused.

Mr. Stubbart: Lanai Resorts.

Ms. Aoki: It is Lanai Resorts. Alright. So Lanai Resorts when they develop this new reforestation plan, did they consult with any naturalist or biologist outside of Lanai to come in to do an assessment and utilize data and make scientific decisions on how you would approach this reforestation?

Mr. Stubbart: The answer is yes. We have a – we currently have a, a forestry plan for restoration and species and how to do it. We are currently working with the university and the geological society, USGS. USGS is doing modeling for the islands. They want to have the university do this other study of what plants provide the best recharge and then it ties back in. We have a plan. It was never really able to institute it because of the cost and the man power. And so now we're getting to the point where they're focusing on that, they're rearranging things, and I just got the conservation department last week. We've met, we've talked about some options. We're putting staffing plans together. But it's basically to continue on, but at a faster rate the current reforestation plan. Which has had a lot of involvement from a lot of people.

Ms. Aoki: Thank you. So my next question is at what rate – and I know this is a, a, tough question because a lot of things, a lot of issues may effect the rate of reforestation, but what kind of rate do you anticipate? Like do you want to 25% done by mid year. I mean, what is, what is your goals on the time line?

Mr. Stubbart: They haven't been set yet because we're just going back with the ideas to the Ellison Group, to find out how much they want to spend. Because it's a matter of money for equipment and man power. The more equipment and man power you have, the more ability you have to go places and do certain things. That's a factor. We – so we're just putting all those pieces together right now.

Ms. Aoki: And then my last question is did I get this clear that you're going to irrigate the reforestation?

Mr. Ornellas: Go ahead. Go ahead. Finish. Hurry. Please.

Ms. Aoki: Are you going to irrigate the reforestation?

Mr. Stubbart: No. What the idea is is that you plant plants that are going to grow naturally. And so you do irrigation at the start for the plants when they first started. That's why I mentioned about mulching. If you create a mulch which will hold water in the soil. Kind of like the pineapple days. You put the black plastic, and underneath there was a mulching layer. It was self watering from evaporation in the ground and heating. And so in that regard, yes, water in the beginning. But the whole idea is that you grow plants that are going to grow in this environment.

Ms. Aoki: Thank you. And I just wanted to ask those questions so that now I'm able to read your report I can keep track on how you're reforesting the watershed and see how that affects our aquifer.

Mr. Ornellas: Thank you Joelle. Sorry, we're gonna have to cut this. We're gonna finish off our agenda. If anybody wants – I think John is going to do a presentation, the chair of the CPAC is here. I'm pretty sure he's going to request that John come and give a another one of these to the CPAC, so anyways – Thank you John for coming. I really appreciate it. Thank you. Yes? Okay, great. So the next is Director's Report, open Lanai applications report.

E. DIRECTOR'S REPORT

- 1. Open Lanai Applications Report**
- 2. Agenda items for February 20, 2013 meeting**

Mr. Clayton Yoshida: Yes Mr. Chairman, we circulated a list of open Lanai applications if there are any questions by the members.

Mr. Green: I have one question. Why are there so many listed for Lanai Community Health Center? Are they all, are they all different projects?

Mr. Yoshida: Well, it's for the Lanai Community Health Center, but let's say the BVAV, they applied for a variance from the Board of Variances and Appeals. The CTB is a Country Town Business District review because it's zoned BCT Country Town Business. The LPAP is the landscaping planting approval because they have to comply with the County Code of providing one large crown shade tree for every five stalls and whatever hedging. One large ground shade tree per five parking stalls.

Mr. Ornellas: The first one, commercial building alteration. Now the last time we had a meeting in November, the Director had gone – if I'm pretty sure, this is the Police Station. 850 Fraser is not the Police Station. Who's 850 Fraser then? 8, 5, 0 Fraser. Yeah, that's what I'm saying. Okay, so Eighth Street is that street right there.

Ms. Barfield: . . . (inaudible) . . .

Mr. Ornellas: It's the old Police Station.

Ms. Barfield: Behind. The carriage house.

Mr. Ornellas: Okay. Alright. I'm just – I'm just – I'm curious to see that the dates were – the laundry mat was on 12/11 and then this other house was done on 12/11, so I'm a little bit –. But –. Okay. Anybody has other questions for the director, on the director's report? Okay, just – if there's any agenda items, if any members want to do an agenda item, please, if you have it, please – you can give it me or you can give it to Leilani. Or to you? Okay. And then we'll get it on the next agenda so –.

I do want to make one announcement. The next CPAC meeting is next week. It starts

Wednesday and Thursday so it's important I think. I think it's six o'clock here. So it's – if you want to hear what the CPAC is coming up with you should, you should attend. Okay. Well, if you can't –. Six o'clock here, Wednesday and Thursday. It's gonna last for six months so if you miss one meeting that's okay. But it's important that we be there because after they do their work, we're gonna see it. So that gives us a little point of reference when they bring the community plan to us, alright? Anybody else got any other things? Members?

Next meeting is scheduled for February 20th. Okay so same place, same time.

Ms. Barfield: . . . (inaudible) . . .

Mr. Ornellas: They have their calendar. Okay, well, we will – the administration – I mean, the Planning Department will let us know, and they'll let us know shortly. Are you scheduled for on the 20th? Do you have your calendar? February 20th, does that conflict? Okay, the 20th, okay, alright. So we can – I will get with the Planning Department and see if we can change it. I already get the feeling – I already have that feeling that they're just gonna say, ay. Yeah, it's here. No, we wouldn't, we wouldn't have combined the two meeting together because most of these guys are the –. Yeah, yeah. We, we may not have a meeting on the 20th. We may move it aro – move it, so we will let you guys know.

Mr. Yoshida: We'll coordinate with our Long Range Division to see – because there's only one James. James cannot, you know, split himself into two. So James has to – James serves both the CPAC and the Planning Commission, so –

Mr. Ornellas: Okay, if there's nothing else, meeting adjourned. Any discussion? No? So moved.

F. NEXT REGULAR MEETING DATE: February 20, 2013

G. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:29 p.m.

Respectively submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

PRESENT:

Joelle Aoki
Shelly Barfield
David Green
Stacie Koanui Nefalar
Stuart Marlowe
John Ornellas
Gerald Rabaino

EXCUSED:

Leticia Castillo
Priscilla Felipe

OTHERS:

Clayton Yoshida, Planning Program Administrator, Current Planning Division
Joseph Alueta, Administrative Planning Officer
James Giroux, Deputy Corporation Counsel, Department of Corporation Counsel