

**LANA`I PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 18, 2009**

**APPROVED 12-16-09**

**A. CALL TO ORDER**

The regular meeting of the Lana`i Planning Commission was called to order by Chair Sally Kaye at approximately 6:00 p.m., Wednesday, November 18, 2009, in the Old Lana`i Senior Center, Lana`i City, Hawaii.

Ms. Sally Kaye: Good evening everyone. I'm going to call the November 18<sup>th</sup>, 2009 Lana`i Planning Commission meeting to order. Let the record show we have quorum with Commissioners de Jetley, Zigmond, Kaye, Mano, Green, Castillo and Rabaino. As far as I know, Dwight will be joining us. Stanley is out of town.

**B. INTRODUCTION OF NEW MEMBER - DAVID GREEN**

Ms. Kaye: I'd like to introduce and welcome our new member who's taking Darlene Endrina's place – David Green, welcome. And before we go on to the minutes, I thought – actually Stanley and I talked about this – I'm sorry he's not here – that this would be a good time to just sort of review some of the Roberts Rules of Orders that we adopted last year to keep things running smoothly.

First, the maker of a motion after it's seconded has the first opportunity to address the motion during discussion. Each Commissioner may speak for or against the motion once after which other Commissioners may speak for before anyone gets a second turn. All Commissioners should at all times (inaudible) address the issue and not debate the person. Members of the public as well as Commissioners should focus remarks on the agenda item at issue while our Corporation Counsel will remind us that we are straying. If we want to impose a three to five minute time limit on public testimony we do so at the beginning of the meeting, not after the first person has gone on too long. So what we had decided to do was to think about this a meeting at a time and testifiers are always welcome to have a second opportunity to speak. And I'd like to add one due to some comments that have come up in the last couple of months. I'd just like to remind all of us that we're not appointed to represent any business, specific neighborhood, any special interest and we don't self-appoint ourselves to do so either. We're appointed to advise the Mayor and County Council on planning matters taking into consideration the needs, wishes, and desires of all Lana`ians, the entire community, in every matter that comes before us. Now we all bring a unique perspective, but we need to take care not to be perceived as representing any interest over another. With that said, I would entertain a motion on the minutes.

**C. APPROVAL OF THE OCTOBER 21, 2009 MEETING MINUTES**

Ms. Beverly Zigmond: Madame Chair, I move that we approve the minutes of the meeting of October 21<sup>st</sup>, 2009 with the corrections sent.

Ms. Kaye: Is there a second?

Mr. Gerald Rabaino: Second.

Ms. Kaye: Okay, any discussion, any additional corrections? Okay, all in favor?

Planning Commissioners: "Aye."

**It was moved by Commissioners Beverly Zigmond, seconded by Commissioners Gerald Rabaino, then unanimously**

**VOTED: to approve the October 21, 2009 Lana`i Planning Commission meeting minutes with the corrections as submitted.**

#### **D. COMMUNICATIONS**

- 1. MR. MICH HIRANO, AICP of MUNEKIYO & HIRAGA on behalf of the STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION and CASTLE & COOKE AVIATION requesting comments on the Draft Environmental Assessment prepared for the proposed Aircraft Rescue, Fire Fighting Station, Fueling Facility, and Hangar at TMK: 4-9-002: 041 (por.), Lanai Airport, Island of Lanai. (EAC 2009/0042) (J. Prutch) (Copies were previously mailed to the Commissioners. Members, please bring your copy to the meeting.)**

**The Commission may provide its comments on the Draft Environmental Assessment.**

Ms. Kaye: Okay, next on our agenda is the State Department of Transportation, Airports Division and Castle & Cooke Aviation requesting comments on a draft environmental assessment prepared for the proposed aircraft rescue, fire fighting station, fueling facility and hangar. I don't know who's going to go first, Mich or Joe. I do understand that this is here – Joe, I thought I'd just ask you a procedural question or two – this is here because former Chair, County Council Chair, Hokama requested it to come to the Planning Commission. Would it not have come to us otherwise for comments?

Mr. Joseph Prutch: Not necessarily because it is a DOT accepting authority so it doesn't

necessarily have to come here. I think it's usually in the best interest to try to get it here especially if they're going to come for some land use entitlements afterwards, they should come here, but it doesn't always have to.

Ms. Kaye: Okay, and then having said that, once our comments are in and we appreciate the opportunity to offer some, what happens? Where does it go?

Mr. Prutch: Your comments will be put together in a letter by me tomorrow. I forward those on to the applicant. They go ahead and they have to respond to your comments in the final EA?

Ms. Kaye: Will that come back to us or will we just notified of it so we could read it?

Mr. Prutch: You would be notified. It wouldn't come back to you. The Final EA would be accepted by the Department of Transportation, so they would be the final authority on it. Now if the project comes back to you – I don't know if there would be any entitlements to this – okay. Normally if the project came back to you, like in the school's case, as a TK or something like that – if that comes back to you, then we'll use the final environmental document as a background information document so you'd get it at that point. In this case, it wouldn't be coming back to you necessarily. If you wanted it, I'm sure we can get a copy to submit to the Commission.

Ms. Kaye: Well, I'm just concerned. I'm sure everybody here has spent the time required – and thank you very much for getting it to us a little early to have – to provide some intelligent –. Letty, I know, has a full list of questions on it. But when you leave here tonight, it sort of falls off the boat then. We don't –

Mr. Prutch: Well, what I can do on mine is when I send the letter out on your behalf, I can carbon copy the Commission so you'll get a copy of that letter, and then Mich and his group when they respond, could respond back to you guys as a carbon copy and maybe you can get at least their response to your comments that way. You may not get the entire final environmental document but you can get a response from them.

Ms. Kaye: Well when the final draft – this is a draft – when the final comes out, would we at least be notified that it's out there for public comment? Mich is shaking his head yes. Okay.

Mr. Prutch: Okay, so, he's going to go ahead and give a presentation and then my job at the end again is to – well, he'll answer whatever questions he can and if there aren't any answers to the questions that you do have, then I will take those down. I'll send your letter out on behalf, and he has to respond to those in the final EA.

Mr. Mich Hirano: Thank you very much Joe. Good evening Chair Kaye and Commissioners. My name is Mich Hirano with Munekiyo & Hiraga. Our firm is representing the State Department of Transportation, Airports Division and Castle & Cooke Aviation on the presentation of the proposed aircraft rescue, fire fighting station, fuel facility and hangar at Lana`i Airport.

I'd also like to mention, with me tonight, there are representatives of those agencies and company here. Captain Guy DeSilva is here. I'm sorry, Chief Guy DeSilva, and John Chin with the Airports Division – Department of Transportation, Airports Division is here – and Tony Marlow with the Castle & Cooke Aviation is here as well.

So I'd just like to go through the power point presentation. As Joe had mentioned, this is a draft environmental assessment. The assessment was published by the Office of Environmental Quality Control in the environmental notice on November 8, 2009. There's a 30-day comment period which ends December 8, 2009. And any comments that's received during that period will be incorporated into the final environmental assessment.

In terms of project need, the current aircraft rescue fire fighting, which is called ARFF for short, had been assessed by the Department of Transportation and it was found to be inadequate in size in terms of its vehicle base, inadequate to house the current fire fighting equipment and it was inadequate in terms of the storage facilities, the administrative facilities and training space within the current ARFF station at Lana`i Airport. In addition, the airport currently lacks general aviation fueling facility so there was a need identified for fuel for general aviation aircraft and in emergency situations to be able to provide fuel to commercial and government aircraft. And airport currently lacks hangar facilities, so Castle & Cooke Aviation thought that a hangar to house general aviation aircraft for long term and short term storage would be a project that would fulfill this need. The proposed action involves –

Ms. Kaye: I'm sorry Mich, if I could interrupt. Joe, I think we need one light so we can take notes. Sorry.

Mr. Hirano: The proposed action involves an aircraft rescue fire fighting station, ARFF, and this will be developed by the State Department of Transportation, Airports Division. And this will replace the existing inadequate ARFF station. The aviation fueling facility will be operated by Castle & Cooke Aviation. It will be developed by Castle & Cooke Aviation, and the airplane hangar will also be developed by Castle & Cooke Aviation. Castle & Cooke will lease the site, or the land, for the aviation fuel facility and the airplane hangar from the Department of Transportation, Airports Division.

And then the related improvements will be driveway improvements, infrastructure extension, there will be an extension of the water, the sewer line and utilities. And these

will be shared respectively for each part of the development by State DOT for the ARFF station improvements, and Castle & Cooke Aviation for the fueling and airplane hangar facilities.

I guess Kaunapali Highway – everyone knows where the Lana`i Airport is, I hope. It's a State DOT owned facility. This is a more detailed kind of site plan of the area. Kaunapali Highway. There's a driveway or access road into the airport. You come into a parking lot. There's a terminal. There's a cargo building as well as the current aircraft rescue and fire fighting station off to the west of the terminal. There is also an individual waste water treatment, or septic tank, and leach field that handles the waste water for the airport. And there's a water tank which is used for fire fighting facilities. This, again, the land, it's a single runway airport. The runway is approximately 5,000 feet in length.

In terms of the more detailed site plan, as you can see, this is the access road into the airport. No. 1 is the parking lot. No. 6 is the existing terminal. There is an aircraft parking area just in front of the – yeah – after the terminal. We have some administration buildings. This is the current aircraft fire fighting facility which is No. 4, and beside the ARFF station is the cargo building. The proposed ARFF station, hangar and fueling will be done to the west of the cargo building. This is the approximate location of the ARFF building. This is the approximate location of the hangar, and this is the fueling facility. Here is the water tank just to the top of the hangar. And this is the new ramp that was just completed. This is the area of the new ramp. So the fencing will be extended around the new facilities for security purposes.

Again, just some site photographs. This was taken at the time that the ramp was being constructed so there was some extra grading in and around that area. As you can see this is where the new ARFF station will be located. It's fairly leveled, very little brush to clear, and this is the existing water tank. It's approximately 120,000 gallon water storage for fire fighting. These facilities are owned by the Department of Transportation, Airports Division. Everything that's on the property is owned by the Airports Division. So the Lana`i Water Company provides water to the airport through a water main. There's a 2 ½-inch meter to service the airport, and then all the infrastructure distribution of that water is owned by, and developed by, State DOT. So these facilities will be just receiving water through the extension of those services in the airport. This is where the hangar will be located, and just beyond the hangar, in this area, is where the fuel facility will be located.

This is just the floor plan of the new ARFF station. There are three kinds of sleeping rooms for the crew. Generally, you know, the crew has been operating from one to two fire fighters per shift. This is the vehicle bay – 1,500 gallon capacity fire trucks. There are two of them. There will be doors that will lift up at this location, and there will be doors at this location as well. This is the internal fueling facility for the ARFF station so trucks will be able to drive around through this parking bay. There is a kitchen, training room, a watch

room, wash rooms for the crew, workout facilities for the crew, changing room – I'm sorry – laundry facilities, as well as storage. The overall building is approximately 7,000 square feet. As Captain DeSilva had mentioned to us earlier, this facility will also be used for emergency purposes for emergency throughout Lana`i, so it will double as an emergency facility. So this is an important facility for safety, not only for the airport, but for the island.

Again, this is an elevation of the building. As you can see it's about a 30-foot tall building. It's single-story. There has to be certain clearance requirements by the Federal Aviation Administration that determines the height of this building that is above the – in the area where the fire trucks are parked. And this is where the watch room, the kitchen and all of the internal rooms for the fire station. And then this is just another elevation from the west, looking at the building. This is just a hangar perspective. As you can see it's a large building, approximately 25,000 square feet. There will be some administrative offices off to the side of the building, and wash room, and a lobby area. And this will house general aviation craft, and private craft, for long and short term storage.

And then this is the fueling facility. It involves three tanks, basically, sitting on a concrete pad. This dimension is approximately 60 feet by 40 feet. There will be a 15,000, or two 15,000 gallon jet fuel tanks, and a 3,000 aviation tank, gas tank. These tanks are doubled lined. They're fire proofed. You know, they're designed for specifications that have fairly high standards for fire prevention and for leaking. This is an access ramp and parking ramp, so basically what will happen is large container fuel tanks will come to fill the tanks up. Then there will be a 5,000 gallon truck – a truck with a 5,000 gallon capacity tank that will take the aviation fuel, put it into the tank, and then fuel the aircraft from here. And the access ramp is designed to contain the spills, so they're spill containment designed with the fueling facility.

Project assessment was done. There was an archeological field inspection that was done by Cultural Surveys Hawaii, and a cultural impact assessment by Cultural Surveys Hawaii. And as you can see from your documents, they were included in the draft environmental assessment. Archeological and cultural recommendations include the following three, or two: on-call archeological monitoring was recommended during construction of the ARFF and hangar. This archeological plan would follow the current monitoring plan that was adopted for the Lanai Airport Master Plan Improvements, and that was the monitoring plan, as well, that was carried out when the new ramp was constructed. The assessments concluded that adverse impacts to cultural properties or practices are not anticipated by these improvements.

In terms of infrastructure improvements, the facilities will maintain the existing overall drainage master plan improvements. There is an overall drainage master plan for the airport and there's a detention basin that's to the west of the runway. And the new facility's drainage system will just tie in to the existing airport drainage. So it would direct the storm

water run off from those areas that will be developed to the existing drainage collection system, and then will be discharged into the onsite retention basin. There was an upgrade that will be required for the leach field. The engineering assessment indicated that the leach field is inadequate to handle the ARFF expansion so they recommended just a larger leach field. The septic tank was found to have enough capacity to handle the additional waste water flows. And then in terms of fire fighting, the current operations and the State DOT Airports Division will be upgrading the existing fire pump as part of the capital improvements. And if required, they will make those changes and renovations to the fire pump to meet the fire flow requirements. And this fire pump is really onto the fire system and the stand pipes and fire hydrants that are off of the State DOT Airports fire fighting system at the airport.

The conclusion, the proposed improvements are in compliance with the zoning. The Lana`i Airport is zoned airport. It's within the development standards of an airport zoned property, and these are typical uses at the airport. The overall airport site is approximately 500 acres. The airport was built in the early 1940's so it's been an existing airport for 70 years – close to 70 years – so it's really just in line of what you would normally see at an airport. It's anticipated – the environmental assessment anticipated finding of no significant impact from the proposed improvements.

In terms of the environmental laws of Hawaii, it's chaptered in Chapter 343 of the Hawaii Administrative Rules, or of the Hawaii Revised Statutes. So the draft environmental assessment was published November 8, 2009. There's a 30-day comment period which ends December 8, 2009 and those comments will be incorporated in the final EA. We'll send the final EA to the library. We can have a copy sent to the Planning Commission. But your comments that will be provided tonight will be incorporated into the final environmental assessment and a response letter to those comments will come back to the Commission. Thank you.

Ms. Kaye: Thank you Mich. If we could have – thank you John – some lights and then we can move on. Joe, you're just going to take down what we say. And now we move into questions Commissioners for Mich on the presentation.

Mr. Prutch: Yeah, I'll take down the comments as you go along, and of course, you do accept them as the Commission not as separate. So when you get towards the end, you'll have to agree on which comments you want to send forward as a Commission. And in the mean time, of course, you've got Mich here to answer whatever questions you might have.

Ms. Kaye: Yeah, I know, I have more questions than comments at this point. Commissioners, I don't know what your pleasure is. If you just want to go down the row or just take turns or just ask your questions as they occur to you? Okay, I'm not seeing any preference so Commissioners questions?

Ms. Zigmond: Madame Chair? Mich, I have a few questions that may or may not end up in comments. The necessity for the upgrade of the ARFF facility, we certainly wouldn't want them to be not in compliance, but anyway, on page 9, it talks about the FAA doesn't include a requirement or discussion related to the use of leadership and energy and environmental design, but it says that notwithstanding that these things will be considered. I was just wondering if you could expand on that a little bit? What's gong to be considered for the energy?

Mr. Hirano: There will be solar. There will be solar water heating, as well as the insulated – the roof and the walls will be insulated to reduce heat transfer. And again the equipment will be energy star rated equipment. So those are the features that are being incorporated in the design.

Ms. Zigmond: Thank you. I have a whole bunch, but I won't hog the mic. Let me ask another question on page 12, it's talking, the first paragraph, talking about the projections and it says that as far as the fuel is concerned.

Mr. Hirano: Yes.

Ms. Zigmond: I was just curious how those projections were determined?

Mr. Hirano: I'd like to ask Tony Marlow who is the General Manager of Castle & Cooke Aviation to provide the information. Tony?

Mr. Tony Marlow: Hi, I'm Tony Marlow, General Manager, of Castle & Cooke Aviation. I'm based actually in Honolulu. To answer your question, our projections were based on current traffic levels at the Lana`i Airport. What we did is take historical traffic levels of airplanes that we would qualify to fuel with the fuel facility and we extended that out over basically a 10-year period for our business case. So we considered a very small amount of growth actually over the current traffic levels in putting together our economic case.

Ms. Kaye: Yeah, what are your current traffic levels?

Mr. Marlow: Well the projections that we have actually would have approximately one aircraft per week in the first full year of operation, and then by the 10<sup>th</sup> year we'd actually be at about 2 ½ aircrafts per week.

Ms. Kaye: So how many per year currently coming in? Private aircraft?

Mr. Marlow: Well, that would be roughly 50 aircrafts per year that we would be fueling based on the current traffic levels. And then in year 10 it would be a little more than double that, so it would be about 120 aircrafts.



Ms. Zigmond: Alright, I'll just take one more and then I'll wait for my next turn. On page 32 it talks about estimated water for both the hangar and ARFF, and it says 4,080 gallons per day for the hangar, and 650 gallons per day for ARFF, and I just thought how that came about if the ARFF facility is going to have more than one person there that's going to need shower, and toilet and cooking and all that, and a plane needs that much more water?

Mr. Hirano: The ARFF calculations came from the civil engineer for the Department of Aviation and they were looking at fixture counts and that's how they came up with the ARFF calculation as well as landscaping. The hangar estimate was a very conservative estimate and it was basically using the area calculation, and it was using the light industrial kind of standard which was 6,000 gallons per day per acre. And taking the station, the fueling facility and the floor area of the hangar, it came to, you know, that fraction of that acreage of 6,000. A more accurate estimation would be a fixture count analysis, but that was not available.

Ms. Kaye: I have a follow up question then.

Mr. Hirano: Okay.

Ms. Kaye: 4,000 – I was sure this was a typo. I'm stunned to see this is accurate. So that comes out to 1.4 million gallons a year, and that's not accommodated in the water use and development plan, I don't believe. So are you going to contact the Department of Water Supply on Maui?

Mr. Hirano: We will be – this draft environmental assessment has gone to the Department of Water Supply. It will go to the Lana`i Planning – the water company – and that we'll get those comments back on, you know, what may need to be done. And those projections may be defined based on the information we see. And it may be refined by further civil engineering analysis on the hangar.

Ms. Kaye: Okay, could clarify what would the water be used for? I understand it's standard.

Mr. Hirano: No, the water really – but there will be minimal use projected for the water. There's just a wash room facility. There will probably be two wash rooms, and an ice machine. Tony, you want to talk about that? Yeah, very little sort of fixtures.

Mr. Marlow: It's an excellent question and we just did an engineering analysis. We don't have a detailed design of the building, but it's our belief that we'll have two toilet facilities and an ice maker in the hangar so that 4,080 gallons is an estimate far above what we actually anticipate. And in fact, I believe that the number will actually be less than what the ARFF will consume, so our consumption actually at the hangar will be very minimal.

Ms. Kaye: Yeah, I think for the sake of the final I would hope that those numbers would be because 1.4 million, just out of the air, is a huge amount of water to just say is available unless you're washing the plane.

Mr. Marlow: Right. No, we concur, and we would not be washing the airplanes. And in fact, that's sort of a whole other issue with drainage, and catch basins, and other things that typically is not dealt with in a hangar. So no, there would be no washing or maintenance of airplanes.

Ms. Kaye: Thank you.

Mr. Marlow: Yeah, no problem.

Mr. Rabaino: Tony, on this page 9, yeah, when you use the term natural ventilation, no air-conditioning?

Mr. Marlow: I don't have that in front of me. Is it referring to the hangar building itself?

Mr. Rabaino: Well, where the firemen are going to be located.

Mr. Hirano: That's the ARFF station.

Mr. Rabaino: ARFF Station. Don't run away Tony.

Mr. Hirano: Captain DeSilva?

Mr. Guy DeSilva: Hello, my name is Guy DeSilva. I'm the Fire Captain at the State Airport. And the natural ventilation, it will be within the stalls to exhaust – when we turn on the trucks, the diesel, the exhaust – usually we'll roll up the two doors or open whatever system. But within the ARFF station, in the stalls, we're suppose to have a mechanical exhaust system to draw the exhaust, the diesel exhaust.

Ms. Kaye: So Gerry was your question is the facility going to have air-conditioning?

Mr. Rabaino: No.

Ms. Kaye: Okay.

Mr. Rabaino: Well, yeah, but my next question is on page –

Captain DeSilva: The stalls not going to have A/C, but with the living quarters, the office, that will be A/C.

Mr. Rabaino: Okay. That's different. On page 9 on the second paragraph – actually, the third paragraph – you have the two type of Jet-A fuel and a single 3,000 gallon aviation fuel. Educate me, what is the difference between Jet-A fuel and aviation?

Mr. Marlow: Jet-A fuel is a type of diesel fuel that's actually used in Island Air, as an example, and most emergency helicopters, fire fighting helicopters, and most general aviation jet aircraft. Av gas, the smaller tank, is used in smaller propeller driven airplanes whose engines work much like your car engine. So it's very much like automobile fuel as opposed to diesel fuel.

Mr. Rabaino: Okay, so in other words you're looking at Cessna planes coming in which is propellers?

Mr. Marlow: Right, exactly. That is the difference. Yes.

Mr. Rabaino: Okay, the other – where am I now? For the terminal side, yeah, if I'm looking at this pull out – I don't know if that going for Mich, but you have where the administration office is, if I read correctly – I should have marked my page better – you're going to have a waiting area. How big is that waiting area? Is it per jet? Because sometimes we have two jets come in during the week. A private jet by homeowners come in as well as other jets come in. So that administrative office is separate from the lounge where the passengers going be waiting – holding?

Mr. Marlow: Right, the lobby would actually be the one closest to us.

Mr. Rabaino: That long one over there?

Mr. Marlow: Yes. That is right adjacent to the ramp itself. And then there will be restrooms and probably two offices behind that – it's like a conference room – exactly. And that whole structure is roughly about 2,000 square feet, so the lobby would probably be half of that or a little bit less. So it's actually a relatively small space.

Mr. Rabaino: Okay my next question for you Tony is TSA going be in there or no? Or any other type of security?

Mr. Marlow: TSA is not required actually in general aviation facilities but access control is required and in fact that would be mine and my staff's responsibility for access to the ramp.

Mr. Rabaino: Okay thank you. Mich, you said you have existing fire pumps. The existing fire pumps – how many existing fire pumps you have at the airport currently?

Mr. Hirano: Two. Can I ask John Chin? You want to come up to answer that? There are

two fire pumps.

Mr. Rabaino: Okay, when you said the existing pump, you said you going upgrade it?

Mr. Hirano: If required, yes.

Mr. Rabaino: Okay, what is the upgrade from the current pump? Is it a better –

Mr. Hirano: It will basically be a repair job because the pump is leaking right now and it doesn't provide the adequate fire pressure. So if more is required they'll upgrade and repair the pump and fix the leaks, mostly leaking.

Mr. Rabaino: Okay, my last question. You said shared current buildings – with the new one coming up and the existing, what do you mean by shared? Because you're having jet versus commercial which is all passenger like Island Air.

Mr. Hirano: Commissioner Rabaino which page was that shared facility?

Mr. Rabaino: No that's what you were –

Mr. Hirano: Oh, I said they would share the cost in extending the water line, the sewer upgrade and the utilities – the power, the electrical.

Mr. Rabaino: Okay, you mean the State and the Company or the Feds and State?

Mr. Hirano: The State Department of Airports and Castle & Cooke Aviation – there will be infrastructure requirements for these facilities and they will both be paying for those facilities or to extend the infrastructure to their respective project area.

Mr. Rabaino: I'm curious with this last one. Do the private jets when they land on any airport throughout the State and maybe throughout the nation, do they pay a set fee for landing? Landing fees?

Mr. Marlow: Another great question. Yes they do actually and it's my responsibility to collect that and then remit to the State, and the landing fees are based on the size of the airplane, actually the weight, so smaller airplane pays less, bigger airplane pays more. But, yes, every landing requires a fee.

Mr. Rabaino: Okay, so, in other words, you're saying one to five going to be in the hangar, and you said by the size. Let's say the hangar is filled with three planes and you have a big one coming in, bigger than the two existing ones parked there, what is your guys protocol on that?

Mr. Marlow: Well then an airplane that couldn't fit into the hangar would be parked actually on the ramp which is about three acres in size, and that's owned by the State, and the State get fees from that as well.

Mr. Rabaino: The monies that's collected from the landing fees, does it goes to the State or remain for the island of Lana`i for airport improvements?

Mr. Marlow: Well, it goes –. I can't speak to where it goes once I remit it to the State DOT, the Airports Division. I'm not sure how it's then partitioned out beyond that. I can't answer that.

Mr. Rabaino: Okay, thank you.

Ms. Kaye: While you're on that slide if I could just ask a follow up question. This, I noticed, going through this entire packet there's no mention of space. It's consistently described as 25,000 square foot hangar, but no where else except for what you've just said now and this photograph does it show that there's an administrative add on of additional square feet.

Mr. Hirano: This is included in the draft environmental assessment.

Ms. Kaye: So the 25,000 square feet includes the administrative space as well?

Mr. Hirano: Yes. Yes. The total area.

Ms. Kaye: Okay, because on your schematics, it just shows the hangar as a big block. It doesn't show that add on.

Mr. Hirano: Yes. But, you know, we say the hangar will have a large open area to store aircraft and an area for offices and washroom facilities. Well that's how it's described.

Ms. Kaye: Okay.

Ms. de Jetley: I think this project is long over due, but I did have a question. Is there a financial advantage for planes to refuel on Lana`i rather than going to Maui or Oahu?

Mr. Marlow: There is and there's a big safety advantage as well. There's really two elements. One is convenience, to make it easier for the airplanes to come directly to Lana`i and then head back to the mainland without stopping again. And that saves the companies that operate those airplane money and an additional landing as well as additional fuel to make that additional stop. So there is an advantage in efficiency basically. And then from a safety perspective the most dangerous part of flying is taking off and landing, so eliminating one additional stop not only eliminates emissions and pollution and green house

gases associated with operating airplanes longer, but it also makes it a safer trip home. So it saves them money and it makes the trip safer. It also makes it more convenient and should attract – be an attractive element to folks that may want to come to Lana`i.

Ms. de Jetley: I had one other question on that. So does this mean then the Department of Ag inspectors will inspect each incoming and outgoing flight?

Mr. Marlow: Well, no, they're actually –. I am allowed as an aviation provider to do the inbound inspection, but an out bound inspection does have to be done by Ag, yes. So that would be a requirement for mainland departures. If it's an international departure or somewhere else in the Pacific then that's not required. But, yes, for U.S. mainland that would be required.

Ms. de Jetley: Do you anticipate international flights coming directly to this island then?

Mr. Marlow: We're hopeful yes, and it would allow international destinations to be served, but there's still custom issues that have to be resolved. Ag for U.S. mainland is, as you know, quite easy, but it should open up some potential additional customers that may not consider coming directly.

Ms. Kaye: Can I ask a follow up to that?

Mr. Marlow: Yeah.

Ms. Kaye: To Alberta's question. The ag inspection is now set in the terminal so you're going to have them come – you would have a departing jet person put their bags through that?

Mr. Marlow: Well, it actually depends on how ag wants to accomplish it. At my facility on Honolulu, I'm on the opposite side of the airport of the rest of the terminal facility, so the ag inspectors actually get into their vehicle and they drive to my location. In this particular case, it may be handled slightly differently because of the close proximity. But again that's up to Ag to decide. In my case in Honolulu, they elect to come to my facility as they do for my other competitors as well.

Ms. Kaye: And how much traffic do you have in your facility in Honolulu?

Mr. Marlow: We do, again, it varies a bit. I do have a hangar, a large hangar, about the same size of this. I have four airplanes in there now, and they travel with some regularities. So I run any where between four and 15 flights a week. It really just depends upon on my tenant activity. As an example today, I actually got four departures from my Honolulu facility, but it's kind of a busy day. So on average, we probably run about one per day.

They don't all go to U.S. mainland so it doesn't always require ag inspection. In fact, many of them don't. But many of the arrivals are international and they require customs inspection. And if they are mainland bound, like two of my flights today, then they do take an ag inspection as well. And Mich mentioned one other thing that I'll just mention as well as a follow, and one of the other features actually, in addition to serving the jet fuel required airplanes is the helicopters and fire fighting aircraft that may need fuel here on Lana`i that if fuel doesn't exist here, they have to go Maui or somewhere else to get fuel which takes them off station for their emergency duties. Same with Hawaii Air Ambulance is a tenant of mine in Honolulu and they buy fuel at all their stations. Depending on their load, they may have the ability to buy fuel here as well as part of their emergency evacuation process.

Mr. Dwight Gamulo: Let's see, these fuel tanks for fueling the jet, there's two 15,000, a 3,000 – these are all above ground yeah?

Mr. Marlow: They are. They're above ground. They sit on a concrete pad.

Mr. Gamulo: And then you're going to use trucks to fuel jets. And what about the small aircraft – you're going to have another tank for that?

Mr. Marlow: Well, actually, we haven't really decided. There's two ways to do that. It can be done by self-service fueling which is really actually quite common throughout the islands for av gas. Meaning that the airplane just is relative close to the tank, and then you roll out a hose and you do it yourself, and you swipe your card. It's kind of like you do with your car. The jets don't lend themselves to that, so that's why it would, for sure, require a truck.

Mr. Gamulo: The aircrafts are going to be able to get close to that 3,000 gallon av gas tank?

Mr. Marlow: Yes. Yes. For purpose of refueling, there's no problem with having them within that area.

Mr. Gamulo: Okay, and then where's the fueling facility for the fire station? You guys have a small one there now. Are you going to move that?

Mr. Hirano: I think it's figure 4 in the draft EA. I think this is the area here where there will be some fueling facility in this part of the fire station.

Mr. Gamulo: Is that the new one or is that –?

Mr. Hirano: This is the new one.

Mr. Gamulo: That's the new station.

Mr. Hirano: Yeah.

Mr. Gamulo: So what happens to the old one? What are you going to do with that?

Captain DeSilva: This proposed one is for the ARFF station itself because in that area where he pointed out, that's all our re-servicing our water, our fuel, our foam, our dry chemical. That will be our fueling station. The current one we have now, that will be for the rest of the airport operations, for the maintenance, for their fueling. Because I believe our fueling is going to also be hooked up to our own emergency generator for the fire station.

Mr. Gamulo: Okay. And then for accidental spill, who's going to do the clean up? Is Castle & Cooke going to?

Captain DeSilva: In the Hawaii Administrative Rule, 19.37, it's called fuel servicing at airports. In there, the party that is responsible for the spill, they'll be responsible for the clean up. But in the initial response from the emergency, it will be us, and if they are unavailable to take care of the spill because of the size, we would mitigate, keep it in check, but it will go back to who caused it, who owns the facility, that the State DOT will go after for reimbursement of equipment and clean up.

Mr. Gamulo: Thank you Captain.

Ms. Kaye: Don't run away because Stanley – even though he's not here tonight, I ran into him this morning, he had a question. In your proposal here you say at page 5 that the old ARFF will be converted to aviation related use, and he wondered what that might be. Converted by whom to do what?

Captain DeSilva: The current talks amongst – once we leave – this facility is built and we leave the facility, the plan amongst the airport – I was talking to operation, that will become their building to store their equipment that currently they leave outside. So it's to store all their lawn mowers and their trackers I guess. That's the talk we've been having between the operations side.

Ms. Kaye: Thank you. Dwight?

Mr. Gamulo: Yeah, the containment area . . . *(Changed cassette tape)* . . . your 8,000 gallon is 33,000 gallons that can be stored in these tanks. Is that the way it's usually done?

Mr. Marlow: Yeah, the tanks themselves actually don't require by EPA regulations don't require containment themselves because they're double walled concrete lined so they're considered to be spill contained themselves. So what you see here for the 8,000 gallons



is actually the loading area where we would actually load from the vessel, or the tank, that comes from Honolulu – right, this area here – and that’s actually where we would park the truck. So when it’s sitting static, although not required by EPA currently, we designed this so that we can park the truck in it because there will be periods when it’s unattended for, it could be even days at a time. So we wanted to ensure that in fact there was a place if a spill happened when no one was at the airport that it be contained automatically. 8,000 gallons is our estimate on the size. It has to be more than the largest container that would be within it. And the iso container that the fuel would come from Honolulu in – if 6,000 gallons is the truck that I would have is 5,000 gallons so it gives us excess capacity.

Mr. Gamulo: Thank you.

Mr. David Green: Can I ask a follow up question? You said the fuel comes from Honolulu. In what size tank and where is that – how does it get here and where is it stored?

Mr. Marlow: Okay, excellent question. It will come from Honolulu via an iso container that is essentially a shipping container made for flammables and it holds approximately 6,000 gallons. It will actually come over on a trailer basically, a chassis. It would be put on a barge in Honolulu, it will be shipped over here, come to the harbor here, be pulled off and then trucked up to the fuel storage facility at the airport. At no time will it ever be opened from when it leaves the refinery. In fact, it actually gets sealed for quality purposes. At no time will it ever be opened until which time it’s at my facility here where my personnel will actually break the seal and load it into the tanks. Does that answer all your questions actually?

Mr. Green: Does one iso container satisfy these tanks or is it bigger than the tanks?

Mr. Marlow: Right. Good question. Yeah. No, the tanks are bigger than one iso container so when we first put the facility into service it will actually take four, essentially four containers the first time through. And in fact, we have to test them when we first put them into place because they’ll be 15,000 gallons each, so we’ll put two iso containers in each one and then the truck will be 5,000 gallons. So on an ongoing basis, we’ll bring containers over as we consume fuel through delivery into airplanes. So the iso container will never actually be stored other than moving from the harbor, to the airport, and being unloaded into the tanks. So the tanks are designed for permanent storage. The iso container is just for transportation.

Mr. Green: And do you store the jet fuel or other fuel in the truck itself?

Mr. Marlow: Yes.

Mr. Green: And does it have – what kind of tank does that have on it? It is double walled,

et cetera?

Mr. Marlow: It's not, nor is it required, or is it typical for it to be double walled. But that in fact is the reason that we build containment that it will be parked in. So it's not even yet an industry best practice, but Castle & Cooke feels that it's best at a remote location like this that won't be staffed 24-hours a day that we have extra containment above what's required by the law.

Mr. Green: Thank you.

Ms. Kaye: Can I –? These questions are all so good, I keep thinking of things I haven't thought of. How about the barge – relationship with Young Brothers – how many containers are you permitted to put on one barge and is there a relationship now with Young Brothers to bring over that kind of fuel, that amount of fuel?

Mr. Marlow: For Castle & Cooke Aviation directly no. We've not actually shipped over water any fuel currently because my Honolulu facility doesn't require it. We actually just get it from a large fuel farm directly into our trucks, so we just drive back and forth. With regard to the capacity, capacity is just whatever is available on the barge. It's unlikely that I would ever ship more than two containers at a time which is really actually quite small for Young Brothers to do. When we initially start the tanks, we'll probably start with two, with just one container for each tank and then we'll top them off with two more the next week. So capacity really for this purpose is pretty small and it shouldn't be an issue.

Ms. Kaye: I guess I should pose the question maybe a different way. Have you had a conversation with Young Brothers that they will accept this?

Mr. Marlow: Yes. Sorry, I didn't understand, but, yes, actually. And it's quite typically for all of the fuel, actually, at Lihue, at the airport there, it is all shipped. And so we're actually just replicating a model that's done there where they consume actually significantly more fuel because even the airline consumption all comes from Honolulu over the water.

Mr. Matthew Mano: Okay Tony I have a question.

Mr. Marlow: Yes?

Mr. Mano: You said your tanks are going to come on trailer. Is the tandem attached to it? Are your truck attached to it?

Mr. Marlow: The –

Mr. Mano: I know you have a trailer.

Mr. Marlow: Right.

Mr. Mano: Okay, you need a semi-truck to pull the trailer, right?

Mr. Marlow: Right.

Mr. Mano: Is the truck going to be attached to that tank?

Mr. Marlow: Not to the tank, no. The tank will be attached to the trailer.

Mr. Mano: Yeah, but you have to have a truck to pull the trailer, right?

Mr. Marlow: That's correct.

Mr. Mano: So you're going to have a truck attached to the trailer?

Mr. Marlow: Right.

Mr. Mano: Shipping it over here?

Mr. Marlow: No, no. It will sit on the barge, just on the chassis. So there will be a truck on the Honolulu side and there will be truck on the Lana`i side.

Mr. Mano: Okay, so are you going to have a private contractor take that off of it or are you going to have Castle & Cooke?

Mr. Marlow: Well, it's likely that we'll have Castle & Cooke actually take it off, yes.

Mr. Mano: Okay, so now I've got a haz-mat question. Does your driver have to have a haz-mat?

Mr. Marlow: The driver will have to be qualified, yes.

Mr. Mano: Do Castle & Cooke have that?

Mr. Marlow: We will, yes, if we don't already. Actually I don't know if we have someone that can handle Jet-A fuel. It's quite similar to other fuels, but I'm not sure if we have somebody that can handle that currently.

Mr. Mano: Because I know the private company do Gas-Pro.

Mr. Marlow: Right.

Mr. Mano: So I know they need haz-mat. That was just a question I was checking. Thank you.

Ms. de Jetley: I'm listening to all this and wondering what about servicing the interiors of these things before they go back to the mainland. Do you anticipate possibly creating new jobs for people to clean the interiors of the planes?

Mr. Marlow: Well very typically these type of airplanes are – they come in relatively clean with the exception of the catering or the consumables that were used during the flight. And normally actually the flight crew takes care of that. So while I do offer that in Honolulu as a service, it's actually quite rare that the customers take advantage of that. So my employees there can do it, but it's pretty rare that they do.

Yeah, we do expect to actually have, as we get started, to have a full time equivalent employees there, yes. But we'll base the total number of employees based on the activity. So if it increases, it will be more. If it's less, you know, we'll probably just have a single person.

Ms. Zigmond: How many employees, Tony?

Mr. Marlow: Initially probably just a single full-time equivalent actually. Because with say one to one-and-a-half airplanes a week I can't really have, you know, a 24-hour staff. There's just not really a reason. Much like the fire crew, they base on traffic and that's exactly what we would do as well. In Honolulu right now, including me, I just have seven, and we run seven days a week, 14-hours a day.

Ms. Zigmond: Then I'm confused on page 56 it talks about the fuel tanks and the hangar making contributions of taxes, salaries, wages, and benefits. Whose and how?

Mr. Marlow: Well that would be ours, the truck drivers, the caterers, the hotels. So there's really a multiplier effect because the gas that does come in on the airplanes will actually consume other things, other than just my service. But what we put in the EA was estimates based on our projected salaries as we go over the course of time.

Ms. Zigmond: Yours, but is that coming to Lana`i? I mean, what I read there was that these contributions were going to be – it was somehow going to benefit Lana`i, but you're talking about statewide and state tax and things like that.

Mr. Marlow: Well I'm not exactly sure. I don't have the paragraph in front of me, but my business motto actually only includes incremental in Lana`i. So in other words, my salary is not included in there because I'm considered a Honolulu employee, but I'm not sure how the EA was written relative to the total impact.

Ms. Zigmond: Then whose would it be?

Mr. Hirano: Well there will be one employee as it starts out. But as well the traffic that's generated or the business that it's servicing, they will also have purchases in the local economy. So as Tony said there will be a multiplier from that purchase. But the employment of this facility only will be starting off very modestly with one employee.

Mr. Rabaino: Mich?

Mr. Hirano: Yes?

Mr. Rabaino: And then Tony. You have on page 12 – I'm going to read the sentence – Castle & Cooke would employ personnel to operate, maintain and oversee the facility. Explain.

Mr. Marlow: That's the person that we're referring to here. As far as oversight, that would be my responsibility, but we would have people in place to actually take the fuel deliveries, drive the fuel truck, service the aircraft, move the bags on and off, so that's who we refer to.

Mr. Rabaino: That individual would be part-time starting this facility when it first opens?

Mr. Marlow: Well, yeah, we actually expect that we'll probably hire this person full-time because there will be quality control things that have to be accomplished. There will be – in facility maintenance – things that have to be accomplished. So it will likely be a full-time employee actually.

Mr. Rabaino: Okay, my other question for you is regarding the current fire truck. Over here it says 700 gallons for a fire truck. Now if you're going to have this new station built, will those two current existing fire trucks can handle any situation at this airport?

Captain DeSilva: Yes, currently the fire system or the amount of fire fighting equipment we have on the airport exceeds what the FAA index for this airport is at. The other airports are indexed from A to E. We're index A, and the basic requirement is just basically 500 gallon of water. We're got two 1,500 gallon water trucks. So as for the indexing in the fire extinguishing requirement, we have enough. We do have enough because each truck has 1,500 gallons of water, and 200 gallons of foam. And it has a 500 pound dry chemical unit – a big fire extinguisher within the body of the truck. So just one truck itself exceeds the whole fire FAA requirement and plus whatever else that we can mutually share with the County. That's our thought process behind that.

Mr. Rabaino: Okay, speaking of truck, back to Mich and Tony.

Ms. Kaye: I'm sorry. Can I, before he sits back down again? I had a question and you just touched on it and I'll knock it off of my list if that's okay with you Gerry?

Mr. Rabaino: Yeah.

Ms. Kaye: Okay. There's a letter, I think it's on page 24 of the exhibit, from DBEDT, regarding the 120,000 gallon tank, and they referenced a 2000 master plan – year 2000 master plan – saying this is inadequate to meet fire demands. And then Mich your answer was that the tank is adequate to meet domestic water demands and that the fire flow will be done later. So I wonder if either of you – I thought that might be you. No? Captain DeSilva? Okay.

Mr. Hirano: As I mentioned there is the fire pumps that are part of the fire fighting facility equipment at the Lana`i Airport. Those pumps may need to be upgraded. That will be done during the design phase of the ARFF station whether there is existing capacity and the pressure to meet the code requirements for fire fighting purposes. If it isn't, then they will upgrade those pumps and repair the pumps as necessary. And most of it is caused by the leakage of the pump.

Ms. Kaye: Okay, because I understood what you said earlier that it was a matter of pumpage, but perhaps then this letter from DBEDT, your response to that should clarify a little more. There are really two issues, not just the pump that needs to be upgraded, but the actual fire flow and pressure, and how and at what point will that will be dealt with?

Mr. Hirano: Yeah. Okay.

Ms. Kaye: Gerry. I'm sorry, go ahead.

Captain DeSilva: As for the current system we have down there, the fire pumps, they need to be upgraded. They leak. Sometimes they work. In fact, they've been on the run kind of continuously. So in the plans, with the operations, they are going to repair it for now. But within the new station plan, it's going to be included with a new fire pump to accommodate the size of the hangar. Because in the building codes, in the uniform building codes, and in the fire codes, the size of the aircraft hangar would determine how much water extinguishing agent that a hangar would need. And with that amount you would need that water source, whether it's a bigger tank, more than 125 or more. Because it was brought up in the past that the current amount that we do have isn't sufficient for the proposed hangar. But that has to be determined by architects and the engineers when they look into the uniform building code and the uniform fire codes of what the State and the County has adopted. They have to look at the square footage, and then they go from there. There's a formula and tables that they go by. So probably an architect or an engineer or somebody research it more can figure that one out.

Mr. Rabaino: Okay, going back to trucks, this is a field truck. You're going to have a field truck based on Lana`i, and how many gallons? Is it going to be two types – for Jet-A and one for the props?

Mr. Marlow: Right now we plan just plan the one single Jet-A fuel truck that will hold 5,000 gallons and av gas would be self service.

Mr. Rabaino: Okay, that's one vehicle each or just one vehicle that will pull two separate tanks/containers?

Mr. Marlow: No, no. The tanks themselves are fixed to the ground so it's just a single truck for jet fuel.

Mr. Prutch: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Marlow: I'm sorry. From the harbor, yes. That would be a single iso container, 6,000 gallons and one truck on a trailer.

Mr. Rabaino: And that would be taken down to the airport and pumped from that tank into the existing fuel tank that will be above ground?

Mr. Marlow: Exactly. Right. And it will be taken back to the harbor empty. Right.

Mr. Rabaino: Same application as Gas-Pro then.

Mr. Marlow: Yeah.

Mr. Rabaino: Thank you.

Ms. Kaye: Wait, wait, Gerry asked a good question though. How are you going to get the – not the Jet-A fuel, but the other – how is that coming?

Mr. Marlow: It would be done in the exact same method.

Mr. Kaye: And same container. It doesn't matter.

Mr. Marlow: The same type of container, yes. And obviously the two products have to be separated so it would be a separate container, but the same methodology would be used in both cases.

Mr. Rabaino: Under – I lost my page again – you have the day light hours, yeah, here. Limited construction – where is it? – okay, the cover of all exposed areas with grassing.

What type of grassing for ground cover are you going to utilize at that area, as well as, the drainage that's going into the leach area? Is that for you Mich or is it Tony?

Mr. Hirano: These are the best management practices in terms of soil erosion, dust control, air quality control so the ground cover – there will be some landscaping done in and around each of the buildings for both the ARFF Station and the hangar. But in this particular case they won't be grassing right away. They won't be grassing. They'll probably just disrupt the area that they're building on, build and then just landscape around the buildings and that's it. These are, as we said, typical best management practices would be utilized as appropriate.

Ms. Zigmond: Going off of Gerry's on these page 24, the best management practices, talking about using the temporary area sprinklers or water trucks in areas where ground cover is removed. That is non-potable water?

Mr. Hirano: I'm not sure whether it is or not on that. Would you know? Excuse me. The tank –

Captain DeSilva: In the past construction they had in that area, they took the water from fire hydrants.

Ms. Zigmond: So maybe that could be one of our recommendations.

Mr. Rabaino: Mich, just out of curiosity because when I'm looking at this book when I was reviewing it for the week yeah, I keep on thumbing through a lot of the graphics.

Mr. Hirano: Yes.

Mr. Rabaino: My question to you is – I'm trying to find that page. Sorry. My other ones are marked for different areas – the map that indicates from Miki Road all the way down to the end of the – here it is – to the current runway going down to Kaumalapau. This is a tricky question for you, but I'm going to say to the best I can say it, okay? If there's any future expansion of the runway, okay, and I'm looking at Miki Road there where the triangle goes all the way, that is still part of the runway, correct, on page, for the Commissioners, it's figure – I don't know the page number – but right before page 38, figure 10. My question to you is in three areas. One, by Miki Road, will that road be realigned because we have, you know, currently, sitting on the books as Miki Basin and the power plant over there where Hawaiian Electric or Maui Electric, and down to the other end going to the south side to Kaumalapau, we have the radar station there. Okay, one, for the Miki area, as I said earlier, will it be realigned if you're going to use that partial extended north? And two, secondly, down Kaumalapau going south, if you're going to continue you'll have to use a lot of earth moving dirt to extend that runway. Number three, if Maui gets their runway



approved, is Lana`i part of that master plan on the runway extension of Maui?

Mr. Hirano: In terms of the expansion of the runway. The runway will not be expanded as part of this project, and there is language in the Lana`i Community Plan that it will not expand eastward to Lana`i City. That won't be done. And I think when we did the Miki Industrial application and we researched the files and the easement and the property tax map, that airport property does not extend over Miki Road, so I think that was clarified at that particular. And these maps were taken from – you know we used these maps as the Land Use Commission has adopted them, but it doesn't depict the airport accurately.

Mr. Rabaino: Okay, Mich, I'm going to request for figure 10, and I'm going to request an update from your folks department on figure 11 because it's contradicting. You know, when you're looking at these two maps, it's not really explaining. And if somebody is looking at this and really take their time to analyze it and being down there physically, okay, it makes a big difference. So when was this thing generated and what year did you get this information according to this graphic that you have in this document?

Mr. Hirano: I'm not exactly clear when the district boundary map was developed for the Miki – or for Lana`i and the airport – and we can't really change what is done on the land use maps. But if that is a comment, I think the way I would address it is that we will make a notation in the final EA that we are using the district boundary land use map, but when we researched the actual title of the airport that it doesn't extend beyond Miki Road. I mean, that is the way I think I will be able to address your concerns. But I won't be able to change the map because this is a land use commission map, and I wouldn't change that, but I will make a notion if that is the comment.

Mr. Rabaino: Because the reason I brought it up, Mich, if I remember correctly and my memory serves me well, I know I have an article stashed away in my closet somewhere that the Kapili Road, yeah – if I remember correctly from the 1980s, the Kapili Road was considered by the State to be part of a major roadway for the residents of Manele Terraces and Manele Bay Hotel, as well as, for easy distribution of freight going from Kaunapali to a shorter route to Manele Terraces and Hotel, and the other harbor down there. So that's my question because when I'm looking at this, and if my memory serves me well, if this Kapili Road, instead of Miki, this Kapili Road becomes a reality, you're looking at this map and if they do extend, let's say in the future, 20 years, they do extend, this land use map doesn't mean anything to me in the long run as this island grows, should it grow.

Mr. Hirano: Okay.

Ms. Kaye: Okay, Commissioners?

Ms. Zigmond: Alright, I have a few. This is just a comment for future documents. On

page 30 it talks about the existing services – I just wanted to point out that Lana`i City now has two out patient medical care facilities. We have Straub and we have the Lana`i Community Health Center.

Mr. Hirano: Thank you very much for that.

Ms. Zigmond: And I`m curious – you said Castle & Cooke Aviation is going to lease lands from the State – I`m curious how much the lease is going to be?

Mr. Marlow: I`m actually currently negotiating the lease with the State and so I can`t answer that directly because I don`t have the number. But the lease rates are actually set by the State, so we`re not actually negotiating price, we`re negotiating the parcel and some of the terms associated with the parcel. So the lease will actually be in two pieces. There will be one for the fuel storage facility because they`re discontinuous parcels, and then one for the hangar customer lounge facility. So they`ll end up being ultimately two leases.

Ms. Zigmond: About how much in acreage?

Mr. Marlow: It will be just a little under an acre actually. I think one is .85 and the other is actually 40 feet by 120 feet. It`s pretty small.

Ms. Zigmond: Thank you. And let me see, I`m curious about – there`s a couple of references to the exemptions from permits – I`m curious why the permits aren`t needed.

Mr. Marlow: I can speak to that. We weren`t sure of the situation on DOT land. And as an example, in Honolulu, building permits are not required on our leased land there, so the question actually came up for Lana`i as well. We have since gone back to the State and verified that in fact we do need building permits, so we`ll obviously comply with that. So it was actually a question.

Mr. Hirano: I think I`d like to also add that the State of Hawaii can exempt itself from building permit for buildings on State lands, so they do do that in instances, and other instances, they go through the building permitting process. So I don`t know if this is determined – which way this is determined – whether it will be self-exempted. But I think we had a letter from Department of Public Works in that effect that if they do want to exempt themselves, they should state to them that they exempt themselves.

Mr. Rabaino: Mich? Question for you Mich. So you know what direction I`m going. Kapalua has a flight restriction for their flights going there by dusk. No flights after dusk. Okay. With this airport, yeah, and being that we have less flights coming to Lana`i through Island Air, do you have a time frame? Because usually – I`ll explain – when Island Air screws up or delay on their flights they have to borrow planes from the other routes and

they take away Lana`i flights to fulfill their traffic. Okay, coming back to Lana`i airport, is there a time when planes can come in or that's open because Lana`i is just happens – you know, we don't have that much traffic which would be understood. But is there any policies out there because one is you do have private planes that come here that fly over the city, and it is my understanding that these planes are not authorized to fly over the city. But we cannot see all the way there to take their tail plane number. So it's a double fold. It's a two edge sword. One is, is there a time limit, and the size of craft that can land on our runway because our runway is bigger than Kapalua, correct?

Mr. Hirano: Yes. Those are good questions. I don't have the answer, and if they go in as comments in the draft EA, then I'll provide that answer in the final. And I hope planes can leave at night because we're trying to get home later.

Ms. Kaye: And if I can have a follow up question to that because I had it on my list. You had, on page 52 of the exhibit, there's a letter that you wrote to Director Hunt at the Planning Department that this project, either – a segment of the project would not alter the 7:00 a.m. to 7:00 p.m. airport hours of operation.

Mr. Hirano: Yes.

Ms. Kaye: Can I take that to mean as Gerry was suggesting that if someone is flying in from Singapore in a private jet, they don't come in if they can't meet those hours of operation?

Mr. Hirano: Well, I'm saying that this project really has nothing to do with the operation of the flight schedules of the airport. It's for the safety of the ARFF station. That's what this project is really representing in terms of the environmental assessment. So these facilities in on themselves will not extend the runways, they will not extend the operating hours of the airport, and that's what that statement says. That is another – that would be another operational overall facility or terminal type of project related aspect I think.

Ms. Kaye: Okay. Because there were – thank you. Because I think Mr. Hunt included conditions that were appended to the original airport, okay.

Mr. Hirano: That's right. Yes.

Ms. Kaye: And I believe that not flying over the city was one of them and curtailed hours of operations was one of them. So to sort of just say it doesn't apply now is a bit inaccurate because those conditions apply throughout. And unless they're removed, they're going to apply to any future operation, right?

Mr. Hirano: Okay.

Ms. Kaye: Correct?

Mr. Hirano: Yes.

Ms. Kaye: Okay. I have a couple of really quick ones Mich. You say on page 59 that an NPDES permit will be needed. Can you just tell us what is that and why it's needed?

Mr. Hirano: Any grading that is beyond an acre needs a – it's a National Pollution Discharge Elimination Permit. So it's how you handle the storm water run off during construction and that's the type of permit that you'll need. It's issued by the Department of Health.

Ms. Kaye: Okay, and so based on –

Mr. Hirano: And this won't need one because of the grading.

Ms. Kaye: Okay. And then this is the only one that you would need for the ARFF, but now you're saying that you've found out – so that one page where you only had – that's the only permit we need, we don't have to go anywhere else, you're going to have to alter that now to reflect what you've learned from the County that you will need building permit?

Mr. Hirano: No the County said if you exempted yourself from a building permit, then you would declare an exemption or that notify Department of Public Works.

Ms. Kaye: I see. Can you tell me what seabird fallout is? That's in a letter from the Fish – both to and from the Fish & Wildlife Service – that any construction in the area needed to do a number of things, one of which was to accommodate seabird fallout.

Mr. Hirano: I'll have to look into that, and I'll address that in the final EA.

Ms. Kaye: Okay, I think it would help to just define it.

Mr. Hirano: Yes.

Ms. Kaye: Okay. Did you remember?

Mr. Rabaino: Mich?

Mr. Hirano: Yes.

Mr. Rabaino: On this pull out – it's the ending of this – it's regarding grading and drainage –

Mr. Hirano: Yes.

Mr. Rabaino: Where you have the proposed hangar and that tarmac, the concrete tarmac, that you have right there right now.

Mr. Hirano: This is the drainage, or the grading plan that's at the back of the –

Mr. Rabaino: Okay, I see the arrow going down to the existing leach, with a bench mark, is that where the water is going to drain off after the rain? Is that correct? Am I reading this correct?

Mr. Hirano: I'm not sure.

Mr. Rabaino: I see the arrow coming down. I'm trying to indicate where the runway is. You have the high point. Down to the bottom of the map you see those one, two, three, five arrows going downwards?

Mr. Hirano: Yes.

Mr. Rabaino: Elevation 1,299.2 – I mean, 2, 0.

Mr. Hirano: Yes. Yes. That is where the drainage basin is – retention basin – so the water will be going around the hangar and then around the pad where the fueling facilities will be. And then it will go from there, down, and again be directed towards the retention basin – where, yes, the existing bench mark – yeah. That's the retention basin.

Mr. Rabaino: How deep is that grading, by the flow going down in elevation? Is it like a cone shaped going down, like an ice cream cone where the water drains and settles?

Mr. Hirano: Where about? If you can just point it to me.

Mr. Rabaino: . . . (Inaudible. Did not speak into a microphone.) . . .

Mr. Hirano: Yes. That is very – as you can look at the contours in that area, they're very wide apart so it will be a very gradual slope towards the existing retention basin. When you look at these grading plans, the closer the lines are, the topographic lines, the steeper – it indicates a steeper grade. So in that particular area those topographic lines are wider apart, which means that the grade is much more gentle.

Mr. Rabaino: Okay, so is that closer to the runaway or going under the runway and drain out the other side of the runway?

Mr. Hirano: It's between the ramp and the runway, so it's in between those two areas.

Mr. Rabaino: Okay, thank you Mich.

Ms. Kaye: Okay Commissioners. I have one final question and it's actually for Tony. One thing that I'm surprised not to see any mentioned of in this plan is FBO. You are headed that direction, yes, to have this become a fixed based operation?

Mr. Marlow: Yes, the term FBO – actually it has a long history but – yes, fixed based operations actually describes sort of an industry parlance what these facilities are. The difference between a fixed based operation and one that's not is normally something that's not an FBO. It doesn't have a lease, and it doesn't have a building.

Ms. Kaye: May they sell fuel?

Mr. Marlow: Well, at some airports, yes. At other airports, no. But a non-fixed based operator runs around in an airport in a truck and doesn't really have a place to call home, so to speak. But most fixed based operations actually have an airport lease associated with them.

Ms. Kaye: So could you – I understand this is a State by State thing.

Mr. Marlow: It's actually airport by airport.

Ms. Kaye: Airport by airport. So what would be the requirements here? Or is this something you're going to work out with the DOT?

Mr. Marlow: Yeah, actually the State of Hawaii doesn't have minimum standards like some airports do, so if we have a lease with the airport we have the ability to actually operate as a fixed based operation.

Ms. Kaye: And I would assume that you wouldn't be undertaking this unless you've done an ROI of some kind that shows this is going to be a profitable venture for you. So could you share just sort of general terms what you think, in terms of revenue, this is going to produce?

Mr. Marlow: Yeah, that is a good question as well. And the answer to that is no, we wouldn't do it if we didn't think we could make money, but it's not a big money maker for us. I'll make actually significantly more money at Honolulu. So it's actually a value add to safety here at Lana`i so that we can service emergency helicopters primarily, but also life watch type airplanes, Hawaii Air ambulance, and to service our customers that may have a desire to come to other Castle properties, meaning the hotels. So there's actually more to it than simply the ROI, but I can assure you that Mr. Murdock wouldn't want me to proceed if it had a negative ROI. It is small though. It's a small profitable organization and

that's actually why we started with so few people and our initial move is with the fuel facility so we'll invest on an ongoing basis.

Ms. Kaye: So this will then put you in direct competition with like Bradley Aviation and Air Service?

Mr. Marlow: Right, which is exactly our competitors at Honolulu. Yeah, so Bradley and Air Service both have facilities at Honolulu. Our happens to be bigger and we have a much larger lease with the State. So for the State's interest and the taxpayers here in Hawaii actually, we have a much bigger presence than they do by hundred of thousands of dollars annually actually. And then we also contribute via airport – as we sell fuel actually, there's more revenue generated for the airport as well – so that's really how we contribute.

Ms. Kaye: So assuming that all goes and there's the desire – because we have had projects come before Planning Commission for actual approval that just never happened. So assuming this one does, you do not anticipate as I understand from this project extending the runway as a necessary requirement to become successful FBO?

Mr. Marlow: Not for our purposes. No, actually, almost all of the airplanes that we would actually service have the capability of getting back to the mainland once they've been fueled with the current runway. There are certain situations or combination of temperatures that may prohibit that, but generally speaking our airplanes can make it at least to the west coast without refueling from Lana`i, so that's really where the benefit is. And I can tell you that we've not had any discussions about runway extension relative to this project because it's not germane. It makes no difference to us.

Ms. Kaye: Okay, thank you. At this point, I guess, Gerry one more, and then we'll take some public testimony.

Mr. Rabaino: Mich, with this facility coming into to play and hopefully it's operational, my question to you is does this going to change our Lana`i Airport rating from double A?

Mr. Hirano: I can't answer that. I was wondering, would there be any difference to the FA? No? No.

Mr. Rabaino: So that wouldn't change our rating?

Mr. Hirano: I don't know if it will.

Mr. Rabaino: With this added facility?

Mr. Hirano: Yeah, I don't know how that works.

Mr. Rabaino: Okay, and my last one is how many security cameras will be placed at this facility in view of the runway and parking lots and cargo?

Mr. Hirano: Will there be security cameras? No.

Captain DeSilva: As for the security cameras, that's Airports Division's decision to make. That would come into play on the FAA security.

Mr. Hirano: Yeah, there are no security cameras as part of the plans that we have seen and what will be required for the facility or for the ARFF station.

Mr. Rabaino: Okay, thank you.

Ms. Kaye: I'm going to open this up to public testimony. I have two signed up so far, although after they are finished, if anyone else would like to comment. First is Pat Reilly.

Mr. Reilly: . . . (*Changed cassette tapes*) . . . Good evening. Fairfax Reilly. 468 Ahakea Street. Resident. Congratulations to for all the work you do. I really appreciate it. I would like to put on the record thanks to Riki Hokama for insuring or requesting that this get on your agenda. I think it is a very pertinent item. I am for both projects, however, have you ever noticed on an environmental assessment that when you do the ground study and you do the cultural things that going back to pre-contact Hawaii. But when they come to the social economic impacts it's about two paragraphs and it's copied, and they keep saying the same thing over and over again. And you've begun to address it, and of course, once you have a finding of no significant impact, then you're going to say, well this project has not impact on the society or culture or economics of Lana`i. Wrong. I think the EA is very weak in that area. I'm sorry to say that. The reason I'm saying it is that when you look at the cultural questions, they interviewed people in the community, they interviewed nobody here in the community about the unemployment here. They did interview one person and say what's the economic impact or what is the situation on Lana`i, and that's not in the environmental assessment. That is a grievous in my opinion – a grievous omission because the story, if you read it in there, it gives a very rosy scenario of what's happening on Lana`i.

If this island is mortgaged for \$600 million to Wells Fargo Bank, and yet money is being invested here for another project, what does that mean to the people that are getting laid off from Castle & Cooke? That's got to be a very confusing economic situation, and I'll just leave it at that. This EA is deficient in that area. Education and training programs, never even mentioned Maui Community College. It's like they don't have it. It's like they don't even know it's here. You mentioned the health center. They don't know it's here. Who'd they interview? That portion is very, very weak. Training programs, if I had to put a condition on here, which we don't, but I hope you would make a statement, Castle & Cooke



should be required to set up training programs to teach our residents how to do this, how to facilitate and operate and service aircraft. They should be required to put up a training program to include Lana`i kids in a program or Lana`i residents that have training already and are already working for Island Air in Honolulu who may want to come. That should be a requirement.

Emergency services – well, the hospital is fine. What if you ever had an aircraft accident? Do you think, Mrs. Castillo, Commissioner Castillo, if that hospital can take it? Where's all that? Where's the impact of that? Not discussed at all. I can't believe it when I read that. What happened to Lana`i Recreation Center? Well, we have the park here, we have a park here. The swimming pool is available – no it's not. Didn't do any interviews on that. Thank you.

Ms. Kaye: Thank you Pat. Commissioners, any questions for Pat? Next is Ron McOmber.

Mr. McOmber: My name is Ron McOmber, residence of Lana`i. I'm glad I follow Pat, then I don't have to say very much. I worked at that airport. There's no question that the fire station and the fire fighting facility need to be upgraded. As far as fuel on this island, we sit here and watch them come in and pamper jets in the infant stages of these two hotels. They tried that, and it didn't work. They brought planes in here by the tons. I can remember seeing seven or eight jets fill up that whole ramp down there. And they had to bring fuel from Honolulu on trucks to fuel them only because they didn't have enough fuel when they landed here to get back to Honolulu probably. That was what we were told. This is a project on the fuel part of it is to satisfy David Murdock. He's been saying he's going to do this forever. This is not a new thing with David Murdock. This is an ego thing that he can say he has a hangar and a place to put his jet on Lana`i. And, you know, he hasn't been here. How many times has he been here in the last six months folks? He's forgot about Lana`i.

This money that's being spent for this hangar and this thing should be used in this community. Like Pat said, where the hell is our swimming pool? Where's our social hall? Where's the theater? Where's the training that you could be doing for the kids here? There's no question the ramp and the facilities for the boys down there, and that have to work down there and their equipment dying outside in the sun and out in the wind, need a place for that equipment. I say the same thing about the County dump. That County facilities – they have no place to put their equipment. The County is as grievous as the State is. I support the portion of this that takes care of those boys that work down there. No question. But as far as just fueling of these planes and taking care of the ultra rich – what have they done for us? What have they done for us folks? And you'll see later on here, we're going to be talking about water. It's the same old crap. If this goes the same way we're talking about here, the next thing it will be, I guarantee you is extending that runway. I thank God the community plan says you can't do it. It's that one direction. So

no matter what.

What I don't understand, if you're going to have to bring fuel from Honolulu, you're going to have to put taxes on that, or monies on that, to get the fuel here to service these planes. How could it be cheaper to come here and not jump on a plane and fly to Honolulu and fuel your plane and go back to the mainland? It's got to be cheaper by lots and lots of dollars because you're going to have to add that to the fuel cost here on Lana`i folks. So anyway, I support the fire station and what they're doing is fine, but as far as fueling and having a hangar for David Murdock's private planes, I say no. Thank you.

Ms. Kaye: Thank you Ron. Commissioners, any questions for Ron?

Mr. McOmber: No, they won't.

Ms. Kaye: These are the only two folks signed up. Anyone else would like to speak that's in the audience? Otherwise, I'm going to close public testimony. Okay, it's closed. Okay, Commissioners, at this point, I think we should – if there are comments we would like to provide formally to Joe our planner, this would be the time to do it. Okay, I actually – before Pat spoke – had thought a comment that we should consider as a body to submit is that preference and training be given to Lana`i residents first. Anybody have a problem with that? Okay. And I could've asked this as a question, but I'm going to just make it as a comment now to save time and that is you did reference – and I think it was Captain DeSilva referenced that emergency services would be provided. It was either your or Mr. Marlow, I'm not sure. If there are additional emergency services being offered by either of these projects – either component of this project – you should probably clarify that in your final. And those were the only two.

Ms. Zigmond: I'd like to add the use of non-potable water during construction please.

Ms. Castillo: Sally, I would also like to add the recreation for our residents in here that had been mentioned. Everybody knows that swimming pool had been shut down because no personnel or no adequate –.

Ms. Kaye: I'm sorry Letty, this is a comment on the EA, not on the – so what is your comment?

Ms. Castillo: Also to address the recreation of the people in the community. You know, for each housing that we have, we don't have playgrounds for our children.

Ms. Kaye: Okay. Thank you. Any other comments Commissioners?

Ms. de Jetley: I have a comment on the potable water – non-potable water. I'm down in

that area and I have potable, untreated water, so that means it's not chlorinated, and I think the Airport is on the same line that I am on. Maybe that needs to be clarified. Where they're going to get their non-potable water from when there's only one line serving that area.

Ms. Kaye: I think the point was that these comments are just saying we're not clear on these things, and maybe the final EA should address them with a little more detail. Because I believe there was a reference in here that one of the conditions on the original airport grant of condition zoning was to use non-potable if there was a reasonable source within distance of the airport and I believe that still applies. Commissioners, anything more? Joe?

Mr. Prutch: As I was scribbling down the questions, I circled two of the comments that you made that seemed to be comments that you may want to put as a group. One was the Miki Basin, the Miki Road realignment – just clarifying that in figures, I think, it was 10 and 11. And then the other one was you wanted to know a definition of what accommodates seabird fallout meant.

Ms. Kaye: So we can do this as a group to save time. We have the two he just mentioned. We agreed on commenting that preference should be given to train and hire Lana`i residents. And it would be helpful to have a clarification of emergency – what additional emergency services would be as a result of this project. And that's like what four or five? I didn't write them all down, but is everyone okay with those? Do you want to still discuss any more of those or have anything else to offer? Okay Joe, are you clear?

Mr. Prutch: I have five. The preference you mentioned. The additional emergency services. The use of non-potable water, and clarify if it's available and where it would come from. The Miki Road realignment for the two figures. And just what is accommodate seabird fallout mean.

Ms. Kaye: Okay, I think we've exhausted this agenda item. Would we like a five minute break before we move on? Okay we would. Gerry would. Okay.

*(The Lana`i Planning Commission recessed at approximately 7:45 p.m., and reconvened at approximately 8:00 p.m.)*

- 2. October 30, 2009 Semi-Annual Report submitted by Castle & Cooke Resorts, LLC regarding the project irrigation demand associated with the Residential and Multi-Family Development at Manele, TMK: 4-9-017:001, 002, 003, 004, 005, and 4-9-002:049, Manele, Island of Lanai. (95/SM1-015) (95/PH2-001) (D. Dias)**

**The Commission may provide comments on the report.**

Ms. Kaye: Okay, we're back in order. Next on our agenda is October 30<sup>th</sup>, 2009 semi-annual report submitted by Castle & Cooke. A little background about this. This is, let's see, the fourth attempt at getting a semi-annual report on the non-potable water usage at Manele Project District, exclusive of the golf course. I've had a chance to look it over. I hope you all have too and I'd like to see if anyone has any questions or comments at this time.

Ms. Zigmond: A comment would be, no. 1, there seems to be some additional information and that's really appreciated, but I'm curious about the – if the 1,000 gallons per day limit in the covenant and restrictions is still in effect because if it is then it appears that there's a whole lot more being used than the 1,000 gallons a day. So that's one comment.

Ms. Kaye: I noticed that we have our Water Director here. If it's okay with you, if there are questions the Commissioners have that you might be able to address? Okay. Commissioners? While we're all gathering our thoughts, I would just remind us that when we started this – Dave you weren't on the Commission. Letty and Gerry, I don't think you were here yet. Well, you were in the room, but you weren't sitting where you're sitting now. In 1995, there was a letter sent to the Planning Department indicating that the non-potable water usage in the project district would be limited to 400,000 gallons per day. So when the extension was requested, this condition of seeking additional sources on non-potable water was carried over from a previous Planning Commission. We didn't put that on there. But this report was suppose to be a tool for us to be able to judge how much water was being used so we could see, all of us, including those who were distributing the water, where we were headed. And doing the math as provided by the figures on this report, my first comment would be that if fully built out, this project district would use 708,000 gallons per day, not 400,000 gallons per day at the current rate it's going.

Second comment would be that I'm still really unclear why we can't get a quarterly report that's just simply – I mean, we're looking at a chart on the back side of this for those who are sitting in the audience. It has first, second, third quarter and under non-potable, it has golf course, single-family and multi-family, yet in the text that was given to us – and as Bev said, thank you very much – the Palms doesn't need to be included, but it's very helpful information. You have roadside irrigation, but it's no where on the chart, so is that included? I mean, where is that? It's just simply not there. So there's no way to even check your own figures against your figures is still an issue for us on this chart. And that's about all I have to say. I'm thinking that as we have done is the past, and every time it gets a little bit better, we send over comments to this report in hopes that the next time it's issued it will accommodate some of the problems we've had with assessing the numbers. So those are what I have as a preliminary matter. Commissioners?

Mr. Rabaino: I have a question on the graphic itself, under Manele Bay Hotel potable water usage. Under –

Ms. Kaye: Gerry, I'm so sorry to interrupt you for one second. This is a very nice chart, but it includes potable and non-potable. And our condition only deals with non-potable.

Mr. Rabaino: Okay.

Ms. Kaye: Unfortunately the hotel uses potable water for everything.

Mr. Rabaino: Yeah, but you have a graphic over here that says single-family under non-potable.

Ms. Kaye: Right on the bottom. That's what we're looking at is what's on the bottom. The single-family, multi-family is potable water usage at the top, so just ignore that because that's not what we're here about tonight. So Gerry did you have any questions on the non-potable portion of this chart?

Mr. Rabaino: Well, I need a clarification. If non-potable is regarding to golf-courses, and for construction purposes, then is it listed under just golf courses?

Ms. Kaye: Let Gerry be corrected if this is incorrect. But my understanding is that the golf course irrigation amount is governed by ordinance, by Maui County Ordinance.

Mr. Green: Well if I could, I'd like to ask John about the proposed well, well #15, and how firm are the plans to – it says estimated this new well will be operational in 2010.

Mr. John Stubbard: Right now we have – John Stubbard. I'm the Director of Utilities for the Island of Lana`i – water, reclaimed waste water and solar farm. The well #15 is cited to be on the west side of the piggery, out on the Palawai and at the bottom of the hill, so it's just right next to the facilities there. And the contract has been drawn up. We have selected a vendor. The intent of the – right now, just communicated today on this project – the contract will be signed the first week of December when we're here during budget meetings and all the right signers are here for that size of a contract. Our expectation is to start construction, the first site work the first week of January. It is my hope that – and my current plan – to have this facility online by the end of 2010 providing the combined backup and additional service to the brackish water system.

Mr. Green: One other question. There's a problem with a pump with one of the non-potable wells. Is it –

Mr. Stubbard: Well 9?

Mr. Green: Nine. Yeah. And since I've live down at Manele, we've all gotten a letter asking us to voluntarily cut back on our water usage by 25%. When is it – when do you believe that well will be back in service?

Mr. Stubbard: The investigation on the pump has just been completed. We received the report from the vendor. The pump needs to be completely overhauled so they're going to replace that pump's components. The motor is shot. We have to buy a new pump motor. Those are being sent from the mainland. The pump will be redone here and in Honolulu, in the islands. The motor will be sent from the mainland. We just got the price today, and so that is being finalized. I would say it's going to be two weeks to get it here to Honolulu, finish the pump motor, another week to ship it over, and two days to install, so let's just say we're talking about a month.

Mr. Green: I seemed to remember from some of the water workshops that I attended that I thought Castle & Cooke was going to have a spare pump on the island to make sure that if there was a breakage of a pump that you could swap something. And I don't know how long that takes and how feasible that is, but it seemed to be the intent was we realized we're in an isolated location. You can't run down to the pump store and get what you need. So there was going to be something on hand to try and make sure that you had a pump problem, and you didn't have lengthy outage like it appears we're having now.

Mr. Stubbard: Only that all pumps are created differently with their different depths, and head and pump rates, and characteristics for each well, you can't have a standard pump so of speak that would fit all sizes. We had a pump that was out back. We looked at it, and it turned out not to be one that we would use. Right now, I don't know. We don't have anything like that on our – in our facilities, and I don't know of any intent to right now.

Mr. Green: Does that mean that you don't think that's a good idea that you don't need it or –?

Mr. Stubbard: It would be nice to have it. But just because you don't know which well could fail or you might have a problem on it, so you'd actually have to have a multiple backup pumps at \$25,000 for a pump and motor combination. And so we'd be looking at a few hundred thousand dollars of equipment sitting around. And it might break down sitting around.

Mr. Green: One last question. Where are you in beginning to charge in your early stages of charging multi-family and single-family homes for non-potable water? And what do you think is going to happen to non-potable water consumption once that starts?

Mr. Stubbard: It's our hope that the single-family users would look at conservation and we've been talking about that and looking at their landscape needs. On the multi-family

users we've been talking with the current landscape irrigators, the landscape contractors. Their irrigation use, I would suspect and it is our hope that the kind of usages that you see in the report will come down. I don't know how much because this is a conservation rate and that it's tiered upwards. The more water you use past what the expected water allocation is for an area, the more severe the rate is. And so as I come before you in the future and we look at this report, I would certainly hope to see it come down as far as gallons per unit.

Ms. Kaye: Yeah, I have a follow up question. We've been looking at this now. This is the fourth or fifth report even, it's never gone down. It keeps going up. It's almost three –. By the calculations I did on your chart numbers, it's 3,200 gallons a day for irrigation purposes. Now, I don't know how big Mr. Conrad's property is but I do know that I took some County Department of Water Supply people over, found him there and did a tour. And he has managed to irrigate that property at or a little above 1,000 gallons a day, so it's possible to do and create the atmosphere you want, number one. Number two, everyone who buys property down there, signs off on that, saying they understand, they are limited to this. So why is there no enforcement for overage aside from saying gee we hope they'll pay for it.

Mr. Stubbard: Well, the rate right now, as far as the Water Director, I have no specific stick to hit with as far as people using over. So what the first step is, as far as I'm concerned, the water rates is a conservation rate. It's a punitive rate for those that use more and it's based on the allocation of a 1,000 gallons per unit, per lot, or per acre, or per unit. Thank you. And so, other than that, we will be working with them and the landscape contractors down there on conservation, ways to cut back. There are ways to achieve, as you mentioned, a lush or certain look with less water – more water is not necessarily the right answer.

Ms. Kaye: Yeah, you should consider hiring Chris as a consultant to work with.

Mr. Stubbard: We'll we've got Chris, we've got our landscape and golf course guys, so we have a multitude of people. And so we have been having meetings with what we call the irrigators of Manele, and working with them on how we're going to cut back. They need to be cutting back. We've been raising rate issue to them and to the AOAO's and the HOA's down there.

Ms. Kaye: But, you have –. I guess the numbers are what I find staggering. There's only 17 properties down there, and this is the average they're using. So going forward, you have 166 total, so you have 114 left. That's 114 opportunities to make your DCCA's have some teeth. I hope Castle & Cooke is considering some enforcement.

Mr. Stubbard: As the Director for the Water Department, yes, we need to be cutting the water. I want to see these rates come down – the usage rates – and our first step is this,

the rates. Being charged for water which they haven't been charged for many years.

Ms. Zigmond: John, looking at the quarterly usage report, non-potable water, first quarter to second quarter, if I'm reading this correctly it says first quarter is a 100 days and the second quarter is 89 days?

Mr. Stubbard: First quarter is 100 days, yes, on the bottom.

Ms. Zigmond: Yeah, and second quarter is 89 days.

Mr. Stubbard: And the second quarter is 89 days.

Ms. Zigmond: Okay, then my question is if the number of days went down from first quarter to second quarter, why does the usage go up pretty substantially?

Mr. Stubbard: It's not the days. When you look up at the top, really the days change for each reporting period so you want to really look at the gallons per day column in each quarter, so that gives you a unit of measurement for each day in that period. Generally seasonally as you move into the summer, the second and third quarters would be higher due to seasonal use. The winter months would be first quarter. Fourth quarter would be less. That would be the general trend that you would see. Does that answer your question? You can see that in the second and the third quarters here that generally there is more water use than in the first quarter.

Ms. Zigmond: So 200-some thousand gallons a day is not a lot is what you're saying for that time period?

Mr. Stubbard: For which one? Which line?

Ms. Zigmond: For second quarter.

Mr. Stubbard: Second quarter for the hotel or –?

Ms. Zigmond: For the golf course.

Mr. Stubbard: The golf course? The golf course irrigation – 411 going up to 600 thousand gallons a day? That's about right. Yeah. It's the – they have a rolling average requirement of 650,000 gallons on a one-year rolling average to maintain under that. So in the summer they'll exceed it, but in the winter they'll actually drop below that. So they have to maintain a certain cut off of water use. And we watched that every 28 days.

Ms. Kaye: As long as you're here, instead of just making a comment, I'll ask a question.



Is it possible, since you were – it was possible to have road side irrigation as a definitive figure in the text part of your letter? It's metered correct?

Mr. Stubbard: Yes.

Ms. Kaye: So why can't – so why is it not in the quarterly report as well?

Mr. Stubbard: The only answer I have at this point is that the report that this is related to the requirement and it didn't include the roadside irrigation.

Ms. Kaye: Yeah it did.

Mr. Stubbard: It did?

Ms. Kaye: Oh, yeah. And we had that conversation that roadside irrigation was part of it.

Mr. Stubbard: Okay, then it will in the future.

Ms. Kaye: Okay, that's great. So the next report we will see that. Okay.

Mr. Stubbard: Yeah, we got the data onto them.

Ms. Kaye: Yeah.

Mr. Stubbard: I didn't know if it was part of it or not part of it.

Ms. Kaye: It's part of the condition.

Mr. Stubbard: It is? Okay, it will on there.

Ms. Kaye: We've had that discussion on the record probably before you got here.

Ms. Stubbard: Yeah, I know you and I have talked about.

Ms. Kaye: That it includes all irrigation knowing that the golf course irrigation was governed by ordinance – all non-potable.

Mr. Stubbard: We'll put it on here.

Ms. Kaye: Thank you. Thank you. Commissioners, questions for John while he's here? Comments? Okay, I guess we're done.

Mr. Stubbard: I'll see you guys next quarter.

Ms. Kaye: I'm sorry. Yes, we have to have public – I always forget this. We've got to have some public testimony even though we're not taking action. We would love to hear from the public. We don't have a sign up sheet, so I can see a show of hands.

Mr. McOmbler: Thank God for chairs. You know, no matter what this report says folks, they're illegally using our water. That's water from the high level aquifer. And you'd think because they're already illegally using it that they would really watch this consumption. I'd like to ask you a question. What is this letter you got? I haven't heard this before. I almost fell off my chair. You got a letter telling you to cut back 25% on your potable water?

Mr. Green: . . . (Inaudible. Did not speak not the microphone.) . . .

Mr. McOmbler: Your non-potable water. Excuse me? I mean, I'm overwhelmed by this because we keep watching these figures climb, and climb and climb. Where in the hell is the water going? And you're asked to cut back 25%. What's the excuse in the letter? I need to know this because I sit on the Water Working Group, but we haven't heard squat about this. I'm enraged about this. We're going to have a meeting here next month and we're not being told this stuff. And to hear a homeowner on this Committee, this Commission, saying that – I mean, it's unbelievable. I mean, I'm suppose to know this kind of stuff, and that I'm supposed to hear it though the grape vine and I didn't even hear it. I'm almost embarrassed.

Ms. Kaye: Can I just clarify for the record that Mr. McOmbler is referring to a letter than Commissioner Green referenced, who happens to be a project district home owner, and so we would not have known nor would we have gotten this information. I just wanted to clarify that for the record.

Mr. McOmbler: Right, and I'm just –

Mr. Green: Just so you have the facts correct. The letter is a result of the problem with well #9. And the request was to voluntarily cut back on water usage until well #9 is brought back online.

Mr. McOmbler: No, but I understand what you're saying.

Mr. Green: Non-potable water.

Mr. McOmbler: I understand what you're saying, but well #9 is not the only well that pumps water down there. And we're getting to a point where they've got to tell you to cut back 25% and we're watching these numbers go crazy down here. And when we get up in the

morning, and we drive up to Manele, and we see what water running down the road, that these people are dumping on the road in your area. I mean, as a person who sits on the Water Working Group, I'm appalled by this. And then they give you this chart that you're trying to decipher which most people can't decipher because they haven't been trained to look at, is confusing enough. They shouldn't be using our water in the first place, and we've got letters. You know, we were about to have the Water Use and Development Plan finalized. We've got the thing in our hands. And this is appalling to me. I almost fell off the chair when I heard you say that because we didn't hear there's anything wrong with well #9. I haven't heard. Nobody has told me there's anything wrong with well #9. Have you heard it Sally? I mean, nobody on the Water Working Group has heard this. What the hell is going on? I apologize to the language but this upsets me as somebody that sits on this and also has an agreement with the Company in MOA that they won't use water from a high level aquifer for anything other than the golf course that they're digging at 650. And let me tell you something else folks. It isn't only the wells 1,9, and 14. The water that's being produced by the sewage treatment plant has to be subtracted from that 650,000. It's 650,000 is all they can take less what water they produce in their treatment plan. So if they produced 100,000 gallons per day, it's only 550,000. This is the way the agreement reads. This is the original agreement. I'm sorry, but this is unbelievable to me. So thank you for letting me spout off, but this has to be said.

Ms. Kaye: Thank you Ron. Commissioners – don't runaway Ron – any questions for Ron? I have a question for you. That's like the third or fourth time, probably that we've heard about this original agreement. Do you think you can find it so we can read it? Because just to read about it does not aid the cause.

Mr. McOmber: Okay, I've got a letter in my possession dated 1993.

Ms. Kaye: Well, if you could find it –

Mr. McOmber: Well I have it. I should've brought it. Well, I didn't think I needed. But it says, and it's questioning from the Planning Director at that time for Maui County, questioning what is going on with them using the water from the high level aquifer when they promised they would not do that and there is none.

Ms. Kaye: I'm asking for clarification of the subtraction of effluent use from the total 650,000.

Mr. McOmber: I need to get it.

Ms. Kaye: Okay, if you could find that, that would be helpful.

Mr. McOmber: There was actually three units that came into play into that. It was the wells

down below that they were going to produce down by Manele. What was that? Well 13, I think it was – 12 or 13 – down in the hole. That water was suppose to be produced. Whatever came out of that, that was suppose to be subtracted from the 650,000. And any water produced from the sewage treatment plant would also. The reason they did that was to lessen the amount of water they took out of the high level aquifer.

Ms. Kaye: We understand that Ron, but it would really be helpful to find it in writing.

Mr. McOmbler: Well, I'll have to work on it.

Ms. Kaye: Okay, that would be good. Thank you.

Mr. McOmbler: Thank you.

Ms. Kaye: For clarification, I'm looking at a letter that the Planning Department sent to Jon Shimizu who was with Castle & Cooke at the time, dated July 16, 2008, under no. 3(d), that the numbers included in the report – I'm sorry, (e), the amount of irrigation – and I'm quoting – the amount of irrigation water being used in the common areas of the proposed project district were agreed to have been included in subsequent reports, just to clarify John that that was done before, like a year ago. Anybody else want to offer any public testimony? Okay, we're closed on that one. Thank you.

**3. Commissioners discussion on their participation in political campaigns per the memo from the Maui County Board of Ethics distributed with the September 16, 2009 agenda packet.)**

**This is for information purposes, no action will be taken.**

Ms. Kaye: Next is open Lana`i project's report, and that would be Mr. Alueta. I'm sorry, I am indeed. I apologize. We have a communication from the Department of Management – correct – on campaign restriction items. And I think this came out of – I believe this is an informational item only and if anyone has a question. I'm not sure if this particular group be able to answer it. Perhaps Mr. Hopper. Well ask your question Gerry, and then if he can not then you should probably address your question to the –

Mr. Rabaino: . . . (Inaudible. Did not speak into the microphone.) . . .

Ms. Kaye: No he is Corporation Counsel. To the Department of Management.

Mr. Rabaino: Well my question is on the second page where it – well, in general, we're not employees of the County, right? But we are Commissioners appointed by the Mayor.

Mr. Michael Hopper: This applies to you, these restrictions. To be clear, this is actually from the Board of Ethics. It went to the Mayor's Office and the Managing Director, and then the Managing Director had it distributed to all of the Boards and Commissions. So these are guidelines from the Board of Ethics and they affect anybody. Really it's about using County facilities on County time, or County equipment for campaign purposes. And it would affect you guys because you are considered to be – although you're not employees – you'd be officers of the County, so the County Code of Ethics does apply to you as Commissioners.

Mr. Rabaino: Okay, but on my own time, and I'm walking around with a campaign shirt, I'm not really doing anything.

Mr. Hopper: No, if you're on your own time, then I think it's pretty clear from this memo, you can be in a campaign. And obviously everyone in the County – every elected official in the County would have to campaign. You know the Council for example would be County officers. They just can't do it on County time, use County, you know the County equipment or anything like that. But obviously they have to campaign at some point because that's how they get elected.

Mr. Rabaino: That is what I was referring because let's say they come and they have sign waving. This doesn't apply right if I just go out there and sign waving by the road with their campaign shirt?

Mr. Hopper: Well, it all depends on the facts. I mean, for example, you can't use a County printer to print up campaign – to print the signs for example.

Mr. Rabaino: But you're missing the point. We are not working for the County, number one. We don't have access to County items, like a copying machine, et cetera, et cetera. So let's say the Council people come over and ask us to go sign waving on the side of the road on Lana`i City just to campaign. I don't think so we're in violation or are we?

Mr. Hopper: I guess in general it wouldn't be, but I can't give you a blanket answer unless I know the facts what exactly you're doing because there's so many different variables here. You can be involved in a campaign, that's fine. But just the people in the campaign have to be careful that they don't use County facilities or County personnel during County time in order to do their campaign, and that's all this says.

Mr. Rabaino: Okay, I understand that. The only County building we get is right across the street and that's it.

Ms. Kaye: Gerry, I think the issue is if you put yourself out as a Lana`i Planning Commissioner then that's probably not a good idea. You can speak as Gerry Rabaino

resident. And you're privately employed. So, you know, if you as Gerry Rabaino resident goes and use the County copier in the library, that's so far a field, that it would not count.

Ms. Zigmond: You'd be paying for it at the library so you could do that.

Ms. Kaye: They don't want you using County resources or County time.

Mr. Rabaino: I mean I understand the County part, but anything after that, on my own time.

Ms. Kaye: I would recommend that you read this, and then Gerry, if you have a specific situation you think you're going to confront, call the Board of Ethics and ask them.

Mr. Hopper: It says, for example, County premises, including County offices, working areas and so forth, County premises for facilities that are available to the public for use for holding meetings or conducting business, may also be used for campaigning activities on the same basis as the facilities that are available to the public. So that is one example of, you know, if you're using it as a member of the public, then normally that's not a problem.

Ms. Kaye: Okay, that – anything else on this item agenda – agenda item, excuse me. Next, we have the open Lana`i applications report which would be Mr. Alueta.

## **E. DIRECTOR'S REPORT**

### **1. Open Lana`i Applications Report.**

Mr. Alueta: I'll get over here next to my brother Joe since most of these are his projects which I think you covered for the most part. So I'll cover the – you see the Lana`i City Senior Center by Ms. Wade who's handling that.

Mr. Prutch: So for the Lana`i Senior Center, we'll be passing out a Draft EA that will be coming, and we're going to ask for your comments. Erin is going to be here to ask for your comments at the December 16<sup>th</sup> meeting. And we give this EA a month ahead of time to prepare, so Happy Thanksgiving reading.

Ms. Kaye: And we're having a number of Bills I understand. Leilani is going to give us hard copies on a number of Bills at the same meeting?

Mr. Prutch: And the Bills will be Joe Alueta's.

Ms. Kaye: Okay wait, let's do the open projects. Can you guys remind me please what is CTB? That was?

Mr. Alueta: Country Town Business. Okay, you have your EA and then you also have the variance. Lana`i Senior Center is zoning public-quasi – according to Erin – the Lana`i Senior Center site is zoned public-quasi/public and not business country town like the rest of the quad. The Lana`i City Design Guidelines state that business immediately adjacent to the Dole Park should be exempted from the onsite parking requirements to preserve the scale and landscape of front yards for properties in the BCT. Design Guidelines are referred to in the BCT zoning and no variance. However the connection is not made in public-quasi/public so 19.36 would apply and therefore a variance is required since limited onsite parking is provided.

I'm reading my notes . . . (*Changed cassette tapes*). . . Secondly, so moving on to the Lana`i Recording Studio. We had sent a letter to the applicant indicating that we were going to close his project in which, of course, after several months and months, after getting the letter saying we were going to close it, he said, no, no, wait, just kidding, just kidding. I still want to do it. So he is in discussion and we're not going to close it. So it's still open. As to whether it moves forward, we'll give the guy a little bit more time before we say –.

And then on the other one it will be closed. Danny thought he had closed it off the sheet. That was the RFC one, the request for comments, from the Rodney Jung and that's done. And that's all on the open reports.

Ms. Kaye: Okay, Commissioners, any questions on any of the open project's report? Thank you Joe.

Mr. Alueta: You're welcome.

## **2. Agenda items for the December 16, 2009 meeting**

- a. Comments on the Draft Environmental Assessment prepared for the Department of Housing and Human Concerns for the proposed new Lanai Senior Center ( E. Wade)**
- b. Public hearing on the following items:**
  - 1) MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting A Bill for an Ordinance Amending Title 19.15, Maui County Code, relating to Country Town Business Districts and Amending Title 19.510, Maui County Code, relating to Application and Procedures. (J. Alueta)**

- 2) **MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting A Bill for an Ordinance Amending Title 19.16, Maui County Code relating to B-1 Neighborhood District. (J. Alueta)**
- 3) **MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting A Bill for an Ordinance Amending Title 19.18, Maui County Code relating to B-2 Community Business District. (J. Alueta)**
- 4) **MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting A Bill for an Ordinance Amending Title 19.20, Maui County Code, relating to B-3 Central Business District. (J. Alueta)**
- 5). **MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting A Bill for an Ordinance Amending Title 19.22, Maui County Code, relating to B-R Business Resort District. (J. Alueta)**

Ms. Kaye: Okay, then next we have – we just got from Leilani our new reading assignment – a draft EA for the Lana`i Senior Center, and one, two, three, four, five – copies of five bills. Leilani thank you very much for your thoughtfulness in bringing this along. I'd ask that we get them early. I didn't know we could get them this early so this is great. It will give us extra time. I have nothing else. I see nothing else on the agenda. Any other Commissioners have any items before we adjourn? Okay, thank you very much everybody. We'll see you next month. Anybody knows if they're not going to be here, December 16<sup>th</sup>? Okay, meeting is adjourned.

**F. NEXT REGULAR MEETING DATE: December 16, 2009**

**G. ADJOURNMENT**

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:35 p.m..

Respectively transmitted by,

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



**RECORD OF ATTENDANCE**

**PRESENT:**

Sally Kaye, Chair  
Dwight Gamulo  
Beverly Zigmund  
Matthew Mano  
Alberta de Jetley  
Leticia Castillo  
Gerald Rabaino  
David Green

**EXCUSED:**

Stanley Ruidas, Vice-Chair

**OTHERS:**

Kathleen Ross Aoki, Deputy Planning Director  
Joseph Prutch, Staff Planner  
Michael Hopper, Deputy, Corporation Counsel