

**LANA'I PLANNING COMMISSION
REGULAR MEETING
AUGUST 19, 2020**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:00 p.m., Wednesday, August 19, 2020, online via BlueJeans Meeting No. 989785213.

A quorum of the Commission was present (see Record of Attendance).

Ms. Shelly Preza: . . . for your testimony then you can turn on your camera and audio at that time. But if you're not a commissioner if you could just please turn off your video and your audio so that there's not too much feedback or anything. Also, I wanted to go over --. Actually I guess before we start I should just do a quick roll call of commissioners. I can kind of see you guys, but in case there's anyone on the phone I just want to make sure everyone's here. So if you're here when I call your name please say that you're present. So Chelsea Trevino? Chelsea, are you on the phone or she's not here yet? Roxanne Catiel?

Ms. Roxanne Catiel: Present.

Ms. Preza: Thank you. John Delacruz?

Mr. John Delacruz: Here.

Ms. Preza: Thank you. Sally Kaye?

Ms. Sally Kaye: Here.

Ms. Preza: Thank you. Sherry Menze?

Ms. Sherry Menze: Here. I'm here.

Ms. Preza: John Ornellas?

Mr. John Ornellas: Here.

Ms. Preza: John, are you on the phone?

Mr. Ornellas: Yes.

Ms. Preza: Okay. That's good to know. Natalie?

Ms. Natalie Ropa: Here.

Ms. Preza: Thank you. Shirley Samonte? Shirley's not here, so thank you so much. Welcome to the Lanai Planning Commission August 19th meeting. I'm just going to go over some of the

housekeeping rules and for anyone who hasn't been on a virtual meeting with us at this time. So if you are wanting to provide testimony, then written testimony should have been submitted earlier prior to this meeting. Public testimony will be taken when each agenda item is discussed, and testimony will be limited to a maximum of three minutes. Testifiers will be called on by me to offer their testimony, and are asked to mute their audio and video when you're not testifying. Testifiers via video are asked to sign up via the chat function. If you can direct message Leilani Ramoran-Quemado providing your name and which item you would like to testify on that would be really helpful. And testifiers via phone will be called by me after the video testimony has finished. So please make sure that you are directly messaging Leilani if you would like to testify. Please don't type into the "everyone" chat function. Commissioners will not be checking that during this meeting. Great.

So since we have everyone here we're going to get started with Item B.1. which is the public hearing item, a short-term rental home permit. And I believe -- I don't know the -- if Jordan if you folks are going first or if we have a presentation.

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

1. SHORT-TERM RENTAL HOME PERMIT

ARMEN MAJKUS requesting a Short-Term Rental Home Permit in order to operate Ke Hiki Hale, a three-bedroom short-term rental located in the R-1 Residential District at 504 Ilima Avenue, TMK: (2) 4-9-007:082, Lanai City, Island of Lanai. (STLA T2019/0003) (J. Burkett)

The Commission is reviewing the application because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

Mr. Jordan Hart: I think I will ask Jared to introduce the project and then if the applicant wants to do a presentation.

Ms. Preza: Thank you.

Mr. Jared Burkett: Aloha. This is Jared, the staff planner. Armen Majkus is requesting a short-term rental home permit in order to operate Ke Hiki Hale, a three-bedroom short-term rental home located in the R-1 Residential District at --

Ms. Preza: Sorry, Jared, I'm going to interrupt you real quick. I just want to remind everyone if you're not mute to please mute yourself if you're not speaking because I hear some feedback happening with Jared so I can't hear what Jared is saying. So please mute yourself if you're not speaking at this time. If you look in the participant chat room there are some

people who have not muted themselves, so if you haven't please take the time to do so if you're not speaking right now. Thank you.

Mr. Burkett: Okay, would you like me to start over?

Ms. Preza: Yes please. And also -- sorry -- please just commissioners on the video chat until it is your time to present that would be most helpful.

Mr. Burkett: Okay, so Armen Majkus is requesting a short-term rental home permit in order to operate Ke Hiki Hale, a three-bedroom short-term rental located in the R-1 Residential District which is located at 504 Ilima Avenue with a TMK 2-4-007-082, in Lanai City, Island of Lanai. Which the permit number is STLA T2019/0003. Now the commission is reviewing this application because there are at least two permitted short-term rental homes operating within 500 feet of the subject property.

So I need to give you some updates on this. We have found -- the applicant's consultant, Debbie Mitchell, a few days ago brought to my attention that there was a short-term rental home within 500 feet that had expired. It is a system error. Now the County Planning Department does not manage the system. This is a problem that the County's main ITS Department is manages so we are investigating why. But normally when there is a permit that expires it automatically puts in expiration code and then it wouldn't generate in the map. So there is one permit that had expired so there are only four short-term rental home permits within 500 feet of the subject property.

So with that update you've also received some more protest and support letters that have been submitted to you by e-mail by Leilani, the Board secretary, so -- or Commission secretary -- so now the applicant's consultant, Debbie Mitchell, does have a presentation that she would like to present and then we'll go ahead and have the Department's recommendation after deliberation and testimony. So if you would -- if you're okay with that, Chair, having the consultant give her presentation now. She'll try to share screen.

(Ms. Chelsea Trevino attends the Lanai Planning Commission at approximately 5:07 p.m.)

Ms. Preza: Sure. So thank you Jared so much. So if Debbie you're going to be sharing your screen, perhaps it might be good if -- let's see -- well I guess you can if you need to see her screen then changing your view to just looking at the speaker. I will also ask that those of who aren't speaking or aren't a commissioner member right now -- so I see someone named Charley if you could turn off your video also so that it's just either the commission members on or this current speaker please. And then I believe we have Debbie Mitchell here to present.

Ms. Debbie Mitchell: I am here and I will switch over to my presentation now. Thank you so much. Okay, does everybody have that? It's a power point presentation. Okay. Yes, my name is Debbie Mitchell, and I am a consultant for Armen Majkus who has applied for a short-term rental home permit at 504 Ilima Place. I presented a little overview of the area. I'm sure most

of you know it, but just to show you the location, he is at 504 Ilima Avenue. Moving in, between Ilima and Jacaranda, he is on the end lot, the corner lot.

Moving into the aerial view, you will see it is a large lot. Across the street is a vacant lot. It is again situated right in the middle of the lot with a lot of parking space and driveway on this side of the home. There is a requirement for a three bedroom home in a short-term rental home that they have two parking places. But actually Armen has enough for double that so parking space exists for four vehicles.

The exterior of the house very nicely kept, very essential on the lot. And the views from all four sides of the lot. The entry way of the house. Interior wise, kitchen and dining room...a large living room...and three bedrooms. So this means that the maximum number of guests he might have is six, which is all allowed, two per bedroom.

There are as Jared mentioned at least three -- sorry four other permitted short-term rental homes within the 500 foot circle. But as you can see, three of them are located on the extreme edges. There is one house that is fairly nearby which is the Trilogy House, Randy and Jim Coon's short-term rental. And this is the location. The yellow dot is the location of Armen's home.

There are a large number of letters received. This slide represents the protests which are red, and the letters of support which are green. And there were seven total support letters received; one of them is from outside of the 500-foot circle. But it is another Lanai resident and business owner right next to the applicant's business. And then there were five protest letters received as well which are depicted in the red. You can see the layout of that.

As usual all neighbors were notified about the permit application and the public hearing by, first, just by certified letter for the application, and then by return receipt for the public hearing. And again going over the protest letters, five protest letters were received. And Mr. Majkus reached out personally to these individuals to answer any questions that they have and to see if they had questions for him and things like that. So he did reach out individually to each of those people. There are, again, reiterating there are four other short-term permitted homes within 500 feet. There was when the report was first published there was a fifth within 500 feet, but it was discovered that it had expired earlier this year so it has gone away. So there is one, again, the Trilogy House, Jim and Randy Coons, and then three which are on the outer edges of the 500 foot circle.

And again as we've discussed before, once again, there's the lack of accommodations, affordable accommodations for guests to Lanai who can't afford to stay at the Hotel Lanai, or certainly not at the Four Seasons. And this is, these, you know, it's very helpful for folks when they -- folks that live on island when they have family coming in for the holidays, or professionals come in needing a place to stay, being really do suit that, that usage.

The applicants, I believe, most of you know. They are Armen and Jenna Majkus and their daughter Mia. They have a home very near to the permitted permit application home. And should they be able to, they will be able to respond to any concern there at the home immediately should anything arise. They do have two businesses which are well-known; Majkus Construction and also the Local Gentry Shop which is there right on the main thoroughfare. So these are folks that live in your community. They work in your community. You know them and they have a history here on the island with business and living on the island.

And I know and I'm aware that there's been a lot of discussions about what's to happen with short-term rental home permits on Lanai. And I'm aware that there's legislation that's been discussed and is pending. But I just wanted to go back and show you from basically since February you folks had a discussion about the open applications. And at that time there was an application for Russell Nielson and this application for Armen. So those two were mentioned during the, the hearing that they, as those that were still in progress. Since then the Russell Nielson at 1320 Lanai Avenue has received his permit so Armen's is the only one that still remains in, in process.

But it was also discussed in June the caps for the permits be lowered to 21 and then in the July meeting, I'm sure that you all remember, that you voted to amend the cap to 21. And that number was chosen specifically so that those two might be considered, those two open permits.

In my research in preparing this presentation I discovered using the KIVA Net and the materials published online at the short-term rental home site that there was a permit that had expired and so that took basically the number down once we added Russell's back in to 19. It's still unclear if it's 19 or 20, but approval of this application would still keep you under that cap of 21 which you set. It would either meet it or there would be one more to go. So that is definitely something that had been discussed, I know, in previous meetings with you. And in my understanding of the type of person that would be very suitable for this kind of permit on the island, Armen and his family are ideally suited. They live there. They work there. You all know them. And they are committed to staying there. And in these uncertain times it's, it's great that we can look to our families and our neighbors and join together in helping each other through this. And certainly this would be a great thing for the Majkus family. Right now it's being rented long-term for Pulama Lanai, and since the islands are closed down basically to tourism it's not certain when they would actually, actually return it to short-term rental usage. But it is currently used as a long term rental now.

I did just a brief listing. We can go quickly over this. These are all of the permitted homes currently that I found using KIVA Net. And so my research led me to think that this is number 20. It would be number 20 if it were granted. So it would either number 19 or number 20. It's a little bit of an uncertainty between those two, but it certainly would not be over the 21 suggested.

So this is the end of my presentation. Armen is here also participating in the hearing, and he is -- would like to say a few words. And then any questions you might have for him or myself, we would be very happy to answer those for you. Thank you so much for your attention.

Ms. Preza: Thank you. Sorry, did you say that the applicant would like to say a few words as part of the presentation or is just here to answer questions?

Ms. Mitchell: I believe he would like to add, make a brief statement as well. Armen, is that true?

Ms. Preza: If you're trying to speak, you're muted and your video is off I believe. We can't hear you. Sorry. I don't know if anyone else can hear him. Technical difficulties. Sorry we see, we see your mouth moving but there's no sound. I don't know if anyone else can hear.

Mr. Hart: Maybe try the other computer if you're side by side.

Ms. Preza: I'm not hearing anything. Sorry, you could, you could also try to call in if you'd like. There's the call number on the agenda. It's 1-8-8-8-7-4-8-9-0-7-3. I don't know if you want to call in maybe. Leilani, do you think you could put the number in the chat? Sorry, thank you everyone for your patience. You know, with all, you know, virtual kind of meetings, they all, they always seems to be a technical thing happening. Thank you Leilani. So the number is in the chat if you would like to try to call in. Well, I guess they're going to try to phone if we could give them a minute. So for those of you have --. Hello? Is someone on the call?

Mr. Armen Majkus: Hello? Can you hear me?

Ms. Preza: Hi. We can hear you.

Mr. Majkus: Oh, you can hear me now. Okay.

Ms. Preza: But before you start I just wanted to let everyone know -- I noticed that some people joined during Debbie's presentation -- if you're just jumping on the call, if you're not speaking, if not testifying or if you're not a commission, if you could just turn off your audio and your video. And if you would like to testify directly message Leilani and she will add your name to the list of testifiers. So, yeah, that's all I wanted to say. So, thank you. We can hear you now Armen if you want to go ahead.

Mr. Majkus: Okay. Apparently you can hear me, but I can't see you so I'll keep it simple. If there is any question I'll be willing to answer our concerns.

Ms. Preza: Thank you for being here. Great.

Mr. Majkus: Thank you.

Ms. Preza: So if you want to mute your mic now. Sorry, this, this platform sometimes it gives feedback. So I believe that commissioners, we'll open public testimony before we have any - - if you folks want to think about any questions you have for the applicant or for Debbie. So, Leilani, has anyone signed up to testify?

Ms. Leilani Ramoran-Quemado: Hi, can you hear me?

Ms. Preza: Yes.

Ms. Ramoran-Quemado: No, no one has signed up for public testimony via chat.

Ms. Preza: Is there anyone calling via the phone who would like to offer testimony? Okay. Well, if there is no who would like to offer public testimony at this time, then we will close public testimony. And commissioners, if you have questions for them or if you would like to just start our discussion. Or, if you would like to hear the Department's recommendation first you guys can let me know.

Mr. Delacruz: This is John Delacruz. A question or a clarification. The...the building in question, is it...I think I heard three bedroom, but the map shows it four bedroom. The house plan.

Mr. Burkett: I can comment to that.

Mr. Majkus: Can you hear me?

Mr. Burkett: Whoever you prefer.

Mr. Majkus: It's, it's a three bedroom.

Ms. Preza: John, what page are you looking at?

Mr. Delacruz: Let me find your page please.

Ms. Preza: Jared, do you want to answer that?

Mr. Burkett: So what John is --. Yeah, what John is referring to is there is, it look appears to be another bedroom, but this room does not have its own access. It is only accessible through another room, so it cannot be used as a bedroom.

Mr. Majkus: It's a large closet.

Mr. Burkett: Correct.

Ms. Preza: Thank you John. Does that answer your question?

Mr. Delacruz: Okay, it's the, the two sections marked bedroom two and bedroom three. I'm guessing you have to get to bedroom two from the hallway, and you can only get to bedroom three from bedroom two. Would that be correct?

Ms. Preza: No, I think there's --

Mr. Majkus: No.

Ms. Preza: It's seems that there's a hallway and then there's access to the three bedrooms. The bonus room is part of bedroom two. Does that make sense, John?

Mr. Burkett: John, refer to Exhibit-3. That shows the -- that is the current plan, floor plan, but it shows that it's a bonus room. I believe at one point when they first applied they were trying to, thinking it would be acceptable, but it doesn't meet our department's standard. So then they had to revise the plan.

Mr. Delacruz: Okay, but the, the document I received, I think, on Saturday or last week, it -- the drawings marked in kind of greenish color...and there's two pages of it.

Ms. Chelsea Trevino: Hi. John is looking at the actual short-term application that the, the person turned in. He's not looking at the...the Planning Commission one. So this is what John's looking at. He's looking at the application the applicant turned in. So John that's not the correct one.

Mr. Delacruz: Okay. But if it is approved it is approved for a three bedroom, maximum of six guests.

Mr. Burkett: Correct.

Mr. Delacruz: Is that correct?

Mr. Burkett: Correct.

Mr. Delacruz: Okay. Thank you.

Ms. Preza: Commissioners, other questions, comments? Anyone feel free. John on the phone do you have any comments?

Mr. Ornellas: No.

Ms. Preza: Sorry was that a no?

Mr. Ornellas: No.

Ms. Preza: Okay. Commissioners, feel free to speak up. You just have to unmute yourself if you have questions or comments on this application. Okay, well, if there's no current comments, Jared, are you presenting the department's recommendation, just to hear the options?

Mr. Burkett: Yes I am. So, the Planning Department has determined that though the application meets most of the criteria for a short-term rental home, there are substantive protests and because there are a number of permits within, permitted short-term rentals within 500 feet of the subject property, and for other reason that I go over, the Department is recommending denial.

So one of those reasons is because of the proposed changes to the, the short-term rentals on Lanai. There's a proposed cap and a difference of calculating density requirements. And wherever you use those new, those new proposed methods it would be indicating that it's not in compliance, but what the Lanai Planning Commission had desire for the future. However that has not been passed yet by Council, and so it is just -- in keeping with the proposed future plans for Lanai. However, if the Department or the Planning Commission would decide to approve this permit then we just want to make sure that they do so with the added conditions that are listed in the staff report. And also you can, of course, consider any other conditions that you may desire. So the options today are to deny as per the recommendation of the Department, to approve, or to defer. And if you do choose to adopt the recommendation of the Department, then we just ask that you do so and allow us to transmit this as the Department's Decision and Order, Finding of Facts, Conclusions of Law, and Decision and Order, so the Department does not have to draft another Decision and Order.

Mr. Hart: Chair, some clarifying statements please.

Ms. Preza: Sorry, speaking now, that was Jared?

Mr. Hart: This is Jordan Hart, Deputy Director of Planning. I just wanted to make a couple clarifying statements.

Ms. Preza: And Jordan, you can feel free to turn on your video if you'd like.

Mr. Hart: It is on. I believe probably there's just too many people with video on time at this time. It's fine.

Ms. Preza: Okay. I can see you.

Mr. Hart: So, so some clarifying statements to make to follow up Jared's comments. Number one, the issue of commentary that the Department observed and the Commission has received as part of pending legislation, that's, that's not the critical basis for the denial or the recommendation of denial for the application. That would be consideration the Department

received under the context of community input which is one of the criteria for consideration of an application. However the case of this specific application, the specific reasons for the recommendation for denial are basically the number of permitted short-term rental homes surrounding the proposed short-term rental home property and their distance to the property. The most critical being the Trilogy house is approximately 260 feet away with two single-family lots between the existing short-term rental home, and the proposed project. And then the next item which is the second most critical factor would be the number and substance of protest to the short-term rental home application and protest related to the cumulative short-term rental homes in the neighborhood. And so basically there was a number of, of protests, and a number of those protest did site the issue of density as their concern for the pretest. And so I just wanted to point out that that those were in the, via the staff report, those are the reasons for the recommendation of denial. Thank you.

Ms. Preza: Thank you Jordan for the clarification. And, yeah, that was something I was going to say too was that the basis that we make our decision on today is based on the current laws and not any of our, any of our previous discussions that have not been passed yet. So that's just for commissioners to, to know. Okay with all that being presented and said, commissioners do you have any further questions, any discussion to be had before we vote?

Mr. Delacruz: This is John. On the, on the density are the other three of four short-term rental homes already there, what is their average distance? Are they within a 300-foot circle, or are they within the 500-foot circle?

Ms. Preza: So, sorry...so we can't --. Well, this is just for your own thinking about density right because we can't refer --. I know in our prior discussion about having a 300-foot circle, we can't actually base our decision off of that today because those, those rules that we discussed haven't been passed yet. But Debbie, I see that you're back on. Maybe you can share -- could you share that part of the presentation with the circle if you wouldn't mind?

Ms. Mitchell: Absolutely. I'll pull that right up. Bear with me a second. Here -- okay this is the slide here. And as you see this is the Trilogy house this triangle over on -- it's at 436 Gay Street. These three are spread at the extreme edges of the 500-foot circle. I don't believe that the entire lot on each of the three of them -- actually the whole lot is, is covered by it. And the one at, I think, it's 524 Fifth, it is just catches just a very small portion of the lot. So that's how they're, how they're currently, the currently permitted homes are laid out.

Mr. Delacruz: Okay so for the, the three already licensed short-term rental homes, you have the Coons which I'm guessing . . . (inaudible) . . . mostly Lanai City Service employees. And on the corner of Fourth and Lanai Avenue you have the Stice House. And then fronting Lanai Avenue you have the Alcantara slash Brandt house.

Ms. Mitchell: Correct. Correct.

Mr. Delacruz: And I don't know what -- how often they rent them out. But within this whole

circle there will only be four short-term rental homes if you include the 504 Fifth Street or is it Ilima Street? Ilima Street.

Ms. Mitchell: Ilima. It's Ilima.

Mr. Delacruz: So if we're using the old format of 500-feet I'll be in favor of granting this license -- that's my opinion -- or permit.

Ms. Mitchell: Okay.

Ms. Preza: Thank you John. I have a question actually. Jared or Jordan, someone from the Planning Department, could you verify that the, the, the fifth, the fifth short-term rental home that was presented in some of the, the diagrams that we got. I know you said that, Jared said that you folks don't run the software that does that or keeps track. But you can verify that that one on Lanai Ave, not Lanai Ave -- pardon me -- Fraser Ave has expired.

Mr. Burkett: Okay, so I can comment to that. This is Jared. The one that had expired was STRH 2017/0001, John and Charolette Holand. And I did confirm that. It was just the system not triggering it to fall off the report, but it did expire, and a renewal application was not submitted. It was originally before they first applied there was a sixth approved permit over on Nani Street which was also taken off. So some of the testimony they mentioned that there was already six short-term rentals within 500 feet, but that applicant had asked for their permit to be closed in the meantime. So there are longer -- so there are really only four within 500 feet.

Ms. Preza: Thanks for the clarification Jared. Commissioners, other thoughts, questions? Hi Richelle, sorry, do you have something to add? Richelle?

Ms. Richelle Thomson: Thanks.

Ms. Preza: Sorry, I don't know if you're --. Sorry, did you say "no thanks?" Okay, sorry, your icon appeared so I wasn't sure. Okay. So if there's no further discussion then would someone like to begin making a motion? So the options for us today are to -- one second --. So here are options, we can defer pending additional information, approve with no conditions, approve with conditions, or denial. So we have four options today.

Mr. Delacruz: I have a question.

Ms. Preza: Sure.

Mr. Delacruz: On the agenda, there's something about the Kaluakoi thing. Is that the additional housing for Lanai?

Ms. Preza: Sorry. John, if we could stick to the current agenda item and then we can get to that when it's time on our schedule if you don't mind.

Mr. Delacruz: Okay. But the only reason why I asked is, you know, if that might provide more housing for Lanai, but we can go ahead and skip over.

Ms. Preza: Thank you. I would just like to do everything in order if possible. Okay commissioners, would anyone like to...make a motion if you feel strongly one way or the other or would just like to . . . (inaudible) . . . Okay, I hear silence, but we do need to make a decision. So either we can continue discussing, we can continue asking questions or we, we need to vote.

Ms. Ropa: My opinion -- this is Natalie -- is that if we allow 21, you know, STRHs, and we want to be in control of the type of owners or the type of people that run the business I think Armen would be like a good choice person that we would want to own a home and rent out to visitors because they live here and they're very responsible. And so I agree with the presentation that --. You know the people who maybe as they lose their permits we can start to monitor better who comes in and applies for different permits. And I think the type of people that we want to have the permits, you know, is Armen Majkus. That's my opinion.

Ms. Preza: Thank you Natalie. But I will just say for everyone who is listening the 21 cap is just a proposed number and it's not actually in effect yet, but it is a number that we said is under consideration currently. And then there's also -- sorry I didn't address this earlier -- there is currently a moratorium that was presented to County Council on all short-term rental home applications, but to my knowledge, that also has not been signed into law yet and so we can't, you know, we are still -- that's why we're still reviewing this application at this time.

So let's see other questions or comments? Thank you Natalie for your comment. I think my concern or one of my concerns in looking at the part of the presentation with the number of protest letters and support letters is that two of the protest letters were immediately adjacent to the property. And so that is concerning for me because, you know, people who live immediately around I think they, they deserve an opinion on this as well so that's my comment. But other, are there other comments Commissioners? Sherry do you have anything? Roxanne? Chelsea? John Ornellas do you have any -- I mean now that we've talked more, do you have any other comments or --?

Mr. Ornellas: I move, I move that we disapprove this application.

Ms. Preza: So there's a motion to deny the permit application. Is there a second on this?

Ms. Catiel: I'll second.

Ms. Preza: Roxanne seconds this motion. Is there any further discussion or comments before we go to a vote? Okay, if not, then we'll vote. And since we're on a virtual platform it's not really going to work to raise our hands, so I'm just going through each of your names.

Ms. Thomason: Chair?

Ms. Preza: Yes, Richelle.

Ms. Thomason: So I wanted to just understand is the motion to adopt the Planning Department's report and recommendation which recommends denial of the permit? I just wanted to clarify. And if not, then you want to encourage the commissioners before you vote to please make the reasons that you would be voting to deny clear on the record so that the decision and order can be drafted correctly.

Ms. Preza: Thank you. So Richelle you're asking if, if we're recommending denial based on the County's, the County's suggestion? Is that correct?

Ms. Thomason: Right. So, and I think Jared referred to this too. If the Commission is inclined to deny the permit you would in essence be agreeing with the Department's, Department of Planning's report and recommendation which ultimately recommended denial and in part as Commissioner Ornellas or somebody mentioned on the -- oh, I'm sorry Chair, it was you -- the protests that were immediately amongst the other protests received.

Ms. Preza: Okay, so the County says because of the protest and also the density, right? So if we adopt, if we deny it then it would be based, based on the County recommendation then those are the reasons, right? Would we have to outline those?

Ms. Thomason: No. And that's what I was getting at is, is if you're basically agreeing with the Department's analysis, then you can adopt the report and recommendation as your own Decision and Order, and then allow the Planning Department to convey that order on your behalf.

Ms. Preza: Thank you. So John if you would like to kind of restate your motion based on what we just discussed about -- actually stating why we are recommending denial or based on the County's recommendation you can add that into your motion. And sorry Richelle please correct me if I'm doing this wrong, but, yeah, continue John.

Mr. Ornellas: Yeah, I will recommend that we disapprove the permit based on the County's recommendation.

Ms. Preza: Thank you. Richelle, would that be sufficient that motion the way that it was stated? Sorry Richelle we can't hear you if you're speaking.

Ms. Thomason: Sorry. Yes --

Ms. Preza: Sorry, I think you cut off again.

Ms. Thomson: I'm having trouble with my mouse. It's jogging around. Yes, that's, that's fine.

Ms. Preza: Okay. So John has raised the motion to recommend denial, so the second --. Oh, do we have a second? Roxanne seconds so thank you. Is there further discussion on this? And if not then I will be reading each of your names and if you could let me know how you vote. So the open is yes, no, or you abstain from voting. Let me get to our name; one moment. Okay, so I'll be writing this down, but Chelsea how do you vote?

Ms. Trevino: Yes.

Ms. Preza: Roxanne?

Ms. Catiel: Yes.

Ms. Preza: John Delacruz?

Mr. Delacruz: No.

Ms. Preza: Sally Kaye?

Ms. Kaye: Yes.

Ms. Preza: Sherry Menze?

Ms. Menze: Yes.

Ms. Preza: John Ornellas?

Mr. Ornellas: Yes.

Ms. Preza: Natalie Ropa?

Ms. Ropa: No.

It was moved by Mr. John Ornellas, seconded by Ms. Roxanne Catiel, then

VOTED: to adopt the Planning Department's report and recommendation which recommends denial of the STRH Permit application.

(Assenting: R. Catiel, S. Kaye, S. Menze, J. Ornellas, S. Preza, C. Trevino)

(Dissenting: J. Delacruz, N. Ropa)

(Excused: S. Samonte)

Ms. Preza: Shirley's not here, and I vote yes. So, that is six yeses, two noes, so the motion passes. And thank you all for being here today and thank you for everyone who sent in testimony as well. We're going to continue on with our meeting here. So, the next agenda item is C, which is a water workshop provided by the Lanai Water Company and the Commission of Water Resource Management. I have a question for maybe the Planning Department or something or Richelle. So if we have a presentation it's just for information purposes, do we need to have public testimony on these items or how would that work?

C. WORKSHOP

Water workshop provided by Lanai Water Company and the Commission of Water Resource Management.

This is for information purposes.

Ms. Thomson: Hi. Thank you. It's Richelle. Yes, you would want to take public testimony on them because they're sunshine law items. So kind of your standard three minutes. I mean you can do it at whichever point and time that you feel is appropriate.

Ms. Preza: Thank you Richelle. So if it's okay with everyone I'd prefer to hear the presentation first, and then I'll open public testimony. So for those of you if you're just joining us on this meeting, if you would like to testify on this agenda Item C, which the water workshop, then if you could please directly message Leilani that -- letting her that you would like to testify and I'll call, I'll call on you when she lets me know who has, who has indicated their interest in testifying. And otherwise we are not using the, using the "everyone chat" function. And if you're not presenting I'll just ask that you mute yourself as well so thank you. Sorry, I'm not sure if someone is here to present. Oh, Joy, hello.

Ms. Joy Gannon: Sorry Shelly. Thank you. Thank you. I'm going to try to share my screen with everybody and then I'll turn it over to Roy if that's alright with Roy.

Mr. Roy Hardy: That's fine.

Ms. Gannon: Okay, perfect. Let me try share my screen. I'll go through --. What's everybody seeing right now?

Ms. Preza: We aren't seeing anything right now.

Ms. Gannon: Okay, that's not quite right. I apologize.

Ms. Preza: No worries. We're all new to the, I mean, I guess it depends we're all trying to --.

Ms. Gannon: Okay, so you're seeing the Lanai Water Company review August 19th?

Ms. Preza: Yes.

Ms. Gannon: Awesome. Great. Thank you Chair and Commission. I appreciate the time to make this presentation and answer any questions. Roy has been doing this much longer than I have, dealing with Lanai water, and so I'm going to kind of breeze through some of this stuff which I know he'll go into much greater. So I'm going start at kind of at the 30,000 foot level and he'll kind of go into more detail. And then I think I'll take questions after mine, and then Roy will take question. And then afterwards we can take questions on the whole.

Ms. Preza: Thank you. Sorry, Joy, I'm just going interrupt you real quick. If you have just joined us, mute yourself because I'm getting feedback. I don't know if others are hearing feedback, but if you are on the Bluejeans platform and you're not Joy speaking if you could make sure you are muted. So there's a button on the top saying mute. I see some people in the participants who have not muted themselves that aren't speaking. So if you could please do that at this time. I think Stan Ruidas if you could mute yourself. That might be causing feedback.

Ms. Gannon: Okay, so some background for commissioners. We have -- I'm going to go through all the water systems, and then kind of go into the detail. So for drinking water systems on the island we actually have two public water systems. So those are regulated and numbered by the Safe Drinking Water Branch, the Department of Health. We have PWS 237 our public water system number 237 which is the Lanai City Water System. That consists of pretty much the city and it goes out to the airport and down to the K-pau area. It's served by three wells currently, and in the near future, four wells. So wells three, six, seven, and eight. So three is kind of right above town. Six is a little bit over by behind the Koele Resort. Seven is a little over by the stables. And eight behind the Koele Villas. There are three reservoirs totaling 2.77 million gallons. We have about 36.5 miles of water main associated with the water system. Roughly 1,400 customers. That changes, you know, as move in, move out. And we average about 0.57 million gallons a day, or almost 600,000 gallons per day is utilized on that system.

We have a completely separate water system. There are at least two systems only connected during emergency so a completely hydrologically separated system. It's PWS 238 or the Manele water system that serves -- it has two wells on it. Wells number two and wells number four. So if you're driving down to Manele and you look up on the benches you see kind of a gray tank. That's Hi'i tank. About a half mile further up is well number two, and about another mile past that is well number four. So they're quite a ways back up on the hale. On that system we have about 31 miles of water main. We have -- Well, we have more than two reservoirs. We have two large reservoirs and then a series of breaker tanks going down the hill. About 135 customers. And that one averages a little over 400,000 gallons per day, or 0.42 million gallons.

We have a completely separate brackish or irrigation water system. That is -- you can see the green line on the map, and that's our irrigation distribution system. That has -- is serviced by wells one, wells nine, well 14, and well 15. You'll see that well nine has little asterisk by it. Well nine is currently out of service, and we're still determining whether or not it's cost effective to bring it back into service. There's three reservoirs for this, for this irrigation system, and the largest one is right as you're about ready to head down the hill over on the right-hand side there's a 15 million gallon reservoir. There's 11 miles of water main, 48 customers, and it averages about 0.57 million gallons per day. So one of those customers operate the golf course which is why that number is so large.

We have two recycled water systems. You can see in the City or kind of in, up on town you can see the pink line, that is the R1 recycled water, the highest level, recycled water distribution system. And it's -- our plant is adjacent to the County's waste water treatment plant. So we accept waste water from the County. They're affluent, and then we, we treat it more to make it into R1. And if you look really, really closely, you'll see another pink down here in Manele, and that is our other R1 site. We have, down in Manele, 100 percent of the water is reused at the golf course. We are -- we have the capacity to reuse 100 percent of the waste water on the island.

So I'm not going to go too much into detail on that one. If you want to spend some time on YouTube we did tours of both systems. The City system and the Manele system with Voices of the Sea last year. And so you can go on to YouTube and find that, and it's called Water Use and it was done by Voices of the Sea.

So this is kind of a very, very simplified regulatory environment for Lanai Water Company. So the big agencies that regulate us are the Department of Health, under the Safe Drinking Water Branch. And they regulates us for basically water quality. So anything that's quality related. We follow the same water quality standard and testing standard as Maui Department of Water Supply or Honolulu Board of Water Supply. It's the same safe drinking water act that we are regulated by. Under water rates and customer roles and regulations, we're regulated by the Public Utilities Commission and the Division of Consumer Advocacy. I'll talk a little bit more about that. And under water quantity, we're regulated by DLNR, Commission of Water Resource Management. And Roy is with this agency and will be speaking a little bit later. And we also have various Maui County ordinances, Lanai Water Use and Development Plan, and then various project conditions on the island.

So looking a little bit more closely at drinking water quality. DOH administers the Safe Drinking Water Act. That's the Federal Act that is -- well, not quite the same. Each state has its own little modifications. But overall, the same rules and regulations. Every three to five years, the Department of Health comes and does what's called a sanitary survey or a physical inspection of the entire water system. And so they start at the well sites. They go to each of the tank. They ask for our backflow records. They ask for our capital improvement plan. And they essentially inspect every, the entire system to make sure that it is safe. During our last sanitary, sanitary survey we had no significant deficiencies.

One of the questions I hear often is who's responsible for the water system? So that actually is a legal question, and that's called a responsible charge. So Department of Health requires every public water system to designate who is the responsible charge. Basically, who's going to get thrown in jail? And that would be me. And so I am the designated responsible charge. And what does that legally mean is that if there is a water quality or a water quantity decision, I'm legally responsible for that.

They also require any -- sorry my dog -- they also require approval for any substantial modification so there is not a definition of what a substantial modification is. The Department of Health basically says we determine what a substantial modification is. And so I can't determine what a substantial modification is. That is only allowed from the Department of Health. So if there's any questions on this we send them an e-mail, and say, hey we want to do this, is this considered a substantial modification. Typically what happens with that is they send back a list of questions, and we go back and forth on it, and they say, yes go forward, or no we need more information, it's got to have an engineer, yadda, yadda, yadda. So that's anything that's considered a substantial modification. So can't go changing things in the system.

And then once a year we produce what's called a consumer confidence report or what's essentially a report card to the community on the water system. So the consumer confidence report is legally required to have all tests in the last five years. So any water quality sample that has any result whatsoever, regulated quality sample, is required to be in that report. So we produce that. It's on our website. And it's actually really, really short because most of our water quality samples have non-detectable, non-detectable results. So we keep the report fairly simple because we don't have a lot of chemicals. We're also required to tell you if there we any violation. We're also required to tell you if there were any significant deficiencies that were not corrected. We don't have any of those in our systems.

So we pump from the, from the wells, and then we actually do, do disinfection. So we treat -- let me go back a little bit -- we treat with sodium hypochlorite which is essentially a type of bleach that is approved through national science foundation for use and water. . . . (inaudible) . . . questions in the not too distant -- in the past few months about having to change some things with our chlorination. And the answer is that is yes we have. So prior to COVID we were treating roughly at 0.4 parts per million, or milligrams per liter level, and there were recommendations. And basically there was consensus that, yes, that's a safe level during, during COVID. But there was recommendations from the World Health Organization (WHO) and from the Water Environment Federation to increase that a little bit. And so we did increase our level from about 0.4 to about 0.6 and we are now maintaining a level of about 0.2. So what does that really come down to is in simple terms it is we are adding three chlorine atoms for every five million water molecules. So pretty small to about 0.6 parts per million. Yes, we did make a few changes on that as it relates to, as it relates to COVID.

Certified operators, Department of Health does require us to maintain certified operators. And the systems on the island are called Grade II certification. Grade I is the lowest, and Grade 4 is the highest. Each grade has a minimum requirement for education, time, and then you have to pass a test for each level of certification along with continuing education. Currently on staff we have one Grade 4; that's me. We have four Grade II. We have one Grade I. We have also one certified backflow prevention assembly tester, and one certified cross connection control specialist.

Our slides got a little out of order. I apologize for that. But going back to the chlorine. So we take chlorine samples. If you look at this little map here, all of those little red dots are locations where we regularly take chlorine samples. So when the COVID regulations changed -- well, not regulations -- guidance changed, we increased how much we were taking chlorine residuals. It's kind of hard to see, but this table down below you'll see 613 records and that started basically at the beginning of the year. These are the ones that we recorded for our chlorine residuals. You also saw us out flushing all the fire hydrants over the past few months, so there's an additional 300. Every time we flushed a fire hydrants we also took a chlorine residual and a pressure reading, so we were doing a water quality survey throughout the island and, hey, we're maintaining that 0.2 milligrams per liter throughout the island and, and what our projected levels were at.

We're very blessed on this island with having excellent source water quality. This is actually an overhead picture of well number two. This is one of the -- well number two, I'll show you a picture of what it used to look like. This was part of the \$10 million -- \$10 million that Mr. Ellison helped put in as part of the transfer ownership from Castle & Cooke to Lanai, to the current ownership. Brand new, brand new pumps, brand new control building, brand new access road. Excellent source water quality. And there's a source water assessment that was completed by the Department of Health, and along with a protection plan that was written by Hawaii Rule Water.

I took a -- here's what this well used to look like before the investment, and here's what it looks like today. So you can see it's pretty dramatic. And here's actually well number three to kind of give you an idea. So here's what it used to look like, and what it looks like today.

I took some, I think they were freshman, last year, we took a field trip up to well number two, and I was kind of surprised that they've never been up there, or had no idea what the hale area even looked like. So when you get up there it's surprisingly green. It, it, the environment is completely different. When you're walking around up there you'll see quite a bit of fog. You'll see a lot of ferns. You'll see some native plants. We have, you know, a lot of the invasive that we're working on. But this fog drip is super, super important to us, and maintaining that watershed and protecting that watershed is super critical.

I mentioned that \$10 million investment. That was part of the other entity that regulates us. That is the Public Utilities Commission (PUC). So the Public Utilities back in 2013 had a decision and order as part of that transfer of ownership. And one of that, or part of that order

was to invest \$10 million in capital improvements that were non-recoverable in the rate case. So that was completed in 2019. It required the Lanai Water Company to submit current plans for water conservation and drought response. It required that we submit evidence that the water utility is meeting or exceeding the Lanai Water Use and Development Plan guidelines for water loss. It required that we submit a cost of service studies. And it required that we submit rate designs that was a movement towards the development of cost-based rates. The key word, key words in that bullet there is a movement toward and development of cost-based rate. That doesn't say that we are proposing cost-based rates, but it's a movement towards that direction. And then the Lanai Water Company received an extension to submit all that by 12, 31. Everything was submitted by 12, 30, so we sneaked it in under the deadline. The public hearing was scheduled for February 16th, and it was postponed on the 12th, and someday, hopefully, this will be rescheduled. But COVID put kind of a damper in that plan at this point in time. We don't have a date for that when that will be rescheduled at this time.

So water quantity, I'm going to briefly go through, kind of skim through this because I know Roy is going to go into it much greater. But if we're looking at water quantity over a period of time, we're one of the -- I think we're the only island that has intact record of the water, the water quantity used in Hawaii. So if you look at kind of the plantation period, actually our data goes back to about 1946 roughly, '45. We were averaging about 1.51 million gallons a day. You can see where it kind of -- the water use went up quite a bit towards, in the '80's, early '90's. We were averaging about 2.94 million gallons a day. Tourist --. This is when the plantation, the pineapple plantations shut down, and they were averaging about 1.89, 1.9 million gallons per day. So that's kind in this bracket.

Every 28 days we actually update our, our pumping amounts, so we monitor it in 13, 28-day period. So why is it 28-day period? If you divide -- some days of the year have 28-days, some days have 31, some days have --. And so instead of doing 12 month calendars where you're, you have 28-days here, and 31-days here, it's actually 13 periods. So, Lanai has -- we have more rain in the winter time. Usually lower pumping rates in the winter time. And then summer it's usually higher. We look it by periods. So period -- this graph is showing periods one through eight. So basically through end of December last year or early January till August something. So this is the most current period, period eight. The green line is the total water that is pumped. This darker blue line is our drinking water, how much was pumped. And then this lighter blue is the brackish water that's pumped. So overall, is a magic reason why I started in 2012? No. I came onboard in 2017, and I just happened to take it back five years to get a feel for what was going on. And we're continuing to do this, graphing it every period as such. But we can go back further.

We measure -- we're doing a lot more electronically that we have had in the past. We have what's called a SCADA system, or Supervisory Control and Data Acquisition system. And so for the most part, we program the SCADA system, or the computer, and we tell it what to do. So this is a screen shot of the computer. This is, I believe, well number four. Yeah, yeah well number four. This -- can you see my hand, my little pointer hand as I'm moving around? Okay good. This, this line that I'm pointing at where it kind of plateaus and goes down, plateaus

and goes down? That's actually the level of Hi'i tank, and so this is as the breaker tanks going down the hill call for water. So this might be breaker tank one saying, come, I need more water. This is breaker tank two saying, come, I need more water. So these little steps are the breaker tanks filling up as it is going down the hill.

This line here, this kind of diagonal line is a communication line. So that's telling me that, hey, I've gotten good communication between all of these . . . (inaudible) . . . If I didn't have communication where data wasn't being transferred, I'd have a break in that line. This light aqua line is actually when the well turns on. So you can see here, the tank level -- this is Hi'i tank -- drops down to a certain level, if we programmed it to say when the tank hits a certain level turn the well on. You can see this dark blue line is our, our water level in the well. We turn the well on, the water level goes down, it pumps and that's our flow. The tank hits a certain level. And if the well turns off, the water level in the well goes back up until -- and we just repeat that process over and over. So pretty simple.

Inside the well we have basically a device that tells us how much water is above that device. And so that's constantly . . . (inaudible) . . .

Ms. Preza: Sorry. If you're joining us via the phone or the video chat, there's a lot of . . . (inaudible) . . . Sorry, is everyone hearing that?

Ms. Gannon: Yes.

Ms. Preza: Okay. If you're via the phone, if you are able to mute yourselves that would be most helpful because we're hearing -- we can't hear the presentation. Okay, better now. No, I'm still hearing that. I'm not sure.

Mr. Hart: Leilani, can you mute that?

Ms. Gannon: There we go. Thank you.

Ms. Preza: Sorry.

Ms. Gannon: Thank you. No, no. Every 28 days we do what's called a periodic water report. That includes 18 separate meters. They're either the source water meters, or zoned meters. All meters are being, are cellular so they're --. The way the cellular meters work is they're essentially taking a measurement every 15 minutes or every hour, and it's saying this is how much water went through me. This is how much water went through me. This is how much water went through me. So, for here at my house, mines works on the hour. And so from 12 a.m., at midnight, to one a.m., it, it know, okay, how much water went through me. From 1 a.m. to 2 p.m., or 2 a.m., how much water went through me. So that's the way the cellular. Some of them -- are logging that information every 15 minutes, some of them are logging every hour. And then what it does is there's a cell signal essentially sends a text to a data base, and that's how we get that information. So it's, it's pretty amazing.

There is currently our 13 period pumping moving average is 1.56 million gallons a day. It's uploaded to our website. I'm actually a little bit behind. I'm on report four. I've got a whole bunch of conductivity test to run at the office and then I'll update it to period eight. So the flows are always updated, but I get a little bit behind on the conductivity test so I've got to get those updated.

The well measurements -- once the conductivity test, and the well levels, and then the flow reports are done, we then go in and we enter them into a CWRM website, or Commission of Water Resources Management website. And so this is what it looks like. This is the screen shots of well number four, and you can see -- a little hard to, it's hard to see -- but you can see they're monitoring our usage. And this particular graph area, this is for our leeward aquifer. This red line is a sustainable yield of that aquifer. And this goes back, I believe, into the 1940's to essentially present. And so they measure how much we're pumping versus sustainable yield. You can access that information online. Last I looked it was last updated January of 2020, and that's one DLNR's website as well.

I'm not going to talk too much about sustainable yield. I know Roy is going to talk about pretty extensively. Currently our sustainable yield is six million gallons per day. And if you're looking at it in comparison to the other islands, we don't even show up in the chart. So it's quite a bit smaller than the other islands.

And so what is sustainable yield? It's defined as the maximum rate at which water may be withdrawn from the water source without impairing the utility or the quality of the water source as determined by the commission. So right now we're pumping well one at 1.56 million gallons a day over the 13 period moving average. Our actually pumping rates right now in 2020 are a little, are lower than that because 2020 is a very strange year. That sustainable yield is divided up equally between the leeward and the windward aquifer sections.

I saw Eva who was on the line so if she'd like to make any modifications to this we certainly can. The Lanai Water Use and Development Plan was adopted in 2011. It's mandated by State law and County Code. CWRM basically requires us to ensure that the future water needs of the County are met. The Lanai Water Use and Development Plan should also provide guidance to CWRM for decision making on water uses. And then if you look in the County Code it's basically, it's mandated by the State required for statewide resources planning, and to aid the commission and the County in the conservation, development, and use of water resources in the County. It's intended to implement community planning, and identify objectives and seeks to resolves conflicts.

The draft was submitted to the Board of Water Supply actually in 2010, so this document is about ten -- is a little -- ten years old. The Director at that time significantly modified the document which ultimately became the approved document. So there were some changes in the draft. All implementing directives in it became a section titled, The Lanai Island Water

Plan and Provision. So if you -- the plan itself, the executive summary, it's maybe, it's not that hard of a read and it contained all of the implementing directive.

The proposed allocation tables in the draft, and the related text that could be removed to allocate water were either removed, relabeled, or refrained as a resource development strategy. And then when the Maui Department of Water Supply reviews projects and determines if the project is consistent with the Lanai Water Use and Development Plan.

So I mentioned that the plan has a resource development strategy. So what Lanai Water Company does is when we receive a request for water availability, we review that project for water conservation consistency with Lanai Water Use and Development Plan, and then current system capacity. We don't make a determination on the Lanai Water Use and Development Plan, but we do make, we do make some suggestion and say, hey, this is what the plan says you might want to consider this or take a look at such and such. And so Lanai Water Company follows the Maui County Water system standards for availability.

What does that mean? So the limiting standard for Lanai is actually, there's three different standards. But the one that is the limiting standard for us is the pump capacity. So pump capacity is based on the maximum day demand with an operating time of 16 hours assuming that the largest pumping unit is down. And a maximum day is defined 1.5 times the average day. So what does that really mean? It means -- so for -- you take a heavy day or a high pumping day or 1.5 times the average and then you take one of the wells out of the equation. And can the system continue to provide water with one well out of the system on a high flow day. We send that calculations to the Water, Department of Water Supply for their review, and if applicable we write a letter for system capacity. And so that is one of the letters that you get in your packet.

Let's see. Part of, part of a new rule and regulation is actually Act 169 which requires us to submit an annual water loss audit report to CWRM. And that Act, that report have to be validated by an outside entity...entity. We're also required to show what data improvements, or improvements that will be taken in the upcoming year to reduce real or apparent loses in the upcoming year. So 2020 was our first, first time we submitted one. It was the first water audit and it went over pretty well. We do as in preparation of those audits, we actually do one every single month in house, and then we're working on our action plan. So what was submitted to CWRM for our action is developing a GIS base infrastructure data base, source and customer meter testing, and then noise logger installations in the system. And so those are action plans with CWRM. We're on track for the GIS based infrastructure data base. We do have the capacity to customer meter testing. And unfortunately our source meter we're having problems -- we're not having problems -- the contractor is not able to come to the island at this time. We have the equipment, but we need to be trained on how to use the equipment. And then noise logger installations, we have the equipment and we're working on deploying that.

We also filed a Water Conservation Plan update with the PUC in 2019. So we had an original one. We did send an update to them. And that reviews our water use and projections over the next five years. And our reviews are current and reviewed water conservation activities on island.

So some of the things that changes that have gone on in the last part of that \$10 million investment is -- well, this one is not part of the \$10 million investment. This is outside of that. But you all remember when there were irrigation improvements to the Manele Golf Course. So the Manele Golf Course water has gone down pretty dramatically. This one is the -- the chart on the left is the total annual golf course. And on the right is the golf course usage just for the periods one through seven.

Conservative estimates and, you know, the improvements are still pretty new and we have a drought year so it's hard to say, this is how much we're going to save. But a very conservative estimate is about 33 million gallons per year on that. Another major change that we had as part of that 10 million was the smart meter investment. So this is, I believe, my house at one point in time when I had a leak. And so as I was saying before the meter logs every hour on the hour. So between 1:00 a.m. and 2:00 a.m. it logged that amount of water. And between 11:00 a.m. and noon about 60 gallons per hour. And it logs this every hour. If you are using water throughout the entire day, so every hour you're using some amount of water, it assumes that at some point in time in the middle of the night you are not up flushing the toilet, you're not trimming on the sink. But if you're using it for 24-hours a day that there's some value in there that there is a leak on that property, and it sends what's called a leak alert. Or, it can send a leak alert. It does trigger a leak alert. So right now we're having about one out of ten meters have a leak past the meter. That leak can be anywhere from one gallon and I think the largest one I typically see on a residential property is 1,300 gallons per hour. On any given day we have about 174 active leak past the meter and that totals almost 5,000 gallons an hour, so that's pretty substantial. Once a month we send out letters and we're actually working with customers to correct that, and again kind of a thank you to CWRM and DLNR. Phase two of these meters were actually funded by CWRM to test this . . . (inaudible) . . . water security and continue to provide water for the island.

So smart meter implementation, again, on the conservative side, it's saving about 12 million gallons a year on the brackish water savings, and about 10 million gallons a year on the drinking water savings. My monthly week letters appear to be kind of useless at this point in time. I had once totaled up how many leak letters I've sent out versus how many responses I've gotten. So I sent out 213 letters and I had 11 sign ups. So not, not a great response rate. Once people do utilize it they find that it's super, super useful, and it's loved by some few devotees.

We're also starting to do district metering in a few locations. So this is a district metering for the brackish system. So we have one zone meter. So this is the brackish roadside and brackish...residential use. And so there's one meter that measures everything, all the brackish water that's not the golf course. The one meter, and then behind that meter there's

43 sub-meters. And so if you look really closely you can see that there are two lines between those being shown. That's actually 44 different meters. The data from 44 different meters. The higher line is basically the supply or the zone, and then the lighter blue line, there are those 43 meters. And this system is actually pretty tight or pretty close. You can see they line up pretty good. You can also see on that particular day, hey, you have leak in the system. You see the gap between the two lines. And that is kind of an early warning sign that I'm starting to get these lines separating from each other, I know that, hey, we've got a leak in the system and we need to start looking for.

Another thing that we're doing is with the PUC is we have proposed what's called a tiered water rate structure. For the most part our proposal leaves most customers, most residential customers pretty close to the Maui County rates, or fairly in the vicinity of Maui County rates. But what we did do, our proposal, right now here are our current rates; \$1.10 for 1,000, and a \$1.62 per 1,000. And, and when you start using more than 400,000 gallons per day, our rates will actually go up to \$10 per 1,000 gallons. So we've tiered that rate so the more water you use the higher the rates go. So for our proposal for resident, most of our resident, is very similar to Maui County rates and then as the higher the demand goes, the higher our proposal rates. So we're trying to encourage people to use less water. And one of the biggest motivator we all know is money.

Another thing that we're starting to do is actually a GIS base work order and asset management system. So we're currently in training for this right now. It is now implemented. Well, we have it, the GIS system in place, and we're doing the training on the work order and the asset management system. So how does that relate to conservation? A few things. One, we'll have it, leaks over time tracked. So if we had a leak here in 2020, and we had a leak here in 2022, and a leak here on 2023, we're no longer going to be relying people's memory to say, hey, this line is a problem. Or, we can start showing that, hey, this is cost effective for us to replace. Another thing that we're, we're doing is saying, we have two lines right here, we have lines going over here, we have lines -- some of the lines maybe don't make sense. And they're actually left overs going back, you know, some of these are from the 1950's. And so we're looking at, okay, how can we get rid of this, where we have two lines right next to each other. That doesn't make sense. So you've seen, seen the cruise out, exercising bounds, and some of those bounds are from kind of the old system. And we're saying okay, what's connected to that old system, and how can we get rid of it, and reduce the number of lines on this system and make it fully a tighter system?

Some other things that we have purchased is remote pressure monitoring, and actually fixed sound loggers. And so the fixed sound logger are, will essentially be monitoring a leak makes a sound. If you every have a leak at your house where you turn on the tap you kind of hear it, you kind of hear it in your pipes. And so that fixed sound loggers will be basically monitoring the sounds in the pipe over time. And if that sound goes above a certain level, hey, it tells us to look. And mostly those are being recorded in the middle of the night when we don't have a lot of traffic.

And the remote pressure monitoring system. The first way that we know that we have a leak is the pressure in the water, on the line goes down. So that's another thing we're, we're -- we have purchased. The manu, the vendor can't come on island right. They're a mainland company, but it's purchased.

Some other things that we are doing is we have been encouraging people to sign up for Eye on Water. You may have noticed that we've changed your bill. This is actually my bill when I had a leak. And so you can what your bill looks like over time. And this is on our -- you can sign up to get this either on your bill, your paper bill or on our website. And we had planned to do some smart irrigation classes or how to improve irrigation on the island. We've got to rethink that in the times of COVID on how we're going to do that. But you all have driven around during the rainy season sprinkler system is on, so there is some improvement needed there.

So utility outlook; Koele Hotel re-opened in end of 2019. Lanai Farms has re-opened, has opened, but it's not in full operation. So what are we looking at in the next five years? Basically throughout in the 1990's and early 2000's, water use hovered around about 1.9 million gallons per day. Lanai Water Use and Development Plan projected the water use to be about 2.66 million gallons in 2020. We're at 1.5, 1.6. If I'm looking at the projects like Koele Hotel, Lanai Farms, and then the known, the known development, in the next five years we're anticipating that level to go back to that 1.9 million gallons per day.

So how can you help? Sign up for Eye on Water. It's, it's a free tool for the customers. It's super, super useful. It sends out leak alerts, and it sends them out right away. Set up an online account on Lanai Water Company dot com. You can go on there and you can see your water use history, you can see your financial history. We're also asking customers to, to sign up to pay your bill either by ACH withdraw or debit and credit card. And how does, how does that help us? Well right now we're processing a lot of paper checks, and that handling of paper checks during the time of COVID not a great idea. And so we're trying to do that as safe as possible, and there's also a lot of time involved in doing that as safely as possible. So please encourage everyone, you know, to sign up for automatic withdraw or credit card payment. And then call me if you, call the Water Department if you have any water leaks or suspected water leaks, or anything you have questions about.

Take questions now, Shelly, or --

Ms. Preza: No, actually --. So actually, so I'm not opening public testimony yet. Did you say there's another part of this presentation?

Ms. Gannon: Yes. So I turned mine off and I believe you should be able to share now Roy.

Ms. Preza: Thank you Joy. Actually, if it's alright with everyone since we're an hour and half into our meeting I would like to take a quick break, a five minute break if that's possible. And

then we can reconvene and finish out the water workshop. So, if we could get back here around 6:30, 7:00, that would be great.

Ms. Kaye: Can I just ask a question, Shelly, before we do that? Have we lost a lot of commissioners or are they just taking themselves off?

Ms. Preza: I think that they may have just taken themselves off the video. But, yeah, I'll see you guys again in five.

Ms. Kaye: Okay. Thank you.

(The Lanai Planning Commission recessed at 6:33 p.m., and reconvened at 6:38 p.m.)

Ms. Preza: Roy is continuing the presentation?

Mr. Roy Hardy: Okay. I guess I could start. Thank you very much Chair and commissioners. And thank you for having us come in and do this annual information update from the commission's point of view. I also have Kaleo Manuel who is the deputy to the Water Commission. I think he's, he's here as well as Charley Ice. Charley, this is, you know, his region. Maui County is his region of responsibility. I'm, I'm the ground manager for the Water Commission. I've been with the commission since it began in 1987, so it's been a while. And the history that I'm going to go through it kind of goes back a while, but I will say Joy's presentation was fantastic. And if her view was the 30,000 foot, mines going to be more the 100,000 foot simply because we're looking at the entire island resource. And we're one of several of the agencies out there. But primarily the one concerned with quantity.

So with that, I'm going to go ahead and start share the screen here. And let me know when everybody can see. Can everybody see that?

Ms. Preza: We can't see anything yet.

Mr. Hardy: Not yet? Okay.

Ms. Gannon: Roy, when I had that problem what I had to do was open it up on my screen, my desktop, and then go to share, share my screen.

Mr. Hardy: Okay, let me try. Let me do that. I know we had problems when I was trying to go back to -- because I have two computers. One at work and one at home. Is that working?

Ms. Gannon: No, not yet.

Ms. Preza: No, I don't see anything.

Ms. Gannon: Roy, do you want to shoot me an email with it and I can throw it up. Oh, there, there you go

Mr. Hardy: Is it coming? Is it up? Okay. I think I have six kids and I think a bunch of them are on their phones or computer looking doing things, and maybe the band width is being use up on my side. Anyway, again, thank you and -- for having us -- and Joy did go over a lot of things which I'll probably breeze through because there was much detail. This is going to be from the Commission of Water Resources Management point of view, and how they protect the public resources on Lanai as well as the rest of the State. Of course, we're just primarily looking at Lanai.

So if I can advance. My agenda and outline for the presentation was just four points. Basically and you'll understand as I go through this presentation. The first point being response to request from Lanai Water Advisory Committee (LWAC) -- that is a name from the past -- and now Pulama Lanai, to reinstate public informational meetings so this that, yeah. A brief history of the commission's action regarding Lanai. And a review of the non-designation actions. That was a big item that the commission and the role they played in trying to protect the aquifer, and the resources of the island. And then finally where do we go from here and what are the latest events or things that have been happening from the 100,000 elevation view.

I'll just go right into the first one which is back in September of 2009, LWAC requested that we continue these public informational meetings. And you'll see in a while the history goes back further than this. We had stopped doing public informational meetings because of the commission's actions and things that had, and actions that had transpired. But that was denied by the commission, and then later, nine years later, Pulama asked us to come back to do these annual meetings. That too was denied. Then there was a little bit later, another request by LWAC, and that was denied. And then finally last year of February we did come back, and so we're starting these anew. And this is really, I think, mostly because of the request of the Planning Commission, yeah, rather than the company itself or you know, LWAC, but rather the County, yeah, was asking for this.

And so, anyway, in summary in, in what I'll get to is just kind of giving you the conclusion up front so you can keep the same context is that the monitoring of the ground water condition is acceptable, and I think you saw Joy's presentation. It was very detailed with her SCADA system, smart meter, all those things is very, is very acceptable. If, you know, when you're a kid and you're in class with all the other kids and this is the Lanai Water Company compared to the other water companies in the State they get the gold star next to their name. So I do want to recognize that.

All conditions of the non-designation conditions are the non-designation decision has been met, continue to be met actually. And then acceptance of the Lanai Water Use and Development Plan, which is a very document, meets the intent of LWAC. And I'll get a little bit more into that, and you'll see why. This is going to be a very brief history of the commission action.

It's just chronology, and starting in '89. I was around, and that this was one of the first designation proceeding before the commission and they were around a couple years. And there was a petition to designate the ground water on Lanai. And so what is, you know, what does that mean? Well everything that we do state wide, definitely try to protect the aquifer as a public trust resource. And that's how I could describe it as that's the beginning of the pipe. We want to make sure the resource itself is protected.

In a designated area, we start paying attention to more the end of the pipe issues, land use decisions, is there enough water, is it being used efficiently because the resource has been determined to be at risk. So that's what it means to be designated. And there's a different permit you need in designated areas, it's called the water use permit. But that's not the case here on Lanai. There are other permits, and I will just get into that a little bit later.

In roughly a year later, the commission denied this petition. But they had eight conditions, follow-up conditions. And so part of the next, you know, eight years after that we went through a number of other actions before the commission. We were always coming to Lanai every year, if not, sometimes quarterly throughout these discussions.

For the October '94 LSG was -- Lanai for Sensible Growth; that was another group -- asked to reconsider the designation. June '95, the County itself created this water subcommittee. So we got three groups there. In '95, the commission approved this ground water numerical model. Okay, that was part of, you know, a lot of the discussions. I actually was the author of that numerical model. I worked with the USGS. It took about year to develop that, and there was a lot of information that came from that study that was helpful to, I think, everybody. Just not the water commission, but the community and others who are interested in how water was working on Lanai.

In April, the Lanai, LWS created the Lanai Working Group. This is something that is, had happened in other areas in the state, you know, in actually designated areas where these working groups worked with trying to make the connection between the beginning of the pipe, and the . . . (inaudible) . . . pre-Water Use and Development Plan attempts, okay. And then later, in '97, the report was presented to the commission. And in April of '97, with all that information that reconsideration way back in '94, the commission denied that, but they added five new conditions. And I'll go through that a little bit more later in the presentation.

And a significant event, in August of 2012, there was a formal adoption of the Lanai Water Use and Development Plan. You may recall from Joy's presentation she showed the, the, I guess, the final draft I think was in 2010, and finally adopted by the County by ordinance in 2011. And the reason why this is 2012 is that it also has to be adopted by the Water Commission. So that's when it became a full fledged Water Use and Development Plan. And I think you heard in Joy's presentation the benefits of some the things in there as far as following recommendations in that plan.

The public information meetings were always held in October. And when this Water Use and Development Plan was adopted in 2012, that's when, you know, it went to the commission, the commission said okay. Now that there's this plan in place that ties, you know, the beginning of the end of the pipe, you know, we have other things – you know, there are other places that have their designation going on. We have limited resources. We don't need to do these information meetings any longer because you have this plan in place.

And then later, seven years later, in February of last year, we actually came back at the behest of the Planning Commission and Pulama Lanai. And so that's where this is a continuation of that.

Okay, so you're probably wondering, well what are all of these actions, the eight and the five, and you know, what does it all mean up to this point and I'll give you some context of this. So to begin with the Water Commission is all about quantity. And so, you know, what is sustainable yield? Joy talked a little bit about this and she showed you some of the numbers. And just to remind everyone in simple terms, the short answer is the sustainable yield for Lanai -- sorry about my dog -- is six million gallons per day on an average basis throughout the year. And this is established via another part of the Hawaii Water Plan called the Water Resources Protection Plan. That is part of the overall Hawaii Water Plan. And this isn't something that --. Well, this is something that's been in place for a long time.

Mainly there's been three version of this Water Resource Protection Plan. The first one was in 1990. So right around -- this came out after that petition to designate so we really hadn't set sustainable yield yet. Yet we had this petition to designate without really establishing how much is there. The next, the second version came out in 2008. And then the third version came out after we had our meeting, this public information meeting last year in February, this actually came out in July of 2019. So it's an update. So there is a long history to that six million gallon per day figure. And so you'll see some of the changes, but to this day it's still six million gallons per day. Okay.

That water resource protection plan I mentioned is a part of the overall the Hawaii Plan, and this is a graphic of the integration between the parts. Okay. The Lanai Water Use and Development Plan is that yellow portion. Every County needs to have one. And for Maui County, it's every island, Molokai, Lanai and Maui. And then the three other counties and so forth. And so this is where, if you look at the title, Water Use and Development Plan. So it's tying the county wide demands, yeah, to land use consistency, okay. And this is what's in the water code, and this is what the counties have to come up with, okay. And it varies between counties how they do it. Planning Department, you know, some other island. Big Island does that. Most other though the Department of Water Supply, as with the case here, with the input of the working group and LWAC and so forth.

Above that is then the State's needs; state water projects plan and the agricultural water use and development, okay. So those are state's needs on top of the, you know, the county and within the authority that the county has for zoning and so forth. It's just a way for the State to

say . . . (inaudible) . . . You know, this is what the State needs. And the umbrella over all of this, the protection policies, the water quality plan which is run by the Department of Health. You saw a lot of the detail that Joy went into with the, you know, the public water systems that you have. You've got two of them; 237, 238 for Koele and Manele respectively. And then you have the water resource protection plan which I showed you guys three versions. They all feed into the development of the Water Use and Development Plan. So how much do you have, how much are you going to use is the basic approach. Again, the Water Use and Development Plan was adopted in 2012, and this Water Resource Protection Plan is where we go over these things about sustainable yield and explain how we get it. And I'm going to take a more fundamental basic approach.

And this is some graphic of Lanai, and the how we look at divving up the pie if you will into separate. Each one of these polygons is a separate what we call aquifer system areas. And I want to emphasize the areas. There's a lot of things that go on in those areas. You have high level. You have basal. You have cap rock. You have confine. We're finding a lot of things are different. Especially on the Big Island, we're finding fresh water very deep in these areas. But nevertheless this is how we look at these areas. There are nine on Lanai, okay. But really, the total again is six million gallons per day. So how is this divvied up? It's hard to see the numbers there, and this is located on our website. But, you know, you can see all the outer ones have zero million gallons per day, okay. And in the center of the island it's divided three and three. So we're really, back in the day and even till this day we concentrate on this central aquifer system area. So if we were to take a profile, you know, to look, you know, drop this profile from . . . (inaudible) . . . and take look at the island from the side, yeah, this is what you would see. And this is actually an old -- this is from 1983 from one of the reports by John Mink, and it's a really good one, but it was used in water designation proceedings. So this was actually from the record and it shows pretty, I think, accurately for conceptual purposes how Lanai, and this is the scale, okay, the elevation and then of course, distance, how you have this high level source of water in the middle of the island. So this hashed area and you have one. So for illustrative purposes, well four, well two and well one. Well one is, I think, the only one that goes down to the sea level. The others don't penetrate that as far. They don't need to because they're already into this very high levels of water, okay. And as you move to the coast, water flows because water is always on the move and it flows towards the coast, it gets into a more basal situation where we have there's definitely some contact with sea water. And you may notice in the high level no one has ever drilled through this to see where the sea water is and there's reasons for that. And of course, at the coast you have salt water. Fresh water floats on top of salt water; it's density, you know, simple science, yeah.

And one thing I wanted to point out is that -- and this is pertinent to some of the supreme court decisions and issues and concerns on the island -- was this Palawai Basin where you had wells 1, 14, 15, 10, and you have well nine and you have a bunch. But if you noticed this is a little bit lower level. It's still high level. You're talking about five, six, seven, eight-hundred feet above sea level, so that's very high above sea level. You don't see this in the other islands too much. Even the Big Island has -- they have high level, but they're not, you know, they're

certainly not 1,500 feet above sea level. At least the production wells that they're using and so forth.

But this, Mink called it the secondary high level. But what was unique about this area is that you had geothermal. We could observe geothermal activity in this area. And I have the, you know, the bars here that are just, you know, a little bit of animation there. But it causes this mixing. And what that does is it up-wells water and you know, like most geothermal wells because of the heat you got other constituents in that water. And the primary one really is the chlorides. I had been on Lanai when they were first drilling well 9. Actually when they were there drilling these, they would pump the water out and you put your hand under there it was like turning on the hot water faucet. It's really hot water. And the chlorides from that mixing were elevated in this area. So whereas in these high level areas water is always is everywhere in the island that's the case. But on Lanai, this high level area within the basin which is an old caldera still has remnant geothermal energy and the chlorides are elevated above the US secondary guidelines of 250. So something they are aware of.

I mentioned earlier typical cross sections of the other islands have much larger basal areas, yeah. And just to show you have in basal areas that's where they develop a lot of their sources on other islands because it's a, this area is a big storage area, okay. In some of the islands you have cap rock which slows down the discharge as water goes into the ocean and it builds up water levels, so like it's a dam. And you have tremendous mother-nature, you have storage capacity back here, and these wells produce a lot without much draw down. But this does float on top of sea water, okay. And there is a transition zone. And so what you need to watch out for in the basal is that, and we do this is our well standard is we limit the depths of wells so that they don't -- excuse me -- you don't want penetrate deep and close to that transition zone. Okay, you want to stay away from that because when you pump you cause some up flowing and you can start getting higher chlorides, too high. The second well on the right obviously has been drilled to deep. It's into the transition zone and you'll get higher elevated chlorides which is something you want to avoid to protect the aquifer but to also to protect the other wells. So in our standards we limit the depths.

This big one, or this deep one, is, goes all the way to salt water. That is what we use to monitor how, you know, how the fresh water, how the transitioning, where is the salt water. And we monitor those things. You know, we do it in Iao. That's a big water basket I guess you could say on Maui. Pearl Harbor, we have that in Honolulu as well. On Oahu, you know, a lot of the water from these basal aquifer is developed. Lanai is different. All the wells that you folks have over these comes from these high levels. And you can see the dike compartments, they'll intrusion from caldera rip zones. The storage components are much smaller than this bigger area, these fine flow areas. So when you pump, water levels go down, but then they come back. And it's all dependent really on the recharge, okay. It really recharges mauka. It rains in the mountain. It's sliding down by the beaches. And that water is flowing underground. So this depth at sustainable yield we have recharge. This 100 percent. That's -- we do water budgets. I'm not going to get deep into that. They've been done by the USGS in conjunction with UH and in rainfall analysis. You've got the, the transformation, soil moisture storage. A

lot of things going through the newer recharge estimates. But that basic idea is that whatever gets passed the soil surface and gets under, into, into the rock or the sponge if you will, and starts making its way down to the aquifer, that's where it starts collecting and making your island, our state, ground water resources. So 100 percent if you start with the inflow that's recharge. Now sustainable yield on Lanai, if you look at six and the recharge is nine, it's 67 percent, 66-67 percent. And what that means, sustainable . . . (inaudible) . . . what you can pull out on a sustain basis without impairing the quantity or quality of the resource as determined by the commission. Joy mentioned that perfectly. And what continues to the ocean is about a third in Lanai's case. In many, in many other areas it's half. Part of it is because up in this area you can develop more simply because you don't have this connection. Or at least we've never witness any connection of salt intrusion with the exception of the Palawai Basin and that geothermal activity.

So this is the breakdown, and I know it's a lot of numbers. But this is all those aquifer system areas, online. And I just, you know, there are sectors. And the systems are how we really manage by. And we do those water budgets, estimate sustainable yield within each one of those polygon units. Let's see, and this is some of the coastlines. I just put this in just to remind you the central is not connected to the ocean. The others are, okay. The first water resource protection plan estimated three and three for the leeward and windward, so total of six. 2008 water resource protection plan, the same thing happened. The D over I, I put them in to highlight that to really take out more water from high level aquifers than basal aquifers, and I use this, there's a thing called RAM. It's one of the highlights of the model. That would take a whole another hour to go into. So rather than do that, I thought this, this is how the plan works in a real simple way and it does have, you know, mathematical and scientific justification. The real key is the 2019 recharge numbers. If you go back to these other, actually in 2008 we had some numbers. But more of the recent rainfalls and . . . (inaudible) . . . estimations came out after 2011, 2013. And we incorporated those in those recharge numbers. And now we started having ranges of recharge as you can see. This five and 4.3 are actually the older, the original ones from 1990. So these numbers, the D over I, you would come up three and three. The newer numbers were much higher. Almost 16 million gallons, eight on the leeward, and there are even calculations for those lower portions of the island that are far away. They have high level in basal. So we have these ranges. And what I want you to notice is that the way the commission looks at this right now is through the cautionary principles, you have this range, and we have better information. But, what we do is we'll stay with, to be precautionary, we'll stay with the minimum of the range. So we're still using numbers from back from 1990 for that. But it is the minimum so we're still with this.

So across the board, since the inception, that first plan in 1990, it's always been six million gallons per day. It hasn't change. Some people may argue, hey, wait a minute. This is more updated if you go higher. But the commission says, well, you know, we can stay with the lower one and live with that, then we're getting pre-cautionary.

This is one of the graphic that came from the designation proceedings so just have a historical hook here. And this is part of the review when I was doing the numerical model. And just one

thing to note, I know that Joy, in her presentation, she had about this area. There was a data gap. But there was information prior all the way till 1926. And I know that because I actually went to the dusty plantation warehouses and dug through and found boxes and made copies. And this was-- these are copies, not the originals. But getting them, and all of those data in here is represented here in pumpage. So this is all the way up to that, that commission of 95. Yeah, the numerical model.

The blue line is the 12 month moving average. So that's, you know, average. Actually there's a, we call it the 13 MAV because as Joy pointed out there is a 28 day period. 13 times that, you're one day short of the year. And actually, it works very well. And so this is an average that's over the year. And you can see there's a couple of points to make. It's very low back here because this is when most of the water was coming from the tunnels and on the windward side. We didn't really have that much of a leeward. When they started drilling and they started expanding the pineapple above and beyond you know what mother-nature was providing and what the tunnels would provide they started pumping a lot, and you can the big variations in their pumpage. And what's interesting is it went even higher. And this is after they created drip irrigation. The technology out in the late 70's and 80's they started becoming more efficient. And you go oh gee, they've become more efficient why are they using more? Well, as they became more efficient, the yield started going higher. They started expanding to irrigate more acreage to make more pineapple. So sometimes, you know, when you become more efficient I guess your, your return on investment goes up and you start increasing to make use of that efficiency. So that's what was happening. And just at the end when pineapple was going out in the early 90's, those big variations were disappearing. That was indicating that agriculture was going out and it was starting to turn to more domestic systems. Okay.

We're also looking at water levels. This is just kind of zoomed in between the 90's and 2000. And these are from various wells; well four, well five, well two, well one. We looked at all of them. But just to show one of the more represented older wells, just to show how the water levels were varying in relationship with the pumpage. And so -- and this is again the 12 MAV, 13 period moving average. So water levels are pretty steady. You may have noticed in Joy's very detailed reports which are, you know, very good -- they've always been very good -- they have a high and a low. These are the high water levels. The low water levels are when the pumps are on, and I'm not showing it here. But if you were to look at the lowest level in the small compartments in the high level, you get big brought on, you see these spikes coming down. As soon as you turn the pump off it comes right back up. And this is more indicative of the health of the aquifer. Because when you turn on a pump, you know, you suck into the straw and there's also the compartments, you get well loses. You know the compartment doesn't have as much storage and it would go down, but it recovers quite quickly. So this is an imitation more like how much water is being recharge into all those small containers in the high level. So this is part of the non-designation decision. It didn't seem like anything was drastic where water levels were dropping . . . (inaudible) . . . and the resources at risk.

Things have changed from those boxes and papers, and hand, you know, sending it to us at the water commission in this. You know, we put in the data base as well as they did, the Lanai Company. And we have online water usage reporting. Joy went over this. It's on our website. . . . (inaudible) . . . presenting this presentation right from that. We have a site, and this is on our web as well. It's Lanai with all the wells. And we also have this total reported pumpage. And if you were to click on that you get, I think it ended, the graph I showed was in 1995. So here, from this point on is all the new data since the designation days, and we were having informational meetings, and designation had already been decided. So you can see the changes I've mentioned where the use wasn't as sporadic because you had these big irrigation needs, when it's really dry and the plants are dying, so you need to really water them. And it's typical, the difference between irrigation needs versus domestic needs, what people use, you know, rather than large agriculture.

And again sustainable yield is here in the red, six million gallons per day. These are the water levels, and these go all the way back to 1938. Some of the sources, yeah. And this is the general trend. You can see that there's these are down in the lower Palawai Basin area, and there's the mid, the mid-level, and then the really high level sources. And I guess you could say from way back, you know, 80, you know, we're getting close to 90 years there has been some decrease. Part of that is probably explainable by climate change, okay. And what's real important -- I know Joy mentioned it, but I didn't mention it in the, as far as one of the results for, to get the value of the ground model water -- is that is shows how important fog drip was. It actually turned out that fog drip was constituted at least 30 percent of the recharge above and beyond what is added to rainfall. So it's a real significant source. So the health of the, the health of the watershed is very important, and that's actually one of the follow up actions that the commission wanted to see more action towards protecting the hale. Because even if you have, the climate isn't change. If the plants aren't there to capture them, you know, the net isn't there to capture the fog, then it's going, you're going to see problems, and that might be a part of it too because we know that with the, with time the hale was not as healthy as it probably was back in the 30's or 40's. And I think, you know, the stories of Munroe planting those trees to capture that fog drip is very important, you know, event. So, anyway, this is the long term behavior of the high level water.

So now I get into the more detailed and this is the earlier eight conditions from the 1999 non-designations. So they're a little bit dated, and we've talked about much of this already. And, yeah, you just got to remember that this is before. Like, here we are today, what, you know, Joy presented, you know, 30,000, yeah. I don't know, when you're talking about you can see whether you have a leak in your house at what time of the day that's, you know, that's pretty detailed, and that's pretty good. So back then we didn't have all these smart meters and leak detection and that kind of thing. It really was a plantation. So, anyway, it was trying to get the company to do things . . . (inaudible) . . . you know 20, 30 years ago.

So the first one was require the company to immediately commence monthly water use reporting which is under the water code. And Lanai Company is, like I said, has been a gold star on that, so that, to this day, continues to be met.

Secondly, require that the company to monitor the situation that if the ground water withdrawals reach 80 percent of sustainable yield, that they would themselves, you know, say, hey there's a portion in the code that talks about the community needs to be, you got to start holding these public informational meetings. We're doing that right now. It's, you know, we're far from that amount, but we're doing it anyway. So, basically we're saying that, you know, public water involvement with Lanai Water subcommittee, LWAC, the Water Use and Development in motion, you know, that condition has been met.

We also asked about a water shortage plan. The company provided that. And I think they said, you know, if there was ever a shortage, the irrigation in hotels would, you know, have to go out first, and then the people themselves would, they'll hire a public trust.

Fourth, this is the annual public meetings that we held in October all the way up until the Water Use and Development Plan was done.

And fifth, to authorize the chairperson to institute water management proceedings if and when, and then here's the others. Static water levels of any production well falls below one-half its original elevation. That was another thing that came out of the numerical model. Mink had highlighted that as well. You could pull out, according to the numerical model, you could pull out six million gallons per day. Your water levels would drop to half way before they would start establishing an equilibrium.

So you had two different approaches. You had the RAM model, and then you had the numerical model. Kind of saying the same thing. More detail in the numerical model obviously, but, you know, that was generally, you know, something that everyone agreed, okay we don't really understand what's going on if water levels go below one-half, and we're not, you know, near sustainable yield.

Secondly, if any non-potable alternatives. They didn't have waste water treatment way back then. It doesn't come in fruition in full development at the time in 1990 continues come back and, you know, try to designate.

And last, when actual water use exceeds 4.3, that number was kind of just -- it was --. They were numbers. In the Water Use and Development Plan we have them now. We call them authorize planning use and I think that number is a little bit high. Actually to be honest I can't recall what the latest is on that. But this is the mark in the sand at that time 4.3 million gallons per day. If pumpage ever exceeded that the commission would come back and start reinstating designation proceedings. As Joy pointed out it's about one -- below two million gallons per day. Anyway, no part of that has -- none of these conditions has been violated, and actually have been met.

Now part of the reconsideration that came before from LWAC. Of course, the commission denied without prejudice again after all these things had taken place. LWAC was formed, and

for condition two that, you know, was -- that satisfied the commission. I mean we had been going back, having commission meetings about that. And I just added this where we just started these public information meetings in October. So I guess you could say, hey, this, this condition has resurrected itself even though the commission said, you know, good enough. And then accepted the Lanai Ground Water Report guide for decision making until the Water Use and Development Plan is adopted by the Maui County Council. Sorry. And that was done. And the Water Use and Development Plan was fully adopted in 2012, so that condition has been met as well.

The fourth and almost, almost being done with these actions, requested the County provide quarterly reports on the formation of the community -- these advisory committee. And again, this is Water Use and Development Plan. This LWAC satisfied these conditions. And of course, again, the adoption of the Water Use and Development Plan satisfies the intent of this condition.

Last and probably most important because we did talk about this quite a bit during the designation proceedings, but give progress reports on watershed management activities. It says quarterly here. I wouldn't say we got quarterly, but there has been a lot of action. There had been a report that was submitted back to LWAC that satisfied that condition back in 1997. But since then and as recently as January of this year, Pulama actually came out with a Pulama watershed report. And that was submitted, and actually our Division of Forestry and Wildlife has taken over this monitoring. And the report is Kuahiwi a Kai, the conservation program. It has gotten grant money to the tune of almost a million dollars to help with keeping the health of that aquifer so can gather, yeah, the fog drip, that important fog drip. That was, you know, one of the concerns of the water commission as well. So, yeah, this is the title of the report. So, yeah, the Forestry Division has been really picking up the ball and moving with this to protect the water shed.

Let's see, last but not least, there was also the LUC, and this is, I think, the subject that's going on with your item number, Item D. It's about the Supreme Court. I would say the LUC wasn't particularly keeping us informed though anytime they had a hearing on something regarding the water in Lanai they would call us over to testify in the contested case hearing and so forth. Anyway, in this year, after appeals and so forth of the decision, the 2017 decision -- and I'm sure you're familiar with that -- to allow high level wells that are brackish. They continue to serve the Manele Golf Course. The Supreme Court affirmed that back in May. I don't think that has been fully passed its appeal process yet, but that's where we're at.

Last but not least all of this should be, all this history should be institutionalize in any future Water Use and Development Plan updates. So, coming to the end here, where do we go from here? Actually it's this -- part of it is for discussion with you folks tonight. One of them is, well, we're committed and we'll continue with these annual public reports to the planning commission. There has been some recent well events with the permitting. There are regulations. I mentioned the well standards earlier. Well seven has applied for a pump installation. And wells -- they've been actually issued -- identify their contractor. Wells nine

and ten are actually through UH and that geo -- these wells are down the Palawai Basin on opposite sides, yeah, and they're exploring geothermal conditions. So they're going to coring, dig a little bit deeper. It's a little bit different than --. It's more expensive. They're trying to look at the geology and methodology much closer. We had asked how they're doing. These permits are good for three years. They have another year to complete the project. But this is really for a geothermal exploration to see what, you know, what's going on with that caldera.

You know, even though, you know, we get the gold star, nobody's perfect. Even with all those smart meters, and you know, the water audits, GIS, all that stuff is really good stuff, and above and beyond what the commission was asking. So Lanai Company has been doing a really good job in managing their system. But like I said nobody's perfect, and one thing we noticed is, you know, in the process of it just better reporting on water levels and chlorides or conductivity -- we accept that -- from the wells that are not pumping. You know you're not using them, you know, they're religiously reporting they're not using them, zero, zero, zero pumpage wise. But, you know, we would like to see what's going on with the water levels and chlorides inside those wells.

And then last, the latest in the water audits. Joy mentioned that and I won't get too much into that. So, those are some of the things when we go through . . . (inaudible) . . . to continue.

You want to know more about the commission we have our website. It has all of this information. I showed you water reporting for the entire island. What we get, we post. And so, that's really it, and that's our website. I'll provide a copy of this, yeah, to the Planning Commission after and you guys can look at it. I suspect we will post this on our website as well so to go paperless, as well, will go directly. So, I guess, question time for both Joy and myself.

Ms. Preza: Thanks so much Joy and Roy for your presentation, your very thorough presentations. I learned a lot. So commissioners before we ask questions, I do want to open public testimony so if anyone has signed up. Leilani, has anyone signed up to testify on this agenda?

Ms. Leilani Ramoran-Quemado: Thank you Chair. No one signed up for public testimony.

Ms. Preza: Okay. And is there anyone calling in via telephone that would like to testify? Okay, great, I'll close public testimony. Commissioners, do you have questions or thoughts for Roy or Joy about their presentation?

Ms. Kaye: I have a couple of really short ones I hope. For Joy, who's the third party that has been hired to do the audit? Maybe Joy's not here.

Ms. Gannon: So the first year was actually CWRM hired Water System Optimization. WSO I think is their name. And so it was an auditor hired by CWRM itself.

Ms. Kaye: Okay. That's all. That's good. And then I wanted to ask you what is the difference between a noise logger and sound logger? You said that there were going to be noise loggers. Was that actually to measure noise from the wells or pumps?

Ms. Gannon: Sound logger, noise logger, that's probably me just using different terminologies.

Ms. Kaye: Okay.

Ms. Gannon: But what it is doing is --

Ms. Kaye: No, I understood what you said that it's to find leaks.

Ms. Gannon: Yeah.

Ms. Kaye: I just wondered if noise was something different. Okay. So for Roy --

Ms. Preza: Sorry, Sally, I'm going to interrupt you real quick. Did you have anything else to say about the first question because I think you were going to say something and I'm interested in hearing?

Ms. Gannon: Yes. So the first year was hired CWRM. They hired an outside consultant to do the training on the program and to do the audits. And then after, I believe, starting next year it's CWRM staff themselves. So they've hired a person that is internal to their department. They'll be doing the audit.

Ms. Preza: Thank you. Also, Roy, if you wouldn't mind stopping sharing screen that would be helpful. Thank you.

Ms. Hardy: Sure.

Ms. Preza: Continue Sally.

Ms. Kaye: I just wanted to know -- I'm sorry if I missed it -- but how did we get from 15.84 from five mpd? Where did, where did the study or data come from that got you there? Sustainable yield?

Mr. Hardy: Actually, I think -- I turned it off the share -- but I could explain it by bringing it back up. But I think the 15 you're referring to is the recharge, the upper end of the recharge, and I think that's the windward side of the island of the central sector, the windward aquifer system area. And the data from that --. Oh, sorry.

Ms. Kaye: No, but you're saying recharge in an area where there aren't any wells currently drawing, right?

Mr. Hardy: Right. Right. Though, those, they're not discrete. Yeah, those aquifer systems it's a way of distributing say pumpage and distributing recharge. They can pull from each other we know that. So, it's just a way of trying to manage. That's a management scheme. Yeah, they're not separate individual containers, and you know, it's got to be that. It's just try to take what mother-nature is giving you in those particular areas. But brown water can -- it will move across boundaries.

Ms. Kaye: Okay. So and then just one more quick one. You mentioned wells nine and ten, the UH project, they had one year left on their permit. And the geothermal that they're exploring is that for commercial use or what? Do you know?

Mr. Hardy: No. I'm not sure of the details. I think, at this point, just, they're trying to figure out -- and this is in conjunction with other geothermal wells that they build under . . . (inaudible) . . . to find out what going on, just really with the islands. You know he was trying to do this similar thing in Kona as well. He was trying to do some of that as well. And they weren't for production wells. In Hilo he did the real deep, deep -- it was a couple of miles deep -- a lot of deep, buried fresh water aquifer. But he was doing it for geothermal to find energy. And I guess this is under, you know, there's Federal monies involved for, from the Department of Energy. So they're just trying to assess their resource. I mean, it may turn into something for geothermal, but I don't know.

Ms. Kaye: Okay. Thank you.

Ms. Preza: Thank you. Commissioners, do you -- other Commissioners, do you have questions? Joy, I was going to ask, will you make your slides available, your presentation available for us as well?

Ms. Gannon: Yes.

Ms. Preza: Thank you. And Roy, thank you so much for, you know being willing to come back every year. I think it's great that we're restarting these public information meetings because I think it's really helpful for Lanai people. I just had a quick comment on your slide with some of the designated areas, like the different land portions on Lanai. And you mentioned it was on your website. And I know you guys probably didn't create it because I noticed that you got it from somewhere else. But I noticed there were like three misspellings of the different places here, so I just wanted to comment that in case you folks want to correct that for future use.

Mr. Hardy: Yeah, it's off the -- yeah, it's off the older. I tried to keep it original. Yeah, some of them, yeah, their names are different now. They're from the original proceedings. I was just pulling original stuffs. Yeah, I'll certainly put on the latest or most current . . . (inaudible) . . .

Ms. Preza: Yeah. I think they must have gotten it wrong like when they did it years ago, but, yeah thank you.

Mr. Hardy: Yeah.

Ms. Preza: Great. Commissioners, do you have other questions? Chelsea?

Ms. Trevino: I just wanted to ask -- I think at the very beginning of your presentation Joy, there was an area where it showed Manele residence, I think, it said. And then it had the town and it showed the gallon usage, I believe. And I think it showed how many people -- you know, it had a number, like, Manele was 100-something versus, I guess, in town was a few 100. It seemed as though there was a significantly larger amount of water use for the Manele. And I'm just curious if that's residential only or . . . (inaudible) . . . ?

Ms. Gannon: So that was just -- it wasn't --. I broke it by customers. So the hotel is considered actually two customers because they have two meters; one high meter and one low meter. So the Manele Hotel is essentially two customers out of all of --

Ms. Trevino: . . . (inaudible) . . .

Ms. Gannon: Correct.

Ms. Trevino: Okay. Okay, then that makes more sense because I thought wow.

Ms. Gannon: Yeah.

Ms. Trevino: Okay, thank you.

Ms. Preza: Thank you. Commissioners, do you have other questions or --? Okay, if not, thank you so much Roy and Joy for your time and your presentations. I really learned a lot. I think we all did so we appreciate you taking the time to come and speak with us.

Mr. Hardy: Certainly. Thank you.

D. COMMUNICATIONS

Recent Hawaii Supreme Court decision on State Land Use Commission on the order to show cause regarding the Manele Golf Course irrigation. (Corporation Counsel)

This is for information purposes.

Ms. Preza: Thank you. Great, so I know it's getting late here, but I know Richelle mentioned that for the next agenda item, Item D, there is someone else here to speak about it so I do

want to get to that. And then we'll see what time it is and maybe we might need to defer some of the, if possible, defer some of the other agenda items that were not on here too late.

But item D is referring to the recent Hawaii Supreme Court decision on State Land Use Commission on the order to show -- or on the order to show cause regarding the Manele Golf Course irrigation. So I believe we have someone here to speak to us about it. I'm sorry I don't have a name on my agenda. Michael.

Mr. Michael Hopper: Yes. Good evening Chair. Michael Hopper. I'm a Deputy Corporation Counsel with Maui County. And Richelle asked me to show up on this item. I guess there was some interest in hearing about it. So I don't have a, I don't have any power point or anything. I was just asked to sort of summarize the decision and going into some background, so I can do that now if you're ready.

Ms. Preza: Sounds good. Thank you.

Mr. Hopper: Okay. Now I don't know -- I imagine a lot of you are probably familiar with the background of this case or at least some aspects of it. I'm going to go into a very brief history. And the reason I have to make it brief is because it sort of started in 1989. And I'm going to be leaving out details for the sake of brevity but if I didn't do that we'd be here for several days going over the whole decision so I don't want to going over the whole history so I don't necessarily want to do that.

But basically back in 1989 the land owners what is now Manele Resort sought their approvals from the State Land Use Commission to develop a resort and a golf course. And the State Land Use Commission which is a nine member body that makes land use decisions at the State level did grant the approval to develop the golf course and resort, but it put several conditions on the development. And one of the conditions on the development was regarding the water that could be used to irrigate the Manele Golf Course. Specifically the condition stated, or at least the relevant part of the condition stated:

“the resort shall not utilize the potable water from the high level ground water aquifer for golf course irrigation use, and shall instead develop and utilize only alternative non-potable sources of water, e.g. brackish water, reclaimed sewage affluent for golf course irrigation requirements.”

So that was the condition that the Land Use Commission placed on the irrigation of the golf course. And so after that the resort was, and the golf course were being developed, and the golf course was irrigated and the Land Use Commission ended up issuing an order to show cause because they believe there was evidence that the condition was being violated. The commission after holding hearings found that there was a violation of the condition and held that the condition intended to prohibit the irrigation of the Manele golf course with any water from the high level aquifer. This was appealed and eventually made its way to the Hawaii Supreme Court. That's not the decision I'm here to talk about. This was a while ago.

The Hawaii Supreme Court decided that -- the condition says you cannot use potable water from the high level aquifer. It doesn't say can use no water from the high level aquifer. It says potable specifically. And it said if the Land Use Commission had intended to prohibit the use of all high level aquifer water it should have said that. But it didn't. And so what the Supreme Court did was it said the Commission, the issue is whether or not potable water has been used from the high level aquifer for golf course irrigation, and remanded that back to the Land Use Commission to make that determination. The Land Use Commission got that from the Supreme Court and then appeared to say we think this condition is difficult to interpret. It hard to know what potable water is. Therefore we're going to amend the condition and make clear what the standard is for potable water that can be used for golf course irrigation. And they amended the condition. I believe they did it based on chloride content. However, that decision got appealed to the Intermediate Court of Appeals, and the Intermediate Court of Appeals held that the process that they used to arrive at that decision was flawed because it did not allow the interveners, Lanaians for Sensible Growth, an equal chance to present evidence and witnesses as they did the other participants. So, they again remanded it back to the State Land Use Commission. Remember this all stated in 1989.

The remand from the State Land Use Commission and I believe the 2016-2017 timeframe that's when I got involved. I appeared on behalf of the County with another deputy to represent the County in those proceedings. That got remanded back to the Land Use Commission and the task was again to determine if potable water had been used from the high level aquifer to irrigate the golf course.

After several days of hearings before one of the land use commissioners who was appointed as a hearings officer, the hearings officer came out with the report recommending a finding that the condition was not violated. The Land Use Commission held that the wording of the condition stated that brackish water was considered non-potable water. Because it said the, the resort could not use potable water and instead had to use non-potable sources of water, e.g. brackish water. And they also determined that there was a finding that the wells for the golf course irrigation, which were wells one and nine, contained brackish water and therefore there was no violation to the condition because that was the evidence they had before them as to what water was being used to irrigate the golf course.

The commission also found, and this will become more important, that the water being used to irrigate the golf course did not meet County drinkability standards. They also made that finding. Well that decision got appealed to the Hawaii Supreme Court. And the Hawaii Supreme Court, in just May of this year, came out with a decision that's now the controlling decision of this case. And they found several things. One thing that they found was that the Land Use Commission made an error when it determined that brackish water was considered non-potable water. They said that even though the condition contained that language that, e.g. brackish was considered non-potable, it said no, that's not what the commission meant when it passed this condition. What the commission meant was that the resort could not use water that met County drinking water standards for golf course irrigation. And just because

water is brackish water doesn't necessarily mean that that would not meet County drinking standards, drinking water standard.

So it held the commission, the Land Use Commission was wrong on that count. But, it did hold that there was evidence in the record that the water that was used to irrigate the golf course did not meet County drinking water standards. It would not have been deemed suitable for drinking by the County of Maui under the current law. And so it upheld the Land Use Commission's decision that there was not a violation of condition 10 of the condition.

It also held, however, that the State of Hawaii has an ongoing public trust duty to make sure that that potable water which now means water that meets County drinking water standards, is not used to irrigate the golf course. So they said, right now, the commission's determination that water that is being used for irrigation does not meet County drinking water standards is . . . (inaudible) . . . but that could change over time, and the State has a continuing duty to determine that. So that's what the Supreme Court decided. Again, that was just in May of this year and that's, that's the summary of decision that I have. And I'll try to answer questions as best I can. I was, I was around for a part of the contested case hearings before Land Use Commission, the more recent one. But was not around for the earlier ones. In 1989, which I don't know. I'm trying to think of where I was, but I definitely was not working for the County at that point. And again that's what I have and I can try to answer questions.

Ms. Preza: Thank you. So Commissioners, before we ask questions, I believe I'm going to open public testimony. Leilani, has anyone has asked to testify?

Ms. Ramoran-Quemado: No, no one has signed up to testify.

Ms. Preza: Thank you. Is anyone calling in via phone who would like to testify? Okay, if not, then we'll close public testimony. And commissioners, do you have any questions for Michael about this?

Ms. Kaye: I do.

Ms. Preza: Yes, Sally.

Ms. Kaye: Yes. So Mr. Hopper if you were around for Mr. Hardy's presentation he said that the latest decision affirmed the LUC -- affirmed the Company's use of whatever. My understanding of reading this decision is they found that the LUC was not in error in the decision that they made which is a difference. Would you agree? Because it was --

Mr. Hopper: Well I think they upheld the -- they said the LUC was wrong in saying that brackish water is per se non-potable water. But it did uphold, uphold their decision that there was not a violation of the condition as reinterpreted by the Land Use, as reinterpreted by the Supreme Court. So the Supreme Court --

Ms. Kaye: Sorry.

Mr. Hopper: The Supreme Court sort of reinterpreted the condition and said that it means that you can't use water that meets County, suitable for drinking standards. And also found that the Land Use Commission --. I'm trying to find the specific language in the case; it might help. But it did find that the Land Use Commission did not error in holding that, that, the County -- water that was suitable for County drinking standards was not used for irrigation of the golf course today. But it said in the future that could change depending on the change of the standards or if the water changes.

Ms. Preza: Okay. Does that answer your question Sally?

Ms. Kaye: I could spend an hour debating that, but yeah, thank you.

Ms. Preza: Yeah, I prefer not to spend an hour. It's getting late for everyone.

Mr. Hopper: I'd like to find --. I'd like to try to find, if possible, Chair, I'd like to try to find the language from the case to try to --. Yeah, it said the 2017 LUC did not clearly the air in concluding that the water in wells one and nine was non-potable under the County water quality standards. So it said, the 2017 LUC found that the water from wells one and nine would not currently be accepted as potable water by the County of Maui because of its chloride levels. And it cannot be said that this finding was clearly erroneous given the evidence in the record. It does say that the 2017 LUC therefore did not air in determining that the resort was in compliance with condition 10. However, the State has a continuing public trust duty to ensure the resort's compliance with condition 10 by evaluative -- sorry -- evaluative monitoring of the quality of water that the resort uses for irrigation in relation to the County water quality standards for drinking water. So that's how I read that decision.

Ms. Kaye: Perfect. That's exactly what I was thinking. Thank you.

Ms. Preza: Thank you. Commissioners, other questions for Michael? If not, thank you so much Michael for your time and for conveying the information to us so thanks.

Mr. Hopper: Thank you.

E. DIRECTOR'S REPORT

- 1. Information requested of the Department by the Commission at the Lanai Planning Commission July 15, 2020 meeting:**
 - a. SM1 1995-0015 Condition #14:
Context of the condition.**

**b. Kaluakoi Estates (SM1 2020-0002):
Brief description of proposed action.**

Ms. Preza: Okay, so we're moving into Item E, which is the director's report, and it is close to eight, so I was going to ask Jordan, if he's here, how long do you think these items would take, and if, and if possible, do you think we could defer them to next month's meeting?

Mr. Jordan Hart: We can definitely defer them and I could also give a snapshot version that we could talk about again or in more depth next time.

Ms. Preza: Okay. Well, Commissioners, what would you prefer? Just defer or do you want to just get a quick snap shot of Items E1, (a) or (b), or are we all drifting?

Ms. Kaye: I'd like to . . . (inaudible). . .

Mr. Ornellas: This is John Ornellas. Defer.

Ms. Preza: Okay, John says defer. Sally says she would like to know.

Ms. Kaye: No, defer.

Ms. Preza: Oh, defer?

Ms. Kaye: Defer. Yes.

Ms. Preza: Okay sorry, I thought you said you would like to know. Sorry. Okay. Great.

Mr. Hart: Chair if I could do one thing then. You know there was question about what was the Kaluakoi Estates project. One thing I would like to do is just paste into chat function the link to the applicant's presentation to the Urban Design Review Board which basically everybody can flip through and get the gist of what the project was. All I was going to do is basically give an abbreviated explanation of what it was, which was really not substantive because you're going to be basically formally reviewing shortly. So anyway I'll just paste that link into the chat function so any commissioners who would like to take a look at that in the interim have that information. It's publically available, and it's been presented to the Urban Design Review Board. So anyway I'm doing that now.

Ms. Preza: Thank you so much Jordan.

Mr. Hart: Thank you.

2. **Reports from Commissioner(s) who attended the virtual Native Hawaiian Law Training held on August 13 and 14, 2020.**
3. **State Office of Planning and American Planning Association (Hawaii Chapter) hosting the 2020 Hawaii Congress of Planning Officials Conference, a virtual lunchtime series, October 19-23, 2020, from 11:30 a.m. – 1:30 p.m. each day.**
4. **Open Lanai Applications Report as distributed by the Planning Department with the August 19, 2020 agenda.**
5. **Agenda Items for the September 16, 2020 meeting**

Ms. Preza: Okay, so if possible -- so Commissioners, are you okay with deferring Items 1, 2, and 3? Is that okay? Okay, I hear general consensus. There are open applications. I don't know if you have any questions about those. We get them every month. But if not then thank you all for being here, and this was a long one, but I think, you know, informational. And thank you Jordan for being willing to -- I know we asked last month for the information, so thank you for gathering it so quickly and sorry for deferring it to next month. So I think we'll all be in, you know, more focused hopefully since it's getting a little late.

But if that's it, then I don't know -- sorry, I didn't see Item 5 which is agenda items for next month if you are aware of anything that's on it.

Mr. Hart: Leilani, are you aware of anything coming forward right now?

Ms. Ramoran-Quemado: Yes, there are two public hearing items, bill for amendments for Chapter 19.35, and another one amending the comprehensive zoning ordinance relating canopy tours and zip line operations. And then everything else that was deferred from today's meeting.

F. NEXT REGULAR MEETING DATE: September 16, 2020

G. ADJOURNMENT

Ms. Preza: Thank you so much Leilani. So if that's it, then our next regular meeting date is September 16th, and we're adjourning 7:51 p.m.

Ms. Kaye: I'm sorry. Shelly? Shelly, one more question. Yes, Jordan, I tried that link and it's not working, so can you just tell me is that what was presented to the Urban Design Review Board or was it the minutes or what, what is that?

Mr. Hart: That is the presentation.

Ms. Kaye: Okay. So that's always been available. That's not anything new.

Mr. Hart: It has. And it's publically available just in case any of the other commissioners were monitoring it or following it. I just -- so you could know generally what we're talking about next time.

Ms. Kaye: Thank you.

Mr. Hart: Again, just to reiterate, obviously this is going to be coming to the commission as a formal presentation where there will be an in-depth analysis, but this is just an introductory piece of information.

Ms. Preza: Thank you. Okay, we're still adjourning at 7:51 p.m., so thank you all so much and hope you're taking care.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:51 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Sally Kaye
Sherry Menze
John Ornellas
Shelly Preza, Chair
Natalie Ropa
Chelsea Trevino, Vice-Chair

EXCUSED:

Shirley Samonte

OTHERS:

Jordan Hart, Deputy Planning Director

Lanai Planning Commission
Minutes -- August 19, 2020
Page 49

Jared Burkett, Staff Planner
Richelle Thomson, First Deputy, Corporation Counsel
Michael Hopper, Deputy Corporation Counsel