

**LANA`I PLANNING COMMISSION
REGULAR MEETING
MAY 19, 2010**

APPROVED 06-16-2010

A. CALL TO ORDER

The regular meeting of the Lana`i Planning Commission was called to order by Chair Gerald Rabaino at approximately 6:05 p.m., Wednesday, May 19, 2010, in the Lana`i Community Center, Lana`i City, Hawaii.

Mr. Gerald Rabaino: Okay Lana`i Planning Commission meeting in session. 6:05 p.m. Have any handouts been circulated from the Corporate Counsel? Commissioners, we have a quorum. Have you read the minutes of April? Any corrections, questions or comments to be added?

B. APPROVAL OF THE APRIL 21, 2010 MEETING MINUTES

Ms. Leticia Castillo: I move that the minutes of the meeting be accepted as circulated.

Mr. Rabaino: Is there a second?

Ms. Shelly Barfield: I second.

Mr. Rabaino: The minutes have been approved –. I mean, a motion has been made, and second by Shelly for April 21, 2010 minutes. Okay, all those in favor say aye?

Planning Commissioners: "Aye."

Mr. Rabaino: Motion carries. Any nays? No nays.

**It was moved by Commissioner Leticia Castillo, seconded by
Commissioner Shelly Barfield, then unanimously,**

**VOTED: to approve the April 21, 2010 Lana`i Planning Commission
meeting minutes as presented.**

C. COMMUNICATIONS

- 1. MS. KATHLEEN AOKI, Planning Director, requesting concurrence from the Lanai Planning Commission pursuant to their Special Management Area Rules, as amended, that an Special Management Area (SMA) exemption can be issued for the following:**

MR. FERDINAND CAJIGAL, Maui District Engineer of the STATE

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DEPARTMENT OF TRANSPORTATION requesting a Special Management Area (SMA) Assessment for the proposed maintenance of a 2.25 mile stretch of Kaumalapau Highway from Kaumalapau Harbor to the entrance to the Lanai Landfill, Island of Lanai. (SMX 2010/0173) (D. Dias) (Project valuation: \$800,000)

The Commission may take action on this request to concur or not concur with the recommendation for SMA exemption.

Mr. Rabaino: Okay, next on the agenda is communication. Item number (1), Kathleen Aoka, Director of – Planning Director – Aoki, sorry for the mis-pronunciation, no offense. Are you ready dear, for your item number (1)? You have the floor.

Mr. Danny Dias: Thank you Chair, members of the Lana`i Planning Commission. The first item before you is a road maintenance project being proposed by the State Department of Transportation (DOT.) The project is proposed to occur on a two and a quarter mile stretch of highway on Kaumalapau Harbor to around the landfill access road. And what the DOT is proposing to do is apply a slurry seal over the existing highway and install pavement markings, reflector markers and clean the existing culvert. Basically the project will add approximately eight years to the life of the highway.

In Chapter 205A of the Hawaii Revised Statutes, this project qualifies as an exemption under repair or maintenance of roads and highways within the existing rights of ways. So the Planning Department is asking this Commission to concur that this is an exempted project. Thank you.

Mr. Rabaino: Any comments Commissioners?

Mr. John Ornellas: Yes, I've got a couple. How long is this – kind of reading it over, it didn't say how long it would take to do this work.

Mr. Dias: Yeah, I'm not sure. We sent a letter to State DOT and we left them – we tried calling them. We left messages and so forth, and we got absolutely no response.

Mr. Ornellas: Okay. Because if it's like a day or so, I would recommend that it not be done on Wednesday because heavy trucks are coming up the hill from the harbor, and there's really no place for these guys to stop especially with the big rigs moving containers. So work shouldn't be done on Wednesday.

Mr. Dias: Okay, what we could do is if this Commission concurs with that this is an exempted item – you know if we do approve it, we can suggest that to the State DOT.

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Mr. Ornellas: Suggest? Suggest is not the right word. It's mandatory because they're involving the State DOT people going up and down the highway, and these big rig trucks are going – they're going to pave half at a time so these trucks cannot stop on grade and then pick up power to get up that hill again. So, recommendation, no. It has to be a must for Wednesday.

Mr. Dias: Okay. I think that the problem with SMA exemptions is I don't think the law allows us to put hard conditions on the exemptions. And so that's sort of why we would have to suggest it to them. I know, you know, on Maui, for example, we've had a lot of highway improvement projects, and generally it's just one lane, you know, and then it's coned on two sides and the traffic is split. I do understand what you're saying is they have to stop. I don't know if the State have alternative plans for that type of situations.

Mr. Ornellas: So, who would you talk to? I mean, this is an important safety item.

Mr. Dias: Well, the applicant is Ferdinand Cajigal from the State DOT, Maui Office. We sent a letter, and we tried calling. I called yesterday and left a message. I called today. I mean, you know, and we just got no response. I mean, this item was already on the agenda. I mean, we tried. I mean, at this point, I don't know what else to do?

Mr. Ornellas: Can the Planning Director call? Can you call? Can the Planning Director call?

Ms. Kathleen Aoki: I can call. That wouldn't be a problem. What Danny is saying is correct though. We're not allowed to put conditions on exemptions because you're saying that it is exempted. And under the law this type of application would be considered exempted because it's repair and maintenance. But that doesn't mean that we can't make a recommendation to them that the body was concerned with x, y and z, and let them know. You are required to make a decision within a certain time frame, so that's why I was wondering if you're uncomfortable with making the call today that it be exempted, you could try to get more information from the State DOT. We need to find out what that clock is at this point on whether or not we could defer. The thing you have to look at what it is that you're exempting. Does it meet the qualifications to be exempted regardless of whether you have this concern with it being closed or not closed. I agree with Danny. There's a lot of projects going on right now on Maui, and there's always been some kind of alternating, closing down one lane, coning it so that you're driving on the shoulder. They're doing a lot of that in Lahaina right now. So we could certainly go back and tell them your concern.

Mr. Rabaino: Any Commissioners want to add comments to this item? None whatsoever. Okay, any discussion Commissioners? At this time we would like to open up to the public. Anybody want to address this item regarding the highway construction under the Special Management Area? Please state your name when you come forward for the record.

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Thank you.

Mr. Ron McOmber: Good evening. My name is Ron McOmber, resident of Lana`i. Commissioner Ornellas is right. We only have one highway coming up from down there. If you split the highway to do that work, you should suggest that do not work on Wednesdays. That's easy to tell them that because that is the main server. You can't go around it. You can't –. There's no alternative way to get up to Kaunalapau. So it's not unreasonable to ask the State to take that into consideration. I mean, it's part of the condition. If they want this SMA approval, then they ought to accept that. It's that clear. I mean, if there's another way to get up from Kaunalapau then that would be understandable. What you do on Maui, you block road, you can go around some of that stuff on Maui. You can't do that at Kaunalapau. So we're just asking. I don't think it's unreasonable to ask the State to take that into consideration to not do it on a Wednesday. It's not going to kill them one day. Thank you.

Mr. Rabaino: Commissioners, any questions for Ron? None. Anyone else want to testify on the from the public? Public testimony is closed now. Being that we have this item for the SMA, for the Kaunalapau, Commissioners, we're going to vote by raise of hand, yeah? Anybody want to make a motion? Alberta?

Ms. Alberta de Jetley: I have problems making a motion Mr. Chair because I agree with Mr. McOmber and Mr. Ornellas that we only have one barge day a week, and that is Wednesday. And as a business person receiving freight at this harbor, I know I have a really hard time driving my truck up that hill with a load. If I had to stop coming uphill, I would never get myself started again. So I agree with them that we should have something in this that says no work on Wednesday until three o'clock because the barge leaves at three. If they want to work late, they can work late. You know, but barge day is barge day on Lana`i, and it is our community's life line.

Mr. Stanley Ruidas: Danny, who's going to do this work?

Mr. Dias: I'm not sure. I don't even know if they went out for bid yet. It might be a bid.

Mr. Ruidas: It's not State workers, they're just contractor workers?

Mr. Dias: Usually it is, yeah.

Mr. Ruidas: So under this, we're looking at exempting them from an SMA.

Mr. Dias: Uh-huh.

Mr. Ruidas: But it doesn't qualify for an SMA, right?

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Mr. Dias: It qualifies for an exemption. I mean this type of work.

Mr. Ruidas: As far as my opinion, I strongly agree with everyone that – you know, it's like having a fire on the Pali. You shut that road, the life line is gone. The same way here. So if you can strongly recommend it in some way to write it in there that Wednesday is like furlough Wednesday or something.

Mr. Dias: Okay.

Ms. Castillo: Mr. Chair, I would suggest if we can table this until you folks find out a solution to avoid that Wednesday to start the project that would be – because, you know, we're looking at the safety of everybody on the island.

Mr. Rabaino: Commissioner Ornellas?

Mr. Ornellas: I move that we disapprove this SMA until – and that it be brought back to us with that stipulation on the safety issue on Wednesday please. Because you guys are telling us you can recommend. So if we disapprove, then you guys – they will have to bring it back to us again with that stipulation in writing.

Ms. Aoki: Could I suggest, Chair, that the motion be a recommendation for deferral until we get that information and then we can get back to you?

Ms. Castillo: That is the statement that I just mentioned that we can suspend this until you guys can find.

Mr. Ornellas: Can I change my motion?

Mr. Rabaino: Are you withdrawing your motion?

Mr. Ornellas: To defer this, if I may? We defer this until we get a written response back from the State. How's that? Does that sound better?

Mr. Dias: Okay. Yeah.

Ms. Castillo: I second the motion.

Mr. Rabaino: So the motion is to defer this project until they come up with a solution. Is that correct?

Mr. Ornellas: Just defer.

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Mr. Rabaino: Just deferral. Okay.

Mr. Ornellas: Yeah. And then bring it back to us in writing that Wednesday is out of the question.

Mr. Rabaino: Okay. All those in favor – we had a second on the motion right? That was you, Letty. Okay, so motion carries. Second by Letty. Any questions? No questions. So let it be known for the record.

Ms. Barfield: We need to vote.

Mr. Rabaino: I'm sorry. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? So carried.

**It was moved by Commissioner John Ornellas, seconded by
Commissioner Leticia Castillo, then unanimously**

VOTED: to defer.

Mr. Dias: Can I – sorry –?

Mr. Rabaino: Go ahead.

Mr. Dias: Is there any other issues so we can get it all at once?

Mr. Ruidas: Maybe the one about the contractor.

Mr. Dias: Okay. If it's State workers –

Mr. Ruidas: If it's something that Lana`i can do, then why not let Lana`i boys do it.

Mr. Dias: Okay. And what about night time? I know sometimes they do it at night.

Mr. Ruidas: Yeah night work is good but then you got to pay them more, right?

Mr. Dias: I'm not sure.

Mr. Ruidas: Unless they work Wednesday nights.

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Mr. Dias: Alright.

Mr. Rabaino: Danny, if for some reason or decision later on that they do close Wednesday days, can they work on weekend, Saturdays? Just an option.

Mr. Dias: I think they could. The only issue is usually when the State bids off for work, then if you work on the weekends, then they require to pay the employees you know time and half. And I don't know how much funding they have and so forth. But, I mean, that could be a possibility. I just don't know their funding situation – how much they're willing to pay for this project.

Mr. Rabaino: Well, throw that around and then we come back with the answer that we're looking for when you – do you think you can get it for the next month's meeting, to bring it up on the agenda?

Mr. Dias: Yeah, we'll try. Like I said, though, I mean we've been trying to contact, you know, DOT and they haven't been responding. So we'll continue.

Mr. Rabaino: So we'll just make a note that it will be included on the agenda for June. If possible, if you can get that on the agenda, with the deferral and the option of working on a Saturday, and close all day Wednesday.

Ms. Castillo: Danny can ask, you know, concern about the overtime on the weekends, but if the State workers, you know, they can make a different days off then that's counted overtime. And if you're talking about working in the night time, you have the night differential also.

Mr. Dias: Yeah. That's true.

- 2. CASTLE & COOKE LANAI submitting the 2009 annual report regarding water usage pursuant to Condition No. 24 of the Special Management Area Use Permit and Phase II Project District 2007 time extension approval for residential and multi-family development at 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 annual report.

Mr. Rabaino: Any other discussions Commissioners? Okay, with that said, item number (2). Lets move on to item number (2). Castle & Cooke submitting a 2009 annual report regarding water usage.

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Mr. Dias: Okay, this item is a reoccurring item. Basically it's from a condition that was placed on an SMA permit, and the Commission at that time asked for a semi-annual report on water use that's proposed at this project. And so this is the water report for this year. And basically what we've been doing, for the new commission members, is every six months we come before you. We present this report or at least you folks review it and give us comments. You know, it's sort of like a time for you to ask questions and so forth with Castle & Cooke.

Mr. Rabaino: Any of the Commissioners wish to discuss this item? Any questions? Comments?

Mr. Ornellas: I do.

Mr. Rabaino: Go ahead John.

Mr. Ornellas: Who is – is the Company going to speak on this report? On behalf of this report?

Mr. Dias: They have representatives that can answer questions.

Mr. Ornellas: When I was reading this over, Hulopoe Beach Park, annually – I'm sorry. Balance per day 22,400 is –?

Mr. Clay Rumbaoa: Yes, that's based on our readings, our meter readings, gallons per day. That's the average for that time frame, 357 days out of the total aggregate of eight-million gallons for the whole, pretty much, year. So we came up with 22,432 gallons per day, out of that whole year, 357 days.

Mr. Ornellas: I just – you know, to me, 22,400 per day, that's, per day, that's an awful lot of water. And you're using it basically for showers and restrooms and irrigations.

Mr. Rumbaoa: Yeah. That will be correct.

Mr. Ornellas: Okay. Is irrigation a non-potable source, or it's potable?

Mr. Rumbaoa: It's potable down there.

Mr. Ornellas: For the irrigation.

Mr. Rumbaoa: Correct.

Mr. Ornellas: There's definitely a difference between quarter one and quarter three.

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Quarter one had 59 days and it used 10,550 per day and quarter three had four less days and that is 26,600.

Mr. Rumbaoa: It's probably when he read the meter. John Stubbart who is the Director of our Utilities. He's not here, but I suspect, quarter one, 59 days, was due to when our guys went out to read the meter. So it's based on our meter readings.

Mr. Ornellas: And these 15 spas covered by the SMA permit, so those were the single-families or multi-family homes down at Manele?

Mr. Rumbaoa: Those are the single-family meters.

Mr. Ornellas: Meters?

Mr. Rumbaoa: Correct.

Mr. Ornellas: So your 15 meters not 15 spas.

Mr. Rumbaoa: Spas, it's a different location.

Mr. Ornellas: Okay. And then also the fog drip study, evidently the expectations are a lot greater. I mean, the results are a lot greater than the expectations. What is the Water Company going to do to move forward with that?

Mr. Rumbaoa: Yes. A study was preformed by Dr. Juvik out the University of Hawaii Hilo. He monitored eight stations up on Lana`ihale and his results were greater than I think everyone expected. And it was published in his report that was submitted to the County Department, the Water Department and COAM, the State. And that's pretty much where it stands right now. That's pretty much it. It shows that the fog drip provides an abundance of charges of these aquifers.

Mr. Ornellas: Did that report change our realization as far as the six million gallons of sustainable yield, or four million gallons of sustainable yield up on the mountain?

Mr. Rumbaoa: The amount is six million gallons. Yeah, it could, but another study would need to be done just to preform that, to quantify that. And that study hasn't been done because you're talking a whole set of parameters. You're talking about subsurface analysis which is a lot harder. You're talking about a bigger area, so that would entail a lot more time and effort to do. So we haven't gotten to that point yet.

Mr. Ornellas: In the future, is there a possibility of a tree planting program that goes on up there to replace? Some of those trees are looking a little ragged.

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Mr. Rumbaoa: Yes. Yes. We definitely are. We do want to implement that program in terms of replacing some of the battered Cooke Pines up there. So, definitely is the plan.

Mr. Ornellas: Thank you.

Mr. Rabaino: Any Commissioners? Stanley?

Mr. Ruidas: Clay? I guess I asked Leilani to give you guys the condition number 24. I thought part of it was missing. My question was as far as new wells or new water sources, what kind of plans you guys got for the near future?

Mr. Rumbaoa: We have proposed well number 15 that we hope to complete by 2011. Well 15 is a brackish well that will be located in the Palawai area near the piggery area. And right now, we're replacing well number 3 which is a potable well, and we hope to start that shortly also.

Mr. Ruidas: Is there any contingency plans for like this summer when we have drought conditions and you may run low on water?

Mr. Rumbaoa: In terms of potable or non-potable?

Mr. Ruidas: Both.

Mr. Rumbaoa: I would be speculating. The best person to answer that, again, is John Stubbart and unfortunately he's not here. He was going to be here, but I don't want to say something that is inaccurate so I have to pass on that question. I can forward that to him, and we can respond back in writing to you on that.

Mr. Ruidas: Thanks Clay.

Mr. Rabaino: Any Commissioners wish to question Clay? Letty?

Ms. Castillo: I think in the past that we had discussed not to use potable water for irrigation of the golf courses. And see that we are using potable water for golf course. Is there any reason that we are using those waters instead of the non-potable?

Mr. Rumbaoa: We are not using potable water for any of the golf course irrigation.

Ms. Castillo: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Rumbaoa: Excuse me?

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Ms. Castillo: According to what we have in here, you have potable.

Mr. Rumbaoa: The potable lines you see is for the comfort station. It's a smaller amount. It's for the restrooms along the golf course for people, for sanitation purposes.

Ms. Castillo: Thank you.

Mr. Rabaino: Any Commissioners have more questions, comments? Clay, I have several over here that I was looking, and this is referring to Ralph Masuda's November 19, 2007, page 5, item number 24. It goes a, b, c, d, e, f, and g. My first question for item (a), any changes to the number of level certification of all operators employed by the Lanai utilities water company during the previous years. My question to you, who are the certified operators and is there one on island at all times?

Mr. Rumbaoa: The answer is yes. There is. And the two certified operators are Rocky Sanches and John Stubbart.

Mr. Rabaino: Okay, at any given time, when one leaves, one will be on the island if anything does happen?

Mr. Rumbaoa: That's correct.

Mr. Rabaino: Item (b). Date and result of annual testing conducted by Department of Health. My question to you, for item (b), you reported sampling of 2009 which is currently in front of us, which is the next scheduled to occur?

Mr. Rumbaoa: We will provide you –. Some of this tests are staggered. Some are annually. Some are three years. So the next one we'll probably give you will be next year. And again during that time, the test that we take in 2010 will be forward to you. Again, some of these tests are, like, three year time frame, five year time frame, so it's not annually all the time.

Mr. Rabaino: Okay. So you said – the one that caught my attention – you said staggered. Is that quarterly or annually staggered?

Mr. Rumbaoa: It would be, again, either annually or three years, four years. Those are EP requirements. And we can list those time frames for you in our response to those questions if you'd like.

Mr. Rabaino: Thank you. Please do so. Item number (c), reading meter of water usage both potable and water. My question to you is, the attached quarterly 2009 potable usage indicates a total of 475,833 gallons per day. In parenthesis 453,391 for single family/multi-

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family, and 22,442 for Hulopoe. Which is over the slated allocation of 400,000 according to the 2007 project to the Planning Department when the PD was first approved, and does not include roadside irrigation which ran at 149,003 GPD for the 3rd quarter. Given that only a small number of single-family homes have been built – 17 of 200 to 282 permitted by ordinance, and not all of the multi-family have been built. How do you plan to keep within the 400,000 GPD allocation?

Mr. Rumbaoa: Well right now we are about less than half. Our water usage, out of the 400,000, we're about 190,000 gallons per day total. And based on our build out, we feel that we will need that. And it will be based on conservation. One of the methods is the tiered, the rate tier structure that we just implemented the past six months over in Manele to charge additional funds to those who exceed – not exceed – but as they increase their usage. And the Water Company will implement educational methods to come with the homeowners in terms of conservation and how they can somewhat maintain their landscaping by using less water for their irrigation. So those things. And in terms of the hotel, you know, we started, we hired someone at the hotel to look at that and it's shown a dramatic decrease in our usage in irrigation in that area. So we're starting to implement some of these programs and decrease in terms of meter usage.

Mr. Rabaino: That's fine. Item number (d), on page 5, from November 19, 2007. I know Letty talked about the spa. That item (d), regarding spa construction, is the 508 gallon for each spa, how often is the water drainage and replaced?

Mr. Rumbaoa: The 508 is an aggregated. That's not 508 gallons per spa. It's more like 24 gallons per spa. And they're private, so we don't know how often they change it out. I don't know. It's private owners. You know, we don't do the work.

Mr. Rabaino: May I request information on how often they change water? Thank you. Item number (e) referring back to November 19, 2007, page 5, item (e). How many deers have been eradicated in the first 1,800 acres fenced increment? Where's that map? Would you be able to have that number at hand?

Mr. Rumbaoa: No.

Mr. Rabaino: That's the Lana`ihale, yeah? Just below Lana`ihale, before you reach up Lana`ihale. The Puunene. I believe that's the conservation area. And hopefully tree planting is planned for that whole mountain area too. Well, let me just go through this and maybe you can get back to us, okay. Item number – that was (e) – number (f), progress report on the fog drip station. Have the fog drip study been established? You have that listed here. But how often do you have a reading?

Mr. Rumbaoa: How often do we have –? Could you repeat that question again please?

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Mr. Rabaino: The fog drip study, has it been established? I mean, do you have a report?

Mr. Rumbaoa: Yes.

Mr. Rabaino: Quarterly? Annually? Or yearly?

Mr. Rumbaoa: No, the study is done. It's a one time study that's been completed. It was over a two year study that's been done. And the report has been published and submitted to both the County and the State.

Mr. Rabaino: Item (g), progress of development water usage rate – sorry Clay – you have over here, potable water rates for two month billing period, tire one, less than 25,000 gallons at 1.10 per 1,000 gallon; and tire two –

Ms. Barfield: Tier.

Mr. Rabaino: Tier. Sorry. Thanks for the correction Shelly. More than 25,000 gallons at 1.62 per 1,000. Is this correct, currently?

Mr. Rumbaoa: That's correct, and it's in place.

Mr. Rabaino: And this brackish water rate is being collected as we speak to this current billing of April 15th – going back to 1/31 to February 25, 2010. It's been implemented this year then?

Mr. Rumbaoa: It was implemented –

Ms. Barfield: October 2009.

Ms. Rumbaoa: That would be correct.

Mr. Rabaino: Thank you Commissioner Shelly. Last item of this page – November 19, 2007, page 5, the status (inaudible) recommendation is being studied to verify the size of Lanai single aquifer. Okay, the single aquifer when I'm looking at the map, we have mauka which is mauka-windward and mauka leeward. Right now, I know for a fact that we have a lot of wells on mauka leeward. The other, on the mauka windward, the Maunalei Gulch, is that an introduction . . . (Inaudible. Did not speak into the microphone) . . . ?

Mr. Rumbaoa: No, the only well that's in the windward side would be well number 6, and that's right near above the Koele golf course. And that's considered in the windward side of the aquifer, and that's being introduced for use and service for Lana`i City.

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Mr. Rabaino: And lastly, you said you had one well that's going to be kicking in for water pumping?

Mr. Rumbaoa: Yes. We're doing a replacement for well number 3, and the well is actually drilled. It's already there. We just have to get the pump, and the pump house, and all of that, so we're working on it. And the brackish well I mentioned earlier is well 15 will be a back up to wells 1, 9, 14, over at the Palawai Basin, and we hope to get that in and operating in 2011.

Mr. Rumbaoa: Thank you very much Clayton.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead John.

Mr. Ornellas: So well 6 is the only well servicing Lana`i City at this time?

Mr. Rumbaoa: No. Well 6 and 8. Well 6 and 8.

Mr. Ornellas: Okay. You said the fog drip report was published and sent out to the County and to the State?

Mr. Rumbaoa: Yes.

Mr. Ornellas: And can we get a copy of that?

Mr. Rumbaoa: I don't –

Mr. Ornellas: The County –

Mr. Rumbaoa: Yeah, the County, the Department of Water Supply has a copy.

Mr. Ornellas: Can the County provide us with a copy of the fog drip study?

Mr. Rumbaoa: Probably ask Ellen Kraftsow.

Mr. Ornellas: Okay. Thank you.

Mr. Rabaino: Commissioners any more questions or comments for Clay? If none, thank you Clay for your time. Okay, we're moving on to page 2. Sorry Ron. Open to public hearing. Any public testimony for the public hearing. Please state your name. Thank you. On item regarding the 2009 annual water report.

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Mr. McOmbler: Once again Ron McOmbler. A resident of Lana`i. Also a member of the LWAC. You folks are getting information that we did not see. You should be relying on us to interpret what they just gave you so you can ask the LWAC if the information that they're giving is correct or not. I would say that you do not accept this report until LWAC see it at their next meeting so that we can get back to you because we are the arm that deals with the water issues. We have a member that sits on this Commission that is a member of LWAC now and he has just been appointed so he needs to get familiar. The reason we have a member from the Planning Commission is to have continuity. We did not see that report. When did you get this report?

Mr. Rabaino: Well, I received mine in a packet in my – Monday, when I picked it up at the post office.

Mr. McOmbler: You had it last time?/

Mr. Ruidas: Yeah Ron, I think we had that last month. Was that correct Leilani? The same one? Oh we didn't have the annual report. We didn't have Ron. Sorry.

Mr. Ornellas: Mr. Chair? What report are you talking about? The fog drip study?

Mr. McOmbler: No. I'm just talking about this report they just gave you. The update. Because there's information I'm hearing that they're giving numbers that we may not concur with because there's a lot of water at Manele right that is unaccounted for and it still is. Huge amounts of water down there that is being pumped to Manele that we have no idea where it's going.

Mr. Ornellas: Okay. Thank you.

Mr. McOmbler: So I would ask you folks to not accept this report until LWAC has a chance to look at this report out of common courtesy of LWAC. That's why we're here folks, okay? So anything that you've heard, whatever you –. There's no way you folks can understand this. I'm not downgrading you folks, but this is a lot of information that we have been chasing for years. So please give us an opportunity to respond to it. Thank you.

Mr. Rabaino: Thank you Ron. Any others wish to testify, please come forward and state your name.

Mr. Rumbaoa: Clay Rumbaoa. Castle & Cooke. I would like to clarify. I also sit on the LWAC committee and LWAC is an advisory committee formed to resolution so they have no approval regulatory authority. They're just an advisory committee. And this report, this quarterly report, is sent out by our Director of Utilities John Stubbart to the public, so it's out there. And this condition that we're reporting on was a condition through the Planning

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Department, and we're reporting to them. So it didn't say that we have to go through LWAC. But this report, the table is, again, was distributed back in January. So we just formalized it as a response to the condition in the SMA extension, the annual report.

Mr. Rabaino: Commissioners, any questions for Clay? John?

Mr. Ornellas: Yeah, as the LWAC member here on for the Planning Commission, I'll make sure that LWAC gets a copy of this – that this thing was released to the public, so I'll make sure that LWAC gets copies at the next meeting.

Mr. Rabaino: Corporate Counsel? I have a question for Corporate Counsel. Being that this is – we have a Commissioner appointed to the LWAC, is any of these things such as the quarterly report for the water usage and our representative that was appointed last month which was John Ornellas, alternative was David Green, is it legally accepted that they can share this being that it is public? Corporate Counsel?

Mr. James Giroux: Thank you Jerry. Yeah, any documents that this Commission receives in public documents – reports, et cetera – once they're discussed and once decisions are made or once they're reviewed by this Commission, they become public documents. The public can actually ask the Department as part of the public record, Chapter 92 I believe, they fill out paperwork in order to get copies. So if a member wants to, you know, discuss it at a separate meeting, it's fine as far as public record documents goes. I don't think I can expound any more on any other activity. All I'm saying is that that document is a public document. It's not privileged. It's not protected by any privilege that I know of. And so, that document is freely distributed. It can be freely distributed.

Mr. Rabaino: Okay, so – my mind is slowing – so tell me if I'm correct or wrong in the interpretation that you have presented. Number 1, this report right now in front of us that we received in our packet is designated for the Commissioners because it's on the agenda, correct?

Mr. Giroux: Right, I believe your agenda actually states that this report is received in your possession and will be discussed and possibly acted on at a public meeting. Correct?

Mr. Rabaino: Okay, understood. Second question. Does any of this information shared between Castle & Cooke and LWAC, do they have a report of this also as a courtesy even though we get ours before they do? It's a fine line I know. But that's as a protocol. Okay, Commissioners get this in the packet because it's on the agenda. Understood and I hope all the Commissioners agree with me. Secondly, because you say it becomes public, the word "public" is for the general community regardless who they are, where they work, who they represent, they have access to this, correct? Okay, now what I'm saying because we have this and we are privilege to this because we are appointed Commissioners, it's in our

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packet and it's been mailed to us. In the same token within that window frame, what I'm trying to get to you is, when the Company and LWAC have their monthly meetings, would they have the courtesy or the benefit of receiving exact information?

Mr. Giroux: I don't think I, as Corporate Counsel, I can answer that to the fullest extent because I advise this Commission. The LWAC is under a different system. You receive this pursuant to the terms and conditions of an SMA permit which you have ultimate authority over, so by law you have to receive this. It doesn't mean that they can't distribute it any other organization. There's no requirement that they distribute it to any other organization. So if you want to forward it to another organization that's fine. It's within your powers because it is a public document and if you want to forward to another agency or another, you know, organization, that's fine. And you might want to just formalize that in a vote to say that you want to distribute that or –

Mr. Rabaino: Thank you. That is what I'm looking for.

Mr. Giroux: It's sort of like writing a public letter.

Mr. Rabaino: So Commissioners, being that he answered our question on that, and my question to you and because we have an assigned, two assigned delegates to be on LWAC, would the Lana`i Planning Commissioners – and this is a motion from me and you can ponder it if you want to – is that this report is to be shared with who goes with the LWAC meetings and the company is there on a monthly basis. Commissioners, discussion.

Ms. de Jetley: Mr. Chair, I'm taking that this report from what Corporation Counsel is saying is public information. It's available to anyone who wants it because it's out there.

Mr. Rabaino: Any other Commissioners? Comments?

Mr. Ruidas: Yeah, I've got a comment for our Planning Director. For the last couple meetings, I've been wondering because like Clay said and Ron testified earlier that LWAC doesn't have a regulatory status. I want you to see if you can get to the bottom of what roles they have in our planning here, and what they can and cannot do because I think everyone is confused. Okay? Thank you.

Mr. McOمبر: Mr. Chair, . . . (Inaudible. Did not speak into a microphone.) . . .

Mr. Rabaino: Yeah, I haven't close the public testimony. Come forward Ron.

Mr. McOمبر: Clay made a very interesting statement. We do not have legal rights to do this. The reason we don't have legal rights as of now is because LWAC is in the process

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and in the final stages of completing the Water Use and Development Plan which is in the Water Use and Development gives us that authority to do that. Castle & Cooke has been against this from day one. They have fought us tooth and toenail on this because once that's given, we will have that authority. So we're still in the process and we're within a month or so – I think it's the 14th of next month we're going to take a vote on this. You can ask Mr. Clay how come he doesn't come to the meetings and he doesn't show up at the meetings, and they only have one member and they're claiming that we're doing this on the side. We're not. This is a public meeting. Anybody is invited to it. So, yes, Clay is right in one way, but he's wrong in another because we're in the process of completing it. It's just a matter of getting the Water Use and Development Plan done which is going before the Water Board or Water Commission, and then the State Water Commission, and then the County Council and then through that whole process. But we've been doing this for six or eight years now folks, and we're about to do that. And it does smart, especially when you want the truth out. So what I'm saying is that report – we see the periodic reports you have in front you – we have that. It's posted on the bulletin board in the City if you look around the bulletin boards, every month. That's not the report I'm asking about. I'm asking about the letter they sent you and giving numbers in that letter. We haven't seen that. But we've seen the Water Use and Development – I mean, the periodic Water Report, so thank you. Thank you for your indulgence.

Mr. Rabaino: Ron question. Are you referring to this right now that we received in our packet? Is that what you're referring to, the letter?

Mr. McOmber: The letter, not that chart you have on top there. That chart is public information for the whole community. It's posted. That letter, right there, is the one.

Mr. Rabaino: So just for the record, yeah, this is referring to February 10, 2010 from Mr. Jeffrey S. Hunt, Director of Planning Department. This is the letter that you're interested in, correct?

Mr. McOmber: Well, I just would like to know whatever they're giving you, you guys should be asking the Water Working Group are these numbers factual? That's all we're saying. You don't know. It's they're saying they are, and we're saying well we don't know because we haven't seen it. I haven't seen it here. It hasn't been distributed to the public. Only you guys were privileged to see that letter. And even if you gave it to me right now, I would like to go back and look at it according to our records and what we know of the water use. Okay? That's all I'm saying. But they've got to be honest with you in their water. And the water use at Manele is way out of whack right now. We're trying to protect that. Thank you.

Mr. Rabaino: Stay there Ron. Commissioners, anymore questions for Ron before I close public testimony? Alberta?

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Ms. de Jetley: Mr. Chair, this is technical point. I arrived at this meeting tonight after the meeting started so I am not being recorded as being present, and Mr. Ornellas has just left the meeting. So we should put it into the record that I arrived after the meeting started and that Mr. Ornellas is now not at the meeting, but we still have a quorum.

Mr. Rabaino: Okay so be it. Ornellas informed me earlier today, and he reminded when we started the meeting that he was going for medical purposes, and that he was going to be here for an hour or so.

Ms. de Jetley: I know because I was not recorded into the meeting, we don't officially have a quorum.

Mr. Rabaino: Yeah, I was going to mention that later, but we got into this thing. Okay, so for the record, yeah, John left to attend other businesses, and Alberta came in late for the record. With that said, any discussion Commissioners regarding this letter? Shelly? Speak your mind thank you.

Ms. Barfield: Okay, so with everybody having a discussion and everybody is up in arms with the report, do we have to vote on this to accept it or do we – what do we do on this? It's just an informal, right, informational piece of document per the conditions of the SMA, correct?

Mr. Dias: Correct. It's nothing for the Commission to act upon.

Ms. Barfield: Okay, it's just for comments?

Mr. Dias: Yeah.

Mr. Rabaino: So any of the Commissioners would like to make a comment to the report? Shelly? Alberta?

Ms. Barfield: I'm fine.

Mr. Rabaino: Okay, Letty, any comments? Stanley? Okay, number 1, I would entertain that a letter of this – as you said earlier, Corporate Counsel, if I got this correct, that we can pass this on to LWAC for their review. Is that okay if the Commissioners approve? Yes? No?

Ms. de Jetley: It's a public document, so you don't need to vote. It says comments for us.

Mr. Rabaino: Okay, comments for us. Okay, so will that be alright with you Commissioners?

Ms. de Jetley: It's public.

Mr. Rabaino: Thank you. It's public. Okay, any other more discussion regarding the 2009 annual report regarding water usage Commissioners? Okay, would you like to make a motion to accept –? No motion. Okay no need. Just the comments only. Okay, so let it be.

D. ORIENTATION WORKSHOP NO. 2

- 1. Lanai Community Plan Update**
- 2. Sea Level Rise**
- 3. Flood Hazard Districts**
- 4. County Policy Against Discrimination**

Mr. Rabaino: Okay, we're going to the next item, orientation workshop number 2, item (d), number 1, Lana`i Community Plan Update.

Ms. Aoki: Thank you Commissioners. We have with us from our Long Range Division, Dave Yamashita and Kathleen Kern who will be coordinating and doing the Lana`i Community Plan Update.

Ms. Kathleen Kern: Good evening Commissioners. My name is Kathleen Kern. I'm one of the Long Range Planner who will be working on the Lana`i Community Plan update along with my colleague David Yamashita, along with our colleague who is not here tonight, Nancy McPherson. So we have a power point presentation to explain the Community Plan Update process.

Mr. Rabaino: Excuse me. Before you begin, can the Commissioners, as you go to your different screens, if they have a comment or question to ask of you, can they address you as you go along? Or do you just want to present your presentation right through and then ask you questions after?

Ms. Kern: We'd prefer to sort of do the power point right through and then we'll take questions at the end.

Mr. Rabaino: Thank you.

Ms. Kern: So Lana`i currently has a community plan as you all know. It was approved by Council in 1998 and that's the document that we will be updating. The Long Range Planning Division will be working on the update along with Chris Hart and Partners as our consultant. The Community Plans are part of the whole General Plan Update system, and so as you know that Countywide Policy Plan is kind of the over arching document. And

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then there's the Maui Island Plan which feeds into the various community plans on Maui Island. And there's the Moloka'i and Lana'i Community Plans which we're both working on right now together.

There are a number of required elements in the Community Plan which according to Maui County Code 2.80B.070. And they include the description of the community plan area; a description of major problems and opportunities – this whole list of things here which are in the current community plan I believe. But the County Code has been revised, and so, compared to the 1998 Community Plan, there are some new elements that we are required to do. And those include developing streetscape and landscape principles and desired improvements; developing public facilities and transportation improvement plan; creating an action element and implementation plan; a Capital Improvement plan which includes public facilities, utility systems, drainage improvements, parks, road, et cetera; and the development of a monitoring plan which will include milestones and annual reports once the Community Plan is completed.

As part of the contract that we have with Chris Hart & Partners, they have sub-consultants to do two more additional studies – an economic development study by John Knox & Associates who will produce sort of an economic issues paper, which will include emerging – a report on emerging economic development issues; threats and opportunities; as well as trying to outline an economic development policy option and strategies. There will also be an affordable housing report by Tom Dinell, who will research housing affordability and availability an issues paper, and provide recommended affordable housing policies. The research will document the extend and depth of the need for affordable housing; investigate causes of the worsening affordable housing problems; assess current public and private efforts to address affordable housing; and provide option for County policy and action.

In developing the update to the Community Plan, we kind have some key principles which include, in order to validate and build on the 1998 plan. We want to work with the community as well as Castle & Cooke to develop a common vision. And that Long Range Planning will be sort of responsible for leading a community engagement. And we want to focus on implementation actions that are realistic and that can be achieved with existing resources.

So just to elaborate on those points a little bit more. The 1998 plan provides a starting point. We do need to develop those new requirements to be added in, and there's new data and new information that we will be building on as well. We'd like to incorporate other planning studies that have been recently been done. And we want to work with the community as well as Castle & Cooke. We would like to establish a process that integrates ideas from both the community as well as Castle & Cooke. And we'd like to organize and structure community events that encourage an open discussion of ideas.

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We're looking to create a broad community participation through a variety of mechanisms – open houses, workshops. David Yamashita and myself have also been on island a couple of times now doing interviews with individual stakeholders. And the strategy of the plan is to focus on implementation where we can identify actions that can be quickly achieved realistic, and that can be achieved with a sustainable amount of new resources. I'm going to turn it over to David now who's going to talk about the time line and the process for the update.

Ms. David Yamashita: Thanks Kathleen. And I'm going to go through this pretty quickly. But essentially the key deadline maybe for you and for us as well is we'd like to have a preliminary draft of the plan essentially around this time next year. So, you can see where it says develop draft plan April 2011. That's the key date. In between now and then, we're doing data collection, community engagements – I'll go through this in more detail – but, and then go to the Community Plan Advisory Committee, to the Planning Commission, and then to the County Council.

So this is generally – this is what is in your packet and you can see the key dates there. Develop draft plan is essentially end of March, early April of 2011. So we're somewhere right in here now, in research data gathering. And as Kathleen said, we've talked to, we've spent several days back in February or March, I don't remember, talking to several people here. We're going to be starting up some community workshop soon. And then once we have the draft plan prepared, there's a short period for internal review. It goes through the Community Plan Advisory Committee which as stated in 2.80B, has six months to do their review. And then from that point, then it goes to the Planning Commission. The Planning Commission, again according to 2.80B, has six months, a maximum of six months. And then it goes to the County Council which has, according to 2.80B, a year, to look at those. So if you laid all these out with a maximum amount of time that people had different depth, you're really looking at, I think, the end of 2012.

So as Kathleen said, we're looking to do a variety, use a variety, of ways to communicate, meet with stakeholders, wanting to have open public events, and have a variety of events so that we attract a conversation with a broadest range of people. So we're looking at about four events this year. The first workshop, probably at the end of July. We're trying to set a date, but it's probably going to be on Saturday, maybe half day, towards the end of July where we talk about issues, opportunities and goals. A panel discussion which I'll talk about later. An ideas Charrette and then finally another open house to look at, evaluate ideas and options. So the open house, end of July, is going to be a drop in format. We'll introduce the team to the community, present basic information, discuss issues and principles. Essentially it lays the foundation for the subsequent discussions. So just to let you know, this is kind of a graphic, it's just a diagram of how we're going to set up the open house. You know, I talked about trying to encourage healthy conversations. So rather than set up a situation where you could have some confrontation,

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we're trying to set it up and we're doing this for Moloka`i as well, where you have a series of stations, it's an open house, people come in and you can record comments and ideas and thoughts at each of the different stations, and there will be different questions. But that's the idea. So it's a four hour open house. You can drop in. And people could just talk about, and whatever their questions are.

Now this is the new thing that we're doing, really, just for Lana`i, and it's a panel discussion. We haven't worked out the details, but the idea here is to bring in maybe four or five good thinkers from the outside, from the State, who could bring some perspective on the future of Lana`i. It's a way to think outside the box, and a way to get some response to some of the ideas that people would present. So we'll generate ideas, creative ideas, but also realistic ideas. Energize and educate community on possibilities, and expand awareness of the issues facing Lana`i as a way of bringing in perhaps other partners from outside of the island to help deal with the issues. And that would be, I'm guessing, towards the end the of summer.

So this is – following the panel discussion then we have an ideas Charrette. Charrette is essentially a – like if you want different forums, but it's essentially again kind of an open house format. People come in. It's very interactive, and you develop ideas and solutions. But it's based on some of things we've talked about in the first two workshops. But again it's about looking at ideas in a holistic way. And then following that, once you have the ideas and options, and then there's another workshop that actually evaluates the different ideas. And again this will be about a half day event, at least. But again, it's very interactive and trying to encourage as many people to attend as possible.

Okay, there's also going to be the CPAC. We talked about the Community Plan Advisory Committee. What the Planning Department is going to do is to advocate that the Lana`i GPAC members be appointed to the CPAC. This was a question that's come up several times. But remembering also that the County Council is ultimately responsible for appointing members of the CPAC. There are 13 members. Nine are nominated by the Council and four by the Mayor. That's it. So now we'd be happy, Jerry, to entertain whatever questions that people may have.

Ms. de Jetley: David, I have a question for you.

Mr. Yamashita: Sure.

Ms. de Jetley: We're looking for this on Goggle. Where does the word "Charrette" come? Where does that come from and what does it actually mean? Is it French?

Mr. Yamashita: It's French.

Ms. de Jetley: Okay. So what does it actually mean?

Mr. Yamashita: It's, generally, an interactive workshop. Sometimes it's a week Alberta. Ideally it's a week. And this is what I've seen, where you set up, ideally, we'd like to do this somewhere around the town, in a store front operation perhaps, but people come in. So on the first day maybe you talk about issues and opportunities, and there's a lot of drawings and people put it on the walls. And you come in and sometimes in the evening there will be a presentation or discussion. And then the team spends the next half day or day taking those ideas, developing into options. But again people are free to come in and go. So if we did it here, this will be open, people would come and go, express their idea. You do this over several days and then at the end is the final presentation. That's ideal situation. I don't know if we have the budget to do that, so we may do a condensed version of it. But the idea is that you have this discussion. And as you get ideas, you kind of get them out and work them through. That's a long answer to maybe a short question. Does that answer your question?

Ms. de Jetley: . . . (Inaudible) . . .

Mr. Yamashita: I know. You know what, that's a really good idea. Maybe we'll strike that word from our presentation. We tried to be very good about not having planner talk but I guess we failed on that one.

Mr. Ruidas: I got a question. Is anywhere in this community plan, planning for another community plan? Is there a time frame because this one is, like, long overdue. So would you be able to write that in or is there a section for that?

Mr. Yamashita: The way the code is written, we have to do these every ten years.

Mr. Ruidas: Yeah, so you're like a decade and a half almost overdue.

Mr. Yamashita: Probably.

Mr. Ruidas: So in Long Range Planning you plan for three generations or so.

Mr. Yamashita: Right.

Mr. Ruidas: So is there a portion that, or a section that, you can actually plan the plan?

Mr. Yamashita: Plan for the next version of –?

Mr. Ruidas: Yeah, so you don't go overdue. And then, you know, things happen within five years, you know, so you're going to be almost 15-years into the next community plan.

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Mr. Yamashita: That's right. Right. Okay, let us think about that one because I think that's a very good point, and I think it has been brought up just internally that this is a problem. So let us think about that one, okay?

Mr. Ruidas: Okay. Thank you.

Mr. Yamashita: And don't let us forget it.

Mr. Rabaino: Commissioners, any other questions for him? I'm going to open up to public hearing. Anybody wish to question? Riki Hokama?

Mr. Riki Hokama: Riki Hokama. 438 Fifth Street. Commissioners, good evening. You know, for me, it's very disappointing. This Department must not know what the hell goes on this island. This is going to be the third community plan for this community. Third update. It's kind of sad that we don't even have a briefing on how well they did to implement the existing plan, and what was the good points, and what was the difficulties in the existing plan before they come up with this new plan. With all this bull shit up front, it undermines the CPAC portion of the process, and that wasn't Council's intention. That was not Council's intention. From the GPAC, it goes to the CPAC, and then the Commissioners, and then the Council. That was the Council intentions. And I can appreciate your timing and questions regarding the five-year portion and what not, but Stan, this is a continuation of that original first plan we did in the 70's. The problem is we have conflicting points even in the update General Plan. And that's why it's more important for me to tell you that the key points for us is the Community Plan or our Island Plan where the specific details should be the guiding force on decision making in the future. You know, they're going to spin our wheels. You and I know that this community is more sophisticated and has been more involved in our Community Plan. We know who's going to show up in meetings and who's not going to show up in meetings. Okay. And to bring in outsiders who don't have to live with the consequences or decisions to tell us how we should be doing things, you know where they can put it. You know, this is part of the problem with this Department right now. Totally unrealistic and totally uninformed of what goes in the specific communities and islands.

Resources, we can dream all we want people. Who's going to pay the bill? We are a receiving island. We receive additional subsidies from Maui. So for us, we need to make sure Maui stays healthy because they're going to make up the difference in our annual budget to take care of our needs on this island. The problem is not what happens on this island. The problem is what happens on Maui when they cannot perform and make the schedule work. I think those of us who sat on the current plan, I think, when did we finish it? 1995? And we waited till 2001 to get it adopted? That wasn't the community's fault. The community participated well. We had a good turnout. Who took six years to get it to Council? The damn Department. If anything needs to change in this proposal is what the

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hell is the Department going to do to expedite and get our message to the Council, and our version of our plan, for our community, and our island. Not their vision. What is our vision? We got to live with the consequences and outcomes of these decisions. So I would say you have a very critical role Commissioners. But I wouldn't continue to draw it out. We need to be more compact and concise so we can get decisions made and things formalized. Then Council can start looking at how are we going to pay the bills, how are we going at taxation in finding the right variety of resources to pay for that bill. Because right now we're over borrowing people and that's not going to help us pay the bill in the new generation. Thank you.

Mr. Rabaino: Any public – any other wish to testify? Pat Reilly?

Mr. Fairfax "Pat" Reilly: Thank you. Pat Reilly. 468 Ahakea. It's probably more addressed to the planners than to the Commissioners. Actually there's a lot of community planning going on. I want you to hear what I'm saying here, though, please. I'm talking to you mostly not to them because they already know. I guess, to capture it, you've got to worry about burnout. There are about four planning process already going on in this community. I'm not sure you're aware of that. The basic fundamental discussion in this community is where are we going to be 20-years from now given the significant changes that are confronting us both economically and with potential projects. It is a heavy discussion in this community. Castle & Cooke is holding discussions about community planning. Lana`ians for Sensible Growth is hold significant discussions and actually paying for studies by the University of Hawai`i about where we're going in the next 25-years. And maybe that is a way to alert you that there are things going on, and if you come in thinking you're starting from scratch that's not what's happening. And I think that's a little bit about – I don't want to speak for Riki – but the process have already started. And my recommendation is – and the process are very inclusive – and my recommendation is to be aware of those processes, and maybe to piggy back on them and to get them together so you don't come in and people are saying, oh man, here we go again, we're starting from zero but we've already had these discussions for a year or more. So I don't know if that makes sense to you, but burnout is a big issue.

And, yeah, I think – the context are the water issues. Excellent community planning around the water. This Water Use and Development Plan, as Ron said, is a six year process, and it's just about ready to be submitted to the Water Department. And that water discussion is really a community planning discussion on this island specifically. I suppose it is on Maui too. They propose a wind industrial power plant – the turbines. That is a big discussion on this island. It's been going on for a long time. That will change the whole nature of this island and the economy of this island. So I'm just giving you guys some hints, like, I think you can save some time and just use what's going on already. Thank you.

Mr. McOمبر: For the record, Ron McOمبر again. I was on the first of the last

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community plan, and then I was on the GPAC. And if you remember as we went through the GPAC, we said a lot of these issues that you were dealing with on Maui, we couldn't even address them because it had no relevance to what we were doing. We said we would wait until we do our community plan and we would handle that at this level. The only thing that I've heard in this whole presentation that I like was that we were going to use the GPAC people to feather on in to the community plan. Thank you. That's important because we've been through the words already with that.

I've had many conversations with you. We've talked. This community is very important to all of us. But it's also segregated. It's busted up. The Company will bust it up, and they've already proven that with the wind farm stuff. They have meetings going on that they say to the Legislatures, well we've met with the community. And you stay away from that LSG bunch because they're only troublemakers. Well, I hate to tell you, but they did a survey, LSG supported a survey – and I'll get you a copy of that. I think you need to see this. It is relative to what we're talking about in this community. We're in a position that if we wait that long to do a community plan and put our thoughts down about the windmills, the photo voltaic, and all of the other items that are in front of us, we're going to be in trouble.

We've got to have the comment from this community in that community plan because it's law. And to mess around with in until we don't see it until 2012 is insane. You should take the old community plan which is an ideal community plan. And everybody I've talked to as a planner had said that was probably the best community plan put together in Maui County. Right or wrong? It is. It's one of the best ones. Why? Because we had people from the community sit down and did it. We didn't bring outsiders in. We didn't bring people in here and tell us what we were going to do. If we needed to talk to an expert, we asked for experts to come and talk to us. We know what's going on in our community. I've been here for 40-years. I've seen it from one stage to the other. A lot of these people here were born and raised here, you know, and we just can't wait that long. This process us too long. It needs – the community plan needs to go forward now because there are things that we need to talk about that we need to build into it. Do not strain this thing out. You're going to have meetings in this room or any other room. You're not going to have anybody come in to talk to you. Very seldom. Even when we had the meetings, and we put up all their statements around the walls, statements that they made, they walked in and they'd go, "wow, I said that. I said that.." But they wouldn't say that in public. It was through individual work by social workers that knew how to get this information from the Lana`i people. It came from their heart. We can't wait this long folks. We can't another two years for this community plan. We're in serious trouble right now.

Water Use and Development Plan - the Company does not want us to do that. It's got to be in the community plan. The deer hunting – it's got to be in the community plan. There's essential things on this island that needs to be in the community plan, and we need to get them in there now because right now we're being hit from all sides. And we've got some

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very influential people that came on this island yesterday that are telling us the same thing, that are dealing with Castle & Cooke at a different level. So however you do it, we ask you to speed up Lana`i's part and let us do our community plan and let's get working on it. You're not going to need a big staff over here. Just come over and have people listen to us. We've got some big holes – people that have backed off, and gone other places that was in the GPAC. But we have people also that we have recruited and are ready to step in. So, don't ask the Council who they are, ask us who they are because we would really like to have those people in there because they have – their heart is with Lana`i.

Let me tell you when we did the community plan the first time, we had a Castle & Cooke employee sit in every meeting. How we got Hale Kupuna? How did we get Hale Kupuna is because that was 10-acres that we were going to expand this town in the community plan. But it took the community plan so long to do that that Castle & Cooke snuck in there and did Hale Kupuna and dissolved that part of the community plan. Now, always remember that. Ralph would sit in every meeting, and take all that back to the Company. He said how can we do this? And how can Ron McOmer or anybody else say we don't want the seniors to have a place to have their home? You can't. So guess what, we have Hale Kupuna in place of 10-acres that was given to this community with this development. And I don't forget that kind of stuff folks, so please let's do a community plan and do it fast as we can folks. We need to get on it. Thank you.

Mr. Rabaino: Thank you Ron. Commissioners, any discussion? Okay, Riki, can you come forward please? My question to you Riki, is how can we expedite this being that you said from 1995, the adoption, and then all the way up till 2001, and you said this is our third – you said something about third meeting from the GPAC to the CPAC. How can we expedite this so everything is – we can move forward instead of this time span or this time window is already going into, what, 30-years. Is that correct or more?

Mr. Hokama: Chairman Rabaino. Let me just give some clarification please. This is the County's third process in general planning and community planning. In the 70's – I think maybe Mr. Cerizo can remember because I think he was one of the few guys around who was with the Planning Department that can remember. And those days were the WANG computers, and those big rolls of tape so I think Mr. Cerizo knows. But that was, you know, when all the Counties moved from Board of Supervisors and your Charter got changed where Councils were created, and we had a Mayor instead of a Chairman of the Board of Supervisors. So we went through that update.

Then in the 1990's we went through our second review and update, which the island is currently under the existing, 1995 plan that was adopted in 2001. And then then-member Tavares felt we had to modify the process because what was the major beef from all the communities? It took damn long to get to Council and get it finally adopted. So we came up with this new, revised ordinance process. Well, in my perspective, I guess, Council

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failed because it's not getting Chartered. It's taking just as long as the old process, for whatever reason. I've got my opinions but it's not the meeting for me to express those specific response with you. But members, there's no – you know, Lana`i finished its portion, like Moloka`i, regarding the General Plan update years ago. We have had members – we've had members of that existing GPAC for this current process in our community that have already passed away – we know who they are – that wanted to participate on our updated community plan. But they're not longer with us physically anymore, because they take too damn long.

I know the department has a lot of work to do, but they have a dedicated division now with a lot of employees. So I don't get it either why it takes so damn long. But I think the Commission, you, can request to the Mayor, you can request to the Council, that Lana`i is ready for the next phase. And you would request for the Council to consider appointments, and the Mayor to make appointments to get this next stage going. And if they say well we haven't really finished with the General Plan, then get the reason why it's taking so damn long. It doesn't hurt till you put a formal request and say we're ready for the next phase. Let's get going because that was the intent of our current Mayor, and that's why we adopted the revised ordinance.

Mr. Rabaino: Commissioners, any questions? Letty?

Ms. Castillo: I just reflecting of what Riki is talking about. When Castle & Cooke – when Mr. Murdock came first, he did not make a public hearing. He put up something that the community – he thinks the community wants. He made up the first one that he made is that swimming pool.

Mr. Hokama: We had the big community meeting in the Lana`i Senior Center.

Ms. Castillo: Yeah, that meeting is way overdue because he already made something that he wanted for this island. And I did express my thanks to him to bail the Company so that the people in our community have work to do and have jobs too for their living. But as years went by, when they were developing the hotels, he was developing the Koele first. And then not half of that, Koele, was done and then he wanted another one at Manele. Those Commissioners at that time had asked and requested that they continue the Koele first and see how it's does and then move onto the Manele project. But he didn't want to do. He just wanted –. And then he bring in another one. I still have those plans that he had. And it's good if he had 50% of those plans that he had had been done.

Mr. Hokama: Chairman Rabaino, one last comment before I go back.

Mr. Rabaino: Go ahead.

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Mr. Hokama: I think one of things that obviously I would hope you, as Commissioners, would advocate through the Planning Director is to be informed by the other Departments of what they're doing as part of community development and economic development because Housing and Human Concerns is already working on our 78-acres affordable housing project. It's already moving. It's going to entitlement before the Land Use Commission. Council already gave it the 201H approval. So there's many things, many components in our existing community plan that it's moving along. And what will be helpful information, I think to the community and to all of you, as decision makers, is what is the status of those components in the existing plan and for all of us to think of how we want to improve it to take it to the next level because we would like to see those projects completed and implemented. And maybe that is the type of information that the Department can provide that is beneficial, not only to us, but also to the Department to know what its sister departments are currently doing. Like the Department of Water Supply with an updated Lana`i Water Use Development Plan. That's in ordinance. And if I remember correctly, it's almost 30-years old. Only Lana`i has an adopted Water Use Plan by the Council within the whole County. Maui Island is yet to get anything before the Council. So again, from my perspective, we've got to get the Departments to crank it up and move out the work product. Thank you Chairman.

Mr. Rabaino: Thank you Riki. Alberta, you have a question for Riki? Go ahead.

Ms. de Jetley: Riki, I have a questions. You know, on a part of this, one of the ideas being banned is that they would do a panel discussion to try to generate new ideas and to get input from other people in the State. Now my feeling is this is our home, we should call the shots. It's always nice to have fresh ideas. If you had to come up with a dream panel of different business or community experts, planning experts, in the State of Hawaii today, could you give me like three names of planners that you would – that would come up with something new? So not someone like Everett Dowling who has already turned Kula into this huge suburb. But somebody –. You know, when Mr. Murdock came to Lana`i, he had a vision of what he wanted this island to be, and we all went "whoa." And if you look around, a lot of what Mr. Murdock saw, he saw in his mind and he made us all believers. Now, who would be on your dream panel?

Mr. Hokama: Great question, but it's a tough question. I think what might be more helpful than me providing you names is as the community work and gets this next process of community plan update moving forward which is basically our island plan, and look at potential areas of economic development that you might want to go to. I would say then you start putting out fillers of who you may want to request as your resource people. Whether it be from a component of higher education, whether it's a specific field in business and economic development, or within the College of Tropical Agriculture because I know that's one of your areas of interest Commissioner de Jetley. I think one of the things that might be helpful for us also is maybe to get someone who has a good sense of financing,

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and how are we going to get the type of financial resources that is going to make this plan work because that is one of the biggest problems. And because of the way the world is now and with the internet and everything, we're half way across the world, but what's happening in Europe and Greece is impacting us today by what's the level of liquidity and financial cash flow available for people to do projects. And believe it or not even a David Murdock gets impacted by that kind of situation so I would say as we move forward, then we can look at the specific type of resources we may want to have and then go and seek names or entities that can provide this type of information to you. You might – you know, we can tap into many things. The County is part of a national organization of (phonetics) people that we can get experts from around the country that goes through this.

But you know I can tell you this commissioners. You know, we've got a great community island plan already. And I can tell you I've served at a national level as an officer, as a chairman of big community for national coalition. I can tell you I've checked with over 2000, nobody has a general plan that thick. Nobody. But we're going to try to get one done. The details is in the community plan, Commissioners, not in the general plan. The general plan needs to be flexible to take into account what happens daily. The fluctuations of the market, what's available to cash – because the County depends on credit and cash flows. Every time we got to borrow we've got to go through the three rating agencies – Moody, S&P, and Fitches; and I've been through six reviews of those agencies. I know what they want and I know what they look for. And I can tell you, the more hindrance you get, you're taxation ability to pay back debt, the more difficult it is for the County to borrow in the future. And we're going to need to do some work to get some of our upgrades because I would like to see us have a new modernized fire station on the island where we can finally house all that great equipment we were able to bring to the island that sits outside. I would like to update and upgrade some of our public works and highways facilities. We're going to get a new senior center, but I think the youth center is just as critical if we want to move forward in this community. There's things we need people and that is part of the public infrastructure that should be in the community plan. And we should be helping and thinking of ways of how we're going to pay for that. All I can tell you is Castle & Cooke is one of the top 10 tax payers in the County of Maui. And, they pay a lot of taxes to the County, and the County is very fortunate we have that kind of financial resources. And unfortunately or fortunately, the majority comes from resorts development that pays for a big majority of our taxes.

So I share that because I think that's the kind of helpful information decision makers need to make better informed decisions. And so I just share that with you and I think it's within your purview to request that kind of information, and it's within your purview to actually get this thing moving forward faster for Lana`i. Because the longer the gap goes, I would agree with this one, with Mr. McOmber, things fall through the gap, and the bigger the gap, of time, the bigger the gap seems to fall through. And that's when you get bad planning. Thank you Commissioners.

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Mr. Rabaino: Thank you Riki for your comments. Commissioners, any other? For public testimony, any body wants to come up and say anything before I close it? Go ahead. Dave right? Dave.

Mr. Yamashita: I just wanted to say that I don't think. . . (Inaudible. Did not speak into the microphone.) . . . I just want to emphasize that the idea for the public involvement are just ideas at this point. And that's one of the reason why we did what we did was we're putting ideas on the table. Because if there are ways to – a better way to public ideas or comments, that's great. I think we want to hear it. There's no question about it. It's just that these are some of the message that are typically used and they work. But, you know, you know Lana`i better than we do and so that's why . . . (Inaudible. Did not speak into the microphone) . . . as quickly as possible with this with an update. If not, the new plan. And so that's why we made a point in this presentation that we're not starting from scratch, but this is an update. So we are going to work with that. And I'd love to talk and we'd like to talk to you more and figure out how to refine the work plan so it's representing. But, having said that, and you know that 2.80B are the one that dictates the length of review. And so we're explaining . . . at this point. Just know we want to make this work for Lana`i. Again, we'd love to talk to you more about this.

Mr. Rabaino: Thank you Dave. Public testimony is now closed Commissioners. We're still on item (d) under orientation workshop on Lana`i's community planning update. We're still on #1. Can I make a suggestion? Where's Dave? Dave, don't run away. As Riki was saying how can we expedite this because I'm looking at your handout here that you distributed under 2000 community plan process phase and timing. This is the month of May. I'm looking at community engagement workshop, how soon can you expedite this being that one week from now or more is June? Your comments is welcome.

Mr. Yamashita: Well, as I said, we're looking at the end of July to have the first one, so that's generally what we're looking at because we prepare boards and set up the informational stations. I think we could maybe move it up a few weeks but what are you thinking Chair?

Mr. Rabaino: I have this thing over here, the 1998 community plan, right. So under the Maui County Council at that time there were the Planning Commissioners then that was listed. I got this off the website. Being that what Riki said and Ron said I'm a little concerned that they have worked with a lot of stuff and like the social economic forecast, land use forecast, infrastructure, et cetera, et cetera. With that, with this is on file, in combine which was adopted in 2001 of the 1995 plan, and then we have 1998 which I pulled out of the website. Can we make the due process of speeding it up? Instead of your proposal for July, if we can have something starting in June to get our community plan activated?

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Mr. Yamashita: To be a realistic, I would say it would be close to impossible because Kathleen and I are also working on the plan for Moloka`i. So we've got an open house scheduled for the end of June, so we're gearing up for that. So we're also working on this one as well. So realistically, I think it wouldn't be fair to say that we could do this. I think what we could do is to look at compressing some of the other ones once we get going with the open houses so maybe they're not so far apart. So we could do that. But again what we're trying to do is to insure that the process has legitimacy and gives people enough time to think about things. And that's the challenge that we have is to try to make work for people but also do it quickly as possible. Sometimes when we do things too quickly, you know, we get accused of well you're just ramming this down our throat, you know, and so that's – and you probably know that. So that's what we're up against.

Mr. Rabaino: Okay, so would it be fair and reasonable to request that you have something for us in June, more or less?

Mr. Yamashita: Have what in June?

Mr. Rabaino: Some kind of proposal on your initial –.

Mr. Yamashita: Yeah, we can look at the process in more detail and look at ways to maybe compress some of the workshops. And I think what we're going to do as well is talk to the people, with some of the people here, who had ideas because I think we would love to hear what those ideas are.

Mr. Rabaino: You already have the CPAC already established right?

Mr. Yamashita: No.

Mr. Rabaino: You don't have that established yet?

Mr. Yamashita: No, no, no. That's going to start – we're going to formally set that up, I think, right before the CPAC starts to meet.

Mr. Rabaino: So right now you're saying the general CPAC is in play. So the next phase is the CPAC?

Mr. Yamashita: No. The GPAC has been, I think, dis-banned because – is that correct Kathleen?

Ms. Aoki: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Yamashita: Right because Countywide got adopted so GPAC doesn't exist anymore.

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So the next formal group to deal with this is going to be CPAC for the Lana`i Plan.

Mr. Rabaino: And how soon would you estimate that time frame?

Mr. Yamashita: Well they're going to start formally in April or whenever we're ready with a preliminary draft.

Mr. Rabaino: April is gone already.

Mr. Yamashita: No, I mean next year.

Mr. Rabaino: Next year, okay. Sorry. Thank you. You have any comments?

Mr. Ruidas: Yeah, I just wanted to ask something. So this is – do we have an island, a Lana`i Island Plan? Is there such a thing?

Mr. Yamashita: Yeah, that's the one that was – .

Mr. Ruidas: As far as the process goes, can you guys keep us updated monthly, or, you know, what the progress is?

Mr. Yamashita: That's absolutely the intent. This is the first formal briefing of the group.

Mr. Ruidas: Okay. Thank you.

Mr. Rabaino: Thank you very much. Okay, (D), number 2, sea level. After this, I would like to mention to the Commissioners we'll take a five minute break when they're done with their presentation if that's okay with you folks. Okay, level sea raise, you may begin.

Ms. Barfield: Sea level rise.

Mr. Rabaino: Sorry.

Ms. Tara Owens: We wish it was levels, then we wouldn't have any issues. Hi, my name is Tara Owens. I'm actually not one of the planners so this is a little bit different of a presentation. I'm a coastal hazard specialist with the University of Hawaii Sea Grant College Program. But I am stationed on Maui and I work in partnership with the Planning Department and I sit within Current Planning and help advise them on issues that are related to the shoreline. And so I've given a version of this presentation to the Planning Commissioners on the other islands, Maui and Moloka`i, as well. And normally what happens is our lead shoreline planner Jim Buika is here, and he gives an update on SMA, Special Management Area, Rules. And then I follow up with this presentation with sea level

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rise which is a little bit more conceptual and things to think about as you're planning for the future.

I'm going to – generally Jim and I take the longest than anyone, but I'll try to stay brief on some of this. I know it's late in the evening, and everybody is probably getting tired. But I'm going to talk a little bit about the Sea Grant, and the Maui County partnership so you guys will know who I am and what resource I might be able to provide for you. We'll talk about Hawaii's climate, change in climate and then a little bit about sea level rise impacts.

Now, admittedly here on Lana`i because of the geology of the island, and because a lot your development is at higher elevations, you do not have the same extent of problems that we'll see on a lot of the other islands. But I guess you would think that as a good thing, first of all, and secondly, it might allow you to prioritize the areas where you may have these kinds of impacts, low line areas on the island, so that you can make better decisions as development proceeds in the future.

So Sea Grant is actually a program that is funded through NOAA, the National Oceanic Atmospheric Administration, and it is a nationwide network of 32 college programs. So the little areas, with all the yellow dots, are all the sea grant programs around the nation including ours in Hawaii. And there are four focus areas listed there: sustainable safety food, sustainable coastal development, healthy coastal eco-systems, and hazard resilience. And what I do applies mostly to the hazard resilience category.

And then within our UH program out of UH SOEST at Manoa, we have sort of designated our own themes. And I know this kind of structure and all this doesn't really doesn't matter much to you, but you might start hearing particularly about the island climate adaptation and policy program. It's new. It's a partnership with the law school, and Department of Urban Renewal Planning, as well as Hawaiian Studies, and SOEST, the School of Ocean, Earth and Science and Technology. So they're working on creating policies and procedures that will provide scientific tech support through decision makers in Hawaii. And I mentioned I'm a coastal hazard specialist. There are others like me on the other islands. So I'm partnered with Maui County so I can provide support to all of the islands in Maui County. And then we have two others Dolan Eversole and Chris Conger on Oahu. They're partnered with the Department of Land and Natural Resources. And the others on the other islands are partnered with the County Planning Departments just the way that I am. And our role is to provide science based planning on a lot of those topics that are listed there in the blue box: hazard mitigation, coastal processes, erosion control, beach dune management, beach nourishment, erosion base setbacks, environmental assessments, coastal construction, and we also do a lot of community and public outreach.

One thing we do is hopefully we help to expedite permits in the Planning Department by providing consultations, technical guidance, and a lot of times, site visits that the planners

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aren't able to get out and do themselves. And that can work really well especially in contentious cases where, you know, planners can rely on us to provide an unbiased technical opinion that they can base their decision on. And then, of course, like I mentioned, we interface a lot with the public, so we get a lot of independent requests from the public. How can I do this dune restoration? Or what kind of consideration should we be giving at this development before it comes in for a permit?

We have a lot of publications that are targeted at the public. You may have seen some of these. *Purchasing Coastal Real Estate Guide in Hawaii*. That's a really popular one. It's a really easy, question and answer style guide book for the public. *Hawaii's Changing Climate* is a new briefing brochure. All of these are available. If you see anything here that's of interest, I can provide these to you.

So, just a little cartoon to remind you that especially after the winter weather we saw across the nation this year that weather isn't the same as climate. So you see the little guy walking down the street, and it's snow and ice, and it says "Tonight's lecture: the dangers of global warming. Postponed." So it's just a reminder that, you know, weather is a state of the atmosphere today. What kind of temperature do we see the wind precipitation. And then climate is the average of weather conditions over a long period of time. So one cold winter doesn't mean that we're not seeing changes in our climate.

And in Hawaii we are definitely observing some changes. I honestly am pretty conservative with this climate. There's a lot of debate over, you know, is human induced? If it's not, how much of this are we actually going to see? But there are some facts to be looked at and these are them: air temperature is rising; sea level is rising; rain fall and stream flow are declining; rain intensity is increasing; sea surface temperatures are rising; and the ocean is becoming more acidic. These are observations that we make. The picture there is showing after a really intensive rainfall in Hanalei Valley, Kauai, in Fall 2009, so that is something that we'll probably tend to start seeing. More flash floods, more mud slides. The things that you see occasionally are going to become more frequent with the change in climate. On places in the islands where taro farming is wide spread, we might see impacts because we're going to see a lower stream flow and then salt water is going to be encroaching at the shoreline and that may impact how our taro farming exists.

Okay, we know global temperatures are rising so this is a graph of temperature since 1880. So the pink line is sort of the annual record, and the red line is the five-year average. And the last time I worked on this presentation, we had June 2009 as the warmest year recorded. Well, now a new statement came out from NOAA yesterday that April – and in fact the period from January to April has been the warmest period ever recorded globally. And in Hawaii we see that same trend. Temperatures are rising. And if you look at the red dots, the last 30-years or so, we're seeing an acceleration in that temperature increase. We also know that the tides are rising, and there are these tide stations all over the nation,

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all over the world, and we're seeing a pretty significant accelerations in sea level rise. So this is the global sea level trend that you see here, looking since 1960's. Over the 20th Century, we saw about a rise of six-inches per 100-years. Since 1990, that has accelerated, almost doubled, or more than doubled. And at Kahului, which is the closest tide gauge to us, we're seeing a rise of about nine-inches per 100-years. Of course, this is now when we're expecting accelerated sea level rise.

So we talked about warming, and warming raises the sea level through a couple of processes. One is thermal expansion of water, and the second is melting of ice, so addition of water to the system from melting glaciers. So we've been seeing thermal expansion, and just like everything else, like temperature, we're seeing over the last couple of decades an acceleration in the thermal expansion of water. We're seeing an acceleration in ice melting. You guys have probably seen these graphics before. The three regions of Antarctica are warming, and we've seen 75% loss of ice in the last decade. Same with Greenland and the statistics there is ice loss in 2008 was three times out of 2007.

But the million dollar question is how much sea level rise are we going to expect to actually see and in what time frame are we going to see it? And it's pretty well agreed now that one meter of sea level rise by the year 2100 is certain and it's probably going to be much more than that. In the past five to 10-years there has been a lot of debate over whether it can be two, three, four or five meters or even higher. And as studies go on and the discussions continues, the range of predictions are getting narrower. But it seems like the latest research indicates that sea level rise – to say that sea level rise would be two meters or more is still pretty uncertain, but one meter is something to plan for. There are a couple of different approaches to making these predictions. There are physical climate models and really complicated ocean atmosphere interactions. And they're good because they can account for a lot of different variables, but they're bad because there a lot of variables that we can't really model. And then there's some semi-empirical models that looks at the trends that I just showed you – temperatures and sea level rising – things we know that are happening. And then assume that those relationships are going to hold and use those to predict what might happen in the future.

We know sea level has been higher in the past. This is the Waimanalo Limestone Formation and you can see fossil coral heads there. And we know that from these kinds of observations that at this location at least, sea level rise was four to six meters higher than it is today. So we know this can happen. And then, you know, we have the trends that we've been seeing. Estimates of the past, back to 1800. What we have on record now based on the instruments and then the projections for the future. Like I said, we're looking at probably one meter or three feet per century, if not much higher.

So this graph just shows much of the more recent studies. And on the left axis is the sea level rise in centimeters. So you can see the range of predictions from all these studies.

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And one meter or 100 centimeters is right there in the middle of these predictions. So, like I said, this is a pretty reasonable planning target. And some of the other States, they have, for example in California, there's a mandate for all of the State agencies to plan for 1.4 meter sea level rise. So they've gone around and created these really high resolution maps of what the sea level rise inundation will look at. And then they're looking at what might be impacted in those areas. So lots of people, lots of properties, lots of facilities, hazardous waste sites, and critical infrastructures of all kinds.

This is what – just a really low resolution version of what Maui will look like with a one meter sea level rise. So the areas in red are what would be inundated. And to bring it home a little bit, here's the Manele Bay with a one meter rise in sea level. Now this doesn't look too bad compared to what we're going to see on some of the islands. But it does show you that, you know, when decisions have to be made especially at low line areas around the island, that this is something to be thinking about so that you won't maybe have to deal with some of the same issues we're having to deal on the other islands. I mean, if we could have Sims City Maui, wouldn't it be great if we could take everything and put it up in the up-country and not develop our shorelines? And then our planners wouldn't have to think about things like sea walls. So you guys have that opportunity which is awesome. And we're working on doing the mapping around the islands. Chip Fletcher at the University of Hawaii is working on putting together a really high resolution elevation data, and then he can create maps like this for all of the islands, so that's underway.

And then in terms of what we expect to see. We know coastal erosion is going to increase, the water table is going to rise, and it's probably going to become contaminated in some areas with salt water, new wetlands are going to form, coastal lands will become submerged, storm drains are going to back up, drainage infrastructure will stop working in low lined areas, we'll have increase vulnerability to tsunami and in some cases especially on Maui, we'll probably going to have some infrastructure issues. So this is an example of shoreline retreat. Well, we know it's happening especially with accelerated sea level rise. We might have bigger problems. So this is in Paia Bay. You can see evidence of the 1912 shoreline, and then of course today's shoreline. And then it's just the question is how are we going to adapt from this? If you stabilize the shoreline, you definitely can preserve the land, but you're going to lose the beach. If you don't stabilize the shoreline, then you're going to lose the land and preserve the beach. And I'm not advocating one or the other for any where, but it's just an opportunity to think about what areas we might want to prioritize and maybe where we do want to prohibit this kind of situation as we move forward.

This is an example in Kihei where, you know, they're going to have drainage problems when it rains a lot. In Moloka`i and other areas we have to worry about the reefs. We know that the ocean is becoming more acidic. I mentioned that. Well the other thing is as sea level rises, you may have increase sedimentation, and that can reduce photosynthesis that happens to maintain the reef, so that's something to think about as an impact as well.

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I don't bring this up as a sore point which it is on Maui. We, I think, we all agree that in a perfect world we would probably pick all this stuff up and move it away from the hazard zones, and I'm not going to comment on whether that's even possible or not. But it's just a reminder that as we have to make the decisions about places like this, where critical infrastructure is threatened, that there are options. So, you know, maybe we do have to build a sea wall in front of the waste water treatment plant. But we can also think about doing something like beach re-nourishment or something where we're mutually benefitting the system, we're providing sand back to the beach, creating public access. There are good solutions that convince all parties, all sides, but it's hard decisions like this that we're going to have to be making as we face the future.

There are a lot of big Federal initiatives going on way up here, trying to provide some advice, and support, and frame works for planning for these kinds of future conditions like sea level rise. And so there's a big NOAA and USGS initiative, and they're trying to work at the community level to provide guidance. And so they have this system where they define the problem, and, you know, explore these issues. This is something that we're obviously starting to do here in Hawaii – explore the issues of sea level rise and inundations, and get the communities involved. The stakeholders are important just like with the community planning process – this is something that we can think about – then gather data, make the maps, identify what's at risk in those areas, identify and explore all the alternative strategies. So, you know, waste water treatment plant, what options do we have? Maybe we can consider them. And then once you get the ball rolling, institutionalize these things and create the political will to change regulations if you have to so that we're really considering all these futures problems.

So just to summarize what should we be doing here? Well, we need to start planning for at least the one meter sea level rise. That's pretty certain. Acquire good data and maps, and look at even those for a risk based land use planning. You know, maybe think about how we're designing our buildings, and think about what eco-systems are going to be impacted. Like I mentioned the taro fields. And then develop adaption plans so that we know how we're going to work with these issues. And you can find me at this e-mail address, and if you ever have any questions about any, really, any of the issues relating to shoreline planning, I'm available, as well as, of course, the shoreline planners. Thanks.

Mr. Rabaino: Thank you Tara for your presentation. Commissioners, questions?

Mr. Ruidas: Yeah, I've got a question. On the east side of Lana`i, did you guys ever made – did you guys ever make maps, or estimated sea level rise for that area?

Ms. Owens: I don't think that any have been done for the east side of Lana`i. Really, very little has been done for Maui County altogether, and Chip Fletcher now has a new contract

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with County in fact to start doing some of this. I don't know for sure. I think mostly Maui is included now you see the one map of Manele Bay was the one Chip Fletcher had done. Do you think that's the big area of concern?

Mr. Ruidas: Well, it's the lowest part of the island with a lot of history in there, and I'm sure when Francis comes on he's going to tell us about flood zones and all. But, you know, I think that area, as far as Commissioners, we should put that basically under an SMA because – only certain portions of it, not the entire coast line. Yeah, there's certain portions as far as – what you call that – private owned land besides Castle & Cooke, you have this private owners, mostly Hawaiians from the old days. But all those – if you look under the kiawe trees and, you know, you've got a lot of Hawaiian history under there. And I know from the last time, and if you got the sea level rise combined with the flood zones and all that, I think we should consider putting that under an SMA.

Ms. Owens: Are they not in the SMA boundaries? See if Jim were here he would have a map of the SMA boundaries for us.

Mr. Ruidas: Yeah.

Ms. Owens: That's something we should look at. But even if it's not in the SMA boundary, we should probably look at the sea level rise mappings of the area.

Mr. Ruidas: As far as estimated – so your one meter is like for the next 10-years? What's the time frame of that?

Ms. Owens: Well, predictions are one meter over the next 100-years and it's could certainly be a lot faster than that.

Mr. Ruidas: Yeah, so from your presentation, the last 10-years, the last decade, things have been happening more, you know, fast.

Ms. Owens: That's right.

Mr. Ruidas: So, you know, I was wondering if that's something that you guys had a model of that would predict that.

Ms. Owens: Well that is what we have to be working on. And it's good to know where the priorities are because, you know, I can lobby the people who are doing this work and so can you all, and it might be worthwhile to do that, because I don't think we always know what the priority should be. And that's one thing I didn't mentioned was coastal resources, but an island like this, that might be one of the bigger impacts.

Mr. Ruidas: Thank you.

Ms. Owens: Thank you.

Mr. Rabaino: Commissioners, any other questions for Tara? Okay, at this time, I would like to make a motion to take a five minute break. And then we can continue with the other two last items in (D).

(The Lana`i Planning Commission recessed at approximately 8:16 p.m., and reconvened at approximately 8:26 p.m.)

Mr. Rabaino: It's 8:26 p.m. for the record. Commissioners, next on the agenda is item (D) number 2, Flood Hazards.

Mr. Francis Cerizo: Good evening. My presentation is on flood hazard districts, and fortunate today, I can tell you we do have flood hazard districts on Lana`i. Previously to last year we didn't have any. So we now have maps. So as far as my presentation today, we're going to go through our ordinance, and the recently adopted maps that are for Lana`i, and the standards that go along with developing the flood areas, and the community rating system which is somewhat similar to a fire rating system where we have reduced insurance rates, and then finally your roles. How can the Planning Commission make it so we can handle more flood resistant community?

As you can see in this photo, flood hazard are – it hits Hawaii. As you can see, in 1992, Hurricane Iniki hit Kauai and caused almost \$3 billion. That's just by chance. It could have hit Lana`i head on. And in the areas on the right where they hit the hotels by Poipu Beach. You know some of the waves went up 30 feet. And it was like twice as higher than what the flood maps showed. So like at Manele, if it hits there, it could go maybe up to the hotel. It just depends on where the waves come in. So we're not immune to flood hazards. Lana`i is not immune. It could happen to any island. Hurricane Katrina cause \$100 billion.

So we have these – we have a national flood insurance program. That was done in the 1970's – 1960's, and the purpose of the program is for the protection of human life, protection of property from flood damage, and it helps reduce the public cost for flood control and relief efforts. The \$3 billion in losses on Kauai, you know, that could have been avoided if they built higher and stronger. So that is what these flood insurance programs – the purpose of these program is.

Our ordinance was adopted in 1981 initially, and the latest update is September 25th of last year. We have a new ordinance that – since we had a new map that came up, we had to update our ordinance. So a permit is required for all developments, and that includes any improved real estates, walls, any kind of work that is within the flood zone.

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We have two types of major flooding. We have on the left, we have A-zone, which is the riverine flooding, or shallow flooding; and the V-zone which is pretty much all the way around the island, is a coastal flooding. And depending on the type of zoning that you have, if you're coming in for a permit, these are the different types of permits that you would have to come in and obtain.

Our new map are online. It's a digital map so anyone from any where, if you have internet, you can actually visit our website, or this website here and you plug in your address or your TMK, and it comes right up. Here's an example. This is down at the Harbor, Manele. And this is the harbor, and this is the parking lot right here. And there's a stream that comes in the back side and there's like a damn there right now I believe. So this is the flood zone-A which is a stream flooding, and the V-zone is tsunami zone, or tsunami generated flooding.

Two types of constructions are . . . (inaudible) . . . and we'll go through that in a few minutes. On the other side of the island, we have, right by Maunalei Gulch along the coast, Shipwreck Beach, we have all kinds of flooding along the stream, and it goes all the way down to the east end. So, but a lot of these flooding is out in other areas where there's actually no development. And when we do have – I know you have some flooding that occurs in town. And this is at the end of town. So this gulch here is there is no flood zone, but we know the water comes through. And on the other end of the town, there's a bigger one, but these areas actually flood and there's no flood maps here. But we do have means to regulate those areas. If we know there's a gulch there, our ordinance allows us to regulate that area.

So how do we regulate those areas and how are the maps made? When the studies are made by FEMA, they find out how much water is coming down and then they create a – if the water is flowing in a low line area, they create a stream cross section that's called the flood plain. And what they do is they allow certain amount of encroachment in the flood plain so that the water raises about a foot. And they won't allow you for more than a foot. And in this area here, in the blue, is considered the flood way area. Different type of constructions goes in both areas. You have an encroachment area and you have flood way areas. So the flood standards that we have for building and construction for the riverine flooding is that you elevate the structure and based on our new flood plains, instead of going up to the base flood elevations, we go to one foot above the base flood elevation. So this is an added feature and this is one of the reasons why we have – that helps our community get a cheaper rate in our flood zones because as I'll explain later, it's the CRS, or community rating system, benefit. We also have to design the structure so that it can withstand the flooding and also the utility is also protected.

In the V-zones, it's a little more different. We require that the structure be elevated. Instead of elevating the structure so the water –. You have to elevate the structure so the water goes under the building basically, versus on the riverine flooding it can actually go

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up to the top of your slab. But in V-zone, there's no slab, and everything has to be elevated on posts and piers and you make sure that the water actually goes under the building.

And like wise, you know, there's a one-foot extra – we call it freeboard – above the base flood elevation. So here's a typical cross section for a – this is the A-zone where your building can be right on top of the slab or the finish surface. But in the V-zone, the tsunami area, you have to be under the V-zone, under the building. And in addition, we have this one-foot freeboard above the flood height.

So the community rating system is a program that the County voluntarily enrolled in. And because we participated in this program, we have – we go a little bit more than what's required. And because of that, we get reduced premiums. So far this year, the community has saved over a million dollars in premiums. That's for all the people that have flood insurance that don't have a little cut on that, so you have a 10% in flood insurance. We are looking at increasing that up to 20%. It will be a savings of almost \$2 million a year.

So what is your role? You know, how can you make it so that your development on Moloka`i or Lana`i is safer and resistant to flooding? One of the tools that you have is the use of open space. And the use of open space is intended to limit development in certain areas, urban and non-urban areas, where you feel it's inappropriate to have development because – Well, one of the thing is it's in the flood plains or tsunamis. Now I have to commend Lana`i because on your island, of all the different islands, you have the most open space than anyone else, so you folks have done this well. On this map here, you'll see a lot of the areas, it's all in open space. Even along the coastal areas. So where else can you go? And this is where – Kaiholena Gulch. So here's the gulch area here and I know it's a visual open space here. One of the tools that you can have is that if there is a – if you had experience of flooding in this area, then we can have a strip of open space that would go through town and if development goes further outside of town, then you can actually put this open space as far down as you want.

Same with the gulch on the other side. If there's developing pressure to do this side, you know, open space could be also designated for this side. So that is something you can consider. If there are other areas that may be developed like down in Manele. I know there's gulches in that area that actually homes were built next to the gulch and they got flooded. . . .(Inaudible.) . . . So that's for your consideration during the community plan process.

Another area is the Special Management Area. These are all your coastal areas, down at Manele, Maunalei Coast, and this at Manele also. So we're looking at, whenever there is flooding in an area, an SMA area, that's something that we should identify during the SMA review. And as part of the review, your rules, it requires that you evaluate the potential adverse effects on the flood plains. So some of the questions, as the Commissioners, you

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know you folks should give information saying this area is going to be flooded, but they still want to deal with. But this is what we're going to do. So what's the impacts? Is that building safe? Is this going to cause more flooding on the adjacent properties? I think the only place that's been flooded, that's in the flood zone area that I know of, that they actually built is down at the harbor. You know, you have the new building down there. It's all in the V-zone, so they had to actually raise it up. They're in the SMA area and they built it, pretty, to the standards. So there may be other areas along the coast that may be in the V-zone, on the north side. I'm not sure if there's any development pressures to build anything there on the east side. But, you know, those areas are all in the v-zone. So, any questions?
Shortened version.

Mr. Rabaino: Commissioners? Good job. Thank you very much. Item (D), number 4, County policy against discrimination.

Mr. Cerizo: Sexual harassment. This is part of your discrimination workshop. We have a policy for sexual harassment. It's a type of discrimination. This is also – it's a major part of that policy is that sexual harassment is not – and you have this, it should be in your packet – and it's a major policy that the County feels that it is important that the Commissioners understand that sexual harassment is not condoned in the County.

Sexual harassment means an unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or visual display of a sexual nature directed by an officer or employee to another officer, employee or a private individual. All personnel must refrain from the following conduct: making unwelcome sexual advances or requests for sexual favors; making remarks of a sexual nature; using gender based or sexually abusive language and sexual innuendoes; visually displaying materials of a sexual nature; physical contact of a sexual nature; or other similar actions. We have zero, zero tolerance, and we will not condone any sexual harassment in the workplace. This policy is also applicable to the board and commission members as well as County officers and employees.

So how do you file a complaint. Any individual who feels they are subject to sexual harassment should immediately make a complaint to his or her supervisor. In your case, as Commission members, you should make it to your Chairperson. If the Chairperson is the offender, then you report to the County's EEO Officer, and that is the Director of Personnel Services. What are the options? Other options, you can actually go to the Planning Director, Ms. Kathleen here; or you can go to the Deputy Planning Director; the Chairperson; our EEO Officer; the Civil Rights Commission in the State of Hawaii; and the Federal Equal Employment Opportunity Commission. But we would like you to first use the local officers before going out to the State or Federal offices.

The complaint will be – it can be informal, and it's a written or verbal, and you can keep it unassigned. Or you can give us a written letter, and we will act upon those requests. An

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investigation will be conducted in an unbiased, fair and discreet manner. There will be all appropriate safeguards to maintain the confidentiality and protection from embarrassment that the law allows.

If the individual is found after the investigation that they offended the law, there will be appropriate warnings and disciplines. There shouldn't be any retaliations by the alleged offender. If that happens, that person can be – it's another violation. Any questions? Thank you very much ladies and gentlemen. That ends my presentation.

E. DIRECTOR'S REPORT

1. Open Lana`i Applications Report.

Mr. Rabaino: Okay, with that done, thank you very much for your presentation. Item (E), Director's report, number 1, open Lana`i applications report.

Ms. Aoki: Thank you Chair, you all have the open reports attached to the end of your packet so I will go over them with you. For the Lana`i Airport, that should actually be closed. The FONSI was already done by the applicant so we're going to take that off the list. It shouldn't be on your list. That's going to be closed. It's completed. The Lana`i City New Senior Center is completed also and will be closed. Those was comments that you were requesting, and as you know, the project got approved and should be going in for building permits. The Lana`i Community Health Care Center, they apparently had questions on some parking, so the planner provided a response for that question. For No Ka Oi Grindz, they will have to go to the BVA, Board of Variances and Appeals, for a parking variance. For the Castle & Cooke Resorts catch basin, that SMA approved at the last meeting. For the Manele Pier Improvements, the planner just received this item, as you can see, on April 28th, and they're providing early consultation comments for DLNR. So we're in the process of doing that now. Then lastly, the Health Center Clinic, they requested comments and review of the design which the planner has provided, and that's completed. So that's it. Any questions?

Mr. Rabaino: The parking for Lana`i Health Center and – what was the parking?

Ms. Aoki: All I have here is the planner stated –

Ms. Barfield: It's the new health center, Jerry.

Ms. Aoki: – it was an inquiry to determine the necessary parking for the lot, and if parking was acceptable at the front and the interior of the property. So I think they just had some general questions about the parking.

2. **Agenda items for the June 16, 2010 meeting.**
 - a. **Public Hearing on Council Resolution No. 10-17 referring a Draft Bill Amending Chapter 19, Maui County Code relating to Small Wind Energy Systems to the Lanai, Maui, and Molokai Planning Commissions. (J. Alueta)**

Mr. Rabaino: Commissioners, any other questions? Okay, number 2, agenda items for June 16th, 2010 meeting, (A) public hearing on Council resolution number 10-17 referring to a draft bill amending Chapter 19, Maui County Code, relating to small wind mill energy systems to the Lana`i, and Moloka`i Commissioners.

Ms. Aoki: So what this is members is Joe Alueta will be here at the next meeting to provide and get comments from you regarding a resolution that I believe it came from Council member Molina. He's proposing a new Chapter in Chapter 19, Title 19, which we handle, which promotes the use of small wind energy systems. And so Joe is going to be providing you some of the details of that proposed bill. And then he's also going to be letting you know we actually in our stream lining of the residential district and all the other districts, actually also have proposed the use of small wind energy systems. So he's going to explain to you sort of the difference between our proposal and Molina's proposal, and what the pros and cons are to each side. So there's issues because the way we are proposing the changes is that each zoning category will have guidelines on how we can do this. So in other words your setbacks and everything are going to vary, right, depending if it's residential or it's in commercial. In Council member's Molina's proposal, it's just a Chapter all on it own, so it's not tied to each zoning district which makes it little bit more difficult to implement because nobody is going to know to look at this other chapter on what they can do for small wind energy systems. So as much as we appreciate what Molina is doing, we are kind of doing the same thing, but we're attaching it to each zoning district rather than a separate chapter on it's own.

Mr. Ruidas: I remember we did that draft bill about a year ago. Was that approved as a bill?

Ms. Aoki: We transmitted that bill with all the Commissioners comment's from all the islands, and it's sitting with Corporation Counsel right now to draft the actual ordinance. No offense to Corporation Counsel. They're busy, I realize that. And with that particular bill, there were like eight different things that we were looking at in Title 19, and so each one is an ordinance of its own. So Joe emailed them yesterday because we met with him, the new Deputy and I, we said, can you follow up on this and see where it's at because it did get transmitted last year.

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Mr. Ruidas: Yeah, because as we go forward, I don't see us, you know, even looking at that if we cannot look at the proposed – the one that's stuck. So I was wondering if we could get some sort of copies because some of them, our new commissioners, weren't there last year.

Ms. Aoki: Okay, so we'll ask Joe to bring a copy of what we proposed in addition.

Mr. Ruidas: Yeah.

Ms. Aoki: Sure, we can do that. That makes sense.

Mr. Ruidas: So that we can prepare.

Ms. Aoki: That's a great suggestions. And then the other item that we'll try to put on the next agenda is this State DOT project so hopefully we can come back with some kind of comments from State DOT.

Mr. Rabaino: Okay, Commissioners, any other questions? None. Okay.

F. NEXT REGULAR MEETING DATE: June 16, 2010

Mr. Rabaino: Item (F), our next regular meeting, June 16, 2010. And (G), we make a motion to adjourn. So be it. Motion to adjourn.

G. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:53 p.m.

Respectively transmitted by,

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

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RECORD OF ATTENDANCE

PRESENT:

Gerald Rabaino, Chair
Stanley Ruidas, Vice-Chair
Leticia Castillo
Alberta de Jetley
Shelly Barfield
John Ornellas (until 7:00 p.m.)

EXCUSED:

Matthew Mano
David Green

OTHERS:

Kathleen Ross Aoki, Planning Director
Francis Cerizo, Staff Planner
Danny Dias, Staff Planner
David Yamashita, Staff Planner
Kathleen Kern, Staff Planner
James Giroux, Deputy Corporation Counsel
Tara Owens, Coastal Hazard Specialist, University of Hawaii Sea Grant Program