

**LANA`I PLANNING COMMISSION
REGULAR MEETING
AUGUST 17, 2011**

APPROVED 02-15-2012

A. CALL TO ORDER

The regular meeting of the Lana`i Planning Commission (Commission) was called to order by Chair Gerald Rabaino at approximately 5:35 p.m., Wednesday, August 17, 2011, in the Lana`i High & Elementary School Cafeteria, Lana`i City, Hawaii.

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

Mr. Gerald Rabaino: Okay, 5:35 p.m., Lana`i Planning Commission on August 17th. We waiting for one more Commissioner to show up. We have a quorum of five. So we're going to start with the first agenda. Okay, Commissioners, item-B, approval of July 6, 2011 and July 20, 2011 minute meetings. Any corrections for either July 6th and the 20th? Commissioner Ornellas, any corrections? Commissioner Green? Vice-Chair Stanley? Letty? None? Okay. So, do I hear a motion to approve the minutes of July 6th and July 20th minutes meeting?

B. APPROVAL OF THE JULY 6, 2011 AND JULY 20, 2011 MEETING MINUTES

Mr. David Green: I move we approve the minutes of the July 6th and July 20th meetings.

Ms. Leticia Castillo: This is Letty Castillo. Second.

Mr. Rabaino: So it has been moved by David Green, Commissioner Green, and Commissioner Castillo for approval of the July 6th and July 20th meeting minutes. Item number C under communication. First item. Excuse me, I'm moving fast again. Okay, calling for the vote. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? None. For the record, all ayes, and no opposed.

It was moved by Commissioner David Green, seconded by Commissioner Leticia Castillo, then unanimously

VOTED: to approve the July 6, 2011, and July 20, 2011 meeting minutes as written.

(Assenting: Commissioners G. Rabaino, S. Ruidas, L. Castillo, D. Green and J. Ornellas

Excused: Commissioners S. Barfield, A. de Jetley, and M. Mano)

C. COMMUNICATIONS

1. **MR. CLAY H. RUMBAOA of CASTLE AND COOKE RESORTS, LLC requesting a 3-year time extension of Condition No. 1 of the Project District Phase II Approval to initiate construction of the proposed Island Club Fitness Center at the Challenge at Manele, TMK: 4-9-017: 008, Manele, Island of Lanai. (PH2 2007/0001)**

The Commission may take action on this request.

Mr. Rabaino: Open up to public testimony. First testifier –.

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

Mr. Rabaino: You want the presentation first before the testimony? Are we in sync, or are we out of order?

Mr. Ornellas: Mr. Chair, are we looking for testimony on the minutes?

Mr. Rabaino: No, I'm on communication, item-C, regarding Mr. Clay H. Rumbaoa of Castle & Cooke Resorts. Item number one for the Project Phase II, for the Island Club Fitness Center.

Mr. Joseph Prutch: Would you like me to go along with the report first?

Mr. Rabaino: Yeah, go ahead.

Mr. Ornellas: Mr. Chair, yeah, I'd like the presentation first, and followed by the public testimony.

Mr. Rabaino: Okay, so be it.

Mr. Prutch: Okay, thank you. Good evening Chair. Good evening Commissioners. The project before you today is Project District Two, 2007/0001. It's a Castle & Cooke, applicant, Clay Rumbaoa is here as the applicant. They're requesting a three-year time extension of this phase two Project District Permit to enable, or initiate, construction of the proposed Island Club Fitness Center at the Challenge at Manele. The original PH2 was approved by your Commission back in February 2008. One of the conditions, or the first condition, essentially stated that construction shall be initiated by February 28, 2011 with the provision for an extension. They've asked for the extension, of course. The reason for the extension is because of the global recession, bad economy, and just a lack of funds to develop the project, so it's kind of sitting on the back burners until money comes around and it can be built. The project itself was a building that was one story building, less than 1,000 square feet, essentially to hold a fitness center and men's and women's ADA compliant bathrooms with showers. Not for the hotel guests, this is for the residents living down in Manele for the club. They've asked for a three-year time extension to allow time to, hopefully, construct within the next three years. And based on their request the Department is going ahead and recommending approval of this amendment to essentially change condition number one. None of the other conditions. Just change condition number one to allow them to extend this thru February of 2014 in the hopes that they

can get this completed. If you have any questions of me I can answer. I know Clay is over here as well if you have anything specific about the project, and I'll leave it at that for now.

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

Mr. Ornellas: Mr. Chair, can we ask for public testimony now please?

Mr. Rabaino: Okay, open to public testimony. First testifier, is it Pat Reilly?

Mr. Fairfax "Pat" Reilly: Aloha and thank you. Pat Reilly. 468 Ahakea Street. I have no objection to the extension for three years. However, and we've seen this done before and it would take an agreement with the company, rather than an applied condition. So I guess I'm seeking an agreement with the company and see if this can work out. What I'd like to see if – well, I'll just be blunt – to me the exchange is open a swimming pool from April 1st to September 30th. Now I understand realistically that there's no connection. In the past history there have been some discussions about equity to services to the community, and expansion of the resorts for profit. As you know that the swimming pool has been a contentious issue in the community, and I recognize it is a budget issue. It does require money to operate the pool. My thinking from April 1st to September 30th is that it's at least the summer months. Maybe we wouldn't have to keep the water – I'm not sure exactly how that worked. It also is the final quarter of school so it may allow the school depending on youths to use the pool for instructional purposes as had been used in the past for least for one quarter before the end of the school year. And it would allow the pool to be open during the summer. Now from my point of view that's a reasonable agreement. The corporation may not feel it's so reasonable. I understand it. But if you don't ask, then you don't ask them, you never know. So thank you very much.

Mr. Rabaino: Commissioners, any questions for Pat Reilly? John? Green? Stanley? Pat, I have one for you. Okay, you're referring to the rec center pool instead of the pool down at the – by the Challenge?

Mr. Reilly: That's correct.

Mr. Rabaino: That's what you're referring to. Okay, according to our agenda this is for the proposed Island Club Fitness Center.

Mr. Reilly: I understand that. Yeah.

Mr. Rabaino: Okay, but you just want to put that on record about the school – the pool? I mean, the recreational pool?

Mr. Reilly: For the community. For our children. For our kids.

Mr. Rabaino: Okay.

Mr. Reilly: I recognize there's no construction relationship. To me, it's an issue in the community. It has to be brought before you guys at least to continue the discussion of the issue. And in one sense, to me, it's a matter of fairness. Thank you.

Mr. Rabaino: Okay, thank you Pat. So noted. We'll make a note to that. Lei, you make a note to that, regarding the rec center. Commissioners, any other questions regarding –. I mean, any more to testify? Any testimony? Glen? I'm sorry, what's his name? Warren. Sorry.

Mr. Warren Osako: Warren Osako. They're asking for the extension on basis of lack of funds. What I want to know is what happened to the \$600 million loan that they got by mortgaging Lana`i and why isn't that money being used on Lana`i rather than exported some place else? And I think Commissioners should take this into account. And that's all I have to say about it.

Mr. Rabaino: I'm new at this \$6,000 loan that you're referring to.

Mr. Osako: \$600 million.

Mr. Rabaino: Yeah, \$600 million. Well, what you're referring to, what is that?

Mr. Osako: Castle & Cooke has a mortgage on Lana`i. It use to be \$600 million. They have paid down a part of it. I understand it's something like \$490-something million at this time unless they changed that. So they're taking the money out of Lana`i, and now they're claiming lack of funds to do improvements on Lana`i. So what is happening to that money? And I think that you should consider something like that when they came – lack of funds.

Mr. Rabaino: Okay, thank you Warren. Commissioners, any questions for Warren? Green? Ornellas? Stanley? Letty?

Ms. Castillo: I'm just wondering what Warren has been mentioning that if Lana`i has been – if they have gotten a loan from Lana`i it should have been used for Lana`i instead of someplace else. I think that's what Warren is trying to say.

Mr. Osako: That's correct.

Ms. Castillo: Yeah. And I guess we have to throw that question to them – the developer – and see what kind of answer they will have. Thank you.

Mr. Rabaino: Thank you Warren. We'll bring that up as the meeting continues. Anyone else want to have public testimony to testify? If none, we're going to close it and have a little question and answer for these items that have been mentioned by the two testifiers. Commissioners, any questions for Castle & Cooke?

Mr. Ornellas: Yes. Can we have either Clay or John come forward please? You're the . . . (inaudible) . . . tonight. Alright. Alright, Clay, this Island Club Fitness Center, how much money is it going to take to build?

Mr. Clay Rumbaoa: Our estimates back in 2008 was approximately a million dollars.

Mr. Ornellas: A million dollars.

Mr. Rumbaoa: Yes.

Mr. Ornellas: Were you charging people to use this? Island Club members have access and will they pay for the use of this facility?

Mr. Rumbaoa: This is an Island Club amenity through their dues.

Mr. Ornellas: So they are paying for it in their dues?

Mr. Rumbaoa: Yes.

Mr. Ornellas: Okay. Did you hear Mr. Reilly's proposal?

Mr. Rumbaoa: I did.

Mr. Ornellas: Does that –

Mr. Rumbaoa: It's unrelated, but if you want to propose that in writing then we can respond.

Mr. Ornellas: Okay.

Mr. Rumbaoa: I mean, it's totally unrelated. It's separate from the Island Club management, and the local pool here is under the operations. So if you want to relay that question in writing, we can response appropriately.

Mr. Ornellas: Alright. Can either we do it or do the County do it or what?

Mr. Rabaino: Okay, John, try hold on. Clay, I know it's two separate items we're talking about because of the testifier. My first question to you is the rec center is under who's jurisdiction now? Still Castle & Cooke or County?

Mr. Rumbaoa: It's Castle & Cooke, but it's in operations. So –

Mr. Rabaino: So all you're requesting is that the Commissioner or the Planning Department send you a letter regarding the testifier's question, and you'll be able to respond?

Mr. Rumbaoa: That's correct.

Mr. Rabaino: John?

Mr. Ornellas: You made a distinction between operations and what?

Mr. Rumbaoa: With Castle & Cooke – and we have different divisions, so they would look at it separately.

Mr. Ornellas: But you're not dealing with Fours Seasons. This is Castle & Cooke, period, that handles both the public swimming pool here in town and as well as the pool and maybe future Island Club Fitness Center. It all belongs to Castle & Cooke, right?

Mr. Rumbaoa: Yes.

Mr. Ornellas: So we're not dealing with any other entity or anything like that.

Mr. Rumbaoa: Yes. Yes.

Mr. Ornellas: Does –. When you guys do a –. When you take this to plan, you must do a financial – you must do a financial type investigation as far as what does this particular fitness center – even though you're going to propose to spend a million dollar on this, have you guys looked at the value of this fitness center towards the resort, period, as far as the whole project, the Project District? I mean, you guys don't do nothing for free, so there must be a value to it. The reason why I'm getting at this is because over the last 20-something years Castle & Cooke has asked for different things and had gotten permits or gotten approval, but yet, have not done anything to the land to bring it up based on the plans. Of course, we know – I think I know – why you do this is because it increases the value of the property knowing that if you decide to sell that you have value on –. For instance you have an approval to build the fitness center. You have approval to build on the east side of Manele Road. You know, all these other little things that you put and bundle up, and you take it to a respective buyer saying this is what we have, this is what we could have, this is what we have the permits for. So the value of the property is probably more, right, even if you didn't use – if you weren't able to get a permit for a particular –.

Mr. Rumbaoa: In terms of the Island Club facility, back in, probably 2006 when we were on the drawing board, we had the intention to build it. And as you know, and it sounds like a broken record, but that's when the economy, you know, went to the dumps. So we had permit plans ready to submit. And again, in 2007, when the economy went down the drains, we had to re-look, and that's when we, you know, pulled back. So when we decided to put pencil on paper to design and build – it's our intention, it's to build. But again, you know, at that time when things were booming we had grand plans, yes, and fortunately the economy went south and we had to shelve some of those projects. So it's not –. Obviously, yes, it enhances value, but our intentions is, yes, we're going to build it.

Mr. Ornellas: You know, I don't have the big of a problem with granting you the three year extension on the Fitness Center, but what Pat brought up – Mr. Reilly brought up – is an excellent, excellent thought because we have lost some of the city's resources here. The swimming pool, the movie theater, and that kind of stuff. Now what he came up with is, you know, you scratch our back, we'll scratch your back. So –

Mr. Rumbaoa: And I understand that. And also as you know, we're not making money off of here. We fired that up, you know. We're not, again, we're throwing money –. It helps the community and we're fore that, but again, we have to look at our bottom line at this point. So I'm not ruling it out, and that's why I asked you to put it in paper and writing and we can respond. It's not my decision at this point to say yes or no so, you know, put it on paper, and we'll respond appropriately.

Mr. Ornellas: Okay. I'll wait until the rest of the Commissioners and before I ask for the County.

Mr. Rumbaoa: And also, I mean, that could be a separate item to be addressed. But for me – and I don't know what legalities are – but to hold that as something, as to require or to get the extension, I don't know if that's illegal or not. You know, to pull something that's totally unrelated. Again that's not my purview. I don't know legally, but as a separate issue we can certainly address that. But to hold that hostage sort of speak, I don't know if that's correct or appropriate.

Mr. Rabaino: John, I think we should stay with what we have on the agenda, but we can ask the legal counsel to draft a letter has he stated earlier what questions we want them to answer us by a replied letter to us. Joe, can you help draft that letter the rec center, number one, because it's a separate item from what we have on the agenda? It's a good item, but if you can help us, if the Planning Department, can draft a letter because the Commissioners would like to answer Mr. Pat Reilly's issue and topic concerning the recreation center. It is noted and understood Castle & Cooke does but if they lease it out like the theater that's a different story. But as a response to the testifier, could we write something even though it's not on the agenda?

Mr. Prutch: I think you can direct us and ask us to do that, but I think we should – my thinking and suggestion is concentrate on the Fitness Center for now, and maybe when we get to Director's Report or something later on we can discuss that. Because I'll need to get some notes exactly what you want me to write to them. I'll have to get some more details from you, but I'd rather wait and get the details on that later. We'll bring it back up. Just concentrate on the Fitness Center for now and then we'll come to that later on the afternoon if that's okay?

Mr. Rabaino: Commissioners?

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Ornellas?

Mr. Ornellas: I think we'll loose our leverage at that time.

Mr. Michael Hopper: I think that can be addressed as future agenda items. If we're going to continue to discuss that in relationship with this permit, I would advise that we have an executive session for a bit to discuss that issue. If we could do that.

Mr. Rabaino: Okay, thank you. We'll just move it –

Mr. Ornellas: Mr. Chair, I'd like to get an executive session because I don't want to proceed with this until we know exactly where we're headed.

(Commissioner Shelly Barfield enters the Lana`i Planning Commission meeting at approximately 5:55 p.m.)

Mr. Rabaino: Commissioners, John is requesting an executive session. Any comments Green, Stanley, Shelly and Letty?

Ms. Castillo: I think we might as well move according to the agenda. And then like what was advised to us that we can go back and get that thing done.

Mr. Ornellas: Corp Counsel – excuse me – Mr. Chair, Corp Counsel has stated that we could go to executive session and we can discuss this, and that's what I'm looking for. Because I'd rather defer this issue until we got notification.

Mr. Hopper: I'm talking about considering making this a condition or in any relationship to this permit, I would advise that we discuss that issue in executive session if we're going to continue that. You would need a two-thirds vote of everyone who's present to do that. A motion, a second, and then a two-thirds vote, and then we would have to go to executive session.

Mr. Stanley Ruidas: John, I think we should talk about this later. We shouldn't go into executive session because that's going to turn everything over and make everything crazy. So let's just deal with this issue right now and then come with a plan later for the other thing.

Mr. Ornellas: I make a motion that we go into executive session.

Mr. Rabaino: Commissioners, any second for the motion? Castillo, any comments? Do you want to go executive? Yes or no? Shelly? Commissioner Shelly, yes or no? This is regarding – well, the recreation pool versus the proposed Island Fitness which is two different items. And what we got presented on our agenda is just a project district Island Club Fitness. During the testimony Pat Reilly brought up the recreational pool area. So would you like to? Yes or no? Or remain or you abstain?

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

Mr. Rabaino: Okay, for the record, Shelly is going to abstain.

Mr. Hopper: Okay, if there hasn't been a second yet . . . (inaudible) . . .

Mr. Rabaino: There hasn't been a second. Okay, sorry.

Mr. Hopper: There's no vote yet. You would need a second first. Then you could have discussion and then voting on the issue.

Mr. Rabaino: Okay, Stanley, do you want to? No? David? No. Okay, so there's no second to the motion.

**It was moved by Commissioner John Ornellas to go into executive session.
There being no second, the motion died on the floor.**

Mr. Ornellas: Mr. Chair, I move that we defer this item to the next meeting until we get clarification.

Mr. Rabaino: Okay, the next meeting would be October, yeah? Would that be fine?

Mr. Ornellas: It's okay with me.

Mr. Rabaino: Okay, we're going defer that item for the October –. I'm sorry. Give me a second.

Mr. Hopper: Again, that's another motion. You'd need a second and a vote if you're going to defer the item. You could do it by unanimous consent if everyone's okay with. But otherwise, you would need to take a motion and a vote. And just to clarify discussing that issue, I would request we do that in executive session anyway. But it's up to you if you want to defer as a group. It's not information. I would like to talk to you as your attorney like anyone in the public would normally have the right to talk to an attorney about something. That's why I recommended the executive session for discussion if that was going to be discussed as a condition as part of this permit. Not as a general topic. As a general topic, you could certainly discuss this at a future meeting when the Department sends out the letter, and asks the Company to come. But as related to this permit, as a condition of approval, I would advise an executive session to discuss basically SMA laws, requirements for conditions, things of that nature, and advise you on that.

Mr. Rabaino: Okay. So there's a motion on the floor by John. Do I hear a second to support his motion? Commissioners? None. There's no second. Okay so we move on this agenda regarding the Island Club Fitness Center. Any other comments from the Commissioners? Mr. Green?

It was moved by Commissioner John Ornellas to defer the item for further clarification. There being no second, the motion died on the floor.

Mr. David Green: I move that we recommend approval of the permit.

Mr. Ruidas: I second.

Mr. Rabaino: It has been moved –

Mr. Hopper: Just a quick comment. Since this is an SMA time extension, you're actually doing the approval. You could say approval –. Sorry, never mind. It's a phase two project district time extension. In any case you are making the approval anyway. So you would be saying I

want to adopt the Department's recommendations as your approval. Sorry, it's not SMA, but you are the final authority so recommendation I advise approval.

Mr. Green: Are you asking me to change my motion?

Mr. Hopper: Well, if you recommend approval, then, yeah, I would recommend that you would
–

Mr. Green: I move that we approve the request of the extension as has been presented today.

Mr. Ruidas: And I second.

Mr. Rabaino: Okay. So it has been motioned by David Green, and second by Stanley so it has been for the record, okay, to approve. Now we're going to call for the question for the vote. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? One, John. One opposed. One nay, for the record. Okay. Thank you.

Mr. Hopper: Chair voted aye?

Mr. Rabaino: Yeah.

It was moved by Commissioner David Green, seconded by Commissioner Stanley Ruidas, then unanimously

VOTED: to approve the request for time extension as has been presented.

(Assenting: Commissioners G. Rabaino, S. Barfield, L. Castillo, D. Green, S. Ruidas

Dissenting: Commissioner J. Ornellas

Excused: Commissioners A. de Jetley, M. Mano)

- 2. Lanai Planning Commission's LWAC representative(s) to provide a brief update on the Lanai Water Advisory Committee (LWAC) meeting (Commissioners John Ornellas/David Green) (previously scheduled for the July 20, 2011 meeting.)**

Mr. Rabaino: Okay, so we move onto the second item. Lana`i Planning Commission LWAC representatives provide a brief update on the Lana`i Water Advisory Committee meeting. Commissioners John Ornellas, David Green.

Mr. Ornellas: Mr. Chair, presently we still haven't had Lana`i Company or Lana`i Water

Company show up at an LWAC meeting to give the presentation. So at this time I would like to recommend that we ask John Stubbart since he's here to give us a status of the wells here on Lana`i.

Mr. Rabaino: Okay, point of order. Corporate Counsel, we're only asking for a brief update according to this agenda. Ornellas is requesting – are we within our jurisdiction?

Mr. Hopper: I think you can request that, but I don't think there's a subpoena or anything that would require that. I think within your agenda that that presentation could be made, but I don't know of any way you can actually force somebody to make a presentation.

Mr. Ornellas: Okay. I mean, I'm not forcing them, but maybe at our next meeting, John, could you give us a complete update on the status of all the wells on Lana`i and where we're headed?

Mr. Rabaino: Okay. Go ahead John. Thank you.

Mr. John Stubbart: John Stubbart, Director of Utilities. On the status of the wells or only the Water Use Development Plan? Just the wells?

Mr. Ornellas: Yeah, just right now. I'm just interested in the –

Mr. Stubbart: We have our active wells feeding the city are well six, up above the club house, and well eight. We have been stabilizing, working on stabilizing the draw downs on those two wells by monitoring the flow from each well to draw from each well, and have those pretty well balanced. Their water levels are being maintained and equalized. Well four is the primary – these are potable wells by the way. Well four, the primary potable well for Manele is being used as the primary source. The water levels have been steady, and this has been a lot because of the drought conditions which has promoted a lot conservation efforts on everybody's part. And we've actually seen water use drop even since the drought has ended more or less from January, Christmas time when we had the big rains. And so our use on that has actually gone down for well four. The other well that is the backup for Manele is well two. It's the shaft up on the bench there and above Hi`i tank, the silver tank that you guys see when you drive down Manele Road. And that we have had made some repairs on the cable car. We haven't pumped it for a number of many months, and we had to make some repairs on the cable cars and the State inspection is on September 3rd so we can get the cable cars back. Ottis. It's an elevator inspection.

The other brackish wells are – the one you might be interested in is well 15. That's the new one being drilled by the piggery. We just finished the pump test for that. It's about 1,000 feet deep, and the pump test showed that the we were pumping it 440 gallons per minute. And the draw down was steady. The water level was steady. The chlorides we're estimating until we get our official lab test were between 520 and 550 chlorides from the well. That puts it right in about the middle of the other wells that we have. Well one, the brackish well we've been reducing the flow from that well to see its response to aquifer recharge. And it has been recharging and the water level has been gaining, so that's a good sign. We've got recharge coming in. This is all

part of managing the wells and getting the well filled. That's why 15 is so important. To have these extra wells on line so you can manage the aquifers.

Well nine is we're looking at cleaning that well. It's got a lot scalene turberculation on the intake, on the screening inside the wells. All these minerals stick to it and it kind of clogs it up. So we're looking at getting a bid to clean that well out and make it more productive. And well 14 is the one that you go down Manele Road. It's the one with the generator on the side of the road. Well 14 is our work horse well. It's been steady. The water level has been slightly dropping. And so that's why when 15 comes on line, then we can rest these wells appropriately and have that aquifer management capability. Those are the status of the current wells.

On well 15, also, we expect to have it equipped. We've ordered the pump. And the other facilities are being permitted for that new well by the piggery. And we are shooting for March 2012 to have that well online.

Mr. Rabaino: Commissioner Ornellas, question?

Mr. Ornellas: Yes. Maunalei?

Mr. Stubbart: We haven't been using that at all. The power lines is damaged and we haven't been pumping it. We probably will not use that as a source in the immediate future. We have to do many things to it to really bring it up to proper working order. So if one of the power lines is down we have to get that repaired and replaced and up.

Mr. Ornellas: Because we don't do LWAC – you don't attend LWAC – you or Clay don't attend LWAC anymore, would you feel comfortable coming to the Lana`i Planning Commission every month to give us a water update?

Mr. Stubbart: If it's pertinent to your decisions and what you're doing. I don't know if that's in the purview of what we need to be doing here.

Mr. Ornellas: Question for Corp Counsel. Can we do something like that? Can we ask that Castle & Cooke, Lana`i Water, give us a presentation at every meeting as an update?

Mr. Hopper: I mean, again, you can ask. Even if it's something that's outside of your responsibilities as far as the Charter and things. You might not have any legal purview over the issue but you could still discuss the issue if you'd like. I mean, it would have to be on your agenda and everything like that and there would be no obligation for them to show up. It wouldn't be like an SMA permit where you, you know, require review of that permit or something like that. And I don't know about coordinating with the Planning Department and things like that, but you could certainly ask if they're willing to attend. You can put it on your agenda. I mean, it's possible, but I can't – I don't know if they'll actually attend.

Mr. Ornellas: Okay. John, you have any objections if we put you on our agenda every month to just give us a short little –.

Mr. Stubbart: If I'm here, I don't. But what I'd like to do is kind of like of what Clay said, if you guys could put it in writing for me, to request. You know I can respond appropriately. Yeah. If you guys can work with staff on that.

Mr. Ornellas: Mr. Chair, can we ask the Planning Department to provide such a memo to John?

Mr. Rabaino: Yeah. No problem. Joe, can we request a summary on a line item for the following, well six, brief summary of the draw down and how much water is not in use. For all wells update since they put every month. Submit it before we have our regular Wednesday commission meeting. Is that feasible? Possible?

Mr. Ornellas: Mr. Chair, I think you kind of confused it a little bit. All I'm asking for is that we place Lana`i Water as an agenda item to give us a well update at every one of our meetings. If we can provide John Stubbart with a request to do that. We're not asking him that he has to be here. We're asking him to be present and give us that information. It doesn't have to be drawn out, you know, four hour meeting just to talk about water. I just want to know the updates. Because right now we're not getting really anything from Lana`i Water Company.

Mr. Rabaino: Okay. So be it.

Mr. Hopper: I mean, yeah, you'd want to be clear. And again, I think this is relevant to next agenda items. Be clear what, you know, what you would want. And it would be something the body wants. So, you know, it's something that you would want to see. Generally the Chair makes those requests but if you're okay with asking that, then that can certainly be asked of someone to make, you know, an update like that.

Mr. Rabaino: Commissioner Letty?

Ms. Castillo: Mr. Chair, maybe instead of a monthly update, why can't we request even only quarterly updates for the water instead of monthly? John, you're requesting for a monthly report. I think it's going to be too much for the Water. You folks are meeting every quarterly, the Lana`i Water. Isn't that true?

Mr. Ornellas: Presently, Lana`i Water Company is not a participant in the Lana`i Water Use and – the LWAC process. The County of Maui and Lana`i Water has dropped out. So, yes, LWAC is still meeting, but they are not present. So that's why I'm asking for a monthly update as far as what's going on with the wells. So at least people here in the audience can actually keep an eye on as far as what's going on. That's all I'm asking for. I'm not –

Ms. Castillo: Well, it seems there is a Lana`i Water, you know, group that you folks are –. Why can't you folks request the Company instead of the Planning Commission?

Mr. Ornellas: They are not participating. They have dropped out of the process. That's why I'm asking for this.

Mr. Rabaino: That's all? That's all you're suggesting Letty? Okay. Well –. Joe, we can request his presence if he wants to show up at the meeting and just give us an update. Is that simple enough?

Mr. Hopper: I advise that you be clear. And again, this could be under next agenda items, what you'd like to see. Because I think through the discussions, there's been three different proposals. I think as a body, you would want to make sure that you're clear. I don't know you actually need to make a motion or a vote, but if you have some kind of unanimous consent at the end of the meeting where you can say, okay, can we have that at our next agenda or on future agenda items. Like you typically do with your other agenda items, then I think you could do that. But I think to make it clear to whatever you would like the Department to request that it would be important.

Mr. Rabaino: Commissioner Green?

Mr. Green: I think it's useful to share communication and I think John has always been pretty open. But I do think maybe monthly is overkill and I would support doing it quarterly rather than monthly.

Mr. Rabaino: Okay, that's your suggestion right? You're not making a motion, yeah, Green? So Commissioners, any comments? Shelly?

Ms. Barfield: I make a motion that if a letter be sent to the Water Company, attention John Stubbart. If he is in attendance at the Lana`i Planning Commission meeting, to give an update on all wells on the Island of Lana`i. How's that?

Mr. Rabaino: Thank you Shelly. I would like to second that if that's a motion from you. Shelly made a motion. I'll second the motion. All in favor?

Mr. Ornellas: Well, let's have discussion please.

Mr. Rabaino: Discussion.

Mr. Hopper: Chair? The Chair can't second motions in that case, so someone else would have to do it.

Mr. Rabaino: Do I hear a second? Any of the Commissioners? Letty? You're thinking. Any Commissioners want to second? Stan? Green?

Mr. Ornellas: Mr. Chair, before I – if I am going to do a second, can I ask John Stubbart a question?

Mr. Rabaino: Go ahead. You've got the floor. John, if you want to reply. Thank you.

Mr. Ornellas: So I think her motion was that if you're here, you would please give us an update.

So this is your get out of jail card, so you'd never have to show up to another Lana`i Planning Commission because you're going to be asked questions about the water. But I take it you're a stand up guy and you would be here. At least you or Clay would be here to give us an update. And I can live with a quarter. I mean, for now, I can live with it.

Mr. Stubbart: We'll review the letter.

Mr. Ornellas: Okay.

Mr. Stubbart: If I'm here, I'm sure I can do that. If I'm in Vegas, no.

Mr. Ornellas: Right. But Clay would be here right?

Mr. Stubbart: Yeah.

Mr. Ornellas: Okay, so one of you would be able to give us.

Mr. Stubbart: Yeah, we can do that.

Mr. Ornellas: I second the motion then. Yeah, so I second.

Mr. Rabaino: As Shelly stated by the motion, John has second. Calling for the question. Shelly can you repeat that please? I'm not a mind reader. Thank you.

Ms. Barfield: I make a motion that a letter be sent to John Stubbart, Lana`i Water Company, should he be present or a representative at the Lana`i Planning Commission to give an update on all wells on the Island of Lana`i.

Mr. Rabaino: Thank you Shelly. And so it has been second by Commissioner Ornellas.

Mr. Ornellas: I still second it.

Mr. Rabaino: Yeah, that's what I said. Okay, calling for the question. You know what, first all of all, any discussion? None? Calling for the question. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: I can't hear you.

Planning Commissioners: "Aye."

Mr. Rabaino: Okay, so move. Any nays? None.

It was moved by Commissioner Shelly Barfield, seconded by Commissioner John Ornellas, then unanimously

- VOTED:** That a letter be sent to John Stubbart, Lana`i Water Company, should he be present or a representative at the Lana`i Planning Commission to give an update on all wells on the Island of Lana`i.
- (Assenting: Commissioners S. Barfield, L. Castillo, D. Green, J. Ornellas, S. Ruidas**
- Excused: Commissioners A. de Jetley, M. Mano)**

Mr. Hopper: . . . *(Inaudible. Changed cassette tapes)* . . . there was no – I would advise you take some public testimony on this, this issue, at this point. I know you did vote on an action but I don't think there's been any public testimony taken yet on this item.

Mr. Ornellas: Mr. Chair, can we request for public testimony?

Mr. Rabaino: Sure.

Mr. Ornellas: Pertaining to this item?

Mr. Rabaino: Yeah, no problem. Public testimony open. Ron McOmer? Pat Reilly?

Mr. McOmer: Name is Ron McOmer. Member of the LWAC. You guys are taking this as a joke. This is not a joke. This is a serious thing. The Company, by the direction of the Water Department has decided they're not going to talk to us. How do we know how well 15 is doing? What do we know what the rest of the wells been doing? We get a monthly water report which means nothing because it's wrote on a piece of paper, wrote by the Company. We've never been able to supervise it. And to make a statement, well, if Stubbart is here, he's going to make a statement. He doesn't talk to us, why would he talk to you folks? This is a joke. And this really piss me off as a member of LWAC that we're getting no response from the Company. We have no idea what's going on with well 15. What were they pumping? What's his face over here, he's sitting out there laughing. He thinks this is a joke. This is not a joke folks. This is our water supply. And for you guys not to take this serious, I don't understand this. You've got to take this serious. They are not reporting to us. And the County has got to understand this. This is really idiotic. We spent 30 years on this water report. We've been doing this for 30 years, and now we've got somebody has buffaloed the County that we're not a legitimate organization. Well, how long you got to work at this to be legitimate? Thank you very much.

Mr. Rabaino: Thank you Ron. Commissioners, any questions? None. Pat Reilly?

Mr. Reilly: Aloha. Pat Reilly. 468 Ahakea Street. Yeah, this is –. What you're seeing is break down, in my opinion, only is a break down in the relationship as the Lana`i Water Use and Development Plan which you reviewed goes forward. You may be aware that I believe the Committee on Water Resources of the Council is scheduling a hearing on Lana`i in September, although I don't know what the date is exactly, to go over. Well the Council is now reviewing this plan that has been re-written in part by the County Water Director. It's a big deal because the contention as I see it is who gets to say who controls the water and where the water goes.

As development goes forward either with this corporation or a successor corporation or some other entity. So I agree with Mr. McOمبر. It is a serious issue. And for whatever reasons that the corporation and the County felt like the corporation didn't, and the County no longer have to attend LWAC because it's not official. And as Ron said, I mean, it's been going on for 30 years, and there's an issue going before the court on the use of water on this island. It's very serious. So as you approve permits, you got to know where the water is coming from – absolutely essential – and the status of our aquifer. And we all agree. I mean, I don't think any of us, the company or the County or other members, don't disagree that our aquifer is a very sensitive aquifer. And as you heard John say because of drought conditions, it becomes even more fragile. And the protection of the watershed which is part of the Water Use and Development and Protection Plan. So real serious that you – to me, the community through you, you're our representatives, should hear on a regular basis the status of the aquifer, the watershed and the wells. I mean, it doesn't have to be extensive. But to me, there's an obligation to the community for the corporation and the County to report to us what the heck is going on. Thank you.

Mr. Rabaino: Commissioners, any question for Pat? Ornellas? Green? Stanley? Shelly? None? Okay, back to Joe. Any other testifiers? None. We're going to close the public testimony and Corporation Counsel any comments?

Mr. Hopper: I have no comments Mr. Chair. This was your LWAC representative's brief update. If it's concluded, then you can move on with the agenda sir.

Mr. Rabaino: Okay. Thank you. D, unfinished business, discussion on the amendment of the SMA maps for Lana'i, (a), GIS layer map provided by the Planning Department.

D. UNFINISHED BUSINESS

1. Discussion on amending the SMA maps for Lanai

a. GIS Layer Maps provided by the Planning Department

Ms. Michele Chouteau McLean: Thank you Mr. Chair, Commissioners. I'm Michele McLean, the Deputy Planning Director. And at the last meeting, you requested that we prepare a map which we've done. We'll have it up on the screen for you. And the map shows different measurements from the coastline coming in to 500 feet, 700 feet and 1,000 feet, as well as the 700 – excuse me – 500, 700, and 1,000 foot contour lines. So we do have that for you to look at. But we do also have a very first glimpse for you of the GIS based approach that I also mentioned. So we can show you this map and talk about this for a little bit, and then when you're ready what we'd like to do is to go through some of the GIS based concept that we had mentioned.

So because it is a little light in the room. Here we go. Great. And with me today is Dan McNulty-Huffman. I wanted to make sure I got the names in the proper order. He heads up the GIS division in our, or the GIS section, in our Long Range Division. So he oversees all of this

GIS and mapping work that our Department does. So here's the legend on this map. You can see that the hashed marked areas and the pink represent 500 feet. So the SMA boundary actually comes in 500 feet. Then this little bit of extra gray is that additional 200 feet, and then the darker brown goes up to 1,000 feet. So that's again just the linear distance from the coast line. And maybe Dan if you could just slide that around one section at a time. So here you can see at Manele the actual SMA boundary is the hashed marks, so that comes in fact above 1,000 feet in one particular area. And then also on this map, the white lines are the contours, the elevation contours, so that's 500 feet, 700 feet and 1,000 feet. You can see the numbers are shown there. So, you know, over here, you know, that's where you're going to have the cliff areas, versus here where it's a much more gradual incline. So Dan, can you just continue to slide that around a little bit? And at anytime during any of this whether it's looking at this map or when we get to the GIS section, please just jump in with questions and comments. We don't have any – Go back? So keep going. Yes, so please just jump in anytime. We don't have, you know – this isn't formal. This is just intended, you know, for this as your first look at these things and we need your input to put together the information that you're looking for. More so when we get to the GIS part I'm sure you'll have more questions. But please jump in at any time.

Mr. Rabaino: Michele, I have a question.

Ms. McLean: Yes.

Mr. Rabaino: From Naha, can you move it all the way – Naha, Lopa, going over, Club Lana`i, going to Ka`a fish pond, going to Keomoku town, Federation and Awaloa. Where's the other one right there – Puleihoā. Okay, it has been suggested that we should move it – advise to 1,000 feet. Can you swing back to Keomoku town? Okay, from Federation to Keomoku, that whole area, because back in the early days when Lahaina was still going with the whaling days, there's a lot of few settlements located around that area that has significant factors especially by Ka`a area where the fish pond is. As well as going further down please, down the Club Lana`i and a little further to Naha, well, Lopa and Naha. You have some structures and being because of the soil erosion that accumulated and moving towards the ocean. For example, I'll give you an example. Keomoku town where the Hawaiian church is, you have several grave yard that is buried that is close to the shoreline. Back in the 70's when I first moved to Lana`i under the old Oceanic Company, under Castle & Cooke, the Land Company, we went down there to open up and it's called Gay Well right next to the Hawaiian Church. There were found grave yards further out by the ocean side. So right now kiawe trees have surround it and you have a charcoal furnace there also. So they cleared it out around there, but further more you have a lot of sites in there that has been recorded, and I think 1,000 foot to avoid any disruption of development touching those sites. And Kepa who is probably well known for the history, and for my part is because I've worked down there in my younger days and I got to know Lana`i a little bit better. Okay, and especially for the railroad tracks that ends at Naha where the water well is, there's no longer the kiawe fence post that's protecting that area. It is my understanding that's where the rail stops during the Maunalei Sugar Company. So we don't know how long or how fast you're going to create this new map, okay, for the GIS, but please take in the north side of Lana`i from Naha to Federation under consideration for 1,000 because there still some

areas that needs to be protected. And plus you have 35 lots that is not owned by the company. I have that old map. And I only know of four people on this island that possess that map, yeah, and I'm one of them. Okay, thank you.

Ms. McLean: And those kinds of things are exactly the kinds of things that the FMA and State law are intended to protect. So absolutely we want to make sure that our data base includes that types of sites so that they can be protected.

Mr. Rabaino: And then another factor Michele is by Club Lana`i you have the old wharf, the ruins, the piles that's still sticking out there. Okay, it is my understanding that back in the whaling days that was a harbor yeah, and they have outlined. I read an article about eight years ago in The Maui News as well as in The Advertiser at that time that the – what do you call those people that do the surveys in the marina? – they said it's possible to rebuild the walls around Club Lana`i. So, you know, being that Maunalei Sugar was established in 1901 and failed one year – during that one year after – a lot of the old folks, the kupunas, have gone. And so I don't know if any records have been kept from then because everything was transferred up to Lana`i City where it was born in 1920 or earlier than that, yeah. So I think the greater, on that side of the island needs protection, number one. As far as the erosion is concerned, there's been a lot of physical erosion on Naha side. Sooner or later if you have been down that side there's an area where the ocean has eroded close to the cliff where there is a koa tree as one of the landmarks over there. So pretty soon, one or the other, we have to make a road, an access road, for public right-of-way, to go over that cliff because the fisherman won't be able to go to Naha or Stone Shack. So I think the 1,000 foot for the north shore of Lana`i would be advisedly recommended instead of the 500. And also, in connection with that, I think it will be more beneficial in the long run if there should be a tsunami because after all when I saw that Japan one came in six – what six miles inwards. I think, you know, we could push it over but make it a permanent thing as a 1,000 for the north shore of Lana`i because there's too many artifacts down there as well as history, yeah. Thank you.

Ms. McLean: Any other questions or comments from Commissioners? Or any other areas you want us to move to? Keep going around?

Mr. Rabaino: And I just want to add another thing, by Kaumalapau, the cliffs you can probably leave it as is because, you know, you won't be able to –. Yeah, all that area is all cliffs yeah because I've been on a motorized kayak and road on a nice beautiful day on the shoreline up to Three Stone. All those cliff area you probably can leave except when the cliff ends. Gradual where you have the – where's the 500 mark? Right there. That's the 500? Right there. That would be sufficient because if a tsunami come in there would be no structure. I don't know if there is a structure down there, but, you know, it's just bare land, yeah. So maybe we should just use that as the 500, and in the future it can be subject to change. Commissioner Ornellas, you look like you ready to say something.

Mr. Ornellas: Yes. I disagree with that Jerry. You know, tsunamis is one reason for SMA's, but there a myriad of other reasons why you have setbacks and stuff like that. So I was kind of hoping that nobody would vote on it right now.

Ms. McLean: And that's true. It isn't posted for decision making today. We have this map which is specifically what you folks requested last time, and then we do have the GIS based approach that we'd also like to present to you. So there's a lot more to this . . . (inaudible) . . .

Mr. Ornellas: Michele, I think in our last meeting Mr. Ruidas, Commissioner Ruidas, brought up another angle of looking at the setbacks by elevation.

Ms. McLean: Right, and that is what we have on the map. We have, the colors right around here are linear feet from the shoreline, and then the white lines are topographical elevations. So that's a 500 foot elevation contour, 700 feet and a 1,000 feet. So we have linear feet from the coast line as well as elevations. Okay Dan you want to keep going around and just go around slowly again? And please jump in with questions.

Mr. Rabaino: Michele, you know where it says Shark Bay and Hulopoe Bay? Okay, if there's any above that dark brown. Is it dark brown? Right there, yeah. Is there going to be any development above that, that is out of the SMA boundary?

Ms. McLean: Correct. The current SMA boundary is shown by the hash marks.

Mr. Rabaino: Okay. So, for example – I'm just going to throw it out there – they build any commercial building up here, residential, shopping mall, or, you know, just a little pavilion, that area doesn't have to go through SMA correct?

Ms. McLean: If it's outside of the SMA, correct. That doesn't mean that they might not have to go through a Change in Zoning, Community Plan Amendment, District Boundary Amendment. There might be other land use changes that they need. But if it's outside of the SMA it wouldn't require SMA review.

Mr. Rabaino: Okay. Thank you.

Ms. McLean: Okay, keep going around.

Mr. Rabaino: Do you have Munro's trail showing on that map?

Ms. McLean: I don't think we have any trails on the map. We do on –

Mr. Rabaino: Munro's trail would come out by Club Lana`i. Stan, you see over there by the – what gulch is that? I cannot see that. Right there. Go back. No, the first one you had. Further up. Right there. What is the name of that gulch? Because we have a road that goes down there, yeah, that a lot of the –. Is it Awehi trail?

Mr. Ruidas: You mean right above Club Lana`i?

Mr. Rabaino: It's not more by Lopa side?

Mr. Ruidas: Right above Club Lana`i is Punene.

Mr. Rabaino: It comes just before Club Lana`i, yeah. So you have the five –. Wait, the first line, the first white line above there is how many yards? Right there, yeah.

Ms. McLean: That's 500 feet.

Mr. Rabaino: That's 500 feet. Okay.

Ms. McLean: 500 feet elevation.

Mr. Rabaino: Elevation. Okay. So that's the GIS elevation that you're referring to, right?

Ms. McLean: Right.

Mr. Rabaino: Okay. And then the other one is just the SMA colors.

Ms. McLean: This is the existing SMA. The purple with the hash marks. The gray goes up to 700 feet linear from the shoreline. And then the brown comes in a 1,000 feet linear from the shoreline.

Mr. Rabaino: Okay. Can you go back to –. Can you bring it down further? Right around –. Where would be Keomoku town? Before Ka`a fish pond, right, or right after, Stan? Because you get two fish pond over there, unless it's further up.

Mr. Ruidas: Waiopae. Little bit more. There.

Mr. Rabaino: Okay, Keomoku town would be right there, right?

Mr. Ruidas: Yeah.

Mr. Rabaino: So the church would be sitting right in the purple. The train station would be sitting –. The Gay Well, the well over there, would be sitting in the green. The train station would just be on the border of the brown. So the tracks are there in the brown, so we have to make a clear distinction of where do you want it –from the shoreline inwards. If you want to go 1,000 as recommended by Kepa, okay, because that originally Keomoku town.

Mr. Ruidas: Jerry, we're looking at elevation at 1,000 foot.

Mr. Rabaino: I was proposing a 1,000.

Mr. Ruidas: As an elevation boundary for the SMA.

Ms. McLean: So it's this.

Mr. Ruidas: And try and go this way, towards Maunalei gulch.

Ms. McLean: Before we move, I just wanted to point out as well the existing SMA here does come in a little bit at the two fish ponds, yeah. It comes a little bit from the 500.

Mr. Green: Do you know why?

Ms. McLean: I would imagine because of the fish ponds, and whatever features might be mauka of the 500 foot line as part of the fish pond complex. In talking about the kinds of sites you've brought up, that's the whole reason that we want to do this GIS based system. It's because you don't have to say, oh, is that within this line? Is that with that boundary? You create the boundary based on the sites that you want to protect. So the boundary can be real close to the shoreline in some areas. It can be far mauka in some areas. The boundary is drawn with regards to the sites and features and natural resources that should be protected, not, oh-oh, are these things within this boundary that we're going to draw – you draw the boundary with the intent of keeping those sites protected.

Mr. Rabaino: Okay Stan, I'm going to need your assistance. You know where White Stone is coming further. From White Stone going to Sabino's place? Where the cattle water trough is. What area is that?

Mr. Ruidas: Right there.

Mr. Rabaino: Is that Ko Lana`i, or is it . . . (inaudible) . . . Do you know that hunting area where the cattle ramp stay? When you go drink water during those days? Is it close to –? For me, it would be in the green right there so that thing still exists. So it just needs to be cleaned out.

Mr. Ruidas: Which one Jerry. You get two of them. There's two of them. One of it is right after Waiwaiku.

Mr. Rabaino: Okay. That's the word I'm looking for. Waiwaiku. That's the one. That one, we should bring it more in to preserve that because that was constructed by Blue Stone, yeah, from the old folks, during that era. Because I've been there twice but I didn't take any picture, but I know it exists.

Ms. McLean: Can we keep going around? I don't want to – I want to be able to spend a little bit of time on the other map that we want to show you.

Mr. Ruidas: Try go down.

Ms. McLean: Go down.

Mr. Ruidas: See how far –. Wait, wait, go this way, and I guess move it up. Right there. Stop. I just wanted to see the elevation of Maunalei gulch that would lead to that gulch. First line is 1,000, the other one is 700. 500 is the . . . (inaudible) . . . one. But I was proposing the 1,000

and according to Kepa's letter that everyone got, the highest historical site is probably around a 1,000 which, you know, there's also more, but mostly around the coastline you're going to find – he said there was like 45%. But all the coastline is historical. So even 1,000 would be sufficient, but not everything. There's still some more.

Mr. Rabaino: Stan, the Federation section, Shipwreck, okay, you have the old tower, yeah, from the old barge day. Can you go down? Okay, Federation. And then you know where the petroglyph is behind that? Would that fall in the green area?

Mr. Ruidas: Yeah.

Mr. Rabaino: Okay, and then now further inward is a heiau there, right? That heiau with scattered rocks. So we can draw a line to protect that heiau, the petroglyphs and –

Mr. Ruidas: Jerry, if we went with the 1,000 foot elevation, that first line, it will encompass the whole island around that line. But if we went with the linear from the shoreline back it wouldn't. So if we leave it as the current SMA is at 300 feet, and we just add the 1,000 foot elevation, then that would be what I would propose.

Mr. Rabaino: Okay.

Mr. Green: Stanley, I just wanted to mention in reading Kepa's letter, he's talking about 1,000 feet from the shore. He's not talking about 1,000 feet elevation.

Mr. Ruidas: Is that what he said?

Mr. Rabaino: Yeah, that's what the letter said.

Mr. Green: It says 1,000 feet in, not 1,000 feet up.

Mr. Ruidas: Okay, well –

Ms. McLean: If we can move along I'd actually – you guys are jumping right into the kind of stuff we have on our other database, so it's going to be a lot more informative to put up our other map. We can quickly go around and finish circling the island with this one. But the kinds of questions you're bringing up are exactly why we want to show you this other approach.

Mr. Rabaino: Okay, by Awaloa you have three areas over there as well as the limu ground that should be protected.

Ms. McLean: Okay.

Mr. Rabaino: And, I don't know if you –. Well, for me when I grew up it was called popokulo, the green mushy ones. There's a patch over there that exists, and maybe once a year I go down there and take half a bread loaf, one bag.

Mr. Ruidas: Where stay?

Mr. Rabaino: I when bring 'em back. You know Lapaiki. I not going tell you, but that area, Lapaiki area.

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

Mr. Rabaino: Okay, let's go to the next map then.

Ms. McLean: Okay. Just real quick, just as a refresher, there are 10 general criteria that we're looking at. So when we talk about these GIS layers, they tie into one of these 10 things. I'm just going to look at those, you know, capital, bold objectives and policies. There's recreational resources; historic resources; scenic and open space resources; coastal eco-systems; economic uses; coastal hazards; managing development; public participation; beach protection; and marine resources. So those are the 10 different broad areas in State law that the SMA is intended to protect, promote. So we'll move on to the mapping system, the GIS base system, and show you the different GIS layers that tie into one of those 10 things.

So I'm going to turn this over to Dan to give you the introduction into it and to start talking about some of the layers that we have downloaded on to this lap top. Another thing I do need to point out is that he did just bring over a lap top today, and so there's only so much information that's stored in this. We have literally 100's of different layers of data that we can put on this system. We picked the highlights to show you today and Dan can give you more detail on that.

Mr. Dan McNulty-Huffman: Aloha Commissioners. So when Director Spence asked us to start looking at potential ways that we could revise the SMA maps based on the data that we had, we started looking at the objectives that Michele just went over, and then looking at the layers that we had, and just looking for ways that we can address each one of those. And like Michele mentioned I just have a subset today, but I wanted to give you a sampling of some of the kind of things and the kind of approach that we could possibly take in doing the update. So we can also look in more details at areas if you wanted with the various layers. So these are some of the same layers that you saw in the map that we were just looking at but just displayed in a little bit different way. But we can always zoom into different areas, and also look at them with various overlays, other layers compared. So we have that. But then we also started looking then at what are the options. I'm going to cut this off for right now. This imagery is really handy, but it does draw slower. So while I'm kind of going through these I'll leave it off, but I can cut it back on at any point if you want me to. But one of the things we started doing is just looking at -. You know, there's various layers that may come into play, something like parcels don't have as much -. Perhaps an issue here, although you mentioned a couple in particular that might be of relevance. But we've got some layers. Pardon me?

Mr. Rabaino: . . . (Inaudible. Did not speak into a microphone.) . . . Okay, the upside down now, what is that area? Is that Club Lana`i?

Ms. Barfield: . . . (Inaudible) . . .

Mr. Rabaino: Okay. You can make it bigger. Okay, so that part is sticking out in the water, correct? That land mass, no?

Mr. McNulty-Huffman: Correct.

Mr. Rabaino: Oh my. Okay, so that's the wharf, right?

Mr. McNulty-Huffman: Correct.

Mr. Rabaino: Okay. Right next to the wharf you have the Chinese, that – what do you call that – that cemetery sort of speak with the stone. Yeah, over there, yeah. That's right next to the wharf. Do you have any details of that now or just like that?

Mr. McNulty-Huffman: Perhaps as I get a little bit farther down, I think you'll be able to see more of it. If you would allow me, maybe I'll just try to show you – give you an overview of some of the things and then we can come back and look at the particular ones, particular spots.

Mr. Rabaino: Okay, fine. Thank you.

Mr. McNulty-Huffman: So by what I was getting at is that for instance were things like the parcels they might not directly relate to the objectives, but we may very well want, in some cases, to align the SMA boundary with partial lines. It may or may not make sense, but that's the kind of layers that we have. There also might be times where we might want to align them with roads, or sections of roads. So we have those kinds of layers. That's why we're just kind of calling them guiding layers. They really wouldn't be principal ones, but as we refine things we might use them in some ways. And then we get into a whole range of possible inputs. And so this could include things like public facilities because those are addressed in the objectives. I'm just going to go through quickly and just show you a few of the possibilities. It could also include shoreline access points. Like hunting areas might have relevance. Then we have things which I need to look – then we have the coral reefs. Let me cut off the . . . (inaudible). . . for a moment. Excuse me, this is actually the . . . (inaudible) . . . Yeah, these are the reefs that are showing now. We also have critical habitat that has been identified.

Ms. McLean: Can you go back to the reef? We do have land use classifications that might not be loaded on the lap top today, but we do have those. I asked Dan to go back to the reefs for a second because that, even though that's off shore, we might want to look at on shore development where there are valuable reef off shore to see about their land protection.

Mr. McNulty-Huffman: These are the various types of reef. I'm not personally really familiar with this layer but other folks in my staff are, so they know the area and classifications well.

Mr. Rabaino: Okay. That's Federation side, yeah? That's how far the reef goes out? The darker green is referring to?

Mr. McNulty-Huffman: I think this has transparency on. Let me cut that off temporarily so the

colors are more true. Okay there we go. Now you have a more direct match. So this, for instance, is pavement, what's considered pavement reef. No, it's a type of reef structure. Again, I'm not the one that's most familiar with this.

Mr. Rabaino: The deep purple, what is that?

Mr. McNulty-Huffman: That would be aggregate reef.

Mr. Rabaino: How come there's a white spot over there. What is that?

Mr. McNulty-Huffman: An absence of reef. There's no reef present in that location.

Mr. Rabaino: You can go by Maunalei gulch, or Maunalei, the runoff?

Mr. McNulty-Huffman: You need to direct me a little bit as to where you're referring to.

Mr. Rabaino: Maunalei is one of the two biggest gulch on the northern side of the island. You got Haola and Maunalei gulch. We want to see where the drain off comes over there to the reef. Yeah, that's Maunalei gulch there, yeah. You've got the two gulches. You see where Maunalei drains and it goes straight to the white? Is that all the sediment there?

Mr. McNulty-Huffman: I think that's likely. Yeah, I don't know for sure.

Mr. Rabaino: And then Haola gulch is further down yeah, and it drains out to that area. I don't know what that area you call. Stan, what's the area where Haola gulch comes out?

Mr. Ruidas: . . (inaudible) . . .

Mr. Rabaino: What is that?

Mr. Ruidas: Fence line.

Mr. Rabaino: Fence line. You can zero in on that one, the Haola gulch? Right there, yeah. You can zero in? And that's how the reef looks. Okay. You guys have where the water usually drains and the sediment collects on the reef? You have that too?

Mr. McNulty-Huffman: I don't think we do.

Mr. Rabaino: Because that side has all diving ground. I mean, free diving and tako and what not, yeah, that the residents go down there and get food, yeah. Anything else Stanley you want to add since you go down that end?

Mr. McNulty-Huffman: So then you also mentioned a number of cultural sites, and there was a survey done not too long ago. Again, I'm not the expert of this data set, but it did address some of these areas.

Mr. Rabaino: Can you go down to Manele Small Boat Harbor? There's a fishing village as you enter into Manele Harbor, the driveway, yeah. That's within SMA itself. Okay, the harbor where the road comes down into the small boat harbor, at the entrance on the left when you entering, there's a small fishing village there, that would be what? That looks like it's in the SMA. That's cultural yeah because I've been asking OHA if they're going to have their people to go in there. And they said it belongs to – I forget what the group – but it comes close to the DLNR boundary, yeah. But there's a fishing village that should be restored as a tourist attraction. And of course, by Hulopoe Beach, closer to the beach kiosk, there's also a village inside there and some platform that was used as a stage for dancing, yeah, like they have at Manoa. You know they have that hill and they dance on it. Well, that's very similar to Hulopoe Beach Park where the stone is. The trail that comes down from the swimming pool, going down to the beach kiosk. That use to be, the old days, used to be the camp ground where Ron McOmer and I use to take care of down there. So that's close to where the canoe shack is located, yeah, but that, there's fishing and a lot of structures in there that should be retained under culture.

Mr. McNulty-Huffman: So then just to kind of continue. Again just showing you a small sampling of some of the different layers. Well, you've already seen the contours, and in some cases we may or may not want to use those.

Mr. Rabaino: You have the fishing trail shown in the SMA? The fishing trails, out of curiosity, since that came to mind.

Mr. McNulty-Huffman: I don't think I have that layer with me, as far as trails.

Mr. Rabaino: Yeah, fishing trail because we have a lot of people go casting. Maybe you could add that in for the interest of the fishermen because we do have a lot of tourists that want to go hiking on the fisherman trails yeah. So if you can add that in your map. Most times it will be in the SMA, but if you can just use some kind of, another kind of color code sort of speak, to identify the fishing trails that surrounds the island.

Ms. McLean: We do have, when we went over this earlier in the week, we do have trail layers. It's just not one of the ones that Dan loaded into the lap top for tonight.

Mr. Rabaino: And then Naha, further away from Naha, where Stone Shack is located, it is my understanding that there is a Hawaiian Road that was built sometimes up, so I wanted to know if that is in the SMA area too. That's suppose to be cleaned out for tourist attraction in the future, but it's already been marked. Yeah, the first Hawaiian road that was built.

Ms. McLean: Can you put the cultural site stack on?

Mr. Rabaino: Stan, what is that area where the Stone Shack stay? Right above Stone Shack was that Hawaiian road was located. What district is that?

Mr. Ruidas: That's probably Kapohaku gulch.

Mr. Rabaino: . . . (inaudible). . . Hawaiian road is located, yeah, so I wondered if that is above the SMA or close to the SMA.

Ms. McLean: We'll have to look at that.

Mr. Rabaino: Because that's another area of interest, yeah, especially for the surfers that go down there when there's big waves. Yeah, and Stone Shack is very familiar with the all the residents as well as the fisherman and the younger generation that goes down and surf, yeah.

Ms. McLean: Dan, what other layers do we have? . . . *(Inaudible. Changed cassette tapes.)* . . .

Mr. Rabaino: . . . (Inaudible) . . . Kaumalapau. Is there a gulch that goes all the way down there? I know there's several fisherman trails that they go down. I mean, they walk – they park their car and they walk down to certain areas over there. You've got Three Stone.

Ms. McLean: Down by Kaumalapau?

Mr. Rabaino: There's a small little cove that I know people go down. No, the other side. The other side, by Kaumalapau, where the Young Brothers come in.

Mr. Ruidas: Jerry, you know that road you were talking about?

Mr. Rabaino: What road?

Mr. Ruidas: I remember seeing it maybe about 10 years ago. And it's about 700 feet.

Mr. Rabaino: 700 feet.

Mr. Ruidas: Elevation.

Mr. Rabaino: Okay, well, they should make a note of that too, yeah, to put it in their map as reference or location as one of the cultural sites. Okay, you got Kaumalapau there. You see where that – one, two, the third bay? Go up further. Right there. There's a little opening over there where you can walk down and go casting. I only went there once in my life time, but I know the place exists because it's a long walk. Yeah, so if you can point out those areas, yeah, maybe talk stories at Blue Gingers or Canoes and the local folks can tell you their interest yeah.

Ms. McLean: That's exactly –. Yeah, that's exactly the approach that we want to take is getting input on all of these kinds of sites and making sure that we have them in the appropriate layers so that we can accurately show them on the map. Okay, right now, Dan, do want to tell us about this layer?

Mr. McNulty-Huffman: So one of issues that particularly if you're talking about say with the reefs is an issue of how erodible the lands are that are above the reefs. And so this is one layer that just simply showing that. You have three classes within there. So there's highly erodible,

potential-highly erodible, and then not highly erodible land.

Mr. Rabaino: For the reef, can you go back to Lopa and show the reef section over there? Okay, Auntie Elaine Kaopuiki has over there, but next to her place that use to be the mullet farm back in the old days. You have reminiscence of concrete stuff that is above the water and it goes out because you know how ancient Hawaiians they have little ponds like, yeah. So that stills exists there, so that's when the water comes up. At high tide you can't see it, but at low tide it's exposed, yeah. But that area, where the reef is, I know there's like George Purdy – he's a fireman at the Airport – and other people working with him to restore some of the fish ponds down there. Yeah, so maybe that's another indicator that you can outline where the fish pond is and the reef that is surrounded that affected area. Because I know their group is very – they have grants already to start something down there, yeah, so. And then, of course, we have another bunch where Allan Maile is starting to transplant limu somewhere around Keomoku side. I don't know the exact area, but they trying to restore that reef, yeah, by preserving the different type of limu, yeah, as well as the fish farm close to Auntie Elaine's place by Lopa.

Ms. McLean: Just for the sake of moving on with the agenda, if we could look at – there's just a couple more layers I think would be of interest that would be hazards, the coastal hazards. We can show those. And then maybe water and watersheds and maybe land uses, and then we should probably move on with the agenda after that. So we have –

Mr. Rabaino: That's the land use map right there?

Ms. McLean: No, this is coastal hazards. This is just tsunami evacuation zones.

Mr. Rabaino: Okay, so that's the one all highlighted in dark brown?

Ms. McLean: Right. And we did get this information from State Civil Defense, and we will be coordinating with them because we understand they are updating their maps.

Mr. Rabaino: Can you show Manele and Kaumalapau harbor on that same map? Can't even tell anything about Kaumalapau. Manele looks like one, two, three areas yeah? The harbor. Okay, you got the whole thing all the way up to the hotel ground. Okay. That's pretty good. How about Kaumalapau? Small. Okay.

Mr. Ruidas: Do you also have the flood zone, the flood zone SMA?

Ms. McLean: Technical difficulties with this layer. Dan said he looked at it earlier and it was fine. They're not showing up for some reason. Why don't we look at some water and watersheds, wetlands, streams. There's the wetlands.

Mr. Rabaino: What is that hydro-poly something features? What is that one about?

Mr. McNulty-Huffman: They're various layers. These are ones that are more from the USGS. I'm just showing a sampling of some of the areas, and I think this particular one – it's listed as

Maui Nui, but it's not showing anything. It doesn't seem to for Lana`i. And of course we have the streams and the gulches. And if I may then – so those are some of the potential inputs. But really where we can utilize the GIS in a powerful way is we can take the inputs and overlay them. And we're doing that visually but we can also use the GIS to filter things and to identify things. So for instance, State land use might be a factor. And we can filter out and just show the conservation areas for instance. These are all just potential approaches. There's – nothing is decided yet, but just potential approaches that we might take. And then we can also – started the cultural areas earlier and we might want to do a buffer around a number of these points.

Mr. Rabaino: Right where that arrow, that's Kaunalu. That's another – that's where King Kamehameha playground is or vacation home which ever you want to say. That should be encircled as cultural protection area.

Mr. McNulty-Huffman: I suspect that we would want with these to –. You know, we wouldn't go with just a single dot. We would identify an area around them and create a buffer area that you would probably want to protect, not just that small dot of course. Then there's also things like the shoreline access. Make sure to consider those. We can also – open space and views are something that are also considered, and so this is something where if you take – I just did it for a couple of small areas and so I'll show you this area down in here. You identify an portion of the coastline and you can actually have the GIS then generate and tell you the areas that are visible from anywhere along the coastline. So somewhere along here, each one of the areas you see showing up – it looks like pink on mines, but it's brown on the screen up there – each one of those points is visible from somewhere along this line. And you can do a similar thing then take a second segment coming around this way, do this. And we can build it up and if we wanted to we can break the shoreline perhaps into, you know, 1,000 foot intervals or something like and run it and then look at the area. And then we can identify the areas that are visible from a lot of different spots, and because those are probably the ones that are most important. And then we can take the layers like this and then filter them further based on elevations or distance in or other factors.

Mr. Rabaino: Did you find your flood zone?

Mr. McNulty-Huffman: I did not.

Mr. Rabaino: I'm curious about the flood zone.

Mr. McNulty-Huffman: I'll look at that a little more if we have a break at some point.

Mr. Rabaino: Do you have the flood zone marked for Manele side? I'm quite sure you probably do. Just for the area of Manele where the hotel is and Hulopoe Beach Park. I'd like to see how the flood zone look over there.

Mr. McNulty-Huffman: It's picking up a little bit, but I don't think I'm getting everything I should be getting.

Mr. Rabaino: Because our beach park, once in a while, there is a flood. You know, they got to pump the water out yeah.

Mr. McNulty-Huffman: It's seems like I'm only getting the 500 year. For some reason the 100 year ones are not showing up. Like I say, I was just looking at them earlier and they seem like they were, so we seem to be having technical difficulties on that one right now. I apologize.

Mr. Rabaino: Well, at least you started from somewhere.

Mr. McNulty-Huffman: And then another one, we were looking earlier at the erodible lands, and thinking –. So this is just one example of how we might think through the different – taking the different layers and looking at their coincidence and identifying the areas that might be most susceptible, so if we want to –. You know, earlier we looked at coral reefs, and here I filtered them – I'm going ahead and cut this one off so it will be a little more visible – here we filtered them. And we add the coastline back on. Okay, here we filtered them to just the ones that are 50% to 100% cover, so the best of the best kind of thing. So that's one input that we might use. And we might take those erodible lands that we talked about earlier, and here we've got all three classes. But then later I'll show you where we break those down more. You identify the elevation as something that we might want to look at. And so this is just showing the 500 foot and the 1,000 foot like we saw earlier. And so those are just, you know, factors perhaps. Slope, of course, is the big issue if we're dealing with runoff. And so these are the highest – these are identified the highest slope areas. The ones that are less than 20 degrees are not showing up, and then you have the 20 to 30, and 30 and above. And so we can take those layers along with identifying –. These are all the watersheds. But then we can take – sorry, wrong one – and identify, for instance, just the watersheds that are above these best coral areas. And we could also identify the erodible lands that are under 1,000 feet elevation, and above healthy reef offshore. Or 500 foot, however you want to look at.

Mr. Rabaino: I guess the erodible land would be perfect because all the sediments going down to the reef yeah.

Mr. McNulty-Huffman: And so again this would be just one factor, just thinking about the marine resources. And then we could do similar things with other, for other factors, that all relate to those 10 objectives that we need to work from. And then we also –. So then if you take – you kind of work all that together –. I'm going to move this over a little bit so the maps are going to be kind of small right now, but it will let you see more of the information. So now you're seeing and it's just a few dots, but here's where you got the steepest slopes – the more than 30 degree slope – highly erodible lands, under 500 feet elevation, and with healthy reef offshore. It doesn't pick up very much, but then we start adding in, okay, what if we have moderate slopes and high erosion potential? And then here we're going, let's see, we're adding in – and that's the high erosion potential. And then if we drop back and include the moderate erosion potential you get a little bit more. And then if we wanted – you know, and these 500 foot and 1,000 foot are just arbitrary. Again, these are the ones that we may be able to identify something that makes more sense than just using these arbitrary figures. But we can go up, and so again this doesn't add very much because this is just the very steepest and the highest. But then when you start

adding in the moderates, you can identify additional areas that you might want to consider. This would be just one input, and then we could have dozens of other inputs and we look at the coincidence of all of those.

Mr. Rabaino: Do you have anything about sand dunes, Federation?

Ms. McLean: When we looked earlier in the week I know that we looked at sand dunes. That might not be a layer that he has loaded on the laptop but we do have it.

Mr. Rabaino: You know the east end, where the Pulehua, that area where the turtles lay their eggs, certain time of the year especially during November, December with the high surf, you have a lot of sand that goes out yeah, so that would consider, what, erosion too? When the sand is taken out by the sea?

Ms. McLean: So that's a glimpse of the kind of approach that we're taking. You're actually the first Planning Commission to see this. We will also be doing the same for Maui and Moloka'i. But this is, like we've discussed, trying to find all the layers, put together good information, community input will be needed on a lot of these to make sure that our data is good. And then tying those into the criterion State law, those 10 different objectives and policies, and coming up with criteria based boundaries to propose the change. So that's the direction the Department is heading in. I know that there's some other items on the agenda. And this wasn't posted for decision making today, but hopefully . . . (inaudible) . . .

Mr. Rabaino: . . . Thank you Michele. Commissioners, any other questions for Michele?

Mr. Ornellas: Yes Mr. Chair. Can I ask for you put the names that you had around the island, the names of places? Can – there's a lot mis –. But if you kind of search around, you can see that there's some names that are not correct. Sharks Bay, that is a recent name, but there is a Hawaiian name for that, a correct name for that place. Club Lana`i is also. You can put those things, but put them in parenthesis. Because there has been a concerted effort here on the island to change, go back to the original names. Because if you travel around you'll see that you'll have Shipwreck Beach, but it will be in parenthesis, lower case, and then it would show Kaiolohia. You know, it's like Kanepu`u, and like the Garden of the Gods. It's not the Garden of the Gods.

Mr. McNulty-Huffman: And what I'm showing you now, these are USGS place names as is, but we are looking for ways to incorporate better names and also to incorporate the diacriticals which those can be tricky working within the labeling system for the software and everything. But we are working to address that.

Mr. Ornellas: Okay, I appreciate it because, you know, just recently the President of Castle & Cooke got chastised for calling Kaumalapau, K-pau, and that is incorrect. So, just for future. But this is great. I wish we had this 20 years ago when we did the Community Plan.

Mr. Ruidas: Michele, can we get like printed maps for us for the next meeting? I mean, before the next meeting so we can look at it, and you know, go around and see if we can determine the conditions or the factors that are involved in the CZM and the SMA?

Ms. McLean: Okay, we'll –. I mean, certainly we can print up things for you. I want them to be accurate and I want them to be useful. So we'll spend a little bit of time talking about what layers to print up. You know, we don't want the map crowded with information.

Mr. Ruidas: I mean, not over abundant. Just a little. Just a broad overview.

Ms. McLean: Okay, we'll figure out which layers to put on the map.

Mr. Ruidas: And then maybe, you know, that can be passed out, you know, I guess over here, to the community, and the community can also look at it.

Ms. McLean: Okay.

Mr. Ruidas: Okay.

Ms. McLean: Sure.

Mr. Ornellas: Mr. Chair, will there be a time when this will be online on the County website?

Ms. McLean: At some point theoretically, but this is still – our staff is still refining data layers. We don't want it to be misunderstood. But certainly at some point as we get – when we get to the point where the Commission is considering these for action, absolutely, that would be made available to the public. But for the time being while it's still a working progress . . . (inaudible).
..

Mr. Ornellas: Available to the public as in online?

Ms. McLean: Sure.

Mr. Ornellas: Okay.

Ms. McLean: They won't get to play around with it like this.

Mr. Ornellas: Because this is an invaluable tool for the – would be for the Lana`i Citizen's Advisory Committee when they do the Community Plan. This is fantastic.

Ms. McLean: Dan's division is doing the Community Plan, so they're working in concert.

Mr. Rabaino: Yeah, well, thank you. Very well done.

Ms. McLean: Thank you for your time.

Mr. Rabaino: So, yeah, if you can get all of those historical sites made yeah, number one. And the fishing –

Ms. McLean: Yeah, I think that would be the first map that we print up. That would be getting community input on those sites. We do understand that there is a concern about some of those being mapped. We understand there can be a sensitivity with some of those being shown on the map. There's some areas that people don't want, they don't those to be identified. You know, they're very protected of them, and don't want them to be identified, so we understand that sensitivity.

Mr. Ruidas: And maybe that one with the erosion, you know, on the east side, where the erosion is, and how that pertains to the reef.

Ms. McLean: The reef?

Mr. Ruidas: Yeah.

Ms. McLean: Okay.

Mr. Green: Could we take a short break?

Ms. McLean: Chair, public testimony. Do you want to take public testimony on this?

Mr. Rabaino: We only have what – Warren, you want to make a public testimony from what you viewed? Why not, come on Warren. We're open to public testimony. We have one Warren Osaka. Osaka, sorry.

Mr. Osaka: Yeah, I am in favor of extending the SMA to the 1,000 foot from the shoreline market. First all it would preserve a lot of the cultural sites. And although Jerry was talking mostly about the Keomoku area, there are actually archaeological and cultural sites completely around the island. Even in the areas where there are the cliffs that there's cultural sites. We just did limited archaeological survey in the Ka`a Ahupua`a and quite frankly there's a lot of sites and, you know, mostly in the shoreline, close to the shoreline area. And there was one quite extensive site that was actually along the cliffs, and it actually could have been from the ranching days as opposed to ancient Hawaiian site. But it's still under the Hawaii laws, 50 years earlier, so that would qualify as a historical site. And there was one very strange artifact found there which was, I would call it a projecto point, but it was American. It wasn't Hawaiian, and we don't know how it got there. But, yeah, so, my recommendation would be to extend the SMA to the 1,000 foot distance from the shoreline.

And you know speaking about erosion, currently, The Lana`i Cultural & Heritage Center is working on restoration and making some of the sites on the Keomoku area more accessible. And right across from the church there, there's a trail been cut into what use to be, it's actually the ruins or remains of Daniel Kaopuiki Sr's boat which is pretty much falling apart. But if you go there and you see where the boat is, that was the shoreline when they beached the boat.

And now it's about 300 feet from where the water is, so we do have a problem with erosion. And before we started working on the church, one of the things we did because the dirt level was up to where the walls are. And we dug down one corner to the concrete pier, you know, where the post goes on the concrete and it was 30 inches. So from the previous restoration effort there was 30 inch of soil built up there and that's all coming off the slope. And part of the problem is if you're familiar with the area where the one Kaopuiki property that's the other farm now, but that originally was Charles Gay's home. And on the Keomoku side of that where the Kaopuiki's house was which was the office for the plantation, Maunalei Sugar Plantation, between there was a gully. But that gully is filled up now so the runoff is just spreading out, and that's what's causing all this siltation over there. Because the channel has gone. It's covered up. Partly because of erosion, and partly when they do road repair works they tend to fill up the gullies a little bit, and the water goes to the low spots. Now if you cover up one area that means it's going to find some place else to go and then it spreads all the silt around. So, yeah, I think the extension to 1,000 feet would be a good idea.

Mr. Ornellas: Mr. Chair, I have a question for Warren. Are you in favor of the 1,000 elevation or just 1,000 foot from the shore?

Mr. Osako: 1,000 foot from the shore, which is what's shown on the map. The 1,000 foot elevation is just a contour line. It wasn't part of the proposal I don't think.

Mr. Ruidas: Excuse me. Warren, that was one of my proposals, the 1,000 foot elevation.

Mr. Osako: Yeah, you know, I mean, that's fine, but I think, you know, you would probably gather a lot more opposition to that especially from the land owners. But also, you know, the 1,000 foot elevation if you looked at the map, you know, you're talking a pretty big area. And say like Maunalei, it goes all the way back right? And I mean, that would be great, but I think taxing something like that and managing something like that might be quite difficult.

Mr. Ruidas: So in your opinion would you say that historical sites or cultural sites wouldn't be more than – it wouldn't occur more than 500 feet above sea level?

Mr. Osako: No, there are cultural sites all over. You know, you can go say Puheelu Ridge which is above Lopa. But if you go from Lana`i Hale, from Munro Trail and walk that ridge down, there's stuff along that ridge, but that was when people traveled. It looks like they came over into Palawai to get rocks to make their tools. And along their way, they stopped and they rested or whatever and they did . . . (inaudible) . . . so there's lithic flake scatters along the way. So, you know, there's stuff all over. It's just a matter of the concentration would be along the shoreline. But that doesn't mean that there isn't. You know, I mean, they went all over. If you go to the Big Island and you go up on Mauna Kea, you know, there's stuff up at the 11,000 foot level of Mauna Kea which was the major . . . (inaudible) . . . in Hawaii. You know, it's not that there aren't sites. It's just more scattered and more concentrated along the shoreline especially on Lana`i.

Mr. Ruidas: Okay, so if there were sites that were above the 1,000 foot linear feet, then would

you recommend that we, what you call, make a circle around that area?

Mr. Osako: You could, especially where there's a concentration. You know, there's a lot of scattered small stuff. And any way, I believe, any time somebody applies to do anything, you know, the EIS includes archaeology so that should be addressed. You can, but then, you know, like to do that, it would take like a lot of work. And then I guess in this day of budget constraints that might be hard. But 1,000 foot level, I think, that that takes care of a lot the major stuff.

Mr. Ruidas: Okay. Thank you.

Mr. Ornellas: Now Mr. Chair, Warren, in Kupa's testimony on the second paragraph he says "it's important to note that close to 45% of the cultural sites extended are on Lana`i are found to be between the shore and 1,000 feet of the shoreline." Do you agree with that statement?

Mr. Osako: Yeah, that's pretty much correct. I mean, there's like behind the Keomoku, if you walk out to some of the ridges, it's pretty amazing because there's stuff left from Maunalei Sugar Company. I mean, I can't tell you exactly if it's over 1,000 feet. But it is a bit of a walk and change in elevation. And it's pretty amazing because it's like Kauai and the . . . (inaudible) . . . boxes, and stuff like that to control water flow. And it's pretty amazing that they had or thought they had water from places like that. Because you go up there today, and there's no evidence that you get water flow up there. Up there is stuff, you know, past the 1,000 foot from shoreline mark. I mean –

Mr. Ornellas: Can I have the County –? Can we have the County answer my phone? Sorry. Can the County show the 500 foot elevation versus a 1,000 foot shoreline? Can you compare those two? Where the land . . . (inaudible). . . That's pretty substantial. So the first line, the wavy line, would be 500 feet elevation. Okay. That's pretty substantial. Thank you.

Mr. Rabaino: Make a map for us, at the next meeting, of that map. Print out that one, Michele.

Ms. McLean: Yes.

Mr. Rabaino: Okay, thank you. Thank you Warren. John? Green? Letty?

Mr. Ornellas: Mr. Chair, I'd like to call for a recess please?

Mr. Rabaino: Okay. Thank you Warren. Very acknowledgeable. Mahalo. 7:40 p.m. for the break. 7:44 p.m. for the intermission. And in five minutes we shall return.

(The Lana`i Planning Commission recessed at approximately 7:44 p.m., and reconvened at approximately 7:49 p.m.)

E. ORIENTATION WORKSHOP NO. 2 (previously scheduled for the May 18, 2011 meeting.)

1. **Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel**
2. **Sunshine Law - Chapter 92, HRS**
3. **Ethics**
4. **Recent U.S. Supreme Court decisions on takings issues.**
5. **Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission**
6. **Hawaii Supreme Court Decision regarding the Topliss case (SMA)**
7. **Hawaii Supreme Court Decision in the case of Paulette K. Kaleikini v. Laura H. Thielen, in her official capacity as Chairperson of the Board of Land and Natural Resources, Board of Land and Natural Resources, and the Department of Land and Natural Resources.**
8. **Other Relevant Hawaii Supreme Court Cases**

Mr. Rabaino: Okay, 7:49 p.m. reconvene Lana`i Planning Commission meeting, August 17th. Okay, Commissioners, item-E, any comments? Orientation, I'm sorry, workshop. Okay. Go ahead Stan. Commissioner Stan Ruidas?

Mr. Ruidas: Yeah, I make a motion to defer the sunshine orientation workshop, number two, to our next available agenda time.

Mr. Rabaino: Anybody second that motion?

Ms. Castillo: Second.

Mr. Rabaino: Discussion? Call for the question.

Mr. Ornellas: Can I ask – I want to ask a question. Which one of these do you have to do tonight?

Mr. Hopper: None of them. James can give you his full presentation. None of it is mandatory right now.

Mr. Ornellas: Okay. Can I make an amendment to the motion?

Mr. Rabaino: Go ahead.

Mr. Ornellas: I want to amend it to defer E, totally – one, two, three, four, through eight – to a later date.

Mr. Rabaino: And?

Mr. Ornellas: Defer it to another meeting.

Mr. Rabaino: Did you want it to be September? I mean, not September, October?

Mr. Ornellas: When do I get off this Commission?

Mr. Rabaino: I believe yours one is the '14.

Mr. Ornellas: October. October is fine. We can defer it in October again if we have to.

Mr. Ruidas: . . .(inaudible) . . .

Mr. Ornellas: No you just said, two, sunshine law. I wanted the whole thing.

Mr. Rabaino: So we're going to defer the whole thing.

Mr. Ornellas: One thru eight. Yes.

Mr. Rabaino: One to eight as an amendment to the sunshine law as first proposed in the motion. Okay, the whole thing, one through eight. Okay. So be it? That's the motion.

Mr. Green: May I ask a question? May I ask a question? Is it required that we do this once a year, or is it primarily for new members to the Commission?

Mr. Hopper: I think you need to do it once a year. There's updated things with the laws that come into place. And in my opinion all boards and commissions could use a reminder. So, yeah, I'd say every year it should be done.

Mr. Green: Wouldn't it make more sense, though, to do it in conjunction with the appointment of new commissioners?

Mr. Hopper: I think that's typically how it is done. I think right after that, usually. I don't know why this is at this point, maybe, you know –.

Mr. Ornellas: We were suppose to do this for Bob Hera when he came on, but he resigned.

Mr. Hopper: Alright, maybe you could coordinate with the Department if you want this. I think we do it annually. I think that's a good thing. James or I will be available to do it if necessary. We can leave it at that. You want to defer it to your next meeting or October that's certainly within your purview right now.

Mr. Rabaino: I would suggest that when the next appointment of the replacement for Bob Hera is confirmed then we should start the orientation. I think that would be more wise, and we'd still be in the calendar year, if that's okay with you.

Mr. Hopper: Yeah, Planning said they're fine with that, so, yeah, that's fine.

Ms. Castillo: I'll just second to John's motion, until our new commissioner gets appointed. Thank you.

Mr. Ornellas: So Letty just amended the amendment?

Mr. Hopper: Just as a parliamentary note, the Chair can say if there's no objections, I'm going to defer – what is it? – item-E. And then if there's no objections, it's deferred. I mean, it's up to you guys, but just as a note.

Mr. Rabaino: Okay, the Chair says if there's no objection we will defer this item, one to eight, item-E. Okay, any objections? None. Okay, so be it for the record. Next item, Director's Report, item one, open Lana`i application report.

Without objections from the members of the Lana`i Planning Commission, Item-E, Orientation, Part II, was deferred.

F. DIRECTOR'S REPORT

- 1. Open Lana`i Applications Report**
- 2. Status of the Lanai Planning Commission Vacancy**
- 3. Agenda items for the October 19, 2011 Meeting**

Mr. Clayton Yoshida: We only have two items which are the both relating to the Miki Basin expansion, the District Boundary Amendment and the Change in Zoning. And I believe the Deputy Corporation Counsel had reported to the Chair on July 21st regarding the status with the Land Use Committee.

Ms. Castillo: Mr. Chair, question to Clayton please. Clayton, did you receive –? Where is it, you know, the school expansion? Where is it? You know the building of the new building?

Mr. Yoshida: I think we didn't. Probably the Deputy Director can –. We didn't receive word as exactly when the Land Use Committee will take up the item. But they hope to do it sometime soon, sometime in the next couple of months.

Mr. Rabaino: You satisfied with that Commissioner Castales? I mean, Castillo? I get so much names in my head today. Letty, are you satisfied with his answer?

Ms. Castillo: . . . (inaudible) . . . because I was just asking the principal if they have submitted the request for, you know, to build the new expansion of the school, and he said it's in the Planning Commission.

Mr. Yoshida: Well, I guess these particular applications went to the Commission when Sally was Chair, which was probably 2009. And the Commission held various meetings from January to July on the matter, and they made their recommendation. And then the Land Use Committee did a site inspection in February of last year when they were dealing with the Lana`i 201H application. And then that's it. I mean, it got transferred from the 2009/2010 Council to the 2011/2012 Council, and it's still an item before the Land Use Committee, chaired by Council Member Carroll. And they will be dealing with the request for the District Boundary Amendment

and the Change in Zoning. That hasn't been decided on one way or the other by the Council yet.

Mr. Ornellas: Excuse me. Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: What topic are you talking about? The school expansion?

Mr. Rabaino: That's what Letty was bringing up.

Mr. Yoshida: Oh, the school expansion. Okay. The school expansion –

Mr. Ornellas: Wait a minute. Can I stop you Clayton? He was not talking about the school expansion. You were talking about this.

Mr. Yoshida: I was talking about the Lana`i open application's report.

Mr. Ornellas: She was talking about the school expansion.

Mr. Yoshida: The school expansion, okay. The school expansion, the Commission reviewed, I think, the draft EA for the master plan of the school. But we haven't heard anything. I mean, that's the State. And we haven't heard anything other than the Commission's review of the draft EA for the Lana`i school master plan.

Mr. Rabaino: Okay, can I add to that Clay? I called Robert Carroll's office this morning, and I asked them, because of this open thing, about Miki Basin. They have not scheduled anything yet, but hopefully they can schedule one in September regarding the land use zoning. And see I asked Riki Hokama when he came over and I had several phone calls to Riki Hokama asking where does Miki Basin stand. So, he says well, it's going to the Land Use, and the chair of that committee would be Robert Carroll. So I waited one week, and so this morning, that's it, I calling. So his assistant whoever answered the phone there said, feel free to call anytime, but they haven't scheduled anything for the Miki Basin regarding the zoning from the Land Use. And that's where it stands. But the earliest or the latest would be September or October, yeah. So that's what I found out.

As far as the school is concerned for Letty, I've talked to some people because you know I work down Expedition. And they said the school one should start for the grubbing and grading. But the ground breaking is going to be held back three weeks so the politicians can come over and schedule their time when they're available for the ground breaking. That's all I heard, verbally. I have not seen anything in black and white, so just sharing that information. So that Letty is aware.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: Can we call for a closure of this meeting? These guys got to go. I will talk to Letty and give her the update as far as what's going on with the school since I'm pretty well involved.

Mr. Rabaino: Okay, let me see, we already mingled with number two, about the Planning Commission vacancy until that is confirmed. And item number three, moving on, agenda item for October 19th as requested the respond back and the letter done by the Planning Department regarding the two testimony of Pat Reilly and was it Warren? Just Pat Reilly's one right? Yeah, Pat Reilly. Okay. And the water of LWAC, that should be on the agenda for the October meeting. That's it. Do I hear a motion to close? Joe?

Mr. Prutch: Yeah, I was just wondering if I could get some clarification. Maybe after the meeting I can talk to one of you, just get clarification on the pool issue. The names of it, and that kind of stuff, I didn't quite hear.

Mr. Rabaino: The name would be – Pat Reilly brought it up, right?

Mr. Prutch: Which pool and –

Mr. Rabaino: The pool by the company, the rec versus the pool at the –

Mr. Prutch: And what days do you wanted it open and that kind of stuff. I just need a little more details.

Mr. Rabaino: Yeah, the schedule for the kids.

Mr. Prutch: For the summer months.

Mr. Rabaino: I didn't quite hear what he stated or what he speak. Was for the summer months? Okay Letty. She confirmed. September. Yeah, move that also to September. Commissioner Green?

Mr. Green: I just wanted find out if there was – what is the status of the Lana`i Planning Commission vacancy? . . . (*Inaudible. Changed cassette tapes.*) . . .

Mr. Yoshida: . . . (*Inaudible. Changed cassette tapes.*) . . . The Council Policy Committee did recommend approval of her nomination. It goes before the Full Council on the 23rd so she could be confirmed on the 23rd, next week Tuesday.

Mr. Ruidas: Can I make an addition to the October agenda? Can we have an update on the Water Use and Development Plan, as far as the status at that time? Where it's, you know, where it's at?

G. NEXT REGULAR MEETING DATE: October 19, 2011

H. ADJOURNMENT

Mr. Yoshida: This is for the next meeting?

Mr. Ruidas: Yeah, for the next meeting in October because it seems like there's a mis-communication between division, so I was wondering if you could get an update from them directly.

Mr. Yoshida: Okay, anything else?

Mr. Rabaino: Commissioners, you want to add anything else for the October agenda, October 19th agenda, besides that three? One is Pat Reilly and the one LWAC and number three is – the one you just mentioned, yeah Stan?

Mr. Ruidas: Water Use.

Mr. Rabaino: Water Use, yeah. Okay, that's it? Any other items? Okay, thank you Michele, thank you all. Have a safe flight back. And the meeting is adjourned a 8:04 p.m.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:04 p.m.

Respectively transmitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Gerald Rabaino, Chair
Stanley Ruidas, Vice-Chair
Shelly Barfield (from 6:00 p.m.)
Leticia Castillo
David Green
John Ornellas

EXCUSED:

Alberta de Jetley
Matthew Mano

OTHERS:

Michele Chouteau McLean, Deputy Planning Director
Clayton Yoshida, Planning Program Administrator
Dan McNulty-Huffman, Long Range Division
Joseph Prutch, Staff Planner, Current Planning Division
Michael Hopper, Deputy Corporation Counsel, Department of Corporation Counsel