

**LANA‘I PLANNING COMMISSION
REGULAR MEETING
APRIL 18, 2018**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Caron Green, Vice-Chair, at approximately 5:00 p.m., Wednesday, April 18, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Caron Green: It's now five o'clock, and this is the Lanai Planning Commission. And we have quorum this evening so I think we'd like to begin with the meeting. I guess the first item on the agenda is to introduce our new board members. We have three board members, and I think this is the first time in quite a long time that we actually have the full complement of commissioners so that's exciting. So Sherry, as a new board member, would you like to introduce yourself and maybe say a little about yourself?

B. INTRODUCTION OF NEW MEMBERS - Sherry Menze, Gerald Rabaino, and Chelsea Trevino

Ms. Sherry Menze: Sherry Menze and I'm retired. I worked for the State for 28 years, longtime resident, since 1985, raised my family and...that's about it.

Ms. Green: Thank you Sherry. We also have Jerry here who's a returning commissioner.

Mr. Gerald Rabaino: Gerald Rabaino. I've been a longtime resident, almost 40-plus years. 33 years with Castle & Cooke before Pulama took over. And, I've been with the Planning Commission in the 80's under Charmaine Tavares as well as Linda Lingle before she became Governor, and here I am again.

Ms. Green: Okay, and our last one, Chelsea would you like to introduce yourself?

Ms. Chelsea Trevino: Chelsea Trevino. Raised on Lanai and happy to be serving on this Commission. This should be interesting. Thank you.

C. ELECTION OF OFFICERS FOR 2018-2019 COMMISSION YEAR – Chairperson and Vice-Chairperson

Ms. Green: Okay, I don't know, Clayton, who handles this? It's time for us to have an election of new officers since Kelli Gima finished her term last month.

Ms. Richelle Thomson: So I'll just --. My name is Richelle Thomson, I'm your Deputy Corporation Counsel and welcome to the new members. So Item C is election of officers for

the 2018-2019 commission year, so we're going to start with the Chairperson. And then as soon as the Chair is elected, I turn over the mic to the Chair. So do I have any nominations for Chairperson?

Mr. John Delacruz: I nominate Caron.

Ms. Thomson: Okay, so Caron is nominated. And do I have a second?

Ms. Roxanne Catiel: Second.

Mr. Sherry Menze: Second.

Ms. Thomson: Many, many seconds. Are there any other nominations for Chair? Seeing none, all in favor say aye. Any nays? Welcome.

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

VOTED: Ms. Caron Green as Chairperson.

(Assenting: R. Catiel, J. Delacruz, S. Menze, S. Preza, S. Samonte, C. Trevino)
(Excused: M. Martin)

Ms. Green: Thank you. It's an honor. So then we also need a Vice-Chair. Do we have any nominations for Vice-Chair?

Ms. Catiel: I nominate Shelly Preza.

Mr. Delacruz: I second the vote.

Ms. Green: Okay. Alright, Shelly. Do we have any nominations? Okay, hearing none. All in favor? Opposed? Okay, it looks like we have our Chair and Vice-Chair. Thank you.

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

VOTED: Ms. Shelly Preza as Vice-Chairperson.

(Assenting: R. Catiel, J. Delacruz, S. Menze, S. Preza, S. Samonte, C. Trevino)
(Excused: M. Martin)

D. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be

allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Ms. Green: Okay, next is public testimony. And, as my agenda says that this is at the discretion of the Chair, and it can be taken after each of the items. But if there are some people who will not be here when we discuss a particular item, they can testify now. As you know, we only have one real major topic today and that is our, our Lanai water workshop, so is there anybody here who would like to testify at this time? Seeing none, I guess we will progress on to the actual workshop. So, okay, our first presenter is Richelle. I might state that I think we are going to limit each presentation, and there will be four presentations this evening. Richelle is going to be presenting -- let me see -- for the County as Corporation Counsel. Then I believe, Butch, are you presenting for LWAC?

Mr. Reynold "Butch" Gima: Yes.

Ms. Green: Okay, and then CWRM, we have Roy Hardy. Okay. And then finally Joy Gannon from the Lanai Water Company. So we'll give each group 15 minutes. And then after that time, I believe the Commissioners will have a chance to ask questions. We are going to wait and do questions from the community after all four presentations, if that's alright. Okay, alright.

E. LANAI WATER WORKSHOP

The workshop is for information purposes.

Ms. Thomson: Okay, thank you very much Chair. And, if anyone has questions as we go and . . . (inaudible) . . . to take them, so please feel free to interrupt me, any of the Commissioners. What I'm going to be covering, you'll hear some of these from some of the other presenters because our territories obviously are going to overlap. But I wanted to give you kind of a broad picture of the regulatory framework for governing water resources on the island of Lanai.

So to start at the very top, you have federal statutes: Safe Drinking Water Act, Endangered Species Act, Clean Water Act, and there are many other federal statutes that implicate water resources. Under the federal level, we have the Hawaii Constitution and the Public Trust Doctrine is a -- the construct of the constitution, and it's been interpreted by the Hawaii Supreme Court. We'll get into that a little bit more later on. The State Water Code is embodied in the Hawaii Revised Statutes 174C, and the Hawaii Commission on Water Resources Management is the lead agency at the State level. When we get down to the County level, the Maui County Charter requires that the Department of Water Supply prepare Water Use and Development Plans for review by the Board of Water Supply. Those are then enacted by the Maui County Council by ordinance. Lanai's Water Use and Development Plan serves as the primary guidance document for the Lanai Planning Commission. So if you haven't familiarized yourself with the Lanai Water Use and Development Plan, it's available

online. It's...it's quite long if you read the entire thing, but what you need to familiarize yourself with especially would be the introductory pages and the introductory chapters. And then you can get into the appendices when you need to know that information. But I highly encourage you to make yourself familiar with that document. It's a very important document.

Hawaii, the State Water Code, like I said it's embodied in Hawaii Revised Statutes. These are objectives that are stated within the state law, so the state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the state. That term "maximum beneficial use" is actually a defined legal term. We'll get into that later. It's one of the criteria that you would use as Commissioners in making decisions that involve water resources on the island. It's a balance also that you, when you're making decisions you want also adequately protect the water resources. So in, in making decisions related to water resources, you do have a balancing test between what the request is and then protection of the resources at the same time.

I'm not going to read this entire slide. Basically Lanai's Water Use and Development Plan dates from 2011. It's required under state law and also Maui County Code. That Water Use and Development Plan, the reason that I'm stressing its importance is that it is a companion document with the State Water Resources Protection Plan and other state and county level plans. So, it's not a plan that sits on the shelf. It's actually a living, breathing document and really important for you as Commissioners to, to know about. The smaller text at the bottom of this slide it talks about the things that state law requires these water use and development plans to contain.

Small history on Lanai's Water Use and Development Plan. So, 1993, the Maui County Council establishes a Lanai Water Subcommittee, so a Council subcommittee. In 1996, there was a Lanai Water Working Group which was a successor to that County subcommittee. So the Lanai Water Working Group transitioned in the late 90's to the Lanai Water Advisory Committee, LWAC as it's commonly referred to here on the island. The LWAC was very instrumental in the development of the Water Use and Development Plan, and the LWAC's purpose is to provide public input, and involvement during the development of that plan, and to monitor its implementation. So the LWAC was extremely involved in creating that document that you now rely on today in making your decisions. Going forward --

Ms. Green: Richelle, could I just ask a question here?

Ms. Thomson: Sure.

Ms. Green: Okay, so the words "to monitor the Lanai Water Use and Development Plan implementation," is that a static or ongoing function?

Ms. Thomson: It --. The way that I would read it is that that's an ongoing function dependent upon what the need is at that time. You know, if there is -- if there's a need to have the body meet, the Water Director is the government official that calls those meetings and they would

have, you know, if an agenda item came up that needed their input, the Water Director would call those meetings and I believe that that's where the implementation component of their duties comes in.

Ms. Green: I was thinking more in terms of monitoring the, you know, use of the water on the island because that's part of the implementation of the plan?

Ms. Thomson: Well the plan -- what the plan sets out is all of the existing uses and capacity, and then looking at future known uses. So it's a planning guidance document. So in that way the Water Use Development Plan is an active, ongoing, you know, living document. The way that you use it, though, is as projects come up, say for example a subdivision, you would look at that project or that request in light of the other uses that are known or upcoming and how that would affect water resources. As far as LWAC's role in that, they may or may not have a role dependent upon what the, you know, what the request is.

Mr. Rabaino: Rachel, I'm looking at this over here where it says the lead agency. How many times have the Water Director scheduled meetings with LWAC within the last, the past year?

Ms. Thomson: Within the last year, I'm not aware of any meetings that the Water Director has scheduled. But like I said, the LWAC's primary purpose was in establishing the Water Use and Development. So its primary duties basically were wrapped up when that plan was adopted after some amendments by the Maui County Council back in 2011. So I can't speak for the Water Director, but based upon the lack of meetings being called, the Water Director didn't determine that those were necessary at that time. But let me, let me go ahead on through this so we don't get too stuck at that point.

So the Lanai Planning Commission's role, the Maui County Code requires all agencies, so this board and other boards to use Water Use and Development Plans as their primary guidance document in approving or recommending to other agencies, the use or commitment of water resources in the County. What I'm trying to stress here is that this is your jurisdiction. It's not any other entity's jurisdiction to, to use this document when you're making your decisions. So you can't delegate your authority to an outside agency or any other individuals or agencies. This really is your territory and your responsibilities as Commissioners so that's really my -- the message as far as my component of this training would be that the Lanai Planning Commission is the authority with respect to either making the decisions if you're the final decision maker on an application or recommending, you'd be recommending to the County Council certain actions that implicate water resources. So, it's not to take your, your duties lightly with respect to water resources or to have the feeling that some other entity is taking care of that responsibility. It really is yours.

At the bottom of this slide, the reason that I put this in bold, so obviously you know I've said this a few times, familiarize yourself with this plan and also that your decisions need to rely on evidence that is in your record. So what that means is like we've talked about with contested cases, the evidence needs to be in your record in order to support the decision that

you're going to make so you don't rely on external things that are outside your record or external groups that might have done their own investigations. Those can be brought in in certain ways into contested cases, but you, you know, all of the things that you do, do have specific pathways to making your decisions and it needs to be done in a formal way rather than relying on outside agencies or independent investigations. So that's the reason that I bolded that section there.

This is directly from the Water Use and Development Plan on page 31. These are some of the criteria that you use in making your decisions. So no ground water aquifer should be drafted to exceed 90%. This is -- that figure is a trigger for the Commission on Water Resources Management to consider designating a ground water management area. This is also part of the water use and development plan: 500,000 gallons per day shall be reserved for the development of an agricultural park. And when you're making your decisions, projections for future water resource development should be based on resources that are identified and funded with firm commitments for implementation. When I read that last point -- you know, like I said this is verbatim from the Water Use and Development Plan -- what that means to me is that when you're looking at water resources, say, you know, new wells being developed. We talked about a desalinization plant a few years ago, until those projects reaches a certain point in time, until they are either funded, permitted, you know, you wouldn't really count on them as water resources or commitments until they're actually further along in a development stage.

I wanted to segue into backing up to the Hawaii Constitution. The Hawaii Constitution has language in it that talks about Public Trust and Public --. It doesn't actually --. It says Public Resources. So these are resources that are owned by the public at large: land, water, air, minerals and energy sources are what the constitution calls out. All public natural resources are held in trust by the state for the benefit of the people. The state and political subdivisions such as counties and also commissions, like the Lanai Planning Commission, have the obligation to protect, control, and regulate the use of Hawaii's water resources for the benefit of the people.

At the bottom of the slide, this is really the takeaway for this is that the State Water Code and a Public Trust Doctrine share similar core principles. However, the Code does not supplant the principles of the Public Trust Doctrine. What that means is that when you're making decisions, you also take your responsibilities as trustees of these public resources, and the Court says -- the Supreme Court has given some, you know, obviously, guidance on how you analyze requests for using public resources in light of the other duties that you've got.

So again, we get back to kind of the concept of balancing. You're balancing the need to use an important resource for development, for potable water, for growth, for affordable housing, for any number of needs that we can identify, while you also have a duty to protect the resource. So you're looking at balancing a lot of times when you're analyzing request for use of water resources.

This is getting a little bit deeper into, you know, if we had an application in front of us, what are the criteria that we would look at to analyze it. So, that's what this slide gets into is really more of a process of we have an application for a use that's going to involve water and how you do that balancing test, and what you rely on in your record, and how you make your decision so that it's supportable.

Kauai Springs is there are a couple of very important Hawaii Supreme Court cases that have analyzed use of water resources in the light of the Public Trust Doctrine. There's Waiahole I and Waiahole II, and then a more recent case called Kauai Springs. We can get into that at, you know, at another time specifically if we're looking at an application that has, you know, water resource implications. We would go through all of this again, so I realize a lot of this may not make, you know, a ton of sense because we're not talking about an actual application. But when and if we, we have one of those I'll walk through this kind of criteria again when we need to do it.

I mentioned kind of at the outset a reasonable and beneficial use being an important topic concepts in water management, and from the State Law it's the Water Code 174C(3) defines "reasonable and beneficial use as the use of water in such a quantity as is necessary for economic and efficient utilization, for a purpose, and in a manner which is both reasonable and consistent with the state and county land use plans and the public interest." So again using, using water which is one of our most important resources is a balancing test between the request to use and then the protection of the resource. And you're the gatekeeper in many instances for how that's going to be handled on this island so it's a good and important job that you have.

This last slide is really, is again, just about contested cases so --. In the context of a water use application, you know, again, you want all of the information that you're making your decision on to be in your specific record, not the record of another agency or outside individuals. The reason is you're responsible for that record. And, if the record is challenged in court, if someone is unhappy with a decision you've made and it's taken to court, your record needs to contain all of the reasons that you made the decision. And you also need to be able to back up, you know, how you made a determination and what part of the record you're relying on. So that's why we kind of harp on that a lot. From the legal side is, you know, have all of the information within your record, make your decisions soundly, and they'll be supported by the court if you ever get there.

And that's about it for me. I'm sure you'll have questions, you know, either of the other presenters or for me at the end so feel free as they come up to write them down, and then we can take them on whenever, whenever you'd like.

Ms. Green: Thank you Richelle. Is there anybody who has a question right now while it's fresh on your mind?

Mr. Delacruz: I would like to comment on . . . (Inaudible. Did not speak into a microphone.) .

. . Well, thank you Richelle. On page 3, the lower block, I guess like the last paragraph where the last sentence, where it says, "LPC decisions must rely on evidence on LPC's own record." The concern on this is where we get our information from. And recent correspondence between the Department and Butch Gima about LWAC's role, Lanai Water Advisory Commission's role, more or less stated that the expert on water was considered to be -- this is the Department's opinion -- the expert on water on Lanai is the Lanai Water Company and named Joyce. Joy? Named Joy. And admittedly it also said that she's only been here for a short time and it's not, you know, fully functional. I admit Joy is a wonder board of director, very sincere, very sharing with us. But in a case like this we, Lanai's water, we would like also to have the second opinion which LWAC is a good source for the second opinion. Jerry had asked a question on how many meetings was called for LWAC in the last year, and I think I remember it's like zero; official meetings. Meetings are not recognized unless it's called by the Water Director. A better question is when was the last time the Director called a meeting for the Lanai Water Advisory Committee, and maybe some people here weren't born when that meeting was called.

Mr. Rabaino: When I questioned about the, what do you call, the water director, I wanted to know, and my priority would be, do they, does he recognize LWAC as the agency for the island of Lanai to represent the general public on Lanai and to schedule meetings with them. Because you said it's zero. Now if we're going to have two bodies working together it's only proper that the mad Director of Water meet with LWAC because I can say this much when Sweet Deshay was, and Bob Kushni and John Tracy, they had meetings but I don't know if they still had the Water Director at that time. But it's only fair, you know. It's not everything is one sided. And these guys on LWAC has been working very hard, and they're the new generation that is concerned with all this pre-planning and moving forward for the future of Lanai. So it's only fair in my behalf that that manager put some time and effort to come to Lanai physically and meet with the LWAC group because I'm, you know, when we looking at all the measurements and gallons that's my, my expertise. These guys have been around. They took the time to make an effort so that their organization is going to represent the island of Lanai. Okay, or it's going a three spin with Pulama, LWAC and the Director of Water. So, you know, I mean, if this is an ongoing thing where he's not recognizing the LWAC as an agency and only looking at Pulama, then I think there's some kind of thing going on. That's my --

Ms. Thomson: Thank you for the comments and the questions that are embedded in the comments. I understand your frustration. There's -- well, a little bit. There is, you know, I've seen various correspondence and things that have gone through Council in the last, you know, I don't know, half a dozen years or so, where there was an effort at one time to have the LWAC, I guess, put into an advisory role and it was going to be advisory to this body, to the Lanai Planning Commission. That's something that can be done at the County Council level. It cannot be done here at the Commission level. So the Commission itself doesn't have the authority to appoint outside investigative bodies or reporting bodies to it. The County Council does. Let me, let me just finish this okay.

The LWAC does exist as a County agency. It is advisory to the Board of Water Supply and it has specific duties. Although there's some frustrations that it's not currently meeting, that's not within this body's purview to be able to demand or enforce. Where that comes from is the County Council. So, yes, it's frustrating, but, you know, just like, you know, the Mayor can't do what the Governor can do. That's sort of the situation that you're stuck in right now. What it means for you though is that you do have to take your jobs very seriously about the water resources, so it is your job to question applicants to, you know, request more information if you don't feel like you have enough. And it is also the citizen's opportunity during your public meetings and your public hearings to come forward and provide you with information that they feel is relevant and necessary to your decision making, so you're not left without tools. And the voices of the people who are on LWAC, whether it meets or not, they still can participate in your process. So that's what I would encourage and I think I've said this before, you know, in different forums, they're not forth closed from participating even if those meetings are not being held under their auspices as advisory to the Board of Water Supply. The individuals who have, you know, special knowledge can come and share it with you during your public hearings. That's why this process is all done in the public, your meetings. Hopefully that helps.

Mr. Rabaino: Rachel, just out of curiosity, on this orange, Item 7....okay, when I asked about LWAC if the Director of Water acknowledge the existence of LWAC, there's a word over here, MOA. When was that MOA created? Was it 1999?

Ms. Thomson: I'm not familiar with --. I haven't seen the orange paper so I'm not really sure what's, what's being talked about on it. I know that in 1999, from -- and this, I'm taking this from your Water Use and Development Plan -- 1999 was the time that LWAC was, I believe, created. You know, it was -- it had a different name before. It transitioned into LWAC and was advisory to the Board of Water Supply specifically for the purpose of developing the Water Use and Development Plan back in the late 90's and the early 2000's.

Mr. Rabaino: Do you, do you have information in the past, let's say go back to...2010 before Murdock was looking for the white knight -- I mean, the white knight, white horse to take over so he can relinquish Castle & Cooke from the island of Lanai? Do you have any agreements or any meeting dates from 2010 moving forward?

Ms. Thomson: So what I suggest is that why don't we go ahead and hear the rest of the presenters. We have a lot of really important information for you to hear. LWAC, I believe, is up next on your agenda. My suggestion to you, though, would be not to get bogged down on stuff that happened decades ago and try to listen to the presenter here today and get as much information as you can. This is really your opportunity as Commissioners, as Lanai Planning Commission commissioners to get the knowledge for yourself so that you can be effective in your duties. So I know there's ongoing frustration, but I'd encourage you to really listen to everybody's presentations, and ask questions about the topic.

Ms. Green: Thank you Richelle. Alright, Butch. I should just ask, there's nobody else with a question? Thank you.

Mr. Gima: So the green and orange handout are from LWAC. Before I start I want to thank the Planning Department for reconsidering their decision to leave LWAC out so we appreciate that reconsideration. So we had plan to have four of us presenting tonight: Sally Kaye, Joy Gannon, Edmund Oyama, and myself. Joy is going to be primarily presenting from Lanai Water Company's point of view, and I'm not sure where Ed is.

So what you have in front of you, some are kind of a planning document that we put together on short notice. So some of the stuff we'll cover, some of them we won't. I think what Joy will be presenting will cover a lot of it. Anything you want to start off with?

Ms. Sally Kaye: Yeah, for some of you who were on this Board back in January, I came and made a presentation on the history of how we got to where we are. And what I'm hearing tonight is creating a problem that I think doesn't have to exist. The Board of Water Supply is now advisory to the Department of Water Supply. The Department of Water Supply, in turn, will never call a meeting here because they've maintained all along that they don't have no jurisdiction because they don't own or control any water systems here. So Corp Counsel is absolutely right; you will get applications. Those applications will be sent out to agencies. Those agencies will comment. We are not an official agency that the County chooses to recognize at this point. The Director of the Department of Water Supply as I testified in January, you can look at the minutes for those new people, I think it would be clear then, actually tried to fire us after the Water Use and Development Plan was finished saying we done. But as Corp Counsel pointed out to you, we're also charged with overseeing its implementation.

We meet once a month, on the last Friday, and we have a spectacular Water Director now. We've had great communications. We share a lot of information. We wish more people in the public would come. But when you get an application and you don't see LWAC, you just ask that that application gets sent to LWAC, and then we can weigh in on it like any other agency. It's your call, it's your jurisdiction.

Mr. Gima: One of the things we wanted to let you know --

Ms. Green: Sally, you said on Fridays, but when and where?

Ms. Kaye: I'm sorry. It's at the Community Health Center, and generally it's eleven o'clock. Butch is the Chair and he generally sends the notice out. Anybody who wants to receive those notices, just let him know.

Ms. Thomson: I don't want it to turn into a big and back and forth, but just as something to keep in mind, sunshine law requires that the Lanai Planning Commission, if they have board business that they know is coming up or is either on their agenda or they know is going to

come up, to be able to attend other meetings where the same subject is being discussed or talked about, may violate sunshine law if there's the situation that you'd like to go to a meeting and you're not sure about it, please call me and we can talk about it ahead of time. I'd rather help you avoid a problem than deal with it after-the-fact.

Ms. Kaye: And I would just add to that, for your new members, that John Delacruz is the formerly recognized representative for the LPC to LWAC so he comes to all the Friday meetings. And generally in the past how this has worked is whoever volunteers to do that then comes back and makes whatever interesting presentation or engages in a discussion that has come out of LWAC meetings, so John's there.

Mr. Gima: Okay, so with the limited time that we have, question no. 2, what does the LPC need to know to fulfill their responsibilities? So please, when any applications come before you, make sure that they make reference to the Water Use and Development Plan. Is the project in compliance with the Water Use and Development Plan, and is it in compliance with the allocation table? And also like Sally said, I think it be helpful if the applicant, which is usually the company, has vetted this project, you know, before, before LWAC. Because we're more than willing to help the applicant make a presentation, and most often we make a positive presentation to the Planning Commission.

We feel that in order to fulfill your responsibilities you have to make an informed decision. And in order to have an informed decision, you need accurate data and current information. It's my opinion, not necessarily LWAC, that you cannot assume that the applicant and/or the Planning Department can provide all the relevant information regarding water. In many instances LWAC can do that based on the history of the people on, on LWAC, and the opportunities we have to discuss the water issues with especially the Lanai Water Company representatives. The applicant and/or the Planning Department isn't necessarily as knowledgeable as the Lanai Water Company and/or LWAC, so please keep that in mind in terms of your responsibility to make an informed decision.

The importance of the Water Use and Development Plan's allocation table is we have allocation limits for the whole island, allocation limits for the two project districts, and allocation limits for different specific uses, like, for irrigation or, or ag. And it's important to know these things because it's you and/or the Planning Department has no basis to say if the applicant is using too much water unless you refer to the allocation table.

As I said in previous testimonies LWAC's role can serve as a checks and balances because we don't the regulatory agencies on island to monitor how water is utilized here. And Lanai's situation is unique because Lanai, unlike the other islands, has only one aquifer. Unlike other islands, Lanai doesn't have surface water that we can draw up on. Whereas Molokai has double our population, their sustainable yield is 14 times greater than ours. Maui has 33 times more of a population than Lanai, but it has 66 times more sustainable yield than Lanai. And that, I serve that to provide some context in terms of why I think the LWAC historically over these, historically has taken a real kind of cautious and conservative approach.

When the Planning Department initially said LWAC should not be part of tonight's presentation -- they said, you can testify -- but as you well know, testifiers have three minute limits. Whereas, us making a presentation, it gives you an idea of how we discuss water issues on Lanai. We sit down with whoever is present, and especially with the Lanai Water Company, and there's this back and forth dialogue. Sometimes we look over each other's shoulders at the visuals or the maps that are provided which rarely happens with the Planning Commission because you guys have a real formalized process. So I think it's important that LWAC provides input because we have more time, like several months sometimes, to discuss a project before we come before the LPC and say we think this is a good project but we think you need to look at these considerations.

When Roy comes up maybe you can ask him about Lanai's previous request to designate Lanai as a water management area like Molokai. I brought a map of all the wells so if you guys want to see that we can put it up and you can look at it during the break.

LWAC gets this periodic water report every 28 days, so there -- and in it, there's pumpage totals for the 28 day period for all the wells. There's high and low readings of each well. There's chloride levels and temperature levels for all the wells. There's the year to date pumpage numbers. There is the comparison from the same period the previous year, and they also have a running average, annualized average. And so those are the things that the LWAC members look over, discuss on a, on a monthly basis.

The reason why I brought this, it gives you an idea. These are some of the standing agenda items. So these are the things that we routinely talk about: potable water system, the non-potable water system. The key one is the pending application/upcoming applications that require LWAC comments. And we asked the company to bring it to us way before they submit the applicant to County so that we can vet the project and provide suggestions and recommendations or bring up some concerns that maybe the applicant might have missed. We discussed the periodic water report, the Lanai Forest and Watershed Partnership, the Water Conservation and Drought Plan for the island. So these are kind of standing items that, that we talk about that there's no way that the LPC knows about let alone talks about. And so given all this, this global knowledge of the water system, we feel that LWAC can provide a good service to the Planning Commission in order to make an informed decision on an application.

Jerry, in answer to your question about no. 7, status of the LWAC MOA, it's kind of dead right now. But years ago there was an effort by the County Council to have LWAC and Pulama draft a Memorandum of Agreement (MOA) institutionalizing LWAC instead of a County ordinance. And the MOA process kind of died and it's, it's...we haven't talked about it, you know, in a while.

Anything else you want to add Sal? Ed? Ron?

Mr. Ron McOmber: . . . (Inaudible) . . .

Mr. Gima: Hopefully Joy will talk about Lanai Water Company's conservation efforts which have admirable, and their, their CIP, Capital Improvement Plan projects that Ellison set aside \$10 million for. Let's see if there's anything else. I think that's about it.

Ms. Green: Thank you Sally and Butch. Commissioners, does anybody have any questions for them?

Mr. Delacruz: No questions. I have a comment. I just want to commend Butch for your efforts being persistent in getting the LWAC as, as a presenter instead of just testifying. Like you said, testifiers get three minutes. Today, LWAC could present information as a group. I'm especially grateful that you have been on the LWAC for many, many years, and that you can actually read those water charts. Because I've explained to you before, I have statistical dyslexia so thank you for being able to read those water charts.

Ms. Green: Thank you. Roy, you ready?

Mr. Roy Hardy: Aloha kakou everyone, and I want to thank the Planning Commission for inviting us to come over to present some information for you. And before I get into, and I bring it up here on the screen, I did want to just clarify something, a few things that I know Richelle mentioned. And by the way, she did a very, very good job explaining the water code and the legalities of the water commission and authorities. One thing that she did say is that the Commission is the lead agency which is, which is true. The Commission is the lead agency for implementing the water code. However, just a point of clarification that that is very true when it comes to water quantity, things like sustainable yield, allocating water, reasonable and beneficial use, waste, that kind of thing. When it comes to quality, the lead agency is the Department of Health, and the Water Commission defers quality issues mainly because the quality of the water will affect our health, so just a point of clarification on that, and that's it.

And just for Butch too that some of the issues he raised, I think, will be addressed in my presentation. I'll try to get through it real quick. So I know you have a handout; it might be easy to see than this and maybe if we could get the -- thank you.

So without further ado, here tonight, I'll share information on the Water Commission. And this is history of basically water management on Lanai from the Commission's point of view, and I'll get right into it. The staff actually asked us these four basic questions which really is more like eight because it's two parts to each question here. And I'll go and address these individually one by one if that's okay. I think they're very general and they cover a very wide breath of the issues involved that were spoken here tonight.

First off, pretty basic, what is the sustainable yield and how is it determined? Simple question, but as is the case with most scientific things, very complex answer to that, there's a lot of

parts to it. I'll try to make that as simple as possible in trying to bridge science and the layperson's way of thinking of things. Okay, so the short answer, okay, is the sustainable yield for the entire island is six million gallons per day. And that is established via the water resource protection plan. Richelle mentioned some of that. But I think it would be helpful to the Planning Commission to understand this plan. The last time it was updated was June 2008. We're actually, by the end of this year, hope to have the 2017 version. And we were on Lanai, I think, a couple of years ago holding public information meetings about this plan, to gather information to help design and craft a better plan, and we will be coming out for public hearings before the end of the year on the draft for public review. So there will be another opportunity for the community to comment on this, and this is state wide. Lanai obviously is one of the, one of the areas we're looking at.

But that water use and -- the water resource protection plan that sets sustainable yield is part of this overall Hawaii Water Plan and there are a lot of parts. And that diagram, I think, is useful to try to grasp the big picture of what it means. And at the bottom here, of this chart, is the County Water Use and Development Plan which we're all talking about and are very familiar with all the details. And that is Countywide demands, but in the case of the Lanai, you have your own water use and development plan. It's a very big deal because this island is part of Maui County, but its moved ahead just for the island to come up with that plan. And what it does is tie the demands with land use consistency. And actually maybe this is another point of clarification from which Richelle mentioned earlier about what are, like, well, in the terms of the water code authorize plan use, and in your plan I heard that, I guess, there's economic considerations as far as how far along a plan is. In the code and from the Commissions' point of view, we really look at land use consistency. We really don't look at the economics, but the County is free to add more detail if they want. And so anyway the purpose of this Water Use and Development Plan is to tie water use with development plans so, you know, combining those two.

Now the other plans above, the State Water Projects Plan, the Agricultural Water Use Development Plan, those are State needs, okay. Not necessarily the County. They're coming from the State. And then above an umbrella as protection is the Water Resource Protection Plan which the Commission we do. And the Water Quality Plan is, as I mentioned, the lead agency on quality is the Department of Health. So those are the protection policies set by, you know, the State. And all these plans actually feed into your Water Use and Development Plan. So all part, Richelle mentioned, they're living document. Each one is got a life of its own. Our protection plan, as I've said, is coming up this year for public hearings, and an update to the 2008 version. So that just provides the context of your Water Use and Development Plan.

Getting back to --. You know, but the official document, the Water Use and Development Plan was adopted back in 2012, approved by the Council, and then later by the Water Commission. So there is this document. We have it on our website as well.

So back to the Water Resource Protection Plan and Sustainable Yield, I think many of you may be familiar with this if you look at the plan. Every island has this, and all those polygons are individual water aquifer system areas we call them. They all communicate. There was a mention of this one aquifer. But just like it doesn't rain as much on the leeward side as opposed to the windward side, there are differences and it does affect the ground water. So there are differences, and this is how you divvy up the pie sort of speak. So as I mentioned, the sustainable yield is six million gallons per day. That pertains to the center portion of the island; the central sector which is of the leeward and windward aquifer system areas. Now if you take a cross section, look through the island, and you take a look -- see from the profile of what you would see and this is a diagram from a report back in 1983, but it was incorporated into a report that I came up with as part of the designation, in response to the designation proceedings which Butch was mentioning that you guys should ask about. This happened back in the late 80's, early 90's and this was incorporated into the report I had made in setting up a numerical model to try to model the behavior of ground water on this island.

Anyway, this is to show you in Lanai the uniqueness of Lanai in the sense that you have these wells which are in -- what we term high level water. Okay, it's actually assumed most of it is fresh. And towards the coast -- you guys actually have a --. I wish we had a pointer. But towards the coast, if I may real quick come up here, you have basal brackish water, and that's towards the coast, and the interior is high level fresh water. Many of you are kind of familiar especially the ones with much experience.

Now, one thing I wanted to point out about the sustainable yield and this aquifer is that that portion you're probably familiar with is the Palawai Basin. Okay, within that area there's high level water. In fact, you have Well 1 here. Well 9 at that time hadn't been drilled, but it's in there too, and Well 10 and others. But the point I want to make is that in this caldera, there is geothermal activity. The water is very warm. And with all that energy going around you get a mixing going on of ocean water and fresh water and so there's things that are in there just by virtue of the geothermal activity. So I just wanted to point that out.

Now this here is a typical cross-section for every island. Okay, and you have that high level on the left which is the bulk of the water here. But in other islands you have fresh water in what we term of the basal area, that bigger volume of water, not really existent on Lanai. That's why the outer aquifer systems they have no sustainable yields. It's very thin brackish, and no sustainable yield is assigned to them at this time. And what I wanted to point out was that -- it's hard to see here -- but that's the recharge. What water gets through the soil after run off, rain, all that stuff. What gets into the ground determines the shape of your aquifer, the fresh water. If there's a lot of recharge and the geology is such that it can retain some of that. Like say on the Big Island, there is no -- it's a young island. The lava is very young, the water goes down and it rushes. On older islands, Oahu and Kauai, it takes a longer time, so you build a bigger basal aquifers.

Anyway, in basal aquifers there's a, there's a model which is used. It's called RAM; I'm not going to get into that. But the simple way of thinking about it and going into the science is

that from fresh water in basal aquifers -- and it's probably easier to see on your handout -- but about 44% of that recharge is sustainable. Okay, and that helps to protect the public trust resource itself. But, also all the other wells that are in there. And there are other things that we do to help along with that but, in terms of the question, sustainable yield, that's what we do and look at. And, what that leaves, and this is for Keahou, I was just on the Big Island yesterday talking about this and I wanted to share it with you because it's interesting, so a little bit off topic. But that remainder which is more than half, 56%, continues to the ocean. There's a lot of concern, new concerns these days about eco-systems and their dependency on that discharge. And that you may notice that that discharge arrow is below the fresh water, and there's a reason on the Big Island because what we discovered from the de-monitor wells over there is that we're finding out there's fresh water below the sea water portions. That's a new thing. Whether that exists here or not, don't know. But certainly on the other islands it's an important consideration. But I want to say is the sustainable whether you take it from the dyke, the high level, the basal or if you had deep fresh water, we would all consider that as part of sustainable yield, to be conservative. So, another item of what's the sustainable yield, what's it all about.

On, for Lanai, I'm just taking the comparison here, again, 100% is going into your aquifer here. It's about nine million gallons. That's our conservative estimate. And, actually most of it comes out of the high level. And it's actually 67%. I'm going to get into a diagram later on to show you that's that's conservative as well because the models that we use say that you typically can take more. The reason being is that if you look in the high level, its connection to salt water is, is -- it's not as sensitive to salt water intrusion as basal aquifers are. So, it's actually a higher number but on Lanai's case it's about 67%.

This chart is what is what is, I think, we presented a couple of years ago and our updated information. I know it's a complex table here. Yeah, hopefully I can explain, John, I know you don't like the tables and the statistical things, but Butch can fill you in, yeah. Okay, but what I want to point out here is the --. Let's see here. Well, it's hard to see the mouse. But anyway, the top two rows, the white rows, are the central aquifer sector areas and you have windward and leeward. In the 2008, the current situation, the sustainable yield is three on each side so for a total of six on the bottom line. There's nothing in the other sectors. 2017, we're trying to make this consistent with the theories and there's that 75%, 0.75%, which I just showed you before is actually 67, so it's a little bit less. So there's less sustainable yield number. And actually what we've done too in the, the third to the last column, the R-Range, that's the recharge range. And the way we look at things and with all of them technologies and geographic information systems and more data from rain evaporation and things like that, we've come up with these ranges now. And the range for recharge is between if I tally the two is like between nine and roughly 24 million gallons per day. So that's big range. And the sustainable yield using our percentages is between the six that you have now and it could up to as much as 18. And so what this is, the way we are -- and what we're proposing for the 2017, actually 18 update is to just keep it at the six, at the low end of the range. That's our way of dealing with, as you probably heard before, is the precautionary principle. This is our

best information, there's a range that we know of, and we're taking the minimum range. So that's how we calculate sustainable yield, and that's really how it all works.

Second question, the difference between brackish and safe drinking water. Okay, short answer, the Water Resource Protection Plan, again, defines brackish water as chlorides that are between 250 milligrams per liter, and 17,000 milligrams per liter. And what are those numbers mean? Well, the 17,000 is 90% salt water, and this is just looking at the concentrations between zero, totally fresh water, and what's in the ocean. And, so that's how we define it, and it has implications and our water standards, well standards; I won't get into that.

The 250 gets into the second point there about the water quality plan of the Department of Health as I mentioned. They define Maximum Contaminant Levels (MCL) and you probably have heard this, MCL's. Butch, you're probably very familiar with this. And they help to define what's safe for drinking. If the water exceeds the MCL, okay, I'm not sure that the Department of Health would actually stop someone from using that water. Certainly, not individual domestic wells, but the municipalities and public water systems would have to address it and then they'd have to treat the water and so sort.

That 250 milligram per liter, the low end is that what's call the EPA secondary guideline. It's not actually an MCL. It's not a maximum contaminant level because people can drink water which has more than that. In the Middle East they drink water that's, you know, 1,000's parts or milligrams per liter. Their bodies have become accustomed to it. But, there are some health concerns about going over 250 and so that's what it is. But, it's -- it doesn't -- it's not a maximum contaminant level. It's just a guideline. So that helps to define, I guess, what's safe for drinking. Remember DOH will determine that because there's more than just chlorides. You know, there's bacteria in the water, pesticides, all kinds of other chemicals, heavy metals. They have to meet those MCL's. So that's what is the difference between that brackish water, it's strictly chlorides and safe drinking. It's much more complicated involved.

Potable water is defined as safe to drink, to use -- or safe to drink or use for food preparation. Okay, I know, I'm not trying to be coy or naive or anything because I know that was a big issue on Lanai with the Land Use Commission. And I know when I came over to testify that's what I said. Now, DOH who is the lead in health and quality issues, for some reason, it's kind of a mystery with me, but they're moving away at the, I think, the direction of EPA, away from this potable definition, and then just . . . (inaudible) . . . we'll just stick with safe drinking water. For whatever reason that's what's happening. But potable water is that's how we look at it at the Water Commission.

Okay, how is usage monitored? What does it show? Okay, three-quarters of the way done, or almost done, so stick with me here. Well, the short answer is that the Commission does monitor pumpage. Okay, this is a legal requirements, and it's a legal requirement of well owners. DOH monitors the public purveyors for water quality. Okay, so that's how usage is monitored. There's a quantity side, a quality side, and I'm only going to speak to the

Commission side because there's no one from DOH here. But on the Commission's side we've got meters. There's a, there's a sounder, that white tape reel there that helps get water levels. These are by no means the only way of measuring water levels. There's other ways. The third instrument over there is a conductivity meter. It's a surrogate for chlorides. And then DOH really does the wet chemistry; the bottles there in the lab which is a little bit tougher to do. So that's how it's monitored.

This here and this is kind of a blast from the past for those who are experienced with way back in the late 80's, early 90's and the designation that Butch brought up earlier. But this is the pumpage for the high level, okay. This is, and most of the water is high level here. And all of this is historic. It's hard to see here. It may be hard in your, in your hand out as well, but this is the total historic record from 1926 when we really just had the tunnels on the windward side. And pumpage all the way through the 90's here. This was when I was doing that report and doing that numerical model. I had to get that information so that you could calibrate and make this model work and see if, you know, your science was right, so you got to have good data. Fortunately the Lanai Company had very good records. I just went and I had the files in our office. I stacked them up for --. It may be a little hard to see, but those little blue folders on top, those boxes of full of them, they're reports from the consultants who summarized all the, the charts and reports. And that, many of them are from Anderson. There were some -- there was another consultant, I can't recall his name. But Anderson was huge and of course John Mink had all that information. So compiling all of that, and putting it into historic is important because we need to know what we see now, we need to know what happened in the past to understand what are the trends, where are we headed, where we came from, where are we headed.

This here is comparing water levels against pumpage. Pumpages are those bars on the bottom and it kind of mirrors the, the pumpage graph that you saw earlier. The, the thinner squiggly lines are the water levels that were measured. And actually Lanai Company does a good job. I think Butch mentioned there's high and low. That, I think, he's referring to as water levels when the pump is on and when the pump is off. It makes a difference. And so these are when the pump is off and how the aquifer responds, how it comes back. And, if you look at this trend from the early 90's, anyway, to the early 2000's, it's, the high level water is, the bottom ones are 640. Those are like Well 1, Well 9. And then inland more of your Well 4, Well 6, they're all above 1,000 feet, 1,200 feet. But the point here is that the water levels, up until the early 2000's at this time, they were actually stable or in some cases actually recovering simply because pumpage had gone down. You can see in the earlier portions it was high, came down, aquifers recovering. That's a good thing because that's saying our sustainable yield number is probably pretty good because you're pumping less than you did before and it's making a comeback.

So the way we move forward from that time, and that numerical study that I did, we now have online water use reporting. And I just might want to add, even whether it's online or not, Lanai Company has been reporting, even prior to this and after designation, very well. This island high, high water levels, low water levels, chlorides temperature, compared to the rest of the

state you guys get the gold star here because we don't -- it's -- we're struggling just to get the pumpage in many of the other counties. The Department of Water Supply gives us water levels and spot checks of chlorides. But here you get a pretty good, you know, 90% coverage of everything that's asked of by the Water Commission, so that's, that's good. Now, we make it easier for everyone to report online, and instead of the paper coming in and us transferring the information, it can be done just either through this interface or you can submit spreadsheets with the information and it goes right into our database system. And what do we do with that information? We monitor it, we analyze it, we actually post this information on our website. And here's our monitoring data web page, and you can probably recognize that chart I was showing you earlier to help people understand what you're looking at and what the aquifer is like. And here's the page for Lanai with all the wells. And if you were to click on the total pumpage reported, you're going to get this graph and we update this, I guess, I would say quarterly we update this. And so again, it starts in 1926, all the way up until February of this year. And this is monthly pumpage, and the green line is the average 12 month moving average. So, it's there's online, so it's information available to everyone.

Now for the water levels, our system right now doesn't grab all that because it's spotty, but we could, we can do this on Lanai. And actually this is a spreadsheet. We just downloaded the information and graphed up the water levels. You can see again there's, there's, there's -- it's a pretty steady trend. Although in the last, I'd say since the early 2000's, there seems to be at least in the lower levels in the Palawai Basin and in some of the mid-level wells there's a slight decrease in water levels, though the higher ones are still relatively stable. Part of that might be to the climate change that's been going on, rather than the pumping. The last 30-years state wide, rainfall has decreased and so that might be a part of it.

And certainly what was done in the numerical model study that I had done, one of the criteria about that six million gallons per day sustainable yield is that it would say -- it predicts that if you were to pump up from about two million gallons per day, and you were to triple that to the sustainable yield six million gallons per day, water levels would drop to about half of what they are tonight. So in the basin, the Palawai Basin, you'd go from around 800 down to probably about 400 feet or far from that. In the higher level areas, 1,600, 1,400, you would drop down to about 800, 700 feet above sea level. And then in the high level area, that's still very far from any type of sea water intrusion. Although pumping cost would probably go very high to lift it up those several hundred feet.

So it seems as though that...that there really is no threat right now that we can see through the ground water resources based upon the required monitoring and reporting by the Lanai Company. So, I think the short answer holds here.

So the last question proposed was what causes the Commission to take action and what action is taken? Okay, there's a lot of things that we do, water use reporting and monitoring and all that is one of them. We don't need to enforce because the, the reporting is very good here. On, on the other hand there are things like designation and this is, again, the more experienced people here have been around for a while, remember those days from the

designation. And this here is kind of a summary, and this is again, back, from early 2000. This was from a public information meeting that we were required to do from the Commission, and that came because their decision in this designation petition that came in. And basically what designation means is that the Water Commission will now review all the end uses and make determinations of their reasonable and beneficial nature. Usually that occurs in areas where water is tight. So on Lanai, where the pumpage was only 1/3 of the sustainable yield which already is a conservative number, if you remember the range that I dispelled out earlier, the Commission said, no, we're not really there. The chlorides are okay, the water levels are okay, no need to go there. However, as part of not designating the Commission said, hey, well, because of the community's concerns we'll come back every year --

Mr. McOmber: And you haven't done that.

Mr. Hardy: Well, I'll get to that. I'll get to that real quick, Ron. And this here is a summary of one of the actions in that at the time of March 1991 when the Commission made its decision not to designate, they set a limit of 4.3 mgd. If you go -- if the Company were to go over that, the pumpage were to go over that, then the Commission will come back and reinstitute designation proceedings because at that time that was the future use based on all the plans at that time. Now you have a Water Use and Development Plan. It's a little bit different than that; I don't think it's as high. I may be wrong. I haven't looked at it recently, but that 4.3 is less than the 6.0, the blue line above which is the sustainable yield. So again in terms of protecting the resource, these are some of the actions that the Commission has done to safeguard and to inform the public.

Now, there were actually a number of decision, non-designation decision conditions. I've listed them here, verbatim. And this is -- every year we came back after the -- until --. Well, let's real quick go down.

The first one was to require Lanai to immediately commence monthly reporting. That was actually an easy thing because they always did that, and there was some talk about why isn't it monthly, why is it a 13-week? Anyway, it was low hanging fruit, but just to guarantee that the Company continues to report to the Water Commission as required by law.

Secondly, in addition to that, we require the Company to monitor the situation so that when, if withdraws reach 80% of the sustainable yield rate, and that's close to the 4.3, then the Company itself will institute public informational meetings in collaboration with the Commission to discuss mitigative measures. Again, the monthly water reporting is very good here.

Third, require the Company to formulate a water shortage plan. If somehow we didn't see something and something happens, water levels drop all of sudden and chloride goes up, the Company did that and in that plan it identified things like the golf courses would be the first ones to go, things like. That shortage plan should and I believe it is incorporated into the Water Use and Development Plan so it's institutionalized in there, so yet another action.

The fourth and the fifth from the 1990 decision, again, this was -- and Ron was concerned -- that the Commission, we came back, we came back every year until, I think, it was about 1997 because there was a second designation proceeding. And the Commission, we did come for about seven years there, every year, update those graphs and so forth. But what happened was that the Lanai Water Advisory Committee had been formed. And in the Commission's 1997 re-visitation of some of these things, we said, well, since you have this LWAC and you know it's more formally recognized, the Commission didn't feel that we should spend the resources coming over and having public information meetings from that point on. So that's the reason why we haven't been coming for a while because LWAC existed if that makes sense.

So the last one was a little bit more detailed on the science part. I mentioned some of these already. But the Chairperson -- it authorized the Chair of the Commission to institute designation proceedings if (a) the static water levels fall below one-half their original level. I mentioned that to you earlier and they're far from it. Secondly, if any non-potable alternative source of water contain and it's Water Use and Development Plan fails to materialize and full development continues as scheduled. Now, I guess, a little bit of clarification on that in that it -- this was at -- and you've got to remember this is back in the early 90's, the Water Use and Development is very different now, but I think the same, I think it would apply now. If you don't follow the Water Use and Development Plan then it's up to the Chairperson to, hey, you're not following your plan which you guys have, we'll come and designate, you're not following your plan. And again, the last one or that 4.3, that red line based upon authorize plan use back in the early 90's.

And none of these conditions have been met. And never the less, you know, alternative water projects are continuing. Koele and Manele use treated effluent. I know you had the desal project recently, and that was something that was new. That would have been a good thing to have to reduce the stress on the aquifer. Anyway those things are incorporated in the Water Use and Development Plan.

In 1997, as I said there was this follow up. Again, it was denied. Again, the formation of LWAC satisfied the condition of meeting every October. And the goal was for -- I can't remember what LWGR, Lanai Working Group? I can't remember what that was at the time, but it was related to LWAC in formulating and adopting the, the Water Use and Development Plan, and it was adopted in 2012.

Fourth, request the County to provide quarterly progress reports of this advisory committee. You know LWAC satisfied that condition. Progress reports on its watershed management activities, and this we, we hand off to the Department or Division of Forestry and Wildlife at the DLNR. I'm not so familiar with that, but I know that because of the fog drip and its contribution to ground water recharge the health of that watershed is extremely important. So fencing, controlling the animals is very important to, you know, protecting that recharge area.

Lastly -- let's see -- request that the LUC provide regular updates to the status of Lanai water related issues before the LUC and that was that potable slide and you probably are all familiar with that in terms of using the, the mid-range, Well 9, Well 1, and are those actually potable sources or not. They are high level, but you know, I think that was resolved recently. No, it wasn't resolved. I thought the LUC had a hearings officer with a report that came out, but I may be wrong with that. But this is something for the LUC to report back to us. And so we, we check in when we have time and say what's, what's the status. I thought there was a recent hearings officer, Jonathan . . . (inaudible) . . . and he had come out with a report and things were addressed. Anyway, those issues also should be incorporated in the Water Use and Development Plan though. This is 2017-2018, the plan is 2012, so there's an update right there.

So that's it for my presentation. I hope I didn't go too long and confuse you with too much stuff, but thank you very much.

Ms. Green: No, thank you, Roy. Commissioners, does anybody have any questions for Roy?

Mr. Rabaino: Roy, on your page 3 where you have Mahana Central, the Island and the Central dark blue which is -- have you ever recorded water leakage, the brackish water leakage that's white stone into the ocean when there's low tide? Have you ever recorded anything in that area? It shows zero on your chart on page 6. Is it --? Yeah, it's page 6, under the Lanai Planning CWR, under Manele, and then you got Mahana Maunalei.

Mr. Hardy: Okay.

Mr. Rabaino: Okay, that Maunalei area, have you ever monitored that water leakage when there's a low tide?

Mr. Hardy: No. Nowhere in the state and that's one of the big, big issues. I think you're referring to one of these charts here about the discharge or are you talking about the table? Okay. Let me bring it up real quick.

Mr. Rabaino: Yeah, the table on page 6.

Mr. Hardy: Yeah, this doesn't. This table talk about that. That talks about the sustainable yield, but...indirectly without, you know, actually measuring because that's a hard thing to do. I mean, it happens. Obviously the water is discharging. The question is, where at the coast is it discharging? Is it right at the sea level? Sometimes if you saw in the Big Island one, it's miles out, deep in, you know, where the sun never shines. It, it, it discharges.

But in that table, you have that recharge range, yeah? So, say for example Mahana, the Mahana, any particular --. Let's say just for the sake of argument, the total of that sector is about 20 million gallons per day of recharge. The sustainable yield is about nine. So you

would have about 11 million gallons per day discharging. You know, we don't get down to the level of this spring, that spring at the coast. I mean, we have a hard enough time in what we can see in streams and, and wells that have been developing springs. But, no, we haven't, that's the short answer. And nowhere in the state have we done that.

Mr. Rabaino: No recordation?

Mr. Hardy: No.

Mr. Rabaino: What about Manele, right above where Expedition comes in, you have that other, where they drilled yeah? You monitored how much water when they drilled it how much water? Is it useable?

Mr. Hardy: I'm not sure which well. 12? 13? 10? There's a number of them, but generally outside of the high level, yeah, the water is very, very brackish. And from what I recall from the pump tests, because that's a part of we do too, as far as one of the actions the Commission takes. We have these well construction standards. We drill the well, we build it so you make it safe and protect it from stuff coming in from the surface and running down, but we also assess how the aquifer is reacting. We do this through standardized aquifer pump tests. There's one thing called the step drawn out, another called a continuous aquifer pump test. And they did those things. And I think if I recall correctly they just salted up really fast. The water didn't enter. It wasn't very productive and their not used. However, even though they're not used, okay, we do require people to report, well, what is the water level, what is the chlorides? And the hope is if, you know, it becomes an observation well. You know, it helps us to observe what's going on. So it's not a --. Maybe from the Company's or the, the owner's perspective, you cannot use that well. But from the Commission's point of view, well, that's a window to your aquifer report. If you don't report, then we get into enforcement. We might say, well, if you're not using that --

Mr. Rabaino: Well, my point is you're depending on the Company to report to you guys, okay.

Mr. Hardy: Yes.

Mr. Rabaino: My question to you, on the County level, you have Hauola, nothing is reading for the SY 2008, yeah? And Hauola, that's where --. Hauola there's zero. Do you guys ever monitor what's in Hauola as well as Maunalei? Because Maunalei we used to have water in there. There's a nursery that I worked in there. We go up, way up there where all the kukui trees and the taro, and they used to have watercress in there. Do you guys monitor the amount of water in there especially when there's fog time or any kind of meter reading in there?

Mr. Hardy: No, we don't come over and monitor. No.

Mr. Rabaino: No? Because to be honest with you, when I first moved to Lanai back in the

early 70's, under Sweet Deshay, Bob Kushni, and John Tracy if that's the right last name, I used to do with Keith Aoki, Wilfred Aoki, John Sabino, I used to go in the international go take rain gauge reading, okay. And I don't know what they do after I measured the stick, and go through all the track and mud, but you know, there was quite a bit of rain gauge on the north side. But I never did ask where that report go to. But when I take the rain gauge reading especially after the rain -- see, you have regular rain -- I mean, you have regular reading before the rain, and you have reading after the rain. Because I see Gabe once in a while before use to go take water reading, and the other girls of the water company currently now. Okay, so my question to you, why only concentrating from Palawai, Lanai Hale, Wai -- is it . . . (inaudible) . . . or something by twin peak, you concentrating on that area, but you haven't do any field or site reporting on these other areas where there's water come out because during the cattle days by close to....is it Ka'a? Where they go hunting on that ridge on the side of Maunalei, there's a cattle trough there. It was built with a blue stone where the cattle used to go drink. High tide come up, get water, and that's brackish, when the tide go down. The same thing with Club Lanai, the water comes up and then it goes back down. So, it's kind of strange, yeah, that the County comes in, do all this report just in the central which is fine, no objection there. But on the sea level where I was born and raised on Ponoluu, Waihole, Waikane, Kahana Valley and Ponolu, I used to see the County guys go there with reading meter. So why does that not apply to the Island of Lanai?

Mr. Hardy: Well, again, just for clarification, what we do monitor is the pumpage from wells. The rainfalls stations so forth, they are incorporated into the sustainable yield numbers. There's a thing called the rainfall atlas, Paul Ecker, who also did a fog drip study on Lanai, which was very good and very helpful in the determination of these sustainable yield numbers -- consider those things. Now, we don't go out and actually measure. Many, many people do that, yourself included, and many others. And we take that collective wisdom, that collective work and there have been reports like the rainfall atlas. That information then is, is used to come up with recharge numbers and in the end you have this cumulative way of assessing the big picture. So it's a long way of saying we kind of do look at that, we do look at it, but we just don't look at it as just individual. That's why we don't look at individual seeps at the ocean. We can't do that. We don't have the resources to do that. We don't go out in the rain gauge. But we use the information derived from others, and, you know, analyze by other experts like Paul Ecker and the USGS.

Mr. Rabaino: Okay, I understand that, but then again you rely on this other information where it's from the Company, the rain gauge reading, whether it's technology or not, but I still feel that we should have an agency here that someone lives here 24/7 and knows the area. So LWAC whether, whether you --. I'm in favor of LWAC, okay. But the question is you got to have two players, just not one player. Right now the two players are the Company and you guys. So what the trouble with LWAC? Tell me. Do you make that decision?

Mr. Hardy: No.

Mr. Rabaino: Does the County make that decision on LWAC?

Mr. Hardy: I think that's a, I think that a County issue. That's a home rule issue. Yeah, the Commission has no opinion, though the recognized it in their decision of non-designation.

Mr. Rabaino: Okay, Chair, Corporate Counsel, am I going out of my jurisdictional boundary to ask this question? Can the Commissioners debate whether we should have an established agency on this island in conjunction with the state and the Lanai Water Company? Am I in my jurisdiction as a Commissioner to request that?

Ms. Thomson: So just like the Lanai Planning Commission is established by Charter, and then you also have sections in the Maui County Code, if LWAC were going to be changed from an entity that is advisory to the Board of Water Supply to being advisory to Lanai Planning Commission that would need to be done by the County Council.

Mr. Rabaino: Not the Planning Commissioners.

Ms. Thomson: No, not the Planning Commissioners.

Mr. Rabaino: What if we make a proposal?

Ms. Thomson: Yes, you can do that.

Mr. Rabaino: What if we make a motion or a proposal to request that?

Mr. McOmber: . . . (Inaudible) . . .

Ms. Thomson: Just the quick answer to that, a larger topic, though, is yes, you can send communications to the County Council through the Planning Department so. I think it has been discussed and visited in the past but it's not to say that you couldn't raise it again.

Ms. Green: Are there any other Commissioners with questions?

Ms. Shelly Preza: Hi there, Roy. Thank you so much for taking the time to come here and sharing information with us and for the new Commission members who are just, you know, this is the first meeting for a while, I just wanted to point out that the water workshop that we're having tonight is just for different groups to come and provide us with information. And so -- but we appreciate you coming and taking the time to share with us the information that you had and putting together the slide show. Also, thank you for saying Lana'i. That's really awesome for someone coming from Maui.

I have a few questions. So with the updated Water Use Development Plan, you said that you guys are coming up with an update version soon or you already did?

Mr. Hardy: The Water Use Protection Plan.

Ms. Preza: Okay.

Mr. Hardy: Yeah, this --. You have the chart. This one.

Ms. Preza: Yeah. The Water Use --. And you said something about having public hearings for those?

Mr. Hardy: Right. It's the --. Yeah, it's the one I have here on the chart, highlighted in the red.

Ms. Preza: Right. Right, so those are forthcoming?

Mr. Hardy: Yeah, those are forthcoming. The 2000, hopefully 18, might be 19.

Ms. Preza: Okay. So you'll hold meetings here with the Lanai residence.

Mr. Hardy: Yes. Yes, we will have public --

Ms. Preza: I think that will be really great because some of the charts that you provided, they are really great informationally, but then I noticed -- and maybe this is -- maybe some of the confusion with the rain and different kinds of things. But, like, for example page 3, the chart with the different divisions of Lana'i. I found it a little confusing with the place names not being what I recognize them to be. Paoma instead Paoma'i, or Leilia instead of Kealia, Kana'o instead of Kama'o. That's confusing to me. And the --. And but I think these are things that can come up maybe in those public hearings with the update.

Mr. Hardy: Yeah, they didn't --. Yeah, they never come up before and we've had many, many informational, and you know, the most recent one specifically to this plan when we came a couple years ago. But certainly that's something that we can change. It happens on Molokai.

Ms. Preza: Great. And then, I think, also in regards to like, you know, the confusion about Maunalei, I think, like designate -- like in the chart, having -- it seems like you're referencing central as being, like also cutting into the kind of the mountainous Maunalei area, so I think that may have been what was confusing with --. Because if you were including, you know, rain information or whatever coming from in the inner valley of Maunalei, that seems to be included in the central table.

Mr. Hardy: Yes.

Ms. Preza: And so maybe that's what my fellow Commissioner is was thinking about.

Mr. Hardy: Yeah, that central portion really is kind of like the guesstimate, if you will, of the

high level that's useful. There's a high level outside, but we're saying that's the portion that has the sustainable yield of x-amount.

Ms. Preza: Right. So I'm just putting that out for when you do come back for public hearing, so that might be something to talk about with, you know, Lanai residents just to put aside confusion about, you know, the various tables and charts.

Mr. Hardy: Okay. Will do.

Ms. Preza: Thank you. I think I have another questions about...oh about -- so the non-designated conditions about how the Commission hasn't hold, held annual or public annual meetings here because LWAC existed, exists. So does LWAC have annual public meetings about...? Can you answer that? No? So those conditions aren't being met currently or do they need to be met?

Mr. Hardy: It was in the Commission's decision that now there's this body that is reviewing things. And there are monthly reports.

Ms. Preza: Okay.

Mr. Hardy: Before. I don't know, I don't know if they still post them on the board over here anymore, but people looked at them. Now we provide it on the website, so I think that was the objective is to get the information out some form. Informational meetings, 24 years ago, were the way to do it. Today, there's the web and LWAC.

Ms. Preza: Okay, great. So this kind of leads into another question about, maybe for you Richelle, about how with the Commission on Water Resources we can use their information because it's part of the record, right, but we can't use LWAC's even though they're designated as -- like, they designated them as being able to provide information to the community? Is that right?

Ms. Thomson: So you can use and rely on information in your records. You obviously have to judge its, whether it's credible or not credible, you know. So when you receive information, you can receive information. If it's a public hearing, you can get information from the general members of the public, community groups. You know on Maui, we get a lot of involvement by groups such as Sierra Club, Maui Tomorrow, etcetera, that will come out and participate very actively in public hearings. So there's a lot of information that you take in and filter from the applicant, from the Department's, if you don't have enough information you can always ask for more or clarification on points.

So LWAC or the members of the community that feel that they have specific information really should come out and provide that to you and the public forums that you have here so that it is in your record and then you can talk about it and judge it.

Ms. Green: I, I just had a quick question about that too because at one point it was said can we request LWAC to comment. Your, your comment just now indicated that we have to rely on their willingness to come, not being asked to come, but knowing what's going on and deciding to come. So can, can we specifically request LWAC to come and comment or we have to rely on their knowing and coming?

Ms. Thomson: So this kind of gets back a little bit into Jerry's earlier point. You don't have as the Lanai Planning Commission the authority to designate or delegate groups on your own to be resources for yourself. If they come and participate in a public hearing, then, you know, what I'm trying to say it's their kuleana to participate in your meetings and to provide you the information they feel is relevant.

Mr. McOmber: . . . (Inaudible) . . .

Ms. Green: I'm sorry, Ron, but we had said at the beginning that all four were going to present and then we were going to take public testimony. I'm sorry it's taking a while.

Mr. McOmber: . . . (Inaudible) . . .

Ms. Green: Okay, we have Joy to get to present, and John, I think maybe a comment and we can move on.

Mr. Delacruz: I think an issue which might be problem is that, and correct me if I'm wrong Richelle, if we ask for information if we feel we need information from LWAC, we can ask that a person who is on LWAC to testify and they have their three minutes. But they couldn't say that they are from LWAC? Is that correct, Richelle?

Ms. Thomson: You know, during public testimony, really no one gets into trying to censor what they're saying so long they're staying on topic so the chair would just control it so, you know, they're not straying off topic. But really, the chairperson generally doesn't censor people from identifying however they want to.

Mr. Delacruz: Interesting because my understanding is the chair could not censor a member from saying they're from LWAC but I believe a person from LWAC is restricted from saying they're from LWAC. No?

Ms. Green: I don't think so. What they can say is they're speaking as an individual or they can say they are speaking on behalf of LWAC. Two different things. Okay, I think we'd like to move on. Okay, we have one other quick question.

Ms. Preza: Sorry, I don't mean to drag this out. So, Butch, when he was presenting asked, said to ask about our request or Lanai's request to have its water system designated as a water management area. And so this is a lot of information so my brain is still processing, but did we go over that or did you address that?

Mr. Hardy: Yeah.

Ms. Preza: Okay.

Mr. Hardy: Yeah, those were the real fine print.

Ms. Preza: The fine print, okay. I'm going to have to re-read this.

Mr. Hardy: At the end, all the conditions.

Ms. Preza: Okay.

Mr. Hardy: And the Commission took a non-designation decision.

Ms. Preza: Oh, that was the non-designation. Okay, I understand.

Mr. Hardy: But, but, but here are the follow up things that need to be done. Yeah.

Ms. Preza: Okay, but some of those things aren't being done.

Mr. Hardy: No, no, I think all of them have been done, and continue to be done with, I guess, the exception of --

Ms. Preza: Meetings, public meetings.

Mr. Hardy: -- LWAC having, I guess, annual meetings. In the Commission's perspective just the formulation of it was enough to say, okay. And as I mentioned earlier the, the objective of those public information meetings, which was part of the decision, and I think LWAC was to get the information out to the community, share it, and with formulation of LWAC and then now with the internet and we're posting all these information. That information is out there for everybody.

Ms. Preza: Great. Thank you very much.

Mr. Hardy: You're very welcome.

Mr. Rabaino: Chair? You're the chair?

Ms. Green: I am.

Mr. Rabaino: Okay, looking at my notes and this is for, what is her name, Rachel?

Ms. Green: Richelle.

Mr. Rabaino: Okay, when was the application from LWAC submitted to you folks or was it ever submitted, the application? Did you guys review it? I need your feedback on that.

Ms. Thomson: I'm sorry, I don't have, I don't have any information on an LWAC application so I don't have any information on that.

Mr. Rabaino: Okay, thank you. Sorry, I'm . . . (inaudible) . . .

Ms. Green: Joy.

Ms. Joy Gannon: Let's see. Okay, I'm going to talk a little bit quickly to try and get everybody out and on time. If you have questions for me, I'm going to do a plug for my tap water Tuesdays. So those are the third Tuesdays every month. So you want to go in depth and we can talk for hours on some of this stuff. So come see me, I'm happy to talk more about it.

Alright. So Lanai Utilities, we actually have two public water systems. One here in town. So public water systems, that is what Roy was referring to as the Department of Health recognizes what's called public water systems. We have one here in town, the Lanai Water System, and we have one down below called the Manele Water System. That also serves the airport area and kind of the Palawai grid area as well.

We also have the irrigation or brackish water system which Roy referred to as the Palawai brackish, and that serves the irrigation water that goes down the hill to feed the golf course and then the irrigation down in the Manele area.

We have two recycle waste water treatment plants. One here in town and that serves what used to be the Koele golf course, and we have one down below at Manele, which also feeds the Manele golf course.

We are regulated by lots and lots of people, and I'll talk about that a little bit. We cover approximately 13 square miles of the island. We have nine wells; four of them are irrigation or brackish, and then five of them are drinking water. Storage, we have about 3.5 million gallons in drinking water, 15 million gallons in brackish, 3 million gallons of R1 storage at Manele, and about 11 million gallons of storage of R1 here in town. We have about 77 miles of water line, and so we keep our crews busy keeping those lines in shape. And you'll see us running around sometimes fixing breaks. And in 2017, our average day pumping was 1.65 million gallons per day combined.

We are in a regulatory environment and the regulations are just getting more and more complicated every year. We already talked about Department of Land & Natural Resources or CWRM, so we do enter in our monthly reports, every actually 28 days -- that's not quite monthly -- into their online reporting and we talk to the geologist frequently. We are regulated by the Department of Health, both the Safe Drinking Water Branch, as well as the Clean

Water Branch and other, other entities in the Department of Health. The Safe Drinking Water Branch does requires both water system designate what's called a direct responsible charge. So they want somebody to say I'm it. If you want to throw somebody into jail, I'm it. And so, I'm it. So any, any decision that's going to affect the water quality or quantity they're going to come knocking on my door saying you're, you're responsible for this, why did you do this? We also -- they also require, have certain requirements for what called Significant Modifications. And so any Significant Modification to the water system has to be approved by the Safe Drinking Water Branch. So there's different -- there's very specific...definitions of what Significant Modification is, but it's really not that significant in, in scale. So if I'm adding a customer in a certain area of the island, they could consider that a significant modification and require approval of that. So, to be on the safe side we send them a quickie now saying, do you consider this a significant modification or not? And they could say yes or no, send me more information, but that's, that's in their jurisdiction.

We have -- we are -- both of our water systems and the Manele waste water system are regulated by the Public Utilities Commission, and in kind of hand in hand with the Public Utilities Commission is the Division of Consumer Advocacy. So are we operating the utilities and in a fair just manner, and also are we treating the customers fairly and, and, and having proper rates for that. We're regulated by the County of Maui and there's plenty, plenty more, but just to give you kind of a little overview of that regulatory environment.

Roy mentioned the Safe Drinking Water Act when he was talking about some of the regulations. The Safe Drinking Water Act ensures the quality of water for drinking water, and there are very strict standards. There's what called primary drinking water standards and then there's secondary drinking water standards. Primary are health base, secondary are kind of aesthetics. So the Department of Health here in the State, Hawaii Department of Health, oversee those implementations.

And what does that really mean for our water systems is basically a multi-barrier approach. We protect the source water quality. We have an active source water protection plan. The original study was actually done by the University of Hawaii, and then the protection plan was done by Hawaii Rural Water Association which is a local non-profit in the State. We treat our water with sodium hypochlorite so a minimum level. We send it in the distribution system, and then we have our customers. We have weekly tests, monthly tests, and we're in the process of adding tests that actually happen every 15 minutes on chlorine residual.

Yeah, so we are regulated on over 90 contaminants. We're testing on microbiological contaminants on a monthly basis. There's a -- the testing scheduled in published once a year and so we follow that testing scheduled and what tests are taken when. So this year it's lead and copper, so there's going to be a whole bunch of people that are going to be taking samples out of their homes this year. So radionuclides, inorganic chemicals, synthetic, volatiles, pesticides, etcetera, etcetera. Those are the standard tests, but if we are putting in a new well or reactivating an old well, then are more tests on top of that.

Once a year, and on our website -- here's my plug -- is what's called the Consumer Confidence Report. You can find last year's Consumer Confidence Report. This is reviewed by the Department of Health, and they review all of our water quality tests. We are required to report any positive results. It doesn't mean that we were positive above a limit, but anything that had a result in the last five years. So any water quality test in the last five years is on that report. And we are very, very blessed with really, really good water. If you look on that report there's not a lot of test results, so most of our tests come back as non-detectable water. Our water is really good drinking water.

We're also required to talk about compliance. If there were any significant deficiencies...but it's on our website. And if you have any trouble getting that let me know and I will make sure you get a copy.

Every three to five years, the Department of Health comes on island and they do a physical inspection of the water systems. So the Lanai water system and the Manele water system. That -- they, they -- their inspection covers technical, managerial and financial capacity. Those are three legally defined by the EPA what that means, technical, managerial and financial capacity. So they can, they can say show me your capital improvement plans, show me your plans, show your finance, so they can go in depth as much as they want to. So last year we did one here on Manele and we had no significant, no significant deficiencies. So we had nothing that was found to be a health threat.

So I mentioned technical, managerial, and financial. These are some of the things that they look at. They look at the source. We actually go out and look at all the wells, and we look at the screens, and we look at the well head, and we look at is there possible areas for drainage. We look at the sodium hypochlorite system. Is there any pukas possible where you could get a bug coming in? We look at the distribution system. Do we have records of the cross connection control program? Are all our operators certified? Are they certified at the right level? And storage, do all the storage tanks meet standards? When was the last time they were cleaned? When was the last time -- are there any pukas, and so forth and so on.

Our source, again, we have great water. Our source water -- I already mentioned that part. I wanted to throw this picture up. This is actually our new Well 2. If you can see that, we are kind of surrounded by the trees up on, up on the hale. If you've ever --. We're planning to do a tour to this site sometime this year, and I hope you get a chance to come with us. But it's, it's gorgeous and it's brand new.

Well 2 used to look like this if you've all had --. You might remember that. It was a tunnel going in, and you actually took almost like a train cart going in, going into the tunnel. And so that was true up until about two years ago. And now it's all on top and operational.

Well 3 we've done some, some substantial --. And previous to Well 3, you can kind of see our old Well 3 what that used to look like, and what Well 3 looks like today.

Well 7 is in, in the development so Well 7 is kind of over by the stable areas and we're about 90% stage for plans for improvements at that site, and we'll be supportive of 201H housing.

Treatment, we do add sodium hypochlorite. Our residual is typically between 0.5 and one parts per million. In other words that means that there's about one-half to one chlorine atom for every one million molecules of water. So our --. We keep that chlorine residual pretty low, but we do have that in our system.

The distribution system, pretty standard stuff, storage tank, water lines, pressure reducing valves, fire hydrants, meters.

You may have known that this year we had some challenges. Well, last year we had some challenges with our Hi'i line coming down the hill, and we're currently under engineering contract to potentially replace or make modifications to that.

We currently have four Grade II operators, three Grade I operators, and next week we've got six people testing for higher level certification. That test happens twice a year and next week is the big one for our crew.

One of my pet projects and I could probably be a sales person on this potentially. We started implementing advance meter reading January of last year, and we started as a pilot project. And we really weren't expecting the results that we've been getting so our results were getting about one out of every six meters have a leak past the meter. The leaks can be pretty substantial, so the highest one, I think -- we have had several at 1,300 gallons an hour. When I did this slide, we had about 96 active leaks. The past meter totaling over 1,500 gallons per hour. We've been actively working on correcting that. And about -- there was a good portion of the Phase II of that project was actually paid for by DLNR as water security project. Because of the success of Phase I and Phase II, we've expanded that and we're actually doing the whole island.

Roy has already mentioned the PWR, as well as Butch. That is a complicated spreadsheet, but it is -- it's changed a little bit. So we took some, Butch made some suggestions, Sally made some suggestions, so we kind of cleaned up the PWR to hopefully make it a little bit more readable. We got rid of some wells that we haven't used in decades and so now you've got the brackish wells up on top, and then you've got the potable wells, and hopefully it's a little bit more easy to understand. That report is made up of 18 separate meters that basically feed into that spreadsheet. They're either zone meters or well site meters. 11 of those 18 meters are now cell meters, so that program I mentioned just a minute ago. Those, which includes all of our drinking water wells are now on cell meters. So what that means is every hour they're taking a measurement. So we're not measuring that well once a month, we're measuring that well once an hour, just on how much water we're using. And then that is transmitted once a day to our website. Those -- that cellular data is available and on an app called Eye on Water, and if any of you would like to see what that looks like, come see me

on Tap Water Tuesdays and I can show you what that looks like and we can look at those, those zone meters and well meters together.

We are changing the process -- we are in the process of changing the remainder of those 18, though that's coming pretty soon. As Roy mentioned, we have a lot of records, so SCADA - - Supervisory Control and Data Acquisition -- that's what SCADA stands for. It is continuously monitoring the, the level in the wells. The water levels in the wells. So that SCADA system is actually two parallel servers. So if one goes down, we don't lose the data, and it keeps the record of that. We've had, we've had a lot of rain. So much of our current 13 period pumping moving average is a result of our rain versus how much of that is a result of our cell meters and fixing a whole bunch of leaks; I don't know. But right now, as of last Period 4, we're at 1.534 million gallons per day, and so I'm anticipating -- that's moving in the right direction for us.

Everybody's already covered sustainable yield so I'm not going to touch on that. But as they said, Lanai does have a limited sustainable yield in comparison to the other islands. And Roy already presented that.

So some utility outlook. We're hoping to have Koele Hotel be reopened in 2018. We're also looking at Lanai Farms opening probably late this year as well. The anticipated impact of those two openings is between six to 10% of the total water sales with the substantial portion of the impact occurring within the anticipated top rate tier. So we are going to have a bump. We're anticipating a bump in our pumpage with those two. So what does that mean when I said the "anticipated top tier rate?" We are required to go back in front of the PUC, the Public Utilities Commissions. That's one of our regulatory agencies. And one for the things that we've got to talk about is our rates. So our rates are from 1996, so it's been a while and almost nothing costs the same as they did in 1996. So some of the things that we're looking at moving forward is are our rates affordable, are they fair, is there a better way of what we're doing, are we actually doing our proper kuleana and demonstrating proper malama for taking care of our water resource?

So just kind of -- not that we're comparing apples to apples because we're not. County of Maui is very different than Lanai. You have economies of scale, but just as to give a comparison. The County of Maui rates are substantially higher than the Lanai water rate. And if you look at how that impacts different consumptions, consumption standards, the lower line is the Lanai Water Company's rate versus what it would be at the County of Maui. So there's a pretty significant gap and the Lanai Water Company is running in the red so that's something that's coming.

As part of that process, we are updating our utility billing. One of the reasons I'm late on getting our bills out these last couple of months is we completely converted all of our utility billing system. We are now going to --. We're very shortly going to be accepting credit card payments. We're going to be very shortly accepting voided checks and have it automatically come out of your bank account. And then next year, not this year because the conversion,

we're going to start printing out annual usage. So it's kind of like what you see on your electrical bills, so you can see, okay, what am I doing compared to last year because a lot of people don't remember what, what did I do last year? Am I higher or lower or am I right in line?

And this was today's progress, and this one is kind of hard to see, but if you look real closely you can see there's a little button called quick pay. You're going to be able to go on our website -- and this might be my little plug to have people go to our website where we have our Consumer Confidence Reports, we have the PWRs, we have conservation tips, but you'll also be able to go in and you can just hit quick pay and pay your water bill. Or, you can go make an account and set it up so you can have it all done automatically like MECo and Cable Vision -- not Cable Vision, Ocean, Time Warner or whoever they are now.

I already plugged my Tap Water Talks. I had a really good turnout the first one, and not so great after that, so I got to do better at that. We're going to do some tours and I hope people come. Some of you saw me at the Fifth Friday. I bought about \$30 or \$40 worth of trinkets off of Amazon, and I had probably a good 100 kids coming and answering water questions and earning little trinkets. And the coloring books were a hit. The Pineapple Festival, we are planning to participate. The Safe Drinking Water Branch has already committed to come to that. They are not here, but they are planning to come. Hawaii Rural Water is planning to come, and I think I've talked to some of Roy's staff and they're, they're hoping to come as well, and so other opportunities for that. And with that --

Ms. Green: Thank you. That was done very quickly and very efficiently. No, very interesting. Thank you Joy. And I also want to compliment you on this utility billing showing us, you know, our water consumption history, so I think that's an excellent addition. Commissioners, are there any questions for Joy?

I guess it's getting late. I had one comment. I don't remember where. When you were talking about the increase from 6% to 10% of water sales, but you're taking that from what it's been the last few years when Koele's been totally closed or are you going back to when Koele and the golf course was actually functioning?

Ms. Gannon: When we did the calculations for Koele, we assumed that is was full. So, how -- the additional fixture units based on a full occupancy.

Ms. Green: No, no, I understand that. But you're comparing it to what? Are you comparing to like last year and the year before when Koele was closed, or are you comparing it back to when Koele was open?

Ms. Gannon: So I, I --. We calculated --. So what we did is we took the anticipated increase at Lanai farms. There's an anticipation there. And then the Koele calculation was if Koele Hotel was full, so back when it was full, and then additional plumbing fixtures that are added with the re-model. So those two additions. So assuming it was full and Lanai farms.

Ms. Green: Thank you. Is there anybody else?

Ms. Gannon: Comparison to today with that addition. Yeah.

Ms. Green: Okay.

Ms. Trevino: So I'm new. I don't know how things go or, you know, like, the way things work. But just assuming that as the Planning Commission things will be brought to us that we have to consider and whatnot. And, and from what I'm understanding tonight this workshop is to help us understand the impact of any kind of development or projects that could have affect with our water supply, whatever, use. So, and, I don't know if this relevant. But I'm just wondering because we're looking at numbers and percentages, and how much is being used and so forth. When making a decision, do we look at -- and I don't even know if there should be separation, but the percentage of water use -- and maybe I don't understand -- but by, by the owner of the island or the development that the, the company for the lack of any other form of use, that percentage compared to -- and I don't know if this is the wrong term -- but public use. So like we have the consumption and use of our community members and the people who live here regularly. And then we have the use by, not just the company, but you know, entities who want to do development. So I'm just wondering if, if that plays a role as far as our information, this percentage. And even I was, I guess, it came to me looking at the rates. And, you know, our rates are definitely lower than they've been, and I'm just wondering if the amount of water use also affects the rates, like how much we're using. So then what percentage of what the island, the company outside of the community. And I don't know if I should be distinguishing this or not. But, you know, we know how Lanai is. So how much percent of the company's use which we could assume is, you know, Pulama things and the hotels and assuming the farm is part of the island ownership's projects. What percentage is that as compared to community consumption? Because I don't know how it works and I don't know if the island owner pays Lanai Company water because don't they kind of -- they all work? Yeah, so that was my only question was just inconsideration as a Commission do we look at that kind of stuff?

Ms. Gannon: Okay, let me, let me try. Let me know if I don't answer your question okay? So all of the --. So Lanai Water Company -- even Lanai Water Company pays a bill. So if you have a meter you are paying a water bill unless you slipped through the cracks. But the cracks, I'm trying to track you down, okay. I'm looking and there's people getting bills that never got bills before. So if you have a water meter and are getting water, you're getting a bill. No matter who, you're getting a bill.

The way that we define water use, we define it by categories. So there's residential water use, there's commercial water use, there's agriculture water use, and I have to go into the utility billing and look at those other categories. I think there's governmental and I can -- we can break down that percentage of use by category. Believe it or not the largest consumer is actually residential. Believe it or not. But, if you're saying what should I be looking at, then

I'd go back to take a look at the Water Use and Development Plan because that has different guidance on allocation.

Ms. Green: Thank you Joy. Are there any other questions? Well, Ron, the time has finally come. Well, we will ask afterwards. You were the only one who has signed up to testify so if you would like to come forward please? Yeah, if you can --

Mr. McOmber: Good evening. My name is Ron McOmber. First of all, congratulations all you new members. You've got a big job ahead of you. Most of us was drawn here tonight because the issue of having the County or having your organization be involved with the water use and development plan or whatever you might want to call it. You have a group on this island already that has dedicated itself for over 40 years on water use and development on this island in connection with either Castle & Cooke, and now with Pulama, and that is LWAC. Please don't forget -- why would you burden yourself and form another group to take water issues when you have a group that's very capable of doing that and going to these meetings and asking the right questions we have for years. This is not a new thing to us.

I've listened to Roy Hardy, 20, maybe 30 years ago. He may not have agreed to 30 years, but I do. It's been at least 30 years. I've heard this thing that Roy said tonight 30 times. It's, it's an issue, it's a water issue. I don't think this body should burden themselves -- and you're the only ones who can say yes or no -- should burden yourself to put yourself in that position because you're not -- most of you won't be here five years from now. There will another group in here. Here you've got a group that's been here for 30 years or more that has constantly watched the water and we've watched what happened. You guys won't be here. There will probably be nobody at that table be there in five years from now, and you've got to take that into consideration. So then next ones that come in here and they've got to learn all over again what we just heard to tonight. It was informative. You should have heard what you heard tonight. Now that's good. Now you understand what we've been going through for 40 years when there was nobody to protect the aquifer. There was nobody here to say, no, you can't use that water. So you, you folks need to understand...you've taken an awful burden on to add that to what you already have to do with your Lanai Planning Commission on the other issues on Lanai City right now, on the island of Lanai.

Let LWAC do their job. Let LWAC be the entity that comes to you and tells you what's going on. All you have to do is ask LWAC to come to a meeting, and they'll be glad to be here and discuss the water issues that might be concerning you in a development state. Because we're at the table with these folks. We're at the table with Joy. I mean, this is not a new thing for us. I've heard this song and dance before from, from CWRM. CRWM is the -- is it. That's where everything goes back to. The County has nothing to do with this water on Lanai, folks. The Water Director has nothing to do with the water on Lanai. It's Lanai's water. It is not the County's water. Please understand that. The County should not be looking at this. So I ask you, from somebody that's been on this thing forever, please acknowledge what we've been doing for 40 years. Thank you very much.

Ms. Green: Thank you Ron. Does anybody have any questions for Ron?

Mr. McOmber: I hope not.

Ms. Green: Thank you. Is there anybody else who'd like to testify this evening? Okay, please.

Mr. Myles Saruwatari: Myles Saruwatari. I have several questions actually. First of all, as a citizen, if I have a question or a gripe or just need to know, who do I talk to about the water problem? You know, if it's a water problem question, who do I talk to? Because I cannot come to the commission if that's not on your agenda, right? So who do I talk to? Like if I see, I think something is wrong, you know, that I think somebody's misusing water? It's just an example. But, you know, I think someone is misusing water or, you know, something, you know, who do I talk to? I mean, just as a citizen.

Ms. Green: Yeah, do we want to -- Joy?

Ms. Gannon: . . . (Inaudible. Did not speak into a microphone.) . . .

Ms. Green: Joy, could you get a --?

Ms. Gannon: So we do have --. As I mentioned before we have public utility commission rules that the Lanai Water Company has to follow. Some of those rules have to do with wasting water and so we can knock, knock, knock on somebody's door and say you're wasting water. We can actually turn their water off. So if you have a problem, or you see something, or water is running down the street, please come talk to me because we want to know about it.

Mr. Saruwatari: Alright, the second part of my question concerns LWAC. Now, just from everybody's testimony tonight, it's a very confusing thing. What exactly is LWAC's position with the County? Because LWAC was created to monitor the water usage here, right. But Butch just testified that the County recommended they not be here to testify, so are they a persona non grata with the County or --? And if they're the water experts on Lanai, and the County is kind of denying them access to the Council, it almost seems like it's an oxymoron to consider them a part of the County. So I would like to know what exactly is their status with the County. Because as Richelle said, you guys cannot ask them to come to be a witness, you know, at the meetings. But, but since they are the experts on Lanai for Lanai water, I mean, who else do you have to turn to testify? I mean, me as a citizen? I don't know beans. You know, I admit it, I don't know beans, you know. I haven't -- I was off the island for over 40-years, so that part too comes into the picture. But LWAC has been here. John, you know, Ron, Butch, they've been monitoring this thing for years, and for the County to kind of like cut them off from being able to come to the Council to testify is, it's like a slap in the face, to them, personally. So, I wish the County would re-consider, you know, that the Council be able to ask people to come, like LWAC to come to testify. Yes, as an expert witness, not as a citizen, you know, because at three minutes, the technical aspects of water, you know,

water usage and all that cannot be done. I mean, Butch said that, you know. John said the same thing, so I hope that the Council can make a recommendation to the County that when it comes to water issues they be able to contact LWAC to come and testify as an expert witness.

Ms. Green: Thank, thank you Myles. Do the commissioners have any questions for Myles?

Mr. Saruwatari: Thank you.

Ms. Green: Okay, are there any other people who would like to testify this evening? Okay, Michele.

Ms. Michele McLean: Thank you Chair. I'm Michele McLean, I'm the Deputy Planning Director, and I wanted to address the Commission, but also answer some of the comments that have been raised. The...there are two related concerns with the Planning Department recognizing LWAC to review applications. One is that that's outside the scope of why LWAC was formed in the place as Richelle described in her presentation, and the second is that they are subject to the sunshine law if they are performing those duties and so those meetings need to be noticed and open to the public, minutes to be taken, etcetera. And, and that's very simple and straightforward. A lot of what the Planning Department does has to do with administering land use law and regulations and so what I just said might sound like, oh, that's just, you know, bureaucratic mumbo jumbo, but it's very important to how we do our day to day jobs making sure that laws are complied with.

Putting all that aside, I would like to get some input from Richelle, from Butch folks, from Pulama, from others on our staff to try to figure out how LWAC can still perform the task that it seems they want to perform and the community wants them to perform, but in a way that doesn't raise those two procedure or legal questions to us. How can it be a recognized group that's not subject to the sunshine law, that's not under the Water Department? Because clearly there is a desire from the group and from the community to have that resource. The way it's organized now is problematic for the Planning Department, but I'm hopeful that we can figure out a way to, you know, redescribe it, re-package it in a way that, that it can be a part of the proceedings and the application review. I don't have an answer right now, but I don't think it's -- I don't think it's an impossible task. Thank you.

Ms. Green: Thank you Michele. I think this once again comes to the point that Lanai is a unique place. Kind of like our parking issues and things like that, we don't always kind of fit in the right cubby holes and everything so I'm very much appreciate your willingness to kind of take a look at this and see how we can work through the issues. It's a great idea.

Mr. Rabaino: Michele, if I'm reading you correctly, or hearing you correctly, because of the sunshine law, can LWAC be an outside agent because of the sunshine law? They can be an independent water committee since they represent Lanai?

Ms. McLean: That's, that's possible. I can't say for sure. One concern off the top of my head is I don't know that we've seen that on Lanai, but on other islands where different groups try to have self-proclaimed authority over things and, well, why don't we get a say on that. You know, why are you allowing LWAC the seat at the table, but not this group or this group? So just off the top of my head that's a concern. But that might be, that might be an option to just allow LWAC to be its own non-governmental, informal, unofficial organization that we figure out how to recognize here. I don't know. We need to put a little thought into it.

Mr. Rabaino: Because your main concern is affecting us because of the sunshine law, correct?

Ms. McLean: LWAC is subject to the sunshine law currently if they meet in the capacity under which they were -- for which they are organized. And also the reason that they were organized is not to provide technical assistance to the Lanai Planning Commission. So those are, those are the two concerns. That they're supposed to be a supporting organization to the County Water Department, and that they're bound by the sunshine law. So I'm not so worried about those two things as I am with figuring out how to define the organization and what it's, it's role is, you know, what you folks want it's role to be. But I think we can get there, and I don't think it's going to take --

Mr. Rabaino: Okay, because I was just curious if they can be an independent agency without all that restriction of the sunshine law, and as a governing committee among themselves they can be representative and be a committee that represents Lanai as a whole and work with the other company and you guys in meetings like that.

Ms. Green: Thank you. Anybody else have a comment? I'd like to move on to our next --. Lynn?

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. I'm the one that puts together the projects that are going to come to you. This is one that's going to come soon. It's the demonstration kitchen for the Sansei Lanai Farms. This is the application you're going to get. This is the application that we file with the Planning Department. It contains water reports. It contains flora and fauna reports. It contains all kinds of things. And what the Planning Department does with this is put together their staff recommendation. But what is also in here is your water usage. So what we've done is to be sure that we've gone through the water use and development plan. We looked at where the water falls. We have in many cases given you the actual appendix pages where you can see what the guidelines are. So we're trying to make sure that whenever we're proposing a development of some sort, we're providing you with the water use and development guidelines. We're also having if someone -- if there is a particular use of how much water, just as Joy was talking about, we know how much water will be used by the hydroponics. There's water -- there's a water table, a water company that made those decisions. So these are not just kind of pulled out of the air and not run a comparison. There's even a page in here that is reading for anything else that the Water Department Director or the Planning Commission has ever asked for, and there are five things

on that page. One of them is are there any impacts to the business for this particular project. Are there any impacts to the community of this project? Are there any impacts to social services for the project? It also talks about what water uses there going to be. Are there -- how are the contractors coming over to do the work? Where are they going to live? So you have an awful lot of information that you get in this packet. And you will be this packet anywhere from six to eight weeks before it even comes to you at this Commission. And I'm going to tell you that no one else does this; not in the County of Maui. But what we found was that with the full information that goes to the Planning Department, you have everything. You shouldn't be coming back with 21 pages of questions because you'll get that information. And it's filed. It's public document, so it's not an issue. So I just want you to really understand to address Chelsea's question, you do, and you will get the information for every development project. It isn't a matter that we're trying to just say, oh, you guys have to guess, or we have to go to some other group to say, they're going to have to tell you. No, it's our experts that are pulling the pieces together and then showing you how does it fit into the water use and development plan. Thank you.

Ms. Green: Were you trying to scare the members, the new members away with that booklet?

Ms. McCrory: No, this is a small one. No, it did it -- we had our Monday night meeting on Hotel Lanai and the demonstration kitchen, so I waived it as you three of you know when I put it up there. But, you know, it's a lot of pages, you know, exciting reading. But you're going to get a wealth of information in this packet, and we make sure that we give you that. Thank you.

Ms. Green: Are there any questions for Lynn from the Commissioners? I do.

Mr. Delacruz: Nothing related to your presentation, but I missed that meeting on Monday, sorry. On the Hotel Lanai reservations, is it going to be closed?

Ms. McCrory: Outside of the subject we're talking about, yes. We're looking at May.

Mr. Delacruz: I'm just thinking about people coming for a reunion.

Ms. McCrory: How about I tell you afterwards.

Mr. Delacruz: Okay.

Ms. McCrory: Okay.

Ms. Green: I have quick question. Okay, you have projections. Does anybody ever follow? I know down at Manele, you give us water reports on what's going on. So is that a normal follow up too for like this kitchen and everything? You're making projections on the water usage, and then we'll get reports on the actual?

Ms. McCrory: Yes. You would have to ask for the reports as an automatic that I would give them to you, not differently than what we did with Koele where you're going to be getting quarterly reports and then annual reports on the water usage based on what they said at that time. The Manele we do the reports quarterly, and semi-annual on those, and there's every type of water you can think of. And on the water numbers that we projected would be used, they've come in much lower at Manele. We've actually not even used anywhere near that, and I have right now about a year plus worth of numbers that are given to me every month.

And we just met this week with the landscape manager, and we, Joy has real smart meters that we're then going to put down there. So right now, the landscape staff that goes reads the meter, writes it down daily along with the time, and then that summary is sent to me. So with the new meters literally we can look at 15 minute intervals and see the water usages. So the landscape manager is absolutely tickled to death that these meters are going to go in because then he doesn't have to produce this long report for me. I'm delighted because then I'm going to have real water information that then can be, here, it's coming out of the system. It's not, you know, one of the landscape crew that actually made it up and then the manager typed the form. So, I'm, I'm excited about that. That will make a difference in the Manele numbers just because it's going to be easier to get the information.

Ms. Green: So was that a condition of the approval for that project that you give these? You were just doing that as a service.

Ms. McCrory: I am -- I am doing that because I want to be sure that the numbers we gave you are being met or less than. Because if they aren't then we have to take another look at what's going on. And it can be as simple as a leak somewhere. It can be as simple as, well, it rained a lot which in Manele it doesn't happen a whole lot, but it can be as simple as that. So the irrigations weren't turned on. But, yes, I watch those. Those are given with me. And you'll get your first Koele report probably end of the year, whenever they open it. Right now we're going to --. We're starting to track what they're using. We know what the numbers were back to, I don't know, forever, whenever Manele started. But we have water numbers all the way back to there. So we used some of those and looking to see what they thought they would use and where they are at in terms of reality. And so we're going to start tracking early just to see what they are using and this is during construction so it's not, it's not really usage in that sense.

Ms. Green: Thank you Lynn. Anybody have any questions for Lynn. Did you want to say something Butch? Okay.

Mr. Gima: Butch Gima. Michele is correct. The LWAC does not abide by the sunshine law. I wish Sally was here because I believe we got a Corporation Counsel opinion that given the status of LWAC we don't have to abide by the sunshine law. But for the reasons, both Richelle and Michele brought up as to why LWAC would be problematic for the Planning Commission is the very reason why we wanted to form LWAC by ordinance. Because if it's by ordinance, then it would be attached to one of the county departments. They would have to abide by the

sunshine law, post a notice, take minutes, send over staff here, which would include a Corporation Counsel and a staff, just like Leilani does and Richelle does for the Planning Commission.

Now the County -- different County agencies are opposed to forming LWAC by ordinance primarily because of fiscal reasons. It's going to cost them money and staff to come over and staff the LWAC. I can understand that, I don't like it, and I don't agree with that. At the same time I also understand why Castle & Cooke way back when, and now Pulama does not want LWAC to be formed by ordinance. I can understand why they don't want to do it because it's another level of accountability that they have to deal with. I understand why they don't want LWAC, but I don't agree with it. So I just want to make it clear that one way to make it less problematic is to form LWAC by ordinance so that when...the application that Lynn showed you goes to the Planning Department, they will then send a packet to LWAC like they do the Police Department, the Fire Department, USGS, to CRWM for opinions. And then we would then have x-number of days to submit a comment or recommendation to the Planning Department. Planning Department, and they will in turn put it in the packet that you receive. Because when you receive your packet, you will see all the County, State and Federal agencies providing comment, and that is what we wanted to do. But, again, the County is opposed to us, to the LWAC, and so is the Company for a variety of reasons.

Ms. Green: Thank you Butch. Anybody, any other comments? Okay. I think we have one...well, I guess, two last things, the Director's Report. Is that you Clayton?

F. DIRECTOR'S REPORT

- 1. Open Lanai Applications Report as distributed by the Planning Department with the agenda.**
- 2. Agenda Items for the May 16, 2018 meeting.**

Mr. Clayton Yoshida: Thank you Madame Chair. We have submitted our list of open Lanai applications. Are there any questions?

Our next meeting is scheduled for May 16th. There will be Planning Department amendment or proposed legislation. I guess we went through the -- the Department has gone through the Title 19 Audit of the Zoning Code, and we're suggesting amendments to certain portions of the Code. One is relative to the off-street parking and loading ordinance section of the Code. The other one is the Accessory or Ohana Dwelling section of the Code. And we also want to bring back the update of the Lanai City Design Guidelines which we started in at the February 21st meeting, but it got deferred. And we went back at the March 21st meeting, but we lost quorum. So Annalise plans to be here on the May 16th. So for the new members, if you can review the materials on the Lanai City Design Guidelines update, we have those three items.

Ms. Green: Thank you Clayton. I have two things, for the new board members, you can go online and read the minutes. It would be tedious but you can read the meeting minutes of the meetings when we discussed the design guidelines. And I believe you have received a copy of the design guidelines with all of our recommendations in it, is that not correct?

Mr. Yoshida: Yes, I believe at March 21st -- for the March 21st agenda packet Annalise had developed a chart or table with all of the suggested recommendations from the Planning Commission.

Ms. Green: There's a lot of information in there so if you can look at before the next meeting that would be very helpful, okay. And also, I'd like to just take a moment and have each of you please introduce yourselves to the new members so they may not know who you are. Your name and your, your position.

Mr. Yoshida: I'll start with the boss. Oh, me? I'm not the boss, but Clayton Yoshida. I'm the administrator of the Current Division of the Planning Department. We handle more of the items that come before the Planning Commission, and Urban Design Review Board, Maui Redevelopment, Hana Advisory Committee plus various administrative type permits.

Ms. McLean: Michele McLean. I'm the Deputy Planning Director. I don't regularly come to your meetings, but I was at one, not the last one, but the one before and I will be coming back again next month. But Clayton always comes to your meetings.

Ms. Leilani Ramoran-Quemado: Hi, I'm Leilani Ramoran-Quemado, your secretary. I think I met all of you, or not met, yeah, e-mailed you folks too.

Ms. Green: She will be the one you see the e-mails from. Richelle?

Ms. Thomson: Thank you. And I'm Richelle Thomson. I'm your assigned Deputy Corporation Counsel. With the Department of Corporation Counsel it's divided into half, half of the litigation team. I'm on what's called the counseling and drafting side, and my primary assignment as far as the Department goes to the Department of Environmental Management, as to Board of Variances and Appeals, Lanai Planning Commission, and variously we've rotated through Maui Planning Commission, Molokai Planning Commission. So I do a lot of land use and environmental law primarily.

G. NEXT REGULAR MEETING DATE: MAY 16, 2018

H. ADJOURNMENT

Ms. Green: Thank you, and with that I think I will call the meeting adjourned. It is now 7:40 p.m. Thank you everybody.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:40 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Caron Green, Chair
Sherry Menze
Shelly Preza, Vice-Chair
Gerald Rabaino
Shirley Samonte (from 5:05 p.m.)
Chelsea Trevino

EXCUSED:

Mililani Martin

OTHERS:

Michele McLean, Deputy Planning Director
Clayton Yoshida, Planning Program Administrator, Current Planning Division
Richelle Thomson, Deputy Corporation Counsel